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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

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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. BISHOP of Utah).

## DESIGNATION OF SPEAKER PRO TEMPORE

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

*Washington, DC, September 23, 2003.*

I hereby appoint the Honorable ROB BISHOP of Utah 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 bill of the following title in which the concurrence of the House is requested:

S. 3. An act to prohibit the procedure commonly known as partial-birth abortion.

The message also announced that under the authority of the Order of July 30, 2003, the Senate disagrees to the amendment of the House to the bill (S. 3) ''An Act to prohibit the procedure commonly known as partial-birth abortion'', agree to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. DEWINE, Mr. SANTORUM, Mrs. FEINSTEIN and Mrs. BOXER, to be the conferees on the part of the Senate.

## MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

## REPEALING THE TAX ON THE DEATH GRATUITY

Mr. JONES of North Carolina. Mr. Speaker, this is a very important issue that I bring to the floor. As you can see behind me, these are the faces of just a few of the men and women who have died for this country, both in Afghanistan and Iraq. I bring this to the floor because last year I introduced a bill to repeal the tax on the death gratuity.

The death gratuity, Mr. Speaker, is a ''thank you,'' if you will, not enough, but it is a check that is given to the families of those who have given loved ones in uniform that have died for this country. I want to say to the leadership on both sides that last year you did, and I thank both sides, put the language from that bill into a larger bill to bring tax relief to our men and women in uniform, but the other body did not pass the bill.

This year, I put the bill back in as H.R. 693, to repeal the tax on the death gratuity. It was put into a larger bill known as the Military Tax Fairness Act, supported by both sides, sent to the other body, known as the Senate, and they still have not moved that bill. So I am coming to the floor as much as possible to ask the leadership on the House side, both Republican and Democrat, to please bring up as a stand-alone bill, H.R. 693.

Mr. Speaker, I wanted to show you another photograph. This is a young fellow whose father was killed in Iraq. His name is Tyler Jordan. His father was a Gunnery Sergeant killed while fighting for freedom in Iraq. Mr. Speaker, I bring this to the floor because this next year, his mother will receive a tax bill from Uncle Sam.

Mr. Speaker, how much does a family have to give? It gives a loved one, who has died for freedom, to protect the American people. Why can we not, as a Congress, send to the President, before we leave in November, a bill to say that we are going to repeal the tax on the death gratuity?

Mr. Speaker, I hope that the leadership on the House side, both Republican and Democrat, will join me in bringing this bill to the floor as a stand-alone bill, and let us send it to the other body and ask them to please look into their own hearts and pass that legislation and send it to the President. No family that has given a loved one, and in many cases a child, a father, a husband, should be asked next year by Uncle Sam to pay a tax on that gift.

So, with that, Mr. Speaker, I am going to close, as I do all over my district, the Third District of North Carolina, the home of Camp Lejeune Marine Base, Cherry Point Marine Corps Air Station and Seymour Johnson Air Force Base.

Mr. Speaker, I ask God to please bless the men and women in uniform; I ask God to please bless the families of the men and women in uniform; I ask God to please hold the families who have lost loved ones in His loving arms. I ask God to please bless the House and Senate, that we will do what is right in the eyes of the Lord; and I ask God to please bless the President of the United States, that will he have courage and wisdom to what is right for this Nation, today and tomorrow.

Mr. Speaker, I close three times by asking God, God please, God please, God please continue to bless America.

## THE COST OF THE IRAQ WAR AND OCCUPATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio



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(Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, a study released by the House Committee on the Budget staff concludes that the cost of the Iraq war and the Iraq occupation could easily reach $417 billion over the next decade. That is $17 billion more than the President has proposed for a prescription drug benefit for our seniors. The report says the best-case scenario would cost taxpayers only $308 billion. Deputy Defense Secretary Wolfowitz said recently, ''No one I know of would ever say that this war is cheap.''

That, Mr. Speaker, contradicts what everyone in the Bush administration was saying before the war. Budget Director Mitch Daniels said Iraq would be ''an affordable endeavor'' that ''will not require sustained aid.'' Top White House Economist Glen Hubbard said back then before the war, the ''costs of any such intervention would be very small.'' And another White House aid, Larry Lindsey, was fired after he said it would cost $100 billion to $200 billion.

The report details how the President's request allocates $157 per Iraqi for sewage improvements, while the President's budget has only $14 per American for sewer improvements. This is U.S. tax dollars. The administration is devoting $38 per Iraqi for hospitals, compared with $3.30 per American.

The President is seeking $5.7 billion to rebuild and expand Iraq's electricity generation, transmission and distribution systems, just as millions of Americans are regaining power lost due to Hurricane Isabel, and Congress continues to deal with the fallout from the August blackout in my part of the country and in the Northeast.

The President's request would send over 350 times more per person, $255 per Iraqi, compared to 71 cents per U.S. citizen on electric power rehabilitation.

The President wants $856 million to upgrade Iraqi airports, seaports, railways and communication systems. Another $470 million would go towards repairing roads, bridges and houses in Iraq and rehabilitating Iraqi government buildings.

The fine print of the President's request shows how far U.S. expenditures are going overseas and how the Bush administration, frankly, misled us before the war when he said this could be done on the cheap.

In Iraq, $875 million is earmarked to restore drained marshlands, while at home the administration wants to hold wetland conservation programs to last year's level at $100 million, one-eighth as much.

We have a duty, to be sure, to help the people of Iraq and Afghanistan as they rebuild their countries, but not at the expense of our own. I urge my colleagues to support H.R. 1738, the Iraqi Parity Act, a bill to require the U.S. Government to pay for infrastructure and social service needs for the 50 U.S. States in the same amount as the amount of relief and reconstruction funds provided to Iraq. State and local governments in the United States deserve, at a minimum, the same level of Federal involvement to address infrastructure and social service shortfalls as the amount of relief and reconstruction funds provided to Iraq.

What I am hearing from my constituents, and I have come to this floor day after day reading letters from constituents about their concern about our entry into the war and the aftermath of that war and how the administration may not have told us everything, it may not have told us the truth in how this Congress, this Republican leadership in this Congress, has failed and refused to investigate these expenditures and failed to and refused to investigate many of the other issues around the Iraq war.

But what I am hearing from my constituents in these letters is the U.S. cannot go it alone in Iraq. My constituents are uncomfortable with the huge price tag for reconstruction; my constituents do not feel their tax dollars should bear the entire burden of reconstruction in Iraq; my constituents do not feel our troops should bear the entire burden of protecting Iraq; and, most of all, my constituents are concerned that the administration is simply not doing enough to ensure the safety of our men and women in the Armed Forces.

Mr. Speaker, this is a serious issue that this Congress needs to debate. We need answers. We need the Bush administration to tell us what their plans are. How long we are going to be in Iraq? How we are going to rebuild that country? How much it is going to cost, and when we are going to withdraw from that country?

## SERIOUSNESS IN THE SPOTLIGHT

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

Mr. DELAY. Mr. Speaker, I just would like to start by saying that Franklin Delano Roosevelt, in fighting World War II, did not tell the American people how long it was going to take or what it was going to cost; all he told them was that we were going to win.

Ronald Reagan did not tell the American people how long it would take or what it would cost to defeat communism; he just told the American people we were going to win.

This week, two items on the agenda will give Members of both parties the opportunity to show the American people just how serious they are about winning the war on terror. In the coming days, we will hold hearings on the President's supplemental spending request for military and democracy-building operations in Afghanistan and Iraq.

And also this week, the House will likely debate the conference report on the Homeland Security spending bill.

Since September 11, some have tried to split homeland security from national security, as if they were two separate issues. But the war on terror cannot be won if we employ such flawed logic. Homeland security and national security are one and the same, and only by accepting this fundamental fact can we hope to defeat terrorism.

Whether we like it or not, we have to fight this war on terror. Our choice is whether to fight it in the streets of Baghdad, or in the streets of Brooklyn.

Critics of the President's policy suggest that spending billions on civil defense without aggressively fighting the terrorists everywhere they live and plan will, in and of itself, make America safer. But in this war, with an enemy that acknowledges no rules of engagement, we should not have to rely on responding to their actions; they should be responding to ours. And today in Afghanistan and Iraq, they are.

Here at home, the President's comprehensive security policy has made America a safer and better prepared Nation than ever before. Our intelligence and law enforcement communities foil terrorist plots every month. Our enemies, those here and around the world, are on the run, killed or captured, hiding in caves, or sitting in cells.

And the comprehensive security policy of the Bush doctrine is the reason for our success in the war on terror and our only hope for seeing that war through to ultimate victory.

If the President's critics do not like this policy, then it is time for them to either propose their own or get out of the way.

□ 1245

In the hearings and debate, the President's critics once and for all will finally reveal either alternative war policy or their basic unfitness for wartime leadership.

## THE STATE OF THE ECONOMY

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

Mr. GREEN of Texas. Mr. Speaker, I rise today to talk about the state of our ailing economy. The administration recently announced that it is requesting $87 billion from Congress to fund the war and rebuild Afghanistan and Iraq's infrastructure and the economy. This is in addition to the $79 billion that Congress made available for these efforts last spring.

Mr. Speaker, I do not have any problem with fighting the war against terrorism, whether it is in Iraq or in Afghanistan, but I am wondering where the funding is to rebuild our own economy.

Just put this $87 billion in context for those in the Chamber and for our

constituents at home, $87 billion is more than our government spends on any domestic agency, with the exception of the Department of Defense and the Department of Health and Human Services. With this request, we will spend more rebuilding Iraq than we will spend rebuilding crumbling American roads and bridges. We will spend more in Iraq than we spend on rebuilding outdated schools where our children are educated. In fact, we will spend more rebuilding Iraq than President Lyndon Johnson spent to fund the entire Federal Government in his first year in office, and that was the first year of our Great Society. My colleagues on the Republican side talk about how bad it was; well, we are actually spending more in Iraq than we were in the first year of the Great Society.

While this administration is focused like a laser beam on Iraq, and I agree with some of that, we are falling asleep at the wheel while driving our economy. Quite frankly, our economy is swerving and is heading for a wreck. If you have lost your job or cashed your last unemployment check, you already know you are in a wreck.

Mr. Speaker, we have presided over the largest fiscal reversal in history by turning a $5.6 trillion surplus into a $3.3 trillion deficit. Under this administration's economic leadership, 3.2 million Americans have lost their jobs, and these jobs will not return, if you read the business sections of our major dailies. The gross domestic product growth has averaged 1.6 percent, and real business investment has fallen to 10.4 percent.

Now, if we show these figures to the administration, we will hear their cries of recession and economic swings. Well, this country has weathered recessions before, but these figures do not represent just any recession. These figures represent the worst economic conditions since the Great Depression. That is right, the worst economic conditions since the Great Depression.

This administration has the worst economic record since Herbert Hoover presided over the Great Depression. And as much as this administration hates to admit it, tax cuts are not the answer to every economic problem. Oh, they promised us that cutting taxes would ease the burden on businesses and pave the way for job creation. Well, since the President took office, we have had three major tax cuts and lost 3.2 million jobs. That is over a million jobs lost for each tax cut. And this Congress, by the way, enacted those tax cuts.

This country has already lost 437,000 jobs this year, raising our unemployment levels to 6.1 percent. Factory employment in this country has declined in every single month for the last 3 years. In fact, of the 3.2 million jobs lost under this administration, 2.7 of them are manufacturing jobs. And over 150,000 of those manufacturing jobs come from my home State of Texas.

Mr. Speaker, I have the distinct honor of representing the 29th District of Texas, and it is the third most blue-collar district in the country, according to the last census. These good-paying jobs belonged to my constituents and provided them with a livable wage and a good chance to achieve the American dream. In 1950, manufacturing jobs represented one-third of our country's labor market. Today they represent one-tenth. Part of this country's economic problem is it does not make anything anymore. It is great to be the information economy, but it is not great if you do not have anything to have any information about. Our push for free trade has pushed our products and our jobs right out of this country.

Mr. Speaker, I am proud to represent the Port of Houston, the second largest port in our country. The port has been an economic boon for both the city of Houston and Texas and our region. But for the sake of our country, I just wish those ships going out of the port were as full as when they come in.

Mr. Speaker, our country is in a dire economic situation. It does not take too much to go out and listen to our constituents to know that. Like my colleagues, I listened intently when the President recently talked about the need for unity and sacrifice, and I think he is right. But our country's economy and unemployed workers have sacrificed enough. It is high time that this administration made some sacrifices and the tough decisions necessary to start putting this country and all of our people first.

## AMERICAN EFFORTS TO HELP IRAQIS

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, I have some good news after that speech. As we talk about Iraq and how to fund our efforts over there, I do not think we should forget the amazing deeds that our troops are doing every day. Major combat has ended, and there are still terrorists at work in the country, but a powerful tyrannical regime has fallen, and, of course, it will take time and concerted efforts before democracy can grow from the ash and rubble of 35 years of Saddam Hussein.

Far from the headlines about the United States' military mission in Iraq, American GIs are daily making contributions to help mend Iraq both from the ravages of combat, but also from a decade of neglect, as I say, under Saddam Hussein. From the rebuilding of the hospitals to the delivery of school supplies and care packages, our troops have personally organized over 5,000 different humanitarian projects while, also, at the same time, trying to secure the security for Iraq. Slowly but surely change is coming to the people of Iraq, and it is the United States who is delivering that change, and someday, I believe, the world will realize this.

Mr. Speaker, I would like to take this opportunity to detail a sampling, just a small sampling, but a few examples of projects carried out by our U.S. troops recently. For example, a battalion of the Army's 101st Airborne Division is hooking up the folks back home in America with Iraqi villages, organizing, in typical American style, an ''adopt-a-village'' campaign for sending care packages of school supplies, sports equipment, canned food, and toiletry items. So far, the 426th Forward Support Battalion has signed up the city of Salem, Utah, several Minnesota residents, and a Tennessee car dealership to help two villages. Perhaps others want to help today.

An Army reservist with the 432nd Civil Affairs Battalion from Green Bay, Wisconsin, dreamed up the ''Backpacks for Iraq'' project which aims to ship 2,000 donated packs filled with school supplies given by people in Wisconsin and elsewhere. So far the soldier has distributed 120 packs with another semitrailer truckload on the way.

The Combined Joint Task Force-Seven started a ''Beanies for Baghdad'' program which is delivering more than 7,000 stuffed animals and 1,000 classroom school supplies packages to Baghdad neighborhoods and children's hospital wards.

The Army Reserves 171st Area Support Group in Nasiriyah in southern Iraq collected money from the soldiers to buy stoves, refrigerators, fans, televisions, and kitchen tables and chairs for three orphanages which the troops have taken under their wing, in a city where, at the same time, fierce fighting rages daily in that location.

Soldiers from the Army's 490th Civil Affairs Battalion from Abilene, along with others from the 3rd Armored Cavalry Regiment, have rebuilt a school from the ground up in a village outside Ar Ramadi, adding a new roof, a bathroom, water tanks, fans, windows, and chalkboards.

The Naval Coastal Warfare sailors delivered over 200 packages of school supplies after a San Diego church donated $800 to ship them to poor children in a southern Iraq port city. On their own time, sailors with the Inshore Boat Unit 15 from Corpus Christi, Texas, constructed 16 children-sized picnic tables using just scrap lumber as materials to do this.

Mr. Speaker, Seabees from the Naval Mobile Construction Battalion 4 based in California supervised a wholesale renovation of a girls' high school in southern central Iraq. The school now has freshly painted rooms and new electrical wiring, lighting, ceiling fans, and bathrooms. The $72,000 needed for the project came from funds that were confiscated from Saddam's Baath Party.

U.S. reservists from a Denver-based combat engineer battalion have adopted a small village in northern Iraq

where, on their own time, they are building a playground and equipment and restoring the irrigation well system.

Army engineers from Fort Lewis, Washington, have resurrected a water treatment plant in Iraq, freeing Iraqis there from the scourge of dysentery. And elsewhere, Mr. Speaker, American troops are volunteering to pick up and fix up orphanages, schools and hospitals, and even kicking in cash from their own pockets to buy refrigerators, stoves, and beds for needy Iraqis.

So it is clear that our troops are doing more for the Iraqi people than was ever asked of them. Out of compassion, character, and a will to do what is right, our men and women abroad will make sure that the job gets done and that change comes finally to these long-forgotten people.

## CHANGES NEEDED IN ADMINISTRATION'S POLICY IN IRAQ

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

Mr. MCDERMOTT. Mr. Speaker, this morning I went out to Walter Reed Hospital again. I went out 2 weeks ago. There are boys still coming home without legs, without eyes, all kinds of casualties. And one cannot help but listen to my colleague from Florida and think how well our troops are doing and what they are doing on behalf of all of us, but to continue to see what is going on at Walter Reed is very sobering.

And everybody who is going to vote for money around here in the next week or so ought to go out to Walter Reed and walk around and talk to some of these people. Talk to the kid I talked to today who was riding in a Humvee that ran over one of these IEDs that implement some kind of explosive device that people just make up by tying a bunch of things together, and he loses a leg and is on a ventilator at Walter Reed. When you see that, you realize that we could do all of these humanitarian projects, and God knows they need them, there is plenty of stuff to do; but until we are able to bring security to that country, we are not going to be really dealing with what affects the Iraqis, nor protects our own people.

Now, I came back from Walter Reed and I sat down in my office and I turned on the television, and there is the President talking at the United Nations. Just like the last talk: We know what is right. You people ought to get behind us. The same tone to the world that we heard before.

The world believes that we all ought to do it together in the United Nations. We ought to make it that way, not the United States charging out and deciding we are going to do it, and you are either for us or against us. That kind of cowboy mentality did not work, and it has created the mess we have today. There was no hint in anything the President said of acknowledging the foolishness of going to Iraq alone. What he wanted them to do was to say, you are right, you did exactly the right thing, and we were really wrong. We should have endorsed what you were doing from the start. But the world is not going to do that.

The President is going to have to change the tone in which he talks, and, Mr. Speaker, I do not know how we get him to do that.

We are going to have an opportunity with a resolution for $87 billion.

Now, Mr. Bremmer was over in the Senate yesterday, and he said, we do not anticipate having to ask for any more. Now, this is the war department of Mr. Rumsfeld that did not anticipate that they would need water purification, did not anticipate the need for generators, did not anticipate anything in the way of reconstruction. That is why we are in the mess we are in today.

□ 1300

Everybody knew we were going to win the war. Our troops are the best in the world, but it is how we put it together afterward that is so missing, and the United States cannot do it by itself. We cannot write all the rules and regulations.

Yesterday, the newspaper carried a story that says Iraq is now for sale. The United States has sort of put this thing through this council they have that will allow companies to come in and buy the companies in Iraq and take over. One Iraqi reacted by saying, well, now it is not going to be just the Americans here. The whole world's going to come and take advantage of us in this process.

This war department headed by Mr. Rumsfeld and Mr. Wolfowitz, nobody has changed. They are still talking the same way. These are the people who told us that this would all be over in 3 months; that the Iraqi people would run out and throw their arms around our soldiers; that we would use all that oil money; we would rebuild the country with the oil money. None of it was true, and they knew some of it was not true when the President came here before us. We cannot have a war built on a faulty premise.

Now we are going to have this week the opportunity to look at this $87 billion. We can just write another blank check for the President, rubber stamp it, give it to him; or we can require that he negotiate with the United Nations.

## RECESS

The SPEAKER pro tempore (Mr. BISHOP of Utah). 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 minute p.m.), the House stood in recess until 2 p.m. today.

□ 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 God, You are pure act, yet ever-still. Give us wisdom to understand the meaning in the parable of the hurricane.

Members of the House of Representatives, as so many Americans, have schedules of demanding motion. The swirl of activity may often leave best efforts shaken and priorities damaged. But may the rushing wind never lift them from the common ground or uproot deepest commitments.

In their combined energy to address America's problems and be good legislators, may the velocity of their actions never leave victims around them. Rather in the midst of the daily hurricane may they find themselves in the hurricane's eye, calmly centered on You, the All-Powerful and Source of Peace now 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 South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina 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.

## WHERE DO WE GET SUCH MEN?

(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, as he stood on the beaches of Normandy, taking stock of what it cost to invade Europe, then-General Eisenhower asked, ''Where do we get such men?'' I think he would have asked a similar question last week. As Hurricane Isabel bore down on the east coast, Washington did what it often does: It panicked. We closed up the government and shut down the schools. But a different story was unfolding at Arlington National Cemetery.

That solemn ground is the resting place for 260,000 soldiers. It is a site of the Tomb of the Unknown Soldier, built to honor those who died for our

country, but whose remains were never identified. Members of the 3rd Infantry Regiment stand guard at the Tomb 24 hours a day. They are known as ''The Old Guard.'' When Hurricane Isabel hit the Washington, D.C., area, it packed winds up to 75 miles per hour and torrential rains.

Cemetery officials relieved The Old Guard of their duty until the storm passed, but The Old Guard refused to leave. Staff Sergeant Alfred Lanier said the Tomb is something ''we cherish.'' Sergeant Christopher Holmes said leaving the Tomb is ''never an option for us,'' saying he was prepared to die while guarding it. We can only join with President Eisenhower in asking, ''Where do we get such men?''

## SUPPORT SUPPLEMENTAL REQUEST FOR IRAQ

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in strong support of our Commander in Chief's supplemental request for the military operations and reconstruction projects in the war on terror. We have won the war in Iraq, and we must continue supporting our troops so we can win the peace.

Media accounts paint a bleak picture of the postwar efforts in Iraq, but I can tell Members some are only reporting the negative. Having just returned last week from a visit to Iraq, I saw firsthand the extraordinary successes our men and women have achieved in bringing relief to the people of Iraq. Schools and hospitals are opening throughout the country, and business areas are filled with traffic and shoppers. Led by General Sanchez, our troops are making progress in the war on terror we must win.

Americans should be proud of our men and women whose sweat and blood have brought freedom and new hope to Iraqis. I urge my colleagues to support President Bush's supplemental request. May God bless our troops.

## HONORING STAFF SGT. FREDERICK L. MILLER, JR.

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

Mr. PENCE. Mr. Speaker, the Bible tells us if you owe debts, pay debts; if honor, then honor; if respect, then respect. I rise humbly today to begin to pay a debt of honor and respect to an American hero, Staff Sergeant Frederick L. Miller, Jr., of Hagerstown, Indiana. Staff Sergeant Miller was killed Saturday outside Ramadi in Iraq when a bomb exploded near his Humvee, according to the Department of Defense's information made public yesterday. Staff Sergeant Miller leaves behind a pregnant wife expecting his first son, two beautiful daughters, grieving parents and a grieving community.

Miller commanded a Bradley Fighting Vehicle assigned to Troop K in the 3rd Squadron of the 3rd Armored Cavalry Regiment based in Fort Carson, Colorado. He joined the Army after graduating from high school, and would have celebrated his 8th year in the service next month. Miller was discharged after his first tour of duty, but he reenlisted after 9/11. His mother said, ''It was his purpose to save our country, and he had a job to do.'' And so he did it, Mr. Speaker.

Staff Sergeant Frederick L. Miller, Jr., is a hero, and he died as heroes do, saving his country. I extend on behalf of the people of eastern Indiana my deepest sympathies and fervent prayers to Staff Sergeant Miller's wife and family as they grieve the death of this heroic American.

## HONORING JOE EDWARDS, JR.

(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 honor a constituent from Augusta, Georgia. Joe Edwards, Jr., is an astronaut, an aviator, and a test pilot. He was awarded the United States Navy's only peacetime Distinguished Flying Cross for landing an open-cockpit F–14 Tomcat on his aircraft carrier with a broken arm and a blinded right eye in a feat described as ''the most daring feat of flying seen in peacetime or war.''

Mr. Edwards has an extensive career centered on military affairs and the execution of foreign policy. While there are many admirable accomplishments of Mr. Edwards, what is arguably the most significant part of his life is that he has taken his expertise and skill to improve the quality of science and mathematics education in America. Mr. Edwards serves as the chairman and CEO of the National Science Center in Augusta, which has a unique partnership with the United States Army. The primary mission of the center is to improve technical literacy and to encourage an interest in math and science careers.

Joe Edwards is a role model for students; Joe Edwards is a role model for us all. He has taken his passion for learning and is encouraging students to enrich their lives.

## DEMOCRATS SHOULD DENOUNCE WORDS OF DEAN

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

Mr. KINGSTON. Mr. Speaker, what some have referred to as the Democrat prancing ponies, others call the Democratic Presidential candidates, the leading candidate, Governor Dean, last week made a completely irresponsible, if not crazy, lunatic statement when he said that the United States of America should not take sides in the Middle East conflict between the Palestinian Authority and our ally, Israel.

I want Members to think about this. The United States should not take sides in a classic strife of good versus evil. I do not know if he is speaking for the Democratic Party. He is the leading guy, it seems. I do not know what the good general might do to that dynamic amongst the prancing, but I do know this: There is one side which blows up innocent people coming back from the Western Wall praying. There are the wives and the loved ones of those people saying, I am glad that my husband, my son, my daughter died a martyr. We have one side that has repeatedly thrown the peace process off track and broken any peace treaties that were ever negotiated. Clearly, because of this, we have an evil side versus a side that is trying to be part of the world community.

Mr. Speaker, I call on the Democrats of this House to denounce the words of Governor Dean and ask that the United States of America continue to side with our great ally, the nation of Israel.

## HONORING THE LIFE OF BRIGADIER GENERAL JOHN H. MCCLAIN

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

Ms. HARRIS. Mr. Speaker, I rise today to honor a lifetime of courage and selflessness. Brigadier General John H. McClain, who passed away early this morning, valiantly served our Nation for nearly 4 decades, both on active duty and as a Reservist.

A native of Pittsburgh, Pennsylvania, General McClain enlisted in the United States Army in 1940. He fought in the Second World War's European Theater, participating in the Battle of the Bulge and in the Relief of Bastogne as a member of General George Patton's Third Army. He also served in the Korean War as senior adviser with the Korean Military Advisory Group.

His induction into the Field Officer Candidate School Hall of Fame in 1976 capped a heavily decorated career that included the Legion of Merit, the Bronze Star Medal, the Europe Theater of Operations Medal with three campaign stars, the World War II Victory Medal, the Korean Service Medal with three campaign stars, and the United Nations Service Medal.

Mr. Speaker, as we offer our prayers and condolences to his beloved wife of 49 years, Patricia Ann, may this American hero's devotion to his country continue to animate our dreams and aspirations as public servants.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

## RECOGNIZING IMPORTANCE AND CONTRIBUTIONS OF SPORTSMEN TO AMERICAN SOCIETY

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 362) recognizing the importance and contributions of sportsmen to American society, supporting the traditions and values of sportsmen, and recognizing the many economic benefits associated with outdoor sporting activities.

The Clerk read as follows:

H. RES. 362

Whereas there are more than 38 million sportsmen in the United States;

Whereas these sportsmen, who come from all walks of life, engage in a sport they love, while helping to stimulate the economy, especially in small, rural communities, and contributing to conservation efforts;

Whereas sportsmen demonstrate values of conservation, appreciation of the outdoors, and love of the natural beauty of the United States;

Whereas sporting activities have both physical and mental health benefits that allow Americans to escape from the fast pace of their lives and to spend time with their families and friends;

Whereas sportsmen pass down their love of the outdoors from generation to generation;

Whereas many sportsmen consider hunting, trapping, and fishing of tremendous importance to the American way of life;

Whereas sportsmen have a passion for learning about nature and have a tremendous respect for the game pursued, other sportsmen, the non-hunting populace, and the natural resources upon which they depend;

Whereas the total economic contribution of sportsmen amounts to $70 billion annually, with a ripple effect amounting to $179 billion;

Whereas sportsmen contribute $1.7 billion every year for conservation programs, and these funds constitute a significant portion of on-the-ground wildlife conservation funding;

Whereas anglers support one million jobs and small businesses in communities in every part of the United States, and they purchase $3.2 billion in basic fishing equipment every year;

Whereas tens of millions of Americans hunt and are a substantial economic force, spending $21 billion every year;

Whereas a sportsman President, Theodore Roosevelt, established America's first National Wildlife Refuge 100 years ago, and with the committed support of sportsmen over the last century, this system includes more than 540 refuges spanning 95 million acres throughout all 50 States;

Whereas the funds raised from sportsmen through their purchase of Federal migratory bird hunting and conservation stamps under the Act of March 16, 1934, (commonly known as the Duck Stamp Act, 16 U.S.C. 718a et seq.), are used to purchase and restore vital wetlands in the refuge system;

Whereas the sale of such stamps has raised more than 500 million dollars which has been used to acquire approximately 5 million acres of refuge lands so far;

Whereas, in 1937, Congress passed the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), whereby sportsmen and the firearms and ammunition industries agreed to a self-imposed 10 percent excise tax on ammunition and firearms, the proceeds of which are distributed to the States for wildlife restoration;

Whereas the Pittman-Robertson Wildlife Restoration Act has created a source of permanent funding for State wildlife agencies that has been used to rebuild and expand the ranges of numerous species, including wild turkey, white-tailed deer, pronghorn antelope, wood duck, beaver, black bear, American elk, bison, desert bighorn sheep, bobcat, and mountain lion, and several non-game species, including bald eagles, sea otters, and numerous song birds;

Whereas, in 1950, Congress passed the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) whereby recreational anglers and the fishing and tackle manufacturing industries agreed to a self-imposed 10 percent excise tax on sport fishing equipment (including fishing rods, reels, lines, and hooks, artificial lures, baits and flies, and other fishing supplies and accessories), the proceeds of which are used for the purposes of constructing fish hatcheries, building boat access facilities, promoting fishing, and educating children about aquatic resources and fishing; and

Whereas the Dingell-Johnson Sport Fish Restoration Act was amended in 1984 to extend the excise tax to previously untaxed items of sport fishing equipment and to dedicate a portion of the existing Federal tax on motorboat fuels to such purposes, such that now approximately one-third of all the funds expended by State fish and wildlife agencies for maintenance and development of sports fisheries are collected through the use of this excise tax: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) recognizes the importance and contributions of sportsmen to American society;

(2) supports the traditions and values of sportsmen;

(3) supports the many conservation programs implemented by sportsmen;

(4) recognizes the many economic benefits associated with outdoor sporting activities; and

(5) recognizes the importance of encouraging the recruitment of, and teaching the traditions of hunting, trapping, and fishing to, future sportsmen.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

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

Mr. Speaker, I am pleased to present this bipartisan resolution to recognize the valuable contributions of the 38 million sportsmen in the United States. Hunting, fishing and trapping is woven into the fabric of our cultural heritage. There have been many notable hunters and fishermen throughout our history, including the father of the National Wildlife System, President Theodore Roosevelt; the founder of the Audubon Society, John James Audubon; and the great literary writer, Ernest Hemingway.

Today's sportsmen contribute more than $70 billion annually to our economy with a positive ripple effect amounting to $179 billion. Both hunters and fishermen voluntarily pay Federal excise taxes on guns, rods, reels, ammunition and outdoor equipment. In fact, since 1937, sportsmen have contributed billions of dollars through the Pittman-Robertson Act and the Dingell-Johnson Act for the benefit of all fish and wildlife species.

Mr. Speaker, autumn is rapidly approaching, and soon 28 million Americans will take to the woods and streams to enjoy nature, relax and reaffirm their connection to the land. These sportsmen are the true environmentalists who have sacrificed time, money, and labor to improve habitat throughout the Nation. Let there be no mistake, without fishermen and hunters, there would be no Canadian geese, ducks, striped bass, rainbow trout or wild turkeys because there would be no money to maintain the habitat which is essential to the survival of these species.

□ 1415

All of us have fishermen and hunters in our districts. This resolution is important for them and for the millions who enjoy hiking, bird watching, and wildlife photography. Without the dollars and leadership provided by sportsmen, there would be no fish or wildlife to enjoy.

I want to compliment the sponsors of this resolution, including the gentleman from New York (Mr. WALSH), the gentleman from North Carolina (Mr. HAYES), the gentleman from California (Mr. THOMPSON), the gentleman from Michigan (Mr. DINGELL), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Alaska (Mr. YOUNG), and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for their leadership on behalf of sportsmen in this country. This resolution, which has been endorsed by 44 hunting and conservation groups, will recognize the importance of sportsmen, conservation programs, outdoor sporting activities, and the importance of teaching the traditions of hunting and fishing.

I urge an ''aye'' vote on House Resolution 362.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, as stated by my colleague, the previous speaker, this noncontroversial resolution would recognize the importance

and contribution of sportsmen to the American economy and our traditional values.

Mr. Speaker, there is little doubt that hunting and fishing remain popular recreational pastimes for millions of Americans. These activities remain as much a fabric of American culture as the village green in New England or the county fair in Nebraska.

According to the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, expenditures by sportsmen in 2001 totaled $70 billion. By any measure, this is a significant figure. It demonstrates the substantial economic importance of these traditional forms of outdoor recreation to our national economy, but most especially to our rural economy.

I support this resolution and urge other Members to do likewise. However, I also consider it important to note that other types of nonconsumptive wildlife-based recreation, activities such as bird watching and wildlife photography, also provide significant economic benefits that we would be remiss to overlook.

According to National Survey data, these activities contributed an additional $38.4 billion to the economy in the same year. In fact, over 66 million people enjoyed these activities, almost double the number of sportsmen who only hunt or fish.

In passing this resolution, I hope that the economic and social contributions of these other people who enjoy our Nation's abundant wildlife diversity will also not be forgotten.

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

Mr. PEARCE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the distinguished gentleman from New Mexico for the leadership that he has provided on this important committee and on this resolution.

I rise today in support of House Resolution 362, a bill that I sponsored with many, many of my colleagues. There is tremendous interest in the Congress in sporting issues; and we have a broad caucus of Members, I believe, from every State and territory. This resolution expresses this body's support for millions of Americans who partake in sportsman activities.

With fall in the air, some of the best hunting and fishing days of the year are just around the corner. As this Saturday, September 27, is recognized as National Hunting and Fishing Day, there is no better time to honor the American sportsman and -woman.

Sporting activities provide families with an escape from the fast-paced life of modern society. Through outdoor activities, parents and children are able to spend quality time together, and time-honored traditions are passed on from generation to generation. Some of my fondest memories were spent growing up with my family hunting and fishing in the Finger Lakes region of New York. I still am involved in both of those but have added birding and hiking to those outdoor activities, also. It is a wonderful way to spend time to learn about the environment, to gain an appreciation for nature and its wonder.

In addition to sporting's positive impact upon the American family, most anglers and hunters alike are ardent environmentalists. They are respectful and appreciative of our Nation's natural resources and beauty and often pass that same level of appreciation and respect and understanding on to their children when participating in outdoor activities. My own commitment to environmental preservation and protection of our water resources stems from lessons learned and experiences undertaken as a youngster in the woods and on the lake.

Through licensing fees and associated charges, American sportsmen and -women contribute millions of dollars annually to the protection of wetlands critical to habitat, forests and unique environmental sites and the propagation of various species. American sporting activities also have a significant impact on our Nation's economy. This $70 billion industry benefits the economy everywhere from the big city to the small town. Anglers alone support 1 million jobs nationwide and buy $3.2 billion in fishing equipment every year.

It was a fellow New Yorker, President Theodore Roosevelt, an avid outdoorsman and environmentalist, who established America's first wildlife refuge and laid the foundation for our current national park system. It was this sportsman President's leadership that led to our Nation's tradition of strong environmental stewardship today.

Mr. Speaker, if it had not been for the resolution and the work of this body today, I would have been on the Salmon River just north of my district in the district of the gentleman from New York (Mr. MCHUGH) because there is a tremendous salmon run on today because of the rainstorm that we received last night. It is breathtaking in its beauty to plumb those waters and breathe the crisp fall air that is inhabiting that area right now.

In conclusion, Mr. Speaker, this resolution provides the U.S. House of Representatives with a perfect opportunity to recognize the importance and impact American sportsmen have in our country today. As a member of the bipartisan Sportsmen's Caucus, I encourage my colleagues to support this deserved resolution.

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

Mr. PEARCE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. I thank my colleague for yielding me this time.

Mr. Speaker, I rise in strong support of H. Res. 362, a resolution that honors our Nation's sportsmen for their importance and contributions to American society and recognizes the many benefits associated with outdoor sporting activities on our Nation's economy.

My good friend, the gentleman from New York (Mr. WALSH), and I, working with our partners at the Congressional Sportsmen's Foundation, drafted this resolution in honor of the 32nd observance of National Hunting and Fishing Day on September 27, 2003. This resolution is strongly supported by the Congressional Sportsmen's Caucus, the Congressional Sportsmen's Foundation, and over 40 sportsmen and conservation groups, including Ducks Unlimited and the National Rifle Association.

The thousands of sportsmen in my district have much to be grateful for in upstate New York. From the Adirondacks to the Catskills to the Finger Lakes and the wonderful waterways throughout my district, I am privileged to represent such a pristine place. My district is home to some of the Nation's most captivating trout fishing rivers and rich hunting land, and I will continue to lead the charge in Congress to promote conservation efforts to keep the air we breathe and the water we drink clean and safe for future generations. My experience has proved to me that our Nation's sportsmen are among the most responsible stewards of our precious environment. I am their partner.

In addition to their important role as conservationists in the field, sportsmen are an integral component of economic success in New York and across the Nation. In 2001 alone, the over-38 million sportsmen nationwide directly injected $70 billion into our Nation's economy. New York State's 714,000 bow and gun hunters and 1.5 million anglers had a $56.2 million impact on the Empire State. Hunters, anglers, and trappers also contributed to over 29,000 jobs in New York State. Mr. Speaker, jobs is my favorite four-letter word.

Following in the steps of Theodore Roosevelt, one of our Nation's truly great conservationists, really the first truly great conservationist, we must work together to ensure that our open spaces enjoyed by sportsmen are protected for use for years to come. Clean water and clean air are essential to enjoying activities like hunting, fishing, and trapping. They are recreational, they are good for the mind, and they are good for the spirit.

Mr. Speaker, I ask that we include the following letter of support for H. Res. 362 from over 40 sportsmen and conservation organizations in the appropriate place in the RECORD. I urge my colleagues to join me in honoring our Nation's sportsmen and vote in favor of H. Res. 362.

*September 10, 2003.*

Hon. RICHARD POMBO, MC,
*Chairman, House Committee on Resources, Longworth HOB, Washington, DC.*
Hon. NICK J. RAHALL, MC,
*Ranking Member, House Committee on Resources, Longworth HOB, Washington, DC.*

DEAR CHAIRMAN POMBO AND CONGRESSMAN RAHALL: The listed sportsmen conservationist organizations, representing millions of sportsmen and women across America, are writing in support of H. Res. 362, a resolution recognizing the importance and contribution of sports men and women to American society and our nation's economy.

With the coming of fall, a time-honored tradition for America's 38 million-plus sportsmen begins anew. Fall marks the beginning of the hunting season and often offers some of the best fishing. It is a time for families and friends to spend quality time in America's great outdoors, to escape the fast-paced life of suburbia, and to appreciate the beauty and bounty of nature. It provides an opportunity to pass down skills and traditions that reach back for generations, and to foster an understanding and appreciation of nature and the role of conservation and wildlife management.

For sportsmen there is also a responsibility for good stewardship for America's wildlife and natural resources. Through excise taxes on sporting equipment, license fees and conservation stamps such as the federal duck stamp, sportsmen directly contribute $1.7 billion every year for conservation programs. The total economic contribution of sportsmen amounts to $70 billion annually, with a ripple effect amounting to $179 billion per year. To put this in context, if sportsmen were a corporation, they would rank #11 on the Fortune 500 list.

September 27th marks National Hunting and Fishing Day, so we are asking that you and your colleagues expeditiously move this resolution so that the House of Representatives can approve it and reaffirm the appreciation for America's sportsmen on Capitol Hill.

Sincerely,

American Sportfishing Association; BASS/ESPN Outdoors; Bear Trust International; Boone and Crockett Club; Bowhunting Preservation Alliance; Buckmasters American Deer Foundation; California Waterfowl Association; Campfire Club of America; Congressional Sportsmen's Foundation; Conservation Force; Conservation Fund.

Dallas Safari Club; Delta Waterfowl; Ducks Unlimited; Foundation for North American Wild Sheep; Houston Safari Club; Hunting and Shooting Sports Heritage Trust; International Association of Fish and Wildlife Agencies; International Hunter Education Association; Izaak Walton League of America; Mule Deer Foundation.

National Rifle Association; National Shooting Sports Foundation; National Trappers Association; National Wild Turkey Federation; North American Grouse Partnership; Northwest Sportfishing Industry Association; Orion The Hunter's Institute; Pheasants Forever; Pope and Young Club; Pure Fishing; Quail Unlimited, Inc.

Quality Deer Management Association; Rocky Mountain Elk Foundation; Ruffed Grouse Society; Safari Club International; Texas Wildlife Association; The Wildlife Society; U.S. Sportsmen's Alliance; Whitetails Unlimited, Inc.; Wildlife Forever; Wildlife Habitat Council; Wildlife Management Institute.

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and agree to the resolution, H. Res. 362.

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.

## COMMEMORATING THE BICENTENNIAL OF THE LOUISIANA PURCHASE

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 21) commemorating the Bicentennial of the Louisiana Purchase.

The Clerk read as follows:

H. CON. RES. 21

Whereas in 1803, the United States purchased the Louisiana Territory from France for a total of $15,000,000;

Whereas President Thomas Jefferson designated Robert Livingston and James Monroe to negotiate the treaty with Napoleon Bonaparte;

Whereas the Louisiana Purchase included 827,987 square miles, nearly 600,000,000 acres, the largest single land purchase in our Nation's history;

Whereas the Louisiana Purchase territory stretched from Canada to the Gulf of Mexico and from the Mississippi River to the Rocky Mountains, nearly doubling the size of the United States at that time;

Whereas this purchase enabled dramatic further westward expansion and helped fuel the Nation's rise as a world power;

Whereas 15 States or parts of States were carved out of the Louisiana Purchase territory, including Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming;

Whereas the land was acquired by peaceful means, in stark contrast to the usual methods of old-style empires, which often conquered new territories by force;

Whereas the acquisition secured the United States' trading abilities by guaranteeing its navigation rights on the Mississippi River and its ability to send goods through the Port of New Orleans for shipment to the Atlantic Coast and Europe; and

Whereas generations of Americans have benefited from President Jefferson's noble vision of America and his efforts at expanding our new Nation onto the continent: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That the Congress celebrates the 200th anniversary of the Louisiana Purchase, recognizes the extraordinary work of the individuals involved in the transaction, and is grateful for the tremendous part the event played in fulfilling our Nation's Manifest Destiny.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

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

Mr. Speaker, House Concurrent Resolution 21, introduced by the gentleman from Louisiana (Mr. VITTER), would commemorate the bicentennial of the Louisiana Purchase. As my colleagues know, the Louisiana Purchase was the largest single land acquisition in our Nation's history, 827,987 square miles, or nearly 600 million acres. Purchased from France in 1803 for $15 million, it stretched from Canada to the Gulf of Mexico and from the Mississippi River to the Rocky Mountains, nearly doubling the size of the United States at the time. Today, 15 States or parts of States exist within the area carved out by the Louisiana Purchase.

House Concurrent Resolution 21 is a commemorative resolution that would pay homage to one of the most significant events of our Nation's history. I urge my colleagues to support House Concurrent Resolution 21.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, it would be difficult to overstate the historical significance of the Louisiana Purchase. Looking back, it is difficult to imagine a single land purchase which doubled the size of this Nation, and it is equally hard to imagine what America might look like today had that purchase not been made.

We support the findings and sentiments expressed in this concurrent resolution and support its adoption.

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

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. VITTER), the sponsor of this resolution.

Mr. VITTER. Mr. Speaker, this year the United States celebrates this very significant anniversary, the 200th anniversary of the Louisiana Purchase.

In my home State of Louisiana in particular, but really all across the country, celebrations are taking place throughout this year in honor of the role this historic event played in our Nation's history. When President Jefferson designated Robert Livingston and James Monroe to negotiate the Louisiana Purchase treaty with Napoleon Bonaparte, he hoped to secure for the country the Port of New Orleans and guarantee access to the important trade route along the Mississippi River. Of course, he did accomplish that; but he accomplished so much more than even that, doubling the size of the new country. The whole territory stretched from Canada to the Gulf of Mexico and included all or part of what are now 15 States; and, of course, it enabled further westward expansion by later settlers.

□ 1430

It is noteworthy of course that this largest land transaction in our country's history was accomplished without the use of force, which was certainly in stark contrast to similar land transactions of earlier countries and empires. The Louisiana Purchase has been call the greatest land deal in history, as was mentioned, 600 million acres for $15 million or about 4 cents an acre. Not only did the acquisition guarantee our navigation rights along the Mississippi and our ability to ship goods for foreign trade, but it was absolutely central to our rise as a world power.

So it is fitting that we take a little time today to formally recognize the significance these events played in shaping our country and the way it benefited generations of Americans.

The Louisiana Purchase shaped the United States's destiny. Our country will be forever grateful for the extraordinary work of the individuals involved and the noble vision exercised by President Jefferson. Robert Livingston who was a relative, by the way, of my predecessor, Bob Livingston. As he signed the treaty, he perhaps put it best: ''We have lived long, but this is the noblest work of our whole lives . . . from this day the United States take their place among the powers of the first rank . . . the instruments which we have just signed . . . prepare ages of happiness for innumerable generations of human creatures.''

I would like to thank my colleagues from Louisiana, also the gentleman from Arkansas (Mr. BOOZMAN) and the gentleman from Arkansas (Mr. ROSS), the site of the initial surveying in our new territory; the gentleman from Virginia (Mr. GOODE), home of President Jefferson; the gentleman from California (Mr. POMBO), Chair of the Committee on Resources, and all of the leadership for their work on this legislation.

Mr. ROSS. Mr. Speaker, I rise today to help commemorate an event in our Nation's history that we can all join together in celebrating.

With the stroke of a pen in 1803, President Jefferson doubled America in size, making us one of the largest Nations in the world. The Louisiana Purchase comprised more than 600 million acres at less than 3 cents an acre in what today is the greater part of 13 states between the Mississippi River and the Rocky Mountains.

Arkansas was one of those states—the third state formed after Louisiana and Missouri. Two hundred years later, Arkansas continues to prove itself a valuable asset to our Nation. Our state has contributed much to our great country—our agriculture and other industries feed our Nation and fuel our economy; our State's natural beauty is an endless source of enjoyment for families and visitors. Arkansas has supplied our Nation with food and fiber, entertainers, and even a president.

The 828,000 square mile west of the Mississippi River is some of the most beautiful and bountiful land in our country. If only $15 million could go that far today! I invite my colleagues and our Nation to join me in celebrating one of the single most noteworthy events in our Nation's history—the Louisiana Purchase. This year as we celebrate the bicentennial, I hope that you will visit Arkansas and any of the other states that were purchased for so little, and that now prove to be priceless.

Mr. ALEXANDER. Mr. Speaker, I rise today to honor the storied legacy of the great state I represent, Louisiana. This year marks the bicentennial of the Louisiana Purchase, and today I am proud to commemorate this monumental event in our nation's history and in the history of the state of Louisiana and welcome the nation's participation in the yearlong celebration that will educate, entertain, and impart a lasting wonder for Louisiana. I have the esteemed privilege of representing Louisiana's fifth district, the 'heart of Louisiana'.

In 1803, Thomas Jefferson and Napoleon negotiated the United States' purchase of Louisiana from France. With just two strokes of the pen, our young nation doubled in size overnight, becoming one of the largest nations in the world. The Louisiana Purchase, approved by treaty in April of 1803, is called the most significant real estate transaction in the history of civilization. Encompassing over 800,000 square miles of land and costing about four cents per acre, the Louisiana Purchase eventually became all or part of 15 states: Arkansas, Missouri, Iowa, North Dakota, Texas, South Dakota, New Mexico, Nebraska, Wyoming, Kansas, Minnesota, Oklahoma, Colorado, Montana and definitely not least of all, Louisiana, my home state.

As part of the bicentennial celebration friends of the Louisiana Purchase bicentennial have collaborated to provide museum exhibits, concerts, films, re-enactments, and memorabilia. One of the museum exhibits that is especially dear to me is the Heart of Spain at the Alexandria Museum of Art in my district. Louisiana's history is intertwined with that of Spain's, and the influences of Spanish culture are still realized in the state's food, architecture, and government. In honor of the Louisiana Purchase Bicentennial, the Alexandria Museum of Art is inviting America, until November 30, to experience artifacts from world-renown Spanish museums, monasteries, churches and private collections El Corazon de Espana, in Alexandria, Louisiana offers a unique opportunity to be nourished and inspired by art and culture that is indicative of the friendship between Spain and Louisiana.

Mr. Speaker, I am thrilled to extend an invitation to my colleagues and to the nation to live, learn, and love Louisiana's rich history. When commenting to Thomas Jefferson on the Louisiana Purchase General Horatio Gates said, ''Let the land rejoice for you have bought Louisiana for a song.'' Today, I hope my colleagues will join with Louisiana, its citizens and friends, in singing ''Happy Birthday.''

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 21.

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

A motion to reconsider was laid on the table.

## AUTHORIZING EXCHANGE OF LAND AT FORT FREDERICA NATIONAL MONUMENT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1113) to authorize an exchange of land at Fort Frederica National Monument, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1113

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

***SECTION 1. EXCHANGE OF LANDS.***

*(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior is authorized to convey to Christ Church of St. Simons Island, Georgia, the approximately 6.0 acres of land within the boundary of Fort Frederica National Monument adjacent to Christ Church and depicted as ''NPS Lands for Exchange'' on the map entitled ''Fort Frederica National Monument 2003 Boundary Revision'' numbered 369/80016, and dated April 2003, in exchange for approximately 8.7 acres of land to be acquired by Christ Church, which is depicted as ''Private Lands for Addition'' on the same map.*

*(b) MAP AVAILABILITY.—The map referred to in subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.*

*(c) BOUNDARY ADJUSTMENT.—Upon completion of the land exchange under subsection (a), the Secretary of the Interior shall revise the boundary of Fort Frederica National Monument to reflect the exchange and shall administer the land acquired through the exchange as part of that monument.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

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

Mr. Speaker, H.R. 1113, introduced by the gentleman from Georgia (Mr. KINGSTON), and amended by the Committee on Resources, would authorize the Secretary of the Interior to convey 6 acres of land within the boundaries of Fort Frederica National Monument on St. Simons Island, Georgia, to the Christ Church also located on St. Simons Island. In return, the park service would receive 8.7 acres of nearby property that would be acquired first by the church from the Sea Island Company and then exchanged with the park service. The exchange is viewed by all parties as a win-win.

Mr. Speaker, Christ Church has doubled in size in the last 9 years, and the additional land is needed for its expansion. In return, the monument would receive lands that are known to contain valuable archeological remains from the colonial period.

I urge my colleagues to support H.R. 1113, as amended.

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

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

Mr. Speaker, H.R. 1113, which authorizes a land exchange at Fort Frederica National Monument in Georgia, raises a number of issues that were discussed at the hearing on this measure in April before the Committee on Resources. Evidently, appraisals and archeological surveys of the lands proposed to be exchanged have not been completed. So the value and historical significance of the proposed lands have not been established. Furthermore, the National Park Service testified that the noncontiguous parcel that the National Park Service would acquire through the exchange will likely increase the administrative and operational costs of the national monument.

The National Park Service testimony on H.R. 1113 elaborated on these concerns and, while generally supportive of the exchange, provided little guidance on how they should be addressed. We need to be careful about altering the boundaries of national park system units. Former Resources Committee Chairman Hansen spoke many times about the National Park Service acquiring a historic site that did not contain the historic resources that were claimed. We should not make the same mistake here. In that regard I would note that H.R. 1113 authorizes, but does not require, a land exchange at Fort Frederica National Monument. Before any exchange should occur, the National Park Service would be required to complete appraisals and historical surveys as well as comply with the requirements of NEPA.

As such, there are a number of administrative procedures in place to ensure that the exchange, if it goes forward, is in the public interest. Mr. Speaker, that being the case, we will not object to the consideration of H.R. 1113 by the House today.

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

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), the sponsor of H.R. 1113.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from New Mexico for yielding me this time, and I thank the gentlewoman from the Virgin Islands for the opportunity to speak about H.R. 1113.

This bill is a small one, but it represents an important land exchange between Fort Frederica National Monument on St. Simons Island and Christ Church. Aside from some of the issues which the gentlewoman from the Virgin Islands has already outlined, it is largely noncontroversial and it benefits all the parties.

The Christ Church community, and I have to say this about Christ Church, it is an old Episcopal church and I would love everybody to visit particularly if they have the time this summer when the G–8 is going to be held in the Golden Isles of Georgia. I believe those dates are anywhere from June 12 to June 14, somewhere in that time frame; but of course everybody is really excited about it. The G–8, the economic impact, for those who have ever followed it, they probably know it is about a $200 million economic impact. People from all over the world will be there, 2,500 members of the press alone along coastal Georgia really all the way from Jacksonville to Charleston; and I have the honor of representing the entire coast.

We already have 7,000 hotel rooms reserved. I am glad I can say this because the gentlewoman from the Virgin Islands and the gentleman from New Mexico know what beautiful States they represent; and if this deal was not already done, they would probably be trying to solicit the G–8 and give us a very competitive run for our money on it, but we are very excited; and already members of the international community, members of the press community, members of the G–8 itself have already been coming to town and making preparations. So there is a lot of excitement; and I just want to say, Mr. Speaker, when any Member of Congress comes to that area, I hope that they will take the time not just to witness the G–8 but to look at all the other things we have in that area.

Christ Church is one of the oldest churches. John Wesley taught there. John Wesley came to America to Savannah and was actually a minister right after George Whitfield in Christ Church, Savannah, which was founded in 1733; and incidentally that is the home of America's first Sunday school, and then he moved to St. Simons and helped start Christ Church. And it was after that that he returned to England and started Methodism, but it can accurately be said that the birthplace of the Methodist Church, or the concept, was probably the Golden Isles of Georgia in Glynn County.

Christ Church, though, is not just about history; but if the Members do want to read about the history, there is a great book written by a man named Ethridge called ''Strange Fires,'' and I would recommend it to anybody. But it is not just about history. It is about today. It is about children in the nursery. It is about young couples getting married. It is about senior citizens living out their life in communion with Christ. This church, because it is dynamic and because it is part of the fabric of today's society, has doubled in the last 9 years and needs additional land.

The church recently acquired, with private funds, not with any Federal tax dollars, 8.69 acres of land, and this land is adjacent to Fort Frederica National Monument. Fort Frederica is where some of the early colonists lived, and it is nothing but ruins; but the ruins are very well preserved, and it is an interesting romantic spot to look at.

One of the great things they do at Fort Frederica is they have some archeological findings, some items which are not historically significant, old cannonballs and bits and pieces of utensils and pottery; and they dug it up and they have identified it and catalogued it as not being historically significant, and they get the local elementary school and they rebury these archeological gems, and they let the school kids dig it back up, and then they catalogue it and then they study it and then they rebury it for the next year's class. And it is such a great living way to teach children. In today's world of education, and I was so proud that we passed No Child Left Behind with such great bipartisan support, that this is just one other way to teach children. And the thing that I think we all share in common, liberals, conservatives, Democrats, and Republicans, is that we want our kids to get the best education they can possibly have and then they can go on and think for themselves, and I think examples of that are just wonderful exercises of things that are going on in the country today.

This land also was recognized as the site James Oglethorpe occupied after coming to Georgia. Oglethorpe actually landed in Savannah Harbor and founded the city of Savannah in 1733, February 12, 1733, and then went on to Brunswick, Georgia, which is where the Battle of the Bloody Marsh was fought, because as the Members well know, the British basically owned most of the colonies, the 12 colonies north of Georgia. The Spanish owned Florida. The gentleman from Florida who is the distinguished gentleman who sits as Speaker today knows well of the great Spanish heritage of Florida. And if we go to cities like St. Augustine and we see the influences of forts down there like Castillo de San Marco and St. Augustine and so many of the other things, it is great Spanish heritage.

But back then the British and the Spanish were kind of fighting over the land a little bit, and Georgia was a buffer State. It was founded as a penal colony. And the showdown happened actually in Glynn County, Georgia, between the British and the Spanish; and it was called the Battle of Bloody Marsh because there was so much blood spilled that the water itself turned to red because of the blood, and we can still visit that site. And again, if the Members come down for the G–8, let me know. I am going to give the tour personally if they give me the honor. But James Oglethorpe's part, as one of the founders of Georgia, is very significant and yet another reason why we want this bill to go through.

The Christ Church community wants to give this 8.69 acres to the National Park Service so that it can expand the national monument and in return get 6 acres back from Fort Frederica National Monument, which is already adjacent to Christ Church; and then they can use this for their future expansion and whatever needs they have.

I want to say that the 6 acres do not hold any historical significance and are

not occupied by any facilities of the national park right now. So the national park is not going to be inconvenienced by it.

My sister, Mr. Speaker, lived in Italy for a number of years; and one of the things I found somewhat to my amusement when one goes to Rome or Naples or any of those great Italian cities, they cannot issue building permits because every time they put a trowel in the ground, they hit an ancient Roman ruin. We all know the song by Bob Dylan that says ''The streets of Rome are filled with rubble. Ancient footprints are everywhere.'' I do not want to overindulge, but I think the next line was also pretty, ''You can almost think that you're seein' double on a cold, dark night on the Spanish stairs.'' And if one has ever been to Rome, I think that song captures so much of the essence and the romanticism and the history of Rome.

To a minor degree, the coastal area of Georgia is the same way. Every time they dig, they can find something. From native Americans to the early Spanish to the British to missionaries and everybody else in between has been there at one time or the other.

But I strongly believe that this exchange would benefit the United States and protect and conserve significant cultural resources as the Oglethorpe ruins. This property contains historical and archeological resources worthy of protection and preservation by the National Park Service for all generations in the future, and the bill is supported by the National Park Service.

In conclusion, let me say this: this bill will allow Christ Church to expand; so it is a win-win. It captures history and yet lets progress take place.

I thank the gentleman from California (Mr. POMBO), Committee on Resources chairman; the gentleman from California (Mr. RADANOVICH), the subcommittee chairman; the gentleman from West Virginia (Mr. RAHALL), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the ranking members, for their support of this bill. And I also want to recognize the efforts of the former Senator of Georgia, Mr. Mack Mattingly, for his dedication to this cause.

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

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

Mr. Speaker, I thank the gentleman from Georgia (Mr. KINGSTON) for sharing such rich cultural heritage of the area.

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 1113, as amended.

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

A motion to reconsider was laid on the table.

## FORT BAYARD NATIONAL HISTORIC LANDMARK ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2059) to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

The Clerk read as follows:

H.R. 2059

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

**SECTION 1. FORT BAYARD NATIONAL HISTORIC LANDMARK ACT.**

(a) SHORT TITLE.—This section may be cited as the ''Fort Bayard National Historic Landmark Act''.

(b) DESIGNATION.—The Fort Bayard Historic District in Grant County, New Mexico, as listed on the National Register of Historic Places, is hereby designated as the Fort Bayard National Historic Landmark.

(c) ADMINISTRATION.—Nothing in this section shall affect the administration of the Fort Bayard Historic District by the State of New Mexico.

(d) COOPERATIVE AGREEMENTS.—The Secretary, in consultation with the State of New Mexico, Grant County, New Mexico, and affected subdivisions of Grant County, may enter into cooperative agreements with appropriate public or private entities, for the purposes of protecting historic resources at Fort Bayard and providing educational and interpretive facilities and programs for the public. The Secretary shall not enter into any agreement or provide assistance to any activity affecting Fort Bayard State Hospital without the concurrence of the State of New Mexico.

(e) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance with any entity with which the Secretary has entered into a cooperative agreement under subsection (d).

(f) NO EFFECT ON ACTIONS OF PROPERTY OWNERS.—Designation of the Fort Bayard Historic District as a National Historic Landmark shall not prohibit any actions which may otherwise be taken by any property owners, including the owners of the Fort Bayard National Historic Landmark, with respect to their property.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

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

Mr. Speaker, I rise in strong support of H.R. 2059. First I would like to take this opportunity to thank the gentleman from California (Chairman POMBO); the subcommittee chairman, the gentleman from California (Mr. RADANOVICH); along with the ranking member, the gentleman from West Virginia (Mr. RAHALL), for allowing the Committee on Resources to consider H.R. 2059 in an expedited manner and for allowing it to be considered on the House floor today.

Mr. Speaker, H.R. 2059 would designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark.

On August 21, 1866, troops under the command of Lt. James Kerr, Company B, 125th United States Colored Infantry, began building a new post in Apache country near the mining communities of Pinos Altos and Silver City, New Mexico. The infantry troops stationed at Fort Bayard were nicknamed ''Buffalo Soldiers'' by the Cheyenne and Comanche Indians. The post was named after Brigadier General George D. Bayard, who had been killed in the battle of Fredericksburg.

After Geronimo's surrender, Fort Bayard as a military post was no longer needed. As a result, in 1899 Fort Bayard became the first sanatorium dedicated to the treatment of soldiers suffering from pulmonary tuberculosis.

In 1922, Fort Bayard came under the jurisdiction of the Veterans' Administration and became a treatment center for veterans. During World War II, Fort Bayard housed German prisoners of war.

Today, the post is operated as a hospital by the State of New Mexico and presently employs approximately 400 employees. To this day, Fort Bayard continues to play a vital role in the health care of Grant County, New Mexico, and the surrounding area.

Designation of Fort Bayard as a National Historic Landmark is important for the preservation of its historical significance. It is also very important to southeastern New Mexico's economic development. The region is currently suffering from high unemployment and stagnant economic growth. This designation would allow Fort Bayard to attract more tourism to the area and would bring in much-needed economic revenue, which could help fuel more investment in the region.

H.R. 2059 has the unanimous support of the New Mexico Congressional delegation, is cosponsored by the entire delegation, and also has very strong public support.

Mr. Speaker, I urge all of my colleagues to support H.R. 2059.

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

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

Mr. Speaker, H.R. 2059 is the companion measure to the Senate bill, S. 214, introduced by Senator BINGAMAN, which passed the Senate on March 4, 2003, and has been referred to the Committee on Resources. The legislation provides for the establishment of the Fort Bayard National Historical Landmark in the State of New Mexico. The legislation also authorizes the Secretary of the Interior to provide technical and financial assistance to the site.

The fort has a long history of use as a military post and medical facility. The site is currently listed on the National Register of Historic Places.

While no hearings have been held on this bill, the Committee on Resources ordered it reported to the House in July. We will not object to the consideration of H.R. 2059 by the House today, but I would note for the record that taking up the House bill, when the companion Senate bill has been pending in the House since March, only serves to needlessly complicate the process of enactment.

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

Mr. PEARCE. 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 New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2059.

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.

## EASTERN BAND OF CHEROKEE INDIANS LAND EXCHANGE ACT OF 2002

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1409) to provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes.

The Clerk read as follows:

H.R. 1409

*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 ''Eastern Band of Cherokee Indians Land Exchange Act of 2002''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) Since time immemorial, the ancestors of the Eastern Band of Cherokee Indians have lived in the Great Smoky Mountains of North Carolina. The Eastern Band's ancestral homeland includes substantial parts of seven eastern States and the land that now constitutes the Great Smoky Mountains National Park.

(2) The Eastern Band has proposed a land exchange with the National Park Service and has spent over $1,500,000 for studies to thoroughly inventory the environmental and cultural resources of the proposed land exchange parcels.

(3) Such land exchange would benefit the American public by enabling the National Park Service to acquire the Yellow Face tract, comprising 218 acres of land adjacent to the Blue Ridge Parkway.

(4) Acquisition of the Yellow Face tract for protection by the National Park Service would serve the public interest by preserving important views for Blue Ridge Parkway visitors, preserving habitat for endangered species and threatened species including the northern flying squirrel and the rock gnome lichen, preserving valuable high altitude wetland seeps, and preserving the property from rapidly advancing residential development.

(5) The proposed land exchange would also benefit the Eastern Band by allowing it to acquire the Ravensford tract, comprising 143 acres adjacent to the Tribe's trust territory in Cherokee, North Carolina, and currently within the Great Smoky Mountains National Park and Blue Ridge Parkway. The Ravensford tract is part of the Tribe's ancestral homeland as evidenced by archaeological finds dating back no less than 6,000 years.

(6) The Eastern Band has a critical need to replace the current Cherokee Elementary School, which was built by the Department of the Interior over 40 years ago with a capacity of 480 students. The school now hosts 794 students in dilapidated buildings and mobile classrooms at a dangerous highway intersection in downtown Cherokee, North Carolina.

(7) The Eastern Band ultimately intends to build a new three-school campus to serve as an environmental, cultural, and educational ''village,'' where Cherokee language and culture can be taught alongside the standard curriculum.

(8) The land exchange and construction of this educational village will benefit the American public by preserving Cherokee traditions and fostering a vibrant, modern, and well-educated Indian nation.

(9) The land exchange will also reunify tribal reservation lands now separated between the Big Cove Community and the balance of the Qualla Boundary, reestablishing the territorial integrity of the Eastern Band.

(10) The Ravensford tract contains no threatened species or endangered species listed pursuant to the Endangered Species Act of 1973. The 218-acre Yellow Face tract has a number of listed threatened species and endangered species and a higher appraised value than the 143-acre Ravensford tract.

(11) The American public will benefit from the Eastern Band's commitment to mitigate any impacts on natural and cultural resources on the Ravensford tract, by among other things reducing the requested acreage from 168 to 143 acres.

(12) The Congress and the Department of the Interior have approved land exchanges in the past when the benefits to the public and requesting party are clear, as they are in this case.

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

(1) To acquire the Yellow Face tract for protection by the National Park Service, in order to preserve the Waterrock Knob area's spectacular views, endangered species and high altitude wetland seeps from encroachment by housing development, for the benefit and enjoyment of the American public.

(2) To transfer the Ravensford tract, to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians, in order to provide for an education facility that promotes the cultural integrity of the Eastern Band and to reunify two Cherokee communities that were historically contiguous, while mitigating any impacts on natural and cultural resources on the tract.

(3) To promote cooperative activities and partnerships between the Eastern band and the National Park Service within the Eastern Band's ancestral homelands.

**SEC. 3. LAND EXCHANGE.**

(a) IN GENERAL.—The Secretary of the Interior (''Secretary'') shall exchange the Ravensford tract, currently in the Great Smoky Mountains National Park and the Blue Ridge Parkway, for the Yellow Face tract adjacent to the Waterrock Knob Visitor Center on the Blue Ridge Parkway.

(b) TREATMENT OF EXCHANGED LANDS.—Effective upon receipt by the Secretary of a deed or deeds satisfactory to the Secretary for the lands comprising the Yellow Face tract (as described in subsection (c)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (d)), including all improvements and appurtenances, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians as part of the Cherokee Indian Reservation.

(c) YELLOW FACE TRACT.—The Yellow Face tract shall contain Parcels 88 and 89 of the Hornbuckle Tract, Yellow Face Section, Qualla Township, Jackson County, North Carolina, which consist altogether of approximately 218 acres and are depicted as the ''Yellow Face Tract'' on the map entitled ''Land Exchange Between the National Park Service and the Eastern Band of Cherokee Indians,'' numbered 133/80020A, and dated November 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Indian Affairs. Upon completion of the land exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to include such lands and shall manage the lands as part of the parkway.

(d) RAVENSFORD TRACT.—The lands declared by subsection (b) to be held in trust for the Eastern Band of Cherokee Indians shall consist of approximately 143 acres depicted as the ''Ravensford Tract'' on the map identified in subsection (c). Upon completion of the land exchange, the Secretary shall adjust the boundaries of Great Smoky Mountains National Park and the Blue Ridge Parkway to exclude such lands.

(e) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall file a legal description of the areas described in subsections (c) and (d) with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal descriptions shall have the same force and effect as if the information contained in the description were included in those subsections except that the Secretary may correct clerical and typographical errors in such legal descriptions. The legal descriptions shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Indian Affairs.

**SEC. 4. IMPLEMENTATION PROCESS.**

(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act the Director of the National Park Service and the Eastern Band of Cherokee Indians shall enter into government-to-government consultations and shall develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

(b) CONSTRUCTION STANDARDS.—Recognizing the mutual interests and responsibilities of the Eastern Band of Cherokee Indians and the National Park Service for the conservation and protection of the resources on the Ravensford tract, the National Park Service and the Eastern Band shall develop mutually agreed upon standards for size, impact, and design of construction consistent

with the purposes of this Act on the Ravensford tract. The standards shall be consistent with the Eastern Band's need to develop educational facilities and support infrastructure adequate for current and future generations and shall otherwise minimize or mitigate any adverse impacts on natural or cultural resources. The standards shall be based on recognized best practices for environmental sustainability and shall be reviewed periodically and revised as necessary. Development of the tract shall be limited to a road and utility corridor, an educational campus, and the infrastructure necessary to support such development. No new structures shall be constructed on the part of the Ravensford tract depicted as the ''No New Construction'' area on the map referred to in Section 3(c), which is generally the area north of the point where Big Cove Road crosses the Raven Fork River. All development on the Ravensford tract shall be conducted in a manner consistent with this section and such development standards.

**SEC. 5. GAMING PROHIBITION.**

Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on the Ravensford tract.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

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

Mr. Speaker, H.R. 1409 provides a land exchange between the National Park Service and the Eastern Band of Cherokee Indians whose reservation is located in western North Carolina. The bill is sponsored by the tribe's Congressman, the gentleman from North Carolina (Mr. TAYLOR). The bill was the subject of a full Committee on Resources hearing on June 18, 2003, and was ordered reported on a unanimous voice vote.

The purpose of the land exchange is to enable the construction of a new school, which is necessary to replace the overcrowded, outdated and unsafe school that the Cherokee students are presently forced to attend.

Under the legislation, the Eastern Band will give the American public 218 acres of high-value, pristine land along the Blue Ridge Parkway. This land has high habitat value for several endangered species. Because this land is private property, it would otherwise be open to future development. Instead, it will be made part of the National Park System.

In return, only 143 acres of lower-value land in the Great Smoky Mountains National Park, called the Ravensford tract, will be placed in a trust for the Tribe. This property is adjacent to the Cherokee Reservation and is part of the Tribe's ancestral land area.

On this site, a new educational campus emphasizing traditional Cherokee values, including the preservation of the natural environment, would be constructed. The bill upholds a strict set of construction standards to minimize environmental impact.

In short, this is an education bill, an education bill for Native American youth on the Eastern Cherokee Reservation. The Tribe is setting an example that ought to be followed by local, State and Tribal governments who care about providing America's youth with a high-quality learning environment.

During the committee hearing on H.R. 1409, we heard from Cherokee student Cory Blankenship, who traveled to Washington, D.C. and spoke on the need for this land exchange. He said, ''In the last decade, over 3.5 million acres of land nationwide have been placed under the protection of the National Park Service. We are asking only for 143 acres to help us build our school and preserve our culture.''

The Eastern Band has already spent over $1.5 million to carefully evaluate this proposal. The Ravensford Tract was determined to be the ideal site for a new Cherokee school. The terrain is flat, accessible, and located away from the dangerous intersection where the existing school is situated. In the past, this site was used as a site of a lumber mill, and it is now nowhere near the pristine state that the other tract that is being offered for it is.

More important, the Eastern Cherokee people have a moral claim to the Ravensford Tract. In the 1940s, the parcel in question was supposed to be conveyed to the Cherokee as part of a deal in which the Indians gave up land so that the government could build the Blue Ridge Parkway through their Reservation, but Congress deleted this parcel after the deal was agreed to. Therefore, in addition to this being a bill about building a new school for the Tribe's children, we need to uphold our end of the bargain made in good faith with sovereign Indian Nations.

It is hard to believe that some could oppose this legislation. The Eastern Band is a Tribe of Native Americans who were barely able to avoid the Trail of Tears. Yet there are some groups that want to deny them an opportunity to build a new school for their children.

We have an obligation to pass this bill. The vote on H.R. 1409 is simple: Let us support an Indian Tribe that wants to educate its children and preserve its culture.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 1409, which would provide for a land exchange for a school for the Eastern Band of the Cherokee Tribe which everyone would otherwise support, however, is in the middle of the most visited National Park and cannot be, by any stretch of the imagination, considered a noncontroversial bill. It, therefore, does not belong on the suspension calendar. In addition to this, its appearance on the floor is premature, given that the National Park Service has not completed its environmental impact statement and that a further study on alternative sites is also not finished.

I do support the need for a school for the Eastern Band of the Cherokee Tribe, but with so many unanswered questions and the importance of the site in question, as well as the bad precedent that I think it sets, I regrettably must ask my colleagues to vote no on this measure on suspension today.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, let me indicate my strong support for this legislation. It is an important piece of legislation that I think deserves bipartisan support.

The bill, as we know, seeks to secure land for Native Americans so they can provide desperately needed educational facilities to their young people. I believe that investing in education and Native American youth is something we can all agree upon.

Specifically, the bill would direct the Secretary of the Interior to exchange approximately 143 acres, and I stress 143 acres, of land now under the control of the National Park Service for approximately 218 acres of land controlled by the Eastern Band of Cherokee Tribe.

I would point out, and I know my colleague from Arizona mentioned part of this, in my opinion the National Park Service is actually benefiting from this land exchange because effectively they are getting more land. They are getting 218 acres, as opposed to having to give back to the Cherokee Nation 143 acres of land.

In addition to that, the land that the National Park Service is getting is pristine. One could argue, it is actually better, and in a more pristine state, than the land that they are giving to the Cherokee Nation. As was mentioned by my colleague from Arizona, the land that the Park Service would obtain actually has two endangered species, where there is no indication that the land that the Cherokee Nation is going to receive has any endangered species.

In addition to the fact that there is more land going to the Park Service, also the appraiser, and it was an independent appraiser who has done this type of appraisal for the Park Service before, indicated that the land that the Park Service is going to get is worth more and has a higher appraised value than the land that the Cherokee Nation is actually going to receive. So from an environmental point of view, as well as from a cost point of view, the Park Service is actually benefiting from the exchange. I want to stress that.

If approved, the bill would provide the Tribe with the flat land necessary to build badly needed schools, as well as to add pristine land, as I said, to the National Park Service.

There is an educational crisis now on the Eastern Cherokee Reservation. There is only one Cherokee elementary school, and it is in extremely poor condition. It was built almost 40 years ago by the Interior Department. It was designed for only 480 students.

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Today, over 700 students are housed in a dilapidated building that is run down and in dire need of repair. But most important, because of the school's location on a main road and its proximity to other buildings, the current facility cannot be expanded. The tribe needs this additional land to expand the school because they cannot physically do it now, and this road, this highway, is very congested. We heard testimony in the committee about the potential danger to the students from the existing facility, and that is why we need to have the land exchange.

There are a number of reasons. I am just trying to make the case, Mr. Speaker, if I can, that there are a number of reasons why this should be done and why this bill should be passed today.

Mr. Speaker, for too long Indian country has suffered from high unemployment and poverty. The only way to improve the lives of Indian children is to ensure that they receive the best education possible. I believe that one of the best ways to achieve this is to give students the best conditions for learning. I believe strongly that passage of this bill will help the Cherokee children achieve this goal. I do not really see any downside to the bill, and I urge my colleagues to support this bill and pass it today.

Mr. RENZI. Mr. Speaker, I want to thank the gentleman from New Jersey for his stalwart advocacy on behalf of Native Americans, particularly in the East.

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Arizona for yielding me this time, and I thank my good friend, the gentleman from New Jersey (Mr. PALLONE) for his comments. He well stated the case for this land transfer.

Mr. Speaker, I think many times that we all, no matter which side we are on, Democrat or Republican, we want to do what we think is right for the people of this country, as well as the environment. And as the gentleman from New Jersey said, my friend, and the gentleman from Arizona previously, this is a win-win for the Park Service and the taxpayers. Very seldom do we have debates on the floor where we can have both parties coming together and saying that this is a win for the taxpayer and this is a win for the Park Service.

I want to just share with my colleagues, I have three or four photographs I would like to show. I have had the pleasure of getting to know these wonderful people from the Cherokee Tribe in Cherokee, North Carolina, the home of the gentleman from North Carolina (Mr. TAYLOR), who wanted to be here today, but is running late because of his flight. These are the people that I think, and the gentleman from Michigan (Mr. KILDEE) can speak to this better than I when he speaks in a few minutes, that of all of the people in this country that have been neglected, it has to be the Indians. I have never met such nice people, and meek and easy-going, intelligent people.

As was said by the gentleman from Arizona, the young student from Cherokee High School that came down and testified before the committee, I had an opportunity to meet with Cory and some of his classmates in my office in the Cannon Building. They were saying to me, Congressman, it does not make any sense about this land transfer. We have tried to transfer this land for 3 or 4 years now, and nothing has ever come of it. And it is time that our kids, our children, K through 12, have a better environment to learn.

This photograph, Mr. Speaker, to my left is a gym wall that is cracked and pushing inward. I will hold this up. This, in itself, shows us that the buildings are in a terrible situation. This is just one of three or four photographs I would like to show.

Mr. Speaker, this is a photograph, it says, high school, major cracks in walls. This is just a regular classroom, and we can see the major cracks that have already developed in this building. As the gentleman from New Jersey (Mr. PALLONE) said, this school is over 40 years old, 40 years old. All we are asking for today is a land swap. The Indians, by God, have given the Federal Government more than they have ever received from the Federal Government. That is a known history of this country. But in this case, this is a swap that is to the benefit of the environment and to the Park Service. But there again, I want to show this to the Members on the House Floor today, this is a major structural problem that the high school has in Cherokee, North Carolina.

Mr. Speaker, this is another, if you will, crack at the school that I want everyone to see. I imagine anyone that is watching today can see that fairly well. But to my friends on the Democratic side, that is just another example of just how deplorable this school is and why this land swap needs to take place. Again, this land swap is supported by the majority on both sides.

We all know about trailers. The Cherokee Indians are spending a lot of their time in trailers, but we know that is true outside of the Cherokee Tribe. That is one of the problems that we as a Nation need to address as it relates to other schools. But, Mr. Speaker, this actually comes down to the fact that these school buildings are structurally unsafe and have been condemned. I am not sure if the gentleman from New Jersey (Mr. PALLONE), my friend, might have said that, but I want to reaffirm if he did say it, these buildings have been condemned. So this is the only opportunity and option that these students have.

The Cherokee leadership has been for 4 and 5 years coming here to Washington, meeting with the gentleman from North Carolina (Mr. TAYLOR) and the two Senators from North Carolina, just asking the Interior Department to just transfer this land, to swap it. And we, the American Government, get a better deal when it comes to the cost and the price of the land.

As the gentleman from New Jersey (Mr. PALLONE) said, and I will close in just a second, that 218 acres of pristine land that contains two endangered species, that is now owned by the Cherokees, will be transferred to the Federal Government. In turn, the Federal Government will transfer 143 acres of non-pristine land and has no endangered species on that land.

So, Mr. Speaker, I see this as a win.

Mrs. CHRISTENSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE), a senior member of the Committee on Resources.

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

I rise in strong support of H.R. 1409, a bipartisan land exchange bill, which will allow the Eastern Band of Cherokee to build new schools for their children.

This bill passed out of the Committee on Resources on July 15, 2003, by a voice vote. During the markup, several Members from both sides of the aisle expressed strong support for the bill to move forward.

I am aware of the environmental concerns that the gentleman from West Virginia has raised about this bill. I am a strong supporter for the National Environmental Policy Act, NEPA. I am a strong supporter of that process, and I do not believe that passage of this bill circumvents that process. The public comment period on the land exchange ended last month, and the National Park Service will complete review of this environmental impact statement regardless of this legislation.

In addition, in its draft environmental impact statement, the Park Service determined that the exchange will have no impairment on the experience of visitors to the Great Smoky Mountains and determined there will be no impairment to the biodiversity based on mitigation efforts. The Park Service will receive pristine land that it selects, which will result in a net increase of national parklands.

Mr. Speaker, the Eastern Cherokee face an educational crisis of having condemned, overcrowded classrooms we would not house criminals in. I have traveled throughout this country, and I have seen schools that are horrible, and these buildings are not fit for human habitation.

The tribes' mountainous reservation has no more available flatland suitable

for building new schools. This is the kind of environment which many of our Indian children have been forced to learn in. This is unacceptable. Through this legislation, we can help the Eastern Band of Cherokee move forward with its commitment to educate its children.

In my years of elected office, Mr. Speaker, I have enjoyed the support of the environmental community. I have one of the highest environmental records in this Congress because of my commitment to protecting our Nation's precious resources. That is something of which I am very proud. I know that some of my environmental friends have concerns about this legislation and feel that no land should ever be exchanged for the National Park Service, but in this instance I must disagree. The Park Service will get more land and will get better land, and the land of their choosing. I believe that this bill is consistent with proenvironmental principles and with Indian sovereignty.

Congress is the one that makes this decision. Article I, Section 8, all of which we have taken an oath to uphold, says the Congress shall have power to regulate commerce with foreign nations, and among the sovereign States, and with the Indian tribes. This Cherokee Nation, this sovereign nation, all they want is some land to educate their children. The Park Service has selected more land, land of their choosing in exchange. I urge the passage of this bill.

Mr. Speaker, I rise in strong support of H.R. 1409. a bipartisan land exchange bill which will allow the Eastern Band of Cherokee to build new schools for their children.

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During the markup several members from both sides of the aisle expressed strong support for the bill to move forward.

I am aware of the environmental concerns that the gentleman from West Virginia has raised about this bill.

I am a strong supporter of the National Environmental Policy Act (NEPA) process and do not believe that passage of this bill circumvents that process.

The public comment period on the land exchange ended last month. And the National Park Service (Park Service) will complete review the environmental impact statement (EIS) regardless of this legislation.

In addition, in it draft EIS, the Park Service determined that the exchange will have no impairment on the experience of visitors to the Great Smokey Mountains and determined there will no impairment to the biodiversity based on mitigation efforts.

The Park Service will receive pristine land that it selected which will result in a net increase of national park lands.

Mr. Speaker, the Eastern Cherokee face an educational crisis of having condemned, overcrowded classrooms we would not house criminals in.

The tribe's mountainous reservation has no more available flat land suitable for building new schools.

This is the kind of environment in which many of our Indian children have been forced to learn.

That is unacceptable. Through this legislation we can help the Eastern Band of Cherokee move forward with its commitment to educate its children.

In my years of elected office, I have enjoyed the support of the environmental community for my commitment to protecting our nation's precious resources. That is something for which I am very proud.

I know that some of my environmental friends have concerns with this legislation and feel that no land should ever be exchanged from the National Park Service.

But in this instance, I must disagree. I believe that this bill is consistent with pro-environmental principles, and with Indian Sovereignty—two principles dear to me.

I urge my colleagues to vote "yes" on this bill.

Mr. RENZI. Mr. Speaker, I thank the gentleman from Michigan, and I yield 3 minutes to the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Speaker, I rise today in strong support of H.R. 1409, the Eastern Band of Cherokee Indians Land Exchange. This land exchange is urgent for the Eastern Band community because it would allow them to build a new K-through-12 complex in Cherokee, North Carolina, that they desperately need.

We owe it to our children. We owe it to each one of us to make sure that every child has an opportunity to learn, to be in a safe environment. So when we look at where these tribes are and the kids are, they are in overcrowded classrooms right now. How can our children learn in an overcrowded classroom? We cannot even have wiring. We say leave no child behind, and our President has said leave no child behind. The only way we can do that is if we build new schools, modernize schools so we are able to put the kind of technology that we need to make sure that our children are able to meet the 21st century in computer and technology, and that they are in a safe environment.

When you are in a safe climate and a safe environment, it adds to your attitude and you behavior in the classrooms. You feel good about yourself; your self-esteem is built. Well, if we do not allow for this land exchange, how can we then say that we are building for our future? How can we say that every child, regardless of whether you are in a sovereign country or in another country, that you do not deserve the right to learn, that you do not deserve the right to be in that kind of environment? We owe that to every one of our children.

Let me tell my colleagues, we should all be proud of this kind of legislation that has come before us, because it has given someone an opportunity to build the kind of schools that our children need; an opportunity to allow them to grow and to develop; an opportunity for them to be proud not only of themselves, but of the school that they are doing to. When we saw the photos earlier. It is very difficult to be proud to be in that kind of environment, to say that I am in a classroom where there are potholes that are there, when we see that there are faucets that are not working, water that is not flowing. Well, it is difficult. And then when we begin to compete and bring other individuals to compete in our schools, we want to stand up and say we are proud of this school. We are proud of this school. And we should allow them to build that school.

They are overcrowded, as I stated. They have 800 students right now, and they are putting them into a 400 classroom capacity at this point. We must not forget the rights and the needs of the Americans, and that is our first Americans. This tribe that survived the Trail of Tears in the 1830s, this is a tribe that was promised this land, that was promised this land. This tribe was promised this land many years ago. This tribe deserves better than what they have been given.

Native Americans, including Eastern Band Cherokee Indians, are working hard to become self-sufficient, and we must offer them our help. This proposal is a perfect example of that. I am proud of the tribe's efforts to improve educational, cultural, and economic development in their communities. I support this bill. I applaud the efforts of the Eastern Band. I urge all of my colleagues to do the same.

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

I want to thank the gentleman from California for his passion and fighting spirit on behalf of the Native Americans nationwide.

Mr. Speaker, I have no other speakers; and I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, may I inquire how much time we have remaining.

The SPEAKER pro tempore (Mr. CULBERSON). The gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) has 11½ minutes remaining, and the gentleman from Arizona (Mr. RENZI) has 8 minutes remaining in this debate.

Mrs. CHRISTENSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. CARSON).

(Mr. CARSON of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. CARSON of Oklahoma. Mr. Speaker, I thank the gentlewoman for yielding me the time.

I am a proud cosponsor of H.R. 1409, the Eastern Band of Cherokee Indians Land Exchange Act, and I rise in strong support of that bill.

This particular bill has personal and professional interest to me as my father was a long-time housing agent on the Eastern Band of Cherokee's reservation, and I spent several years of my youth in the beautiful Smoky Mountains.

The Great Smoky Mountains, which are very beautiful, offer a rich cultural heritage to the Eastern Band of Cherokees; but sadly, they provide little in the way of developmental land. This legislation today, as other speakers have said, is necessary to provide for the educational and cultural benefits of the Eastern Band of Cherokees by enabling the tribe to construct three new school facilities: one elementary, one middle school, and one high school.

The current facilities, as the pictures we have seen show, are greatly in need of replacement. The Cherokee Elementary School, to take one example, was built by the Department of the Interior over 40 years ago with the capacity to hold 480 students. Today, this facility holds approximately 800 students. To accommodate all of the students, the school has been forced to add temporary facilities. In addition, the main school and temporary facilities are located at a dangerous highway intersection in downtown Cherokee, North Carolina.

Today, the tribe offers the National Park Service, in exchange for the 143-acre Ravensford Tract, 218 acres of highly desirable, pristine land. The building of this new facility will enable the Eastern Band of Cherokees to teach Cherokee language and culture so as to foster and preserve tribal practices for future generations.

I can think of no better use for a tract of land than the construction of a complex to further the educational and cultural pursuits of Eastern Band children and to replace the current overcrowded and aging schools. After all, the key to a brighter future for Indian country runs through the classroom door.

I believe the Federal Government must actively assist the tribe in this endeavor, and I respectfully urge my colleagues to vote in support of the Eastern Band of Cherokee Indian Land Exchange Act.

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

I want to take this moment to thank the gentleman from Oklahoma, particularly for his personal knowledge, the firsthand experiences that he shared, and the fact that he has actually lived right in the same area where we are discussing and debating here today.

Mr. Speaker, again, I have no speakers, and I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, native people, both Native Americans as well as people of different ethnicities, have been displaced during the settlement of most of the U.S. This is a sad, but true, chapter in our history. I would say, though, that if we are serious about returning lands to native people, and we should be, then let us look at developing a nationwide, consistent policy. We cannot start carving up our national parks piece by piece, case by case. This does a disservice to the parks, the tribes, and the American people.

Mr. Speaker, it has been said that environmental groups support the exchange. In fact, most, if not all, are against this exchange but are willing to work with the tribe on a suitable alternative site. We recognize that the condition of the school is poor and should be unacceptable; but as I recall from the hearing, there was $8 million there for years that had never been used to repair the schools in all of this time.

Those of us who object do not object on the basis of need. The tribe's children and all of this country's children need, deserve, and should have good, safe, well-equipped and well-staffed schools. We want the Eastern Band of Cherokees to have the educational complex that they should have. The question that remains is where is that facility best placed.

Even, Mr. Speaker, the Subcommittee on Interior and Related Agencies of the Committee on Appropriations of this body, chaired by the gentleman from North Carolina (Mr. TAYLOR), just 2 months ago called for a study before this exchange should be decided on because of the yet-unanswered questions. We should honor this and do the land exchange in the right way.

Therefore, I join the gentleman from West Virginia (Mr. RAHALL), the ranking member, in opposition to the passage of this bill on the suspension calendar.

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

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

In closing, I just state simply that the Eastern Band of Cherokees has spent 3½ years, $1.5 million to study this, to thoroughly research, to provide one of the cleanest and fairest land exchanges we have seen in this House in many years. I would ask that the colleagues who spoke on both sides please help influence the other colleagues in their own parties to vote in favor of this legislation, to not any longer delay the education of these children, to not obstruct any longer the possibility that they can have a bright future and a brand new school.

Mr. FALEOMAVAEGA. Mr. Speaker, today I rise in support of H.R. 1409, the Eastern Band of Cherokee Indians Land Exchange Act of 2003. This legislation would allow for an exchange of 143 acres of public lands for 218 acres of private lands between the Eastern Band and the National Park Service. These lands are needed to build suitable educational facilities for the children of the Eastern Band of Cherokees.

Mr. Speaker, the Cherokee people have endured many hardships at the hands of the United States. The Eastern band people today are descendants of those who escaped or survived the Trail of Tears in the 1830's. But lost culture, stolen lands, and broken promises did not end there. In the 1940's, the United States promised to convey the very land in question to the Cherokee to replace Reservation lands taken from the Tribe to build the Blue Ridge Parkway. However, despite negotiating an agreement, the transfer never materialized.

Today, the Eastern Cherokee Reservation is located on mountainous terrain that is unsuitable for construction and this is why H.R. 1409 is necessary. H.R. 1409 would provide the Eastern Band with flat land that is necessary for the construction of new school facilities. There are nearly 800 elementary aged children who attend classes in a building constructed to hold 480 and the building is located at the intersection of two federal highways. The Cherokee High School has also reached its maximum capacity and parts of it have been declared condemned and unfit for educational purposes.

Mr. Speaker, I believe it is our duty to correct this deplorable situation. The children and the youth of the Eastern Band of Cherokee deserve better. They deserve to attend school in a safe and conducive environment and I urge my colleagues to support this important legislation.

Mr. RAHALL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks. I yield myself such time as I may consume.

In the time that I have had the honor to serve as the ranking member on the Resources Committee, I have never had to come to the floor to oppose a bill reported by the committee being considered under suspension of the rules.

Indeed, under former Chairman Jim Hansen, and during this Congress, under Chairman RICHARD POMBO, we have instilled a greater degree of bipartisanship when conducting committee business.

I realize some may not want to hear that.

Those who manipulate this body's schedule seeking to make political points—even if they last for a nano-second or do not even register in the public's mind—by overt partisanship maneuvers, no, they do not want to hear that.

The fact of the matter is that Chairman POMBO has been fair in his dealings with all Members. He has been extremely fair with me. So I do not believe that it was through his will that H.R. 1409 is being considered under suspension today.

This bill has been placed on the suspension calendar over my objection. It is a controversial measure and should be considered under regular order, with opportunities for Members to offer amendments and a full and open debate.

I suspect that some in the majority are eager to push this bill because they hope to make Democrats in the House choose between our friends in the Native American community and our passion for our National Parks. This is a false choice and we refuse to make it.

The condition of the facilities found on many Indian reservations is unacceptable. Far too often, Native Americans are forced to endure housing, medical facilities and educational facilities that many Americans would find shocking. However, carving out large chunks from the middle of our national parks, as H.R. 1409 would have us do, is not the solution to this problem.

H.R. 1409 purports to deal with the Eastern Band, but of course a lack of quality educational opportunities is a problem that plagues Native Americans across the land. We are eager to work with the chairman of the

Interior Appropriations Subcommittee—for whom I have a great deal of respect—to devise a solution to this problem that might help all Native American children. And we must find solutions that do not destroy our National Parks.

What the pending bill does is carve out a huge chunk of land from the heart of the Great Smokey Mountains National Park valued at more than $3 million and trades it to the Eastern Band for land 30 miles away, not even within the park's boundaries, valued at $600,000. The bill is an attempt to shortchange the administrative process that is currently underway.

The National Park Service and a coalition of nonprofit environmental organizations are examining this proposed exchange as we speak. The NPS is putting the finishing touches on an Environmental Impact Statement that will address the obvious impacts this planned construction will have on the Park's resources, as well as the possibility of building the schools elsewhere.

The nonprofit groups have also publicly pledged to work with the Tribe to find an alternative site.

Once we have gathered all the facts, we could move forward with carefully crafted legislation if necessary to resolve the educational needs of the children of the Eastern Band without impacting a national treasure. And yet we are moving full steam ahead with this legislation, cutting off the NEPA process and abandoning any attempt at compromise.

This is particularly ironic given that language was included in the House-passed Interior Appropriations bill requiring further study of this proposal. Apparently, as recently as July, the supporters of this legislation felt that this proposed exchange raised concerns serious enough to warrant further study. To ram it through the House 2 months later is unwise and unwarranted.

I would raise one additional issue. It is passing strange that tomorrow the Resources Committee is scheduled to consider another bill concerning lands Indians lay claim to, but in that case, the proposed solution is to pay them off rather than cede them the land. Why the difference in approaches?

Simply put, the land in question in that case is rich in gold. It is valuable to the mining industry. Yet, the claims by the Western Shoshone to this land is well established.

I have to wonder whether the inconsistent approach between these two bills is related to the fact that the land taken from the Western Shoshone is known to be extremely valuable to mining companies, while in the case of H.R. 1409, the land in question is in a National Park.

To the Eastern Bank of the Cherokee, I understand that your history is one of broken treaties and stolen lands. It is the story of a great Indian nation hunted by the U.S. Cavalry, split at the seams, and forced either to escape to the mountains or to trudge along on a death march to a strange land.

The Eastern Band were able to escape the Trail of Tears and live in the mountains of North Carolina. They stayed together and rebuilt their nation.

I have nothing but respect for the Eastern Band, however, I must object to the consideration of H.R. 1409 under the suspension of the rules. If the administrative process underway is to be trammeled upon, I say to the proponents of this bill, at least bring it up under regular order.

I urge my colleagues to defeat this measure on suspension.

Mr. UDALL of Colorado. Mr. Speaker, I must object to the manner in which the House is taking up this bill, and cannot support the motion to suspend the normal rules that otherwise would apply to its consideration.

The bill would authorize an exchange of land between the Federal Government and an Indian tribe. The purpose of the exchange is to provide the tribe with land appropriate for building much-needed new schools. The land that would go to the tribe is now part of a national park, while the land that the government would receive is a park inholding.

The Resources Committee's hearing on the measure left me with no doubt about the tribe's need for those new schools—and of course that means that a suitable site is necessary.

But the hearing also made clear that the specific details of this bill, and the exchange it would mandate, are controversial and that the legislation is opposed strongly by a variety of people, both in North Carolina and here in Washington, DC.

Therefore, I think the House should consider the bill under procedures that would allow for more extensive debate and for the possibility of amendments—rather than through a motion to suspend the rules, which severely limits debate and does not allow for any amendments to be offered. Motions to suspend the rules should be used only for less controversial measures.

Accordingly, I will vote against the motion in this instance, and urge the leadership of the House to allow the House to consider H.R. 1409 under normal procedures.

Mr. BLUMENAUER. Mr. Speaker, I voted in favor of H.R. 1409, which would provide for an exchange of land with the Eastern Band of the Cherokee Nations. There had been some concerns raised by environmental interests, but evidence about the environmental merits of the exchange are mixed, and opinions are not unanimous.

Furthermore, the basic issue for me must be equitable treatment for Native Americans. This is an area where the relationship between the Federal Government and the Cherokee Nation is shameful. The history of this land includes the infamous Trail of Tears, and more recently, when the land was involved in a land exchange for building the Blue Ridge Parkway, a promise that was never fulfilled.

In cases like this where items are controversial, I give heavy weight to treating Native Americans fairly and whenever possible, to correct past injustices. This appears to meet that fundamental criterion and therefore I support it.

Mr. RENZI. 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 Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1409.

The question was taken.

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

Mrs. CHRISTENSEN. 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.

## MOUNT NAOMI WILDERNESS BOUNDARY ADJUSTMENT ACT

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 278) to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

The Clerk read as follows:

S. 278

*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 ''Mount Naomi Wilderness Boundary Adjustment Act''.

**SEC. 2. BOUNDARY ADJUSTMENTS.**

(a) LANDS REMOVED.—The boundary of the Mount Naomi Wilderness is adjusted to exclude the approximately 31 acres of land depicted on the Map as ''Land Excluded''.

(b) LANDS ADDED.—Subject to valid existing rights, the boundary of the Mount Naomi Wilderness is adjusted to include the approximately 31 acres of land depicted on the Map as ''Land Added''. The Utah Wilderness Act of 1984 (Public Law 98–428) shall apply to the land added to the Mount Naomi Wilderness pursuant to this subsection.

**SEC. 3. MAP.**

(a) DEFINITION.—For the purpose of this Act, the term ''Map'' shall mean the map entitled ''Mt. Naomi Wilderness Boundary Adjustment'' and dated May 23, 2002.

(b) MAP ON FILE.—The Map shall be on file and available for inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) CORRECTIONS.—The Secretary of Agriculture may make technical corrections to the Map.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mount Naomi is located in the Wasatch-Cache National Forest in Utah and borders the eastern boundary of the city of Logan in my State. At over 44,000 acres, it is clearly one of the largest wilderness areas in the State of Utah and was designated in the Wilderness Act of 1984. Unfortunately, mysteriously, some utility poles have grown up in this wilderness area.

In reality, when it was created, by an oversight of Congress it encompassed an area which has utility corridors, both water and electricity. In addition to that utility corridor, there is a section of the Bonneville Shoreline Trail system that runs through this wilderness area. This is a trail system that connects northern and southern Utah.

It is extremely popular with bikers, hikers, equestrian traffic; and it is the only section of that trail system which actually happens to be in a wilderness area.

Seeing that problem, maintaining that utility corridor as well as maintaining that trail system in a wilderness area, the Forest Service and the local community have found a solution, which is in this particular bill. By taking 31 acres, which is the smallest footprint possible, on the western side of this wilderness area, which abuts the city of Logan, and transferring that out of the wilderness area and then finding on the eastern side of the wilderness area a section by the Forest Service 31 other acres which fits the contour of Mount Naomi and also has all the characteristics that are required for a wilderness area, we have been able to make an exchange which will allow the city of Logan to maintain their utility corridor, the State to maintain their trail system and also maintain the same acreage of wilderness in the State of Utah.

This has passed this particular House before. I hope to do it a second time and then solve this problem for the city of Logan as well as for the Forest Service, which has the support of the Forest Service and the local community and all other entities that I am aware that have an interest in this particular area. It is a good piece of legislation.

I definitely thank my colleagues on the committee for expediting its consideration, and I urge adoption of Senate bill 278.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, S. 278 would remove from the wilderness designation 31 acres of land in one section and would add 31 acres to another portion of the Mount Naomi Wilderness Act. Last Congress, the House passed identical legislation. S. 278 passed the Senate earlier this year.

We support this legislation.

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

Mr. BISHOP of Utah. 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 Utah (Mr. BISHOP) that the House suspend the rules and pass the Senate bill, S. 278.

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.

## EXTENDING AUTHORITY FOR CONSTRUCTION OF MEMORIAL TO MARTIN LUTHER KING, JR.

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1209) to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

The Clerk read as follows:

H.R. 1209

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

**SECTION 1. EXTENSION OF AUTHORITY FOR CONSTRUCTION OF MEMORIAL TO MARTIN LUTHER KING, JR.**

(a) EXTENSION.—Subsection (b) of section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4157; 40 U.S.C. 8903 note) is amended to read as follows:

''(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code. Notwithstanding section 8903(e) of such title, the authority provided by this section expires November 12, 2006.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking ''the Commemorative Works Act (40 U.S.C. 1001 et seq.)'' and inserting ''chapter 89 of title 40, United States Code''; and

(2) in subsection (d)—

(A) by striking ''section 8(b) of the Commemorative Works Act'' and inserting ''section 8906(b) of title 40, United States Code'';

(B) by striking ''section 10(b) of that Act'' and inserting ''subsection (b)''; and

(C) by striking ''section 8(b)(1) of that Act'' and inserting ''section 8906(b) of such title''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

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

Mr. Speaker, H.R. 1209, introduced by the gentlewoman from California (Ms. WATSON), would extend the authority for the construction of a memorial to Dr. Martin Luther King, Jr., in our Nation's capital. H.R. 1209 would simply extend to November 2006 the authorization given to the site's sponsor, Alpha Phi Alpha Fraternity, in the Omnibus Parks And Public Land Management Act of 1996 to raise further funds to build the memorial to Dr. King.

Mr. Speaker, H.R. 1209 is strongly supported by the administration and the majority and minority of the Committee on Resources. I urge my colleagues to support H.R. 1209.

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

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

H.R. 1209, introduced by the gentlewoman from California (Ms. WATSON), our colleague who we will hear from in a short time, is a simple piece of legislation that extends for 3 years the authority for the construction of a memorial to Dr. Martin Luther King, Jr., here in the District of Columbia.

In 1996, Public Law 104–333 authorized the Alpha Phi Alpha Fraternity, through the Martin Luther King Memorial Project Foundation, to establish a memorial here in our Nation's capital to America's foremost civil rights leader.

Since that time, the sponsors have worked diligently to secure a memorial site and design approvals. In addition, there is a significant fund-raising campaign underway to secure the necessary funds to build and maintain the memorial. However, not all of the necessary funds have been secured, and ground cannot be broken until the funds are in place. That is the reason we are asking for the extension.

Mr. Speaker, it was only a few short weeks ago that a ceremony was held on the steps of the Lincoln Memorial to dedicate a plaque marking the spot where Dr. Martin Luther King, Jr., delivered his famous ''I have a dream'' speech 40 years ago.

The proposed memorial will complement both this site and the Martin Luther King, Jr., National Historic Site in Atlanta in providing for present and future generations a greater understanding of the accomplishments of Dr. King in the cause for civil rights.

Mr. Speaker, I strongly support H.R. 1209 and urge its adoption by the House today; and at this time I would like to thank the gentlewoman from California (Ms. WATSON), who introduced this bill, for her leadership in shepherding this bill through the committee process and to the floor.

Mr. Speaker, I yield such time as she might consume to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise today in support of the bill, H.R. 1209, to extend the authority for the construction of a memorial to Reverend Dr. Martin Luther King, Jr., on the National Mall.

□ 1530

The authorization set by Congress in 1996 to raise funds for the memorial will expire on November 12, which happens to be my birthday, so I would like to extend the authorization until November 12, 2006.

The tireless efforts by the King Memorial Foundation to raise $100 million for the construction and maintenance of the project have been strong, but more time is needed to reach its fund-raising goal, and I believe it is our job as lawmakers to ensure that Dr. King will be memorialized in a manner that befits his legacy.

The idea of putting a King Memorial in the Tidal Basin on the National Mall between the Lincoln and Jefferson Memorials is a privilege within itself, and Dr. King deserves such an honor. However, Congress must authorize more time for funds to be raised to build the King Memorial, and it is a huge project.

Our National Mall is representative of the rich history and the strength of

our Nation. Dr. King is one of our Nation's most important leaders, and this monument should carry the same weight and significance as other distinguished Americans who have been honored with memorials.

Congressional leaders, including the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), also support the effort to put Dr. King's legacy at Washington's forefront. They, along with several other of my colleagues, sit on an honorary bipartisan congressional committee for the Martin Luther King, Jr. National Memorial.

Dr. King's preachings of nonviolent civil disobedience to combat segregation and racial equality affected not only minorities but every culture and creed in this Nation. In 1963, Dr. King led the march on Washington, very near the site where we wish to honor him today. Dr. King's leadership also helped in the passage of the landmark Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Dr. King acted on his dream for America and succeeded in making the United States a better place. We must ensure that Dr. King's valiant efforts will be remembered by generations yet to come.

Mr. Speaker, I ask my colleagues to join me in keeping the dream alive set forth by Dr. King and help continue to honor him amongst our Nation's finest.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from the Virgin Islands for her leadership, and the gentleman from Arizona (Mr. RENZI) for his leadership. And my thanks go to the committee for being so forthright in its movement of this legislation, particularly to my friend and colleague, the gentlewoman from California (Ms. WATSON) for her vision of putting forth this legislation recognizing, if you will, the high mountains that this very able partnership has to climb.

So I rise this afternoon to enthusiastically support H.R. 1209, which, Mr. Speaker, is a simple premise, and that is to applaud and reaffirm the commitment of the many sponsors, corporations, board members and organizations that have collaborated together to provide the $100 million which will provide us the opportunity to acknowledge and recognize Dr. Martin Luther King, Jr. with a memorial in Washington, D.C., the Nation's Capital.

Let me note that one of the pivotal roles being played in this partnership is that of the Alpha Phi Alpha Fraternity, Inc., in which Dr. King was a member. Alpha Phi Alpha Fraternity and other organizations have partnered in order to raise the funds needed for the memorial.

The objectives of this fraternity are to stimulate the ambition of its members; to prepare them for the greatest usefulness in the community and in the cause of humanity, freedom and dignity of the individual; to encourage the highest and noblest form of manhood; and to aid downtrodden humanity in its efforts to achieve higher social economic and intellectual status. Certainly these concepts epitomized the life that Dr. King lived and, as well, what he embodied.

Everywhere I go in the United States there is a great deal of excitement that we have the opportunity to honor Dr. Martin Luther King, his legacy and his life, here in Washington, D.C., the Nation's Capital, a Capital that belongs to all of the Nation, and a Capital that the world admires. I am delighted to have as my constituent, Harry E. Johnson, the 31st General President of the Alpha Phi Alpha, Inc., who has been president since the year 2000. Though he is a native of St. Louis, Missouri, he is a current resident of Houston, Texas, and he has been key in leading and fostering the movement of providing resources to ensure that we have the dollars for this very monumental and important tribute to Dr. Martin Luther King.

I believe, Mr. Speaker, that the Nation is better when we reflect upon the diversity of our Nation. Certainly, recognizing that the original settlers or the original people of this great continent and great Nation are the Native Americans, but since that time we have welcomed to this Nation in many different ways, some more sadder than others, different groups from around the world. And naturally, of course, I as an African American, first came to this Nation in the bottom of a belly of a slave boat. Dr. Martin Luther King, in the 20th Century, rose to be able to establish the equality and justice for all. He did it through peaceful and nonviolent ways.

As a follower of Ghandi, Dr. King brought to this Nation a concept of turning the other cheek. He was able to march, he was able to walk, he was able to talk, and he was able to generate the excitement and coalition of people of good will and good faith from all over the Nation no matter what their race, no matter what their religious or ethnic background. Dr. Martin Luther King focused on the fact that we all are created equal. He focused on the fact that we were a people united. I believe his monument in this Capital would be symbolic of where the Nation needs to go.

We have not yet reached the dream of Dr. Martin Luther King. Just today in Houston, Texas, many of my constituents and others will be launching Immigration Freedom Ride. They will be traveling from California to Washington, D.C., and then on to New York to speak for the rights of immigrants and to express the fact that they are in need of rights and justice too.

I was moved to hear them speak this past weekend as they indicated that their organization and their movement was inspired by the work and life of Dr. Martin Luther King. They said, and rightfully so, that it is time now for the immigration movement and the Civil Rights movement to intertwine. Based upon the leadership of Dr. Martin Luther King, these new immigrants, these individuals seeking access to legalization, the very same people who have offered their lives in Operation Iraqi Freedom, who are not yet citizens, who deserve our appreciation, and who are going to now bus ride across America to express their need for just rights were inspired by Dr. Martin Luther King.

Might I also say that it is important in this time to give tribute to Dr. King on the basis of his call for peace and justice. He was a man who believed in nonviolent action, and he was a man who believed in peace over war and life over death. Now, in the backdrop of the violence of terrorism, but particularly in the predicament we find ourselves in Operation Iraqi Freedom, with our young men and women on the front lines and with a cry by the world for peace in the Middle East, it is important to honor Dr. Martin Luther King, a man of freedom, a man who promoted equality, a man of peace, a man who applauded and respected the diversity of this Nation.

This is appropriate legislation that extends the time for us to be able to honor him by giving more time to raise the dollars until November 12, 2006. I ask my colleagues to vote for this legislation.

Mr. Speaker, I rise in support of H.R. 1209 to extend the authority for the construction of a memorial to Dr. Martin Luther King, Jr. in the District of Columbia, and for other purposes. First, I extend my thanks to our colleague Congresswoman DIANE WATSON for sponsoring this legislation. Constructing a memorial to this great man is important to the collective memory and spirit of this country.

A worthy partnership has been created with private organizations lead by the Alpha Phi Alpha Fraternity, Incorporated, of which Dr. King was a member. Alpha Phi Alpha Fraternity, Inc. and other organizations have partnered to raise the funds that are needed to design the memorial.

The objectives of Alpha Phi Alpha Fraternity, Inc. are to stimulate the ambition of its members; to prepare them for the greatest usefulness in the cause of humanity, freedom, and dignity of the individual; to encourage the highest and noblest form of manhood; and to aid downtrodden humanity in its efforts to achieve higher social, economic, and intellectual status. Dr. Martin Luther King, Jr. was a man who embodied all of these objectives, and it is only apropos that we in the House of Representatives do what we can to facilitate the timely construction of a memorial to show our appreciation. Other prominent members of the organization include the Honorable Andrew Young, the Honorable David Denkins, Julius L. Chambers, Lester Granger, Frederick Douglass, W.E.B. Dubois, Adam Clayton Powell, Justice Thurgood Marshall, Paul Robeson, Dick Gregory, William Gray, and Franklin Williams among many others.

Harry E. Johnson, Sr., is the 31st General President of Alpha Phi Alpha, Inc. and has

been since 2000. A native of St. Louis, MO and current resident of Houston, Texas with his family, Bro. Harry E. Johnson practices Law in Houston, Texas and serves as an adjunct professor of law at Texas Southern University's Thurgood Marshall School of Law in the city. Additionally, he has completed post Baccalaureate work in Public Administration at Washington University in St. Louis, Missouri and earned his Doctor of Jurisprudence from Thurgood Marshall School of Law in Houston, Texas. Mr. Johnson was elected to the National Board of Directors of Big Brothers Big Sisters of America during October 2001. He also serves on the Council of Presidents of the National Pan Hellenic Council, which is an organization composed of the nine historically black fraternities and sororities that is responsible for coordinating collaborative responses to issues impacting black fraternities and sororities and community outreach initiatives.

His other professional affiliations include the National Bar Association, American Bar Association, NAACP, and the Boy Scouts of America. Since his election as the 31st General President of the Alpha Phi Alpha Fraternity, Inc., Harry E. Johnson has worked to reinvigorate the Fraternity's active membership through promotion of community-based mentoring, as aggressive reclamation and retention initiative that features the highly acclaimed ''Value Added Services'' Program, as well as many other innovations within the Fraternity.

Through his involvement in activities that affect the youth and historically disadvantaged groups in this nation, Harry E. Johnson, Sr. has shown that he has committed himself to carrying forth the high standards that have been established by Dr. Martin Luther King, Jr. H.R. 1209 will extend the 1996 authorization to construct a memorial to Dr. King. I am pleased to note that when the legislation was introduced, it received broad bipartisan support. The fraternity is now on the way to securing enough funds to complete this project. The expedient passage of this bill will help them achieve this goal.

Dr. King was a giant among men whose legacy has blazed a trail for us all. He was remarkable in his accomplishments, and he helped created a remarkable change in our nation. For that we are all grateful, and although this memorial will be a handsome tribute, it will still not be sufficient to demonstrate all that Dr. King has meant to this country.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume and take this opportunity to once again commend my colleague, the gentlewoman from California (Ms. WATSON), for introducing this legislation giving the Alpha Phi Alpha Fraternity an opportunity to make this dream a reality.

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

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume, and, in closing, I want to thank the articulation, the continued teaching that all of my colleagues have given us, this Nation, on the life and the legacy of Dr. King. I cannot think of a more hopeful tribute that this Nation is going to have, the idea of the gentlewoman from California (Ms. WATSON), this vision she has brought of Dr. King's statue being here in Washington where millions of Americans, young Americans especially, will come and learn firsthand the lessons of Dr. King. So I thank her for her leadership, her vision, and the hope that she brings.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1209.

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.

## DIRECTING SECRETARY OF INTERIOR TO CONDUCT STUDY TO DETERMINE NATIONAL SIGNIFICANCE OF MIAMI CIRCLE IN FLORIDA AND OF ITS INCLUSION IN NATIONAL PARK SYSTEM AS PART OF BISCAYNE NATIONAL PARK

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 111) to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

The Clerk read as follows:

S. 111

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

**SECTION 1. SPECIAL RESOURCE STUDY.**

(a) STUDY.—Not later than 3 years after the date funds are made available, the Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall conduct a special resource study to determine the national significance of the Miami Circle archaeological site in Miami-Dade County, Florida (hereinafter referred to as ''Miami Circle''), as well as the suitability and feasibility of its inclusion in the National Park System as part of the Biscayne National Park. In conducting the study, the Secretary shall consult with the appropriate American Indian tribes and other interested groups and organizations.

(b) CONTENT OF STUDY.—In addition to determining national significance, feasibility, and suitability, the study shall include the analysis and recommendations of the Secretary on—

(1) any areas in or surrounding the Miami Circle that should be included in Biscayne National Park;

(2) whether additional staff, facilities, or other resources would be necessary to administer the Miami Circle as a unit of Biscayne National Park; and

(3) any effect on the local area from the inclusion of Miami Circle in Biscayne National Park.

(c) SUBMISSION OF REPORT.—Not later than 30 days after completion of the study, the Secretary shall submit a report on the findings and recommendations of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

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

Mr. Speaker, S. 111, introduced by Senator BOB GRAHAM of Florida, and passed by the Senate earlier this year, would authorize the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle as well as the suitability and feasibility of its inclusion as part of the Biscayne National Park.

Miami Circle, a 2.2-acre archeological site discovered in 1998, is presumed to have been constructed by the Tequesta Indians about 2,000 years ago. The Tequesta Indians are thought to be among the first people to establish permanent villages in southeast Florida.

The bill is supported by the administration and the majority and the minority of the committee, and I urge my colleagues to support S. 111.

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

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

Mr. Speaker, S. 111 authorizes a special resource study to determine the national significance of the Miami Circle as well as the feasibility of including the site in the Biscayne National Park. Miami Circle is an archeological site discovered in 1998, located in Miami-Dade County, Florida. The most important features of the site are 24 large basin-holes carved into the limestone bedrock forming a circle approximately 38 feet in diameter. The circle is thought to be the footprint of a structure built by Native Americans and may date back 2,000 years.

Our former colleague, Representative Carrie Meek, worked tirelessly on this legislation, and now her successor in this office, the gentleman from Florida (Mr. MEEK) has taken up the banner for this important project. We are eager to see this study move forward as a small part of the huge legacy that has remained after Ms. Meek's retirement, and because the historical and culture resources present at this site are potentially invaluable.

Mr. Speaker, this measure passed the Senate by unanimous consent and passed the House during the previous Congress, and so we urge our colleagues to support S. 111 at this time.

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

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for yielding me this time. I also wish to thank the members of this committee and the chairman of the Committee on Resources, the gentleman from California (Mr. POMBO), as well as the chairman of the subcommittee. Additional thanks to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Resources. I met both of them in the course of consideration of this legislation, and I am very much appreciative of the fact that with their assistance, we were able to move this legislation forward to the floor today.

Mr. Speaker, this is very important to every Floridian and should be important to every American as it relates to the Tequesta Indians and what they were able to do in such a time, in prehistoric time, as relates to having a sun dial, or a dial to be able to determine the months of the year or the time of day. This is definitely something that we find is a gift in south Florida.

Those individuals that believe in preservation in Florida put together their resources to make sure we make it to this point. I would like to commend Senator BOB GRAHAM of Florida for bringing this bill up. I would like to also commend Congresswoman Carrie Meek for her work in the last Congress in bringing this bill to the floor. I would also like to thank the Florida delegation for its work in a bipartisan way to make sure this bill made it to the floor and supporting it as cosponsors.

This bill would authorize the Secretary of the Interior to conduct a feasibility study on the possibility of inclusion of the Miami Circle, which we call it now, as a part of the National Park System, as a part of Biscayne Bay National Park. The Circle is truly a wonderful historic site. In 1998, workers preparing land for development at the mouth of the Miami River noticed a strange circle formation in the limestone bedrock, which we call the Miami Circle.

□ 1545

The circle itself is 38 feet in diameter within a 2.2-acre archaeological site in downtown Miami. It is very interesting because the developers, when they stumbled upon this site, thought it was quite interesting, and individuals in Miami raised almost $2.4 million to be able to purchase the land.

Mr. Speaker, this would point the National Park Service into conducting a study and must give consideration to be able to add this to Biscayne National Park, which is one of our national treasures.

Mr. Speaker, I urge Members to vote for this bill to allow it to become law so we can preserve and learn more about what these Tequesta Indians put together almost 2,000 years ago, which is definitely a part of our civilization.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to urge the passage of S. 111, a bill to study the inclusion of the Miami Circle in the Biscayne National Park. This important archaeological site must be preserved for education and cultural benefit.

Over 2,000 years ago, the Tequesta civilizations inhabited the Biscayne and Miami Circle areas in what is present-day Miami. Although at times numbering only 800 inhabitants, the Tequesta were one of the largest South Florida civilizations. Their marine village consisted of a complex network of jobs, including set tasks for fishing and gathering of food. As a result of disease and territory disputes, the Tequesta began to lose power and eventually all but disappear in the early 1800's, but their society remains a historical part of South Florida.

While speculation continues on the use of the Miami Circle site, its archaeological importance is unquestioned. Many scholars believe that the site was used as a large astronomical tool or a center of culture in their society. On a national scale, the Miami Circle deserves preservation as the only cut-in-rock prehistoric footprint in the United States. While many of the smaller Tequesta sites are included in Biscayne Bay National park, this new site which is thought to house the bulk of the civilization remains an unprotected treasure.

Mr. Speaker, S.111 is a good bill and one that will continue the efforts of this Congress to preserve our important historical places across the Nation. To study the inclusion of the Miami Circle in the Biscayne National Park is a significant step towards our goals and I urge its passage.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from Arizona (Mr. RENZI) and the Republican members of the committee for their strong support for this bill, which has been a bipartisan effort, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 111.

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. RENZI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

## CONFERENCE REPORT ON H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

Mr. ROGERS of Kentucky (during consideration of H.R. 1409) submitted the following conference report and statement on the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–280)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2555) ''making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, namely:*

*TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS*

*OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT*

*For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $80,794,000: Provided, That not to exceed $40,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine.*

*OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT*

*For necessary expenses of the Office of the Under Secretary for Management and Administration, as authorized by sections 701–705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), $130,983,000: Provided, That of the total amount provided, $20,000,000 shall remain available until expended solely for the alteration and improvement of facilities and for relocation costs necessary for the interim housing of the Department's headquarters' operations and organizations collocated therewith.*

*DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS*

*For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, $185,000,000, to remain available until expended: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment.*

*OFFICE OF INSPECTOR GENERAL*

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $58,664,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.*

*TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS*

*OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY*

*SALARIES AND EXPENSES*

*For necessary expenses of the Office of the Under Secretary for Border and Transportation*

*Security, as authorized by subtitle A, title IV, of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.), $8,106,000.*

*UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY*

*For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), $330,000,000, to remain available until expended: Provided, That none of the funds appropriated under this heading may be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 3; (2) complies with the Department of Homeland Security enterprise information systems architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Department of Homeland Security and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office.*

*CUSTOMS AND BORDER PROTECTION*

*SALARIES AND EXPENSES*

*For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $4,396,350,000; of which $3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to Public Law 103–182 and notwithstanding section 1511(e)(1) of Public Law 107–296; of which not to exceed $40,000 shall be for official reception and representation expenses; of which not to exceed $100,800,000 shall remain available until September 30, 2005, for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; and of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may exceed that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $12,725,000 shall be for activities to enforce laws against forced child labor in fiscal year 2004, of which not to exceed $4,000,000 shall remain available until expended: Provided further, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: Provided further, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every 7 days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.*

*AUTOMATION MODERNIZATION*

*For expenses for customs and border protection automated systems, $441,122,000, to remain available until expended, of which not less than $318,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 3; (2) complies with the Bureau of Customs and Border Protection's enterprise information systems architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Customs and Border Protection Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office.*

*CONSTRUCTION*

*For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of laws relating to customs and immigration, $90,363,000, to remain available until expended.*

*IMMIGRATION AND CUSTOMS ENFORCEMENT*

*SALARIES AND EXPENSES*

*(INCLUDING RESCISSION OF FUNDS)*

*For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 1,600 (1,450 for replacement only) police-type vehicles; $2,151,050,000, of which not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; of which not less than $100,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $200,000 shall be for Project Alert; and of which not to exceed $5,000,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $3,000,000 shall be for activities to enforce laws against forced child labor in fiscal year 2004, of which not to exceed $1,000,000 shall remain available until expended.*

*In addition, of the funds appropriated under this heading in chapter 6 of title I of Public Law 108–11 (117 Stat. 583), $54,000,000 are rescinded.*

*FEDERAL AIR MARSHALS*

*For necessary expenses of the Federal air marshals, $626,400,000, to remain available until expended.*

*FEDERAL PROTECTIVE SERVICE*

*(TRANSFER OF FUNDS)*

*For necessary expenses for the operations of the Federal Protective Service, $424,211,000 shall be transferred from the revenues and collections in the General Services Administration, Federal Buildings Fund.*

*AUTOMATION MODERNIZATION*

*For expenses of immigration and customs enforcement automated systems, $40,000,000, to remain available until expended: Provided, That none of the funds appropriated under this heading may be obligated for Atlas until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 3; (2) complies with the Bureau of Immigration and Customs enforcement enterprise information systems architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Immigration and Customs Enforcement Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office.*

*AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT*

*For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $210,200,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Immigration and Customs Enforcement requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2004 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.*

*CONSTRUCTION*

*For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,775,000, to remain available until expended.*

*TRANSPORTATION SECURITY ADMINISTRATION*

*AVIATION SECURITY*

*For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $3,732,700,000, to remain available until expended, of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That of the total amount provided under this heading, not to exceed $1,805,700,000 shall be for passenger screening activities; not to exceed $1,318,700,000 shall be for baggage screening activities; and not to exceed $703,300,000 shall be*

*for airport security direction and enforcement presence: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections: Provided further, That none of the funds appropriated or otherwise made available by this or any other Act may be obligated or expended to carry out provisions of section 44923(h) of title 49 United States Code: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $1,662,700,000: Provided further, That any security service fees collected pursuant to section 118 of Public Law 107–71 in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: Provided further, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners: Provided further, That of the total amount provided under this heading, $250,000,000 shall be available only for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems and $150,000,000 shall be available only for procurement of checked baggage explosive detection systems.*

*MARITIME AND LAND SECURITY*

*For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $263,000,000, to remain available until September 30, 2005: Provided, That of the total amount provided under this heading, $125,000,000 shall be available for port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117; and $17,000,000 shall be available to execute grants, contracts, and interagency agreements for the purpose of deploying Operation Safe Commerce.*

*INTELLIGENCE*

*For necessary expenses for intelligence activities pursuant to the Aviation and Transportation Security Act (115 Stat. 597), $13,600,000.*

*RESEARCH AND DEVELOPMENT*

*For necessary expenses for research and development related to transportation security, $155,200,000, to remain available until expended: Provided, That of the total amount provided under this heading, $45,000,000 shall be available for the research and development of explosive detection devices.*

*ADMINISTRATION*

*For necessary administrative expenses of the Transportation Security Administration to carry out the Aviation and Transportation Security Act (115 Stat. 597), $427,200,000, to remain available until September 30, 2005.*

*UNITED STATES COAST GUARD*

*OPERATING EXPENSES*

*(INCLUDING RESCISSION OF FUNDS)*

*For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for; purchase or lease of not to exceed twenty-five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note); section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $4,713,055,000, of which $340,000,000 shall be for defense-related activities; of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That notwithstanding section 1116(c) of title 10, United States Code, amounts made available under this heading may be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2004 under section 1116(a) of such title.*

*In addition, of the funds appropriated under this heading in chapter 6 of title I of Public Law 108–11 (117 Stat. 583), $71,000,000 are rescinded.*

*ENVIRONMENTAL COMPLIANCE AND RESTORATION*

*For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.*

*RESERVE TRAINING*

*For necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $95,000,000.*

*ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

*For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $967,200,000, of which $23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $66,500,000 shall be available until September 30, 2008, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $162,500,000 shall be available until September 30, 2006, for other equipment, including $3,500,000 for defense message system implementation and $1,000,000 for oil spill prevention efforts under the Ports and Waterways Safety Systems program; of which $70,000,000 shall be available for personnel compensation and benefits and related costs; of which $668,200,000 shall be available until September 30, 2008, for the Integrated Deepwater Systems program: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2006, only for Rescue 21: Provided further, That upon initial submission to the Congress of the fiscal year 2005 President's budget, the Secretary of Homeland Security shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard that includes funding for each budget line item for fiscal years 2005 through 2009, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.*

*ALTERATION OF BRIDGES*

*For necessary expenses for alteration or removal of obstructive bridges, $19,250,000, to remain available until expended: Provided, That in fiscal year 2004 and thereafter, funds for bridge alteration projects conducted pursuant to the Act of June 21, 1940 (33 U.S.C. 511 et seq.) shall be available for such projects only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.*

*RESEARCH, DEVELOPMENT, TEST, AND EVALUATION*

*For necessary expenses for applied scientific research, development, test, and evaluation, and for maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $15,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.*

*RETIRED PAY*

*For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000.*

*UNITED STATES SECRET SERVICE*

*SALARIES AND EXPENSES*

*For necessary expenses of the United States Secret Service, including purchase of not to exceed 730 vehicles for police-type use, of which 610 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made sidecar compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,137,280,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,100,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2005: Provided further, That in fiscal year 2004 and thereafter, subject to the reimbursement of actual costs to this account, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers, training Federal law enforcement officers, training State and local government law enforcement officers on a space-available basis, and training private sector security officials on a space-available basis: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under*

*this heading at the end of the fiscal year: Provided further, That in fiscal year 2004 and thereafter, the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.*

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

*For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,579,000, to remain available until expended.*

## TITLE III—PREPAREDNESS AND RECOVERY

### OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

*For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $3,287,000,000, which shall be allocated as follows:*

*(1) $1,700,000,000 for formula-based grants and $500,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3714): Provided, That no funds shall be made available to any State prior to the submission of an updated State plan to the Office for Domestic Preparedness: Provided further, That the application for grants shall be made available to States within 30 days after enactment of this Act; that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act within 15 days after receipt of an application or receipt of an updated State plan, whichever is later: Provided further, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award; and*

*(2) $725,000,000 for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security: Provided, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 60 days after the receipt of the funds: Provided further, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3714(c)(3)) shall not apply to these grants:*

*Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: Provided further, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (2) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training, as needed.*

FIREFIGHTER ASSISTANCE GRANTS

*For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229), $750,000,000, to remain available until September 30, 2005: Provided, That not to exceed 5 percent of this amount shall be available for program administration.*

COUNTERTERRORISM FUND

*For necessary expenses, as determined by the Secretary of Homeland Security, to reimburse any Federal agency for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities, $10,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.*

### EMERGENCY PREPAREDNESS AND RESPONSE

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

*For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response, as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $3,450,000.*

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

*For necessary expenses for preparedness, mitigation, response, and recovery activities of the Emergency Preparedness and Response Directorate, $225,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the total amount appropriated, $60,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed 3 percent may be made available for administrative costs.*

ADMINISTRATIVE AND REGIONAL OPERATIONS

*For necessary expenses for administrative and regional operations of the Emergency Preparedness and Response Directorate, $167,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That not to exceed $3,000 shall be for official reception and representation expenses.*

OPERATING EXPENSES

(RESCISSION OF FUNDS)

*Of the funds appropriated under this heading by chapter 6 of title I of Public Law 108–11 (117 Stat. 583), $3,000,000 are rescinded.*

PUBLIC HEALTH PROGRAMS

*For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $484,000,000, including $400,000,000, to remain available until expended, for the Strategic National Stockpile.*

BIODEFENSE COUNTERMEASURES

*For necessary expenses for securing medical countermeasures against biological terror attacks, $5,593,000,000, to remain available until September 30, 2013: Provided, That not to exceed $3,418,000,000 may be obligated during fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.*

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

*The aggregate charges assessed during fiscal year 2004, as authorized by the Energy and Water Development Appropriations Act, 2001 (Public Law 106–377; 114 Stat. 1441A–59 et seq.), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2004, and remain available until expended.*

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

*For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,800,000,000, to remain available until expended; of which not to exceed $22,000,000 shall be transferred to and merged with the appropriation for ''Office of Inspector General'' for audits and investigations.*

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

*For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $560,000: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).*

NATIONAL PRE-DISASTER MITIGATION FUND

*For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $150,000,000, to remain available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)): Provided further, That, notwithstanding section 203(f) of that Act (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.*

FLOOD MAP MODERNIZATION FUND

*For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.*

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

*For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), not to exceed $32,663,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed $77,809,000 for flood hazard mitigation, to remain available until September 30, 2005, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2005, and which amount shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2004, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $565,897,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.*

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

*Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f) of section*

*1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $20,000,000, to remain available until September 30, 2005, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.*

*EMERGENCY MANAGEMENT PERFORMANCE GRANTS*

*For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $180,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.*

*EMERGENCY FOOD AND SHELTER*

*To carry out an emergency food and shelter program pursuant to title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.*

*CERRO GRANDE FIRE CLAIMS*

*For payment of claims under the Cerro Grande Fire Assistance Act (Public Law 106–246; 114 Stat. 583), $38,062,000, to remain available until expended: Provided, That not to exceed 5 percent may be made available for administrative costs.*

*TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES*

*CITIZENSHIP AND IMMIGRATION SERVICES*

*For necessary expenses for citizenship and immigration services, including international services, $236,126,000, of which not to exceed $5,000 shall be for official reception and representation expenses.*

*FEDERAL LAW ENFORCEMENT TRAINING CENTER*

*SALARIES AND EXPENSES*

*For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal cell phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $155,423,000, of which up to $36,174,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That in fiscal year 2004 and thereafter, the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: Provided further, That in fiscal year 2004 and thereafter, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That in fiscal year 2004 and thereafter, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken under section 801 of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 509 note); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to provide short-term medical services for students undergoing training at the Center.*

*ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES*

*For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $37,357,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.*

*INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION*

*MANAGEMENT AND ADMINISTRATION*

*For salaries and expenses of the immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and for management and administration of programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $125,000,000.*

*ASSESSMENTS AND EVALUATIONS*

*For expenses for information analysis and infrastructure protection as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $714,300,000, to remain available until September 30, 2005.*

*SCIENCE AND TECHNOLOGY*

*MANAGEMENT AND ADMINISTRATION*

*For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $44,168,000.*

*RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS*

*For expenses of science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $874,000,000, to remain available until expended.*

*TITLE V—GENERAL PROVISIONS*

*(INCLUDING TRANSFERS OF FUNDS)*

*SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.*

*SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: Provided, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.*

*SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless both Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.*

*(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.*

*(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriation Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.*

*SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2004 from appropriations for salaries and expenses for fiscal year 2004 in this Act shall remain available through September 30, 2005, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.*

*SEC. 505. In fiscal year 2004 and thereafter, unless otherwise provided, funds may be used for purchase of uniforms without regard to the general purchase price limitation for the current fiscal year; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State to furnish health and medical services to employees and their dependents serving in foreign countries; services authorized by section 3109 of title 5, United States Code; and the hire and purchase of motor vehicles, as authorized by section 1343 of title 31, United States Code: Provided, That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.*

*SEC. 506. The Federal Emergency Management Agency ''Working Capital Fund'' shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313, 557), for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary of Homeland Security determines may be performed more advantageously as central services: Provided, That such fund shall hereafter be known as the ''Department of Homeland Security Working Capital Fund''.*

*SEC. 507. The Federal Emergency Management Agency ''Bequests and Gifts'' account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313, 557), for the Secretary of Homeland Security to accept, hold, administer and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: Provided, That such fund shall hereafter be known as ''Department of Homeland Security, Gifts and Donations'': Provided further, That any gift or bequest shall be used in accordance with the terms of that gift or bequest to the greatest extent practicable.*

*SEC. 508. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of an Act authorizing intelligence activities for fiscal year 2004.*

*SEC. 509. The Federal Law Enforcement Training Center shall establish an accrediting body, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.*

*SEC. 510. None of the funds in this Act may be used to make a grant unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives not less than 3 full business days before any grant allocation, discretionary grant award, or letter of intent totaling $1,000,000 or more is announced by the Department or its directorates from: (1) any discretionary or formula-based grant program of the Office for Domestic Preparedness; (2) any letter of intent from the Transportation Security Administration; or (3) any port security grant: Provided, That no notification shall involve funds that are not available for obligation.*

*SEC. 511. Notwithstanding any other provision of law, no agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.*

*SEC. 512. The Director of the Federal Law Enforcement Training Center shall ensure that all training facilities under the control of the Center are operated at optimal capacity throughout the fiscal year.*

*SEC. 513. For fiscal year 2004 and thereafter, none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used for the production of customs declarations that do not inquire whether the passenger had been in the proximity of livestock.*

*SEC. 514. For fiscal year 2004 and thereafter, none of the funds appropriated or otherwise made available to the Department of Homeland Security shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a determination, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).*

*SEC. 515. For fiscal year 2004 and thereafter, none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to allow—*

*(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or*

*(2) the release into the United States of any good, ware, article, or merchandise on which there is in effect a detention order under such section 307 on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.*

*SEC. 516. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.*

*SEC. 517. None of the funds appropriated or otherwise made available by this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: Provided, That the prohibition of funds in this section does not apply to—*

*(1) negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items, or*

*(2) space for necessary security checkpoints.*

*SEC. 518. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).*

*SEC. 519. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Computer Assisted Passenger Prescreening System (CAPPS II) that the Transportation Security Administration (TSA) plans to utilize to screen aviation passengers, until the General Accounting Office has reported to the Committees on Appropriations of the Senate and the House of Representatives that—*

*(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II;*

*(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;*

*(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS II and has demonstrated that CAPPS II can make an accurate predictive assessment of those passengers who may constitute a threat to aviation;*

*(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II is being developed and prepared;*

*(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;*

*(6) substantial security measures are in place to protect CAPPS II from unauthorized access by hackers or other intruders;*

*(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system; and*

*(8) there are no specific privacy concerns with the technological architecture of the system.*

*(b) During the testing phase permitted by paragraph (a) of this section, no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers.*

*(c) The General Accounting Office shall submit the report required under paragraph (a) of this section no later than February 15, 2004.*

*SEC. 520. For fiscal year 2004 and thereafter, the Secretary of Homeland Security shall charge reasonable fees for providing credentialing and background investigations in the field of transportation: Provided, That the establishment and collection of fees shall be subject to the following requirements:*

*(1) such fees, in the aggregate, shall not exceed the costs incurred by the Department of Homeland Security associated with providing the credential or performing the background record checks;*

*(2) the Secretary shall charge fees in amounts that are reasonably related to the costs of providing services in connection with the activity or item for which the fee is charged;*

*(3) a fee may not be collected except to the extent such fee will be expended to pay for the costs of conducting or obtaining a criminal history record check and a review of available law enforcement databases and commercial databases and records of other governmental and international agencies; reviewing and adjudicating requests for waiver and appeals of agency decisions with respect to providing the credential, performing the background record check, and denying requests for waiver and appeals; and any other costs related to providing the credential or performing the background record check; and*

*(4) any fee collected shall be available for expenditure only to pay the costs incurred in providing services in connection with the activity or item for which the fee is charged and shall remain available until expended.*

*SEC. 521. The Secretary of Homeland Security is directed to research, develop, and procure certified systems to inspect and screen air cargo on passenger aircraft at the earliest date possible: Provided, That until such technology is procured and installed, the Secretary shall take all possible actions to enhance the known shipper program to prohibit high-risk cargo from being transported on passenger aircraft.*

*This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2004''.*

And the Senate agree to the same.

HAROLD ROGERS,
C. W. BILL YOUNG,
FRANK R. WOLF,
ZACH WAMP,
TOM LATHAM,
JO ANN EMERSON,
KAY GRANGER,
JOHN E. SWEENEY,
DON SHERWOOD,
MARTIN OLAV SABO,
DAVID E. PRICE,
JOSÉ E. SERRANO,
LUCILLE ROYBAL-ALLARD,
MARION BERRY,
ALAN B. MOLLOHAN,
*Managers on the Part of the House.*

THAD COCHRAN,
TED STEVENS,
ARLEN SPECTER,
PETE V. DOMENICI,
MITCH MCCONNELL,
RICHARD C. SHELBY,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,

ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
PATRICK J. LEAHY,
TOM HARKIN,
BARBARA A. MIKULSKI,
HERB KOHL,
PATTY MURRAY,
*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2555), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Homeland Security and the Senate Subcommittee on Homeland Security.

The language and allocations contained in House Report 108–169 and Senate Report 108–86 should be complied with unless specifically addressed to the contrary in the conference report and statement of managers. The statement of managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House report and Senate report are not inconsistent and are to be interpreted accordingly.

In cases where the House or Senate report directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. Further, in a number of instances, House Report 108–169 and Senate Report 108–86 direct agencies to report to the Committees by specific dates that have now passed. In those instances, and unless alternative dates are provided in the accompanying explanatory statement, agencies are directed to provide these reports to the House and Senate Committees on Appropriations no later than November 14, 2003.

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The conferees agree to provide $80,794,000 instead of $78,975,000 as proposed by the House and $83,653,000 as proposed by the Senate. Within the funds provided for the Office of the Secretary and Executive Management, travel expenses may not exceed $2,575,000. The conferees agree to provide an additional $490,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. Funding shall be allocated as follows:

| | |
|---|---|
| Immediate Office of the Secretary | $2,139,000 |
| Immediate Office of the Deputy Secretary | 1,116,000 |
| Office of Security | 19,899,000 |
| Chief of Staff | 5,047,000 |
| Executive Secretary | 5,239,000 |
| Special Assistant to the Secretary/Private Sector | 3,995,000 |
| Office of National Capital Region (NCR) Coordinator | 560,000 |
| Office of State and Local Government Coordination | 3,095,000 |
| Office of International Affairs | 1,165,000 |
| Office of Public Affairs | 8,168,000 |
| Office of Legislative Affairs | 5,907,000 |
| Office of General Counsel | 8,696,000 |
| Office of Civil Rights and Liberties | 13,027,000 |
| Citizenship and Immigration Services Ombudsman | 1,243,000 |
| Homeland Security Advisory Committee | 726,000 |
| Privacy Officer | 772,000 |
| Total | 80,794,000 |

RECEPTION AND REPRESENTATION EXPENSES

The conferees have provided $40,000 for reception and representation expenses for the Office of the Secretary and Executive Management, as proposed by the House, instead of $100,000 as proposed by the Senate in a general provision. Separate reception and representation allowances have been provided directly to other departmental agencies.

The conferees have not included bill language, proposed by the House, permitting the Secretary to use up to $2,000,000 for unforeseen emergencies.

BUDGET JUSTIFICATIONS

The conferees direct the Department to submit its fiscal year 2005 budget justifications on the first Monday in February, concurrent with official submission of the President's budget to the Congress. These justifications should include detailed data and explanatory statements in support of the appropriations requests, including tables that detail each agency's programs, projects, and activities for fiscal years 2004 and 2005. The budget justifications should also include a table identifying the last year that authorizing legislation was provided by Congress for each program, project, or activity; the amount of the authorization; and the appropriation in the last year of the authorization.

MONTHLY REPORTING REQUIREMENTS

The conferees agree with House report language directing the Department to submit to the Committees on Appropriations a monthly budget execution report showing the status of obligations and costs for all components of the Department.

DETAILEES

The conferees direct the Department to report for fiscal year 2003 and for the first quarter of fiscal year 2004 to the Committees on Appropriations by January 1, 2004, by agency on the number of detailees in the Department as well as those detailed to other executive and legislative agencies; originating agency; salary; length of detail (including beginning and end dates); and purpose of the detail.

PROTECTION OF CLASSIFIED INFORMATION

The conferees agree with House report language regarding proper storage and security of classified information and materials, and, within available funds for the Office of Security, up to $3,000,000 shall be made available for initial purchase and installation of locks meeting or exceeding federal specification FF–L–2740–A. Consistent with House report language, the conferees expect a complete assessment of needs to be delivered to the Committees on Appropriations no later than December 15, 2003.

COUNTERMEASURES AGAINST SHOULDER-FIRED MISSILES

The Secretary shall report to the Committees on Appropriations no later than March 1, 2004, in classified form, on the progress made to develop countermeasures for commercial aircraft against shoulder-fired missile systems, including cost and time schedules for developing and deploying such countermeasures, a vulnerability assessment of category X and category 1 airports from the threat of shoulder-fired missile systems, and the interim measures being taken to address the threat.

ASSET FORFEITURE FUNDS

The conferees note that asset forfeiture funds have played a vital role in support of law enforcement and homeland security operations. The conferees also are aware that new legal and/or administrative structures are under consideration for the operation of the current Treasury and Justice Department forfeiture funds. Because a number of the Department's law enforcement agencies rely on the use of assets from these funds for on-going investigations and other operations, the conferees direct the Department to notify the Committees on Appropriations prior to any changes in the existing structure of these funds or changes to the distribution of the assets from these funds.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The conferees agree to provide $130,983,000 instead of $116,139,000 as proposed by the House and $167,521,000 as proposed by the Senate. Within the funds provided for the Office of the Under Secretary for Management, travel expenses may not exceed $602,000. Due to lack of details, the conferees have not provided funding for Strategic Initiatives. The conferees agree to provide an additional $333,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. Funding shall be allocated as follows:

| | |
|---|---|
| Under Secretary for Management | $1,278,000 |
| Office of Chief Financial Officer | 10,592,000 |
| Office of Procurement | 6,171,000 |
| Office of Human Resources | 6,743,000 |
| Office of Chief Information Officer | 60,496,000 |
| Office of Administration | 25,703,000 |
| Headquarters | 20,000,000 |
| Total | 130,983,000 |

STANDARDIZATION OF SYSTEMS

The conferees expect that standardization and savings will be realized through consolidation of support operations, personnel, and systems within the Department of Homeland Security. The conferees direct the Department to undertake these consolidation efforts in such areas as administration, finance and accounting, and procurement.

COMMAND CENTER

The conferees have fully funded the command center under the Information Analysis and Infrastructure Protection management and administration account. No funding is included for this center under the Chief Information Officer, as proposed by both the House and Senate.

DHS HEADQUARTERS

The conferees agree to provide $20,000,000 for necessary renovations at the Nebraska Avenue Complex instead of $30,000,000 as proposed by the Senate and no funding as proposed by the House. The conferees include a new general provision (Section 516) prohibiting the expenditure of funds absent an approved prospectus, if required by the Public Buildings Act of 1959. Funding is provided for evaluations and planning; security upgrades;

renovations and improvements of buildings 1, 4, 5, 18, 19, and 100; SCIF construction in building 5; and Navy relocation costs.

DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

The conferees agree to provide $185,000,000 as proposed by the Senate instead of $206,000,000 as proposed by the House. Funds are available until expended. Statutory language proposed by the House has been included prohibiting the use of funds to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment system.

The conference agreement includes $72,506,000 for information technology services; $31,000,000 for security activities; $100,000,000 for wireless programs; and $2,494,000 for federal salaries and expenses. The conference agreement also includes the Senate proposal to use $21,000,000 transferred to the Department of Homeland Security from the Department of Justice Working Capital Fund for enterprise architecture and the information and evaluation program. Full funding has been provided for consolidation of the Department's watch lists.

The Department is to report to the Committees on Appropriations by December 15, 2003, on how the federal wireless program will operate with the state and local communications systems that are being implemented concurrently, and to identify the level of funding provided to all Departmental components for mobile radios.

The Department is to report to the Committees on Appropriations by December 15, 2003, on the status of the Department's efforts to: complete an inventory of the Department's entire information technology structure; devise and deploy a comprehensive enterprise architecture that promotes interoperability of homeland security information systems, including communications systems, for agencies within and outside the Department; consolidate multiple overlapping and inconsistent terrorist watch lists; and align common information technology investments within the Department and between the Department and other federal, state, and local agencies responsible for homeland security to minimize inconsistent and duplicative acquisitions and expenditures.

OFFICE OF INSPECTOR GENERAL

The conferees agree to provide $58,664,000 instead of $58,118,000 as proposed by both the House and the Senate; and $22,000,000 is transferred from the Emergency Preparedness and Response Disaster Relief Fund for a total of $80,664,000 for the Office of Inspector General. The conferees agree to provide an additional $546,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment.

Bill language is included to allow the Inspector General to use not to exceed $100,000 for unforeseen emergencies, including the payment of informants, as proposed by the Senate instead of $1,000,000 as proposed by the House.

The conferees direct the Inspector General to provide all audit reports requested by the Committees on Appropriations to the Committees no less than 15 days prior to public distribution of such reports.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

The conferees agree to provide $8,106,000 as proposed by the House instead of $8,842,000 as proposed by the Senate. Within the Office of the Under Secretary for Border and Transportation Security, travel may not exceed $418,000.

ADMINISTRATIVE SUPPORT AND INTERAGENCY COOPERATION

The conferees recognize that there will continue to be significant requirements for support between agencies within the Directorate of Border and Transportation Security, as well as other Departmental agencies, notably the Bureau of Citizenship and Immigration Services, as transition continues. This may include shared services, modernizing and supporting shared automated systems, shared infrastructure, access to databases, and other forms of support. The conferees direct that the Under Secretary and all bureaus collaborate to ensure that the needs of frontline employees are being met, regardless of which bureau is providing legacy system support or administrative infrastructure.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY (US VISIT)

The conferees agree to provide $330,000,000 instead of $350,000,000 as proposed by the House and $380,000,000 as proposed by the Senate. Funds are available until expended.

US VISIT PLANNING, EXPENDITURE AND OVERSIGHT INFORMATION

The conferees are concerned about the progress in planning and deploying the US VISIT system. Given the priority of US VISIT, the conferees expect that some expenditure plans would be completed and submitted to the Committees on Appropriations shortly after appropriations become available, and not held up until late in the fiscal year as has been true in the past.

The conferees expect to be provided additional information about overall program characteristics, as well as greater details in specific expenditure plans. Overall, information needs to be provided showing the context in which US VISIT is being developed, to include, but not be limited to: an estimate of overall costs; a comprehensive explanation of the exit control business process on which planning is based; staffing plans being developed for entrance and exit control activity; and explanations of how US VISIT information will be made available to the Bureau of Immigration and Customs Enforcement and other law enforcement and homeland security agencies. In addition, expenditure plans shall provide a greater level of detail, including: annual cost, schedule, and performance milestones; outyear costs; and related impacts on staffing, infrastructure, and communications costs.

The conferees further direct DHS to submit its privacy policy to protect information held by US VISIT to the Committees on Appropriations not later than 45 days after enactment of the Act.

To assist the Committees in their oversight of US VISIT, the conferees direct DHS to submit detailed monthly reports on the planned and actual deployment of US VISIT entry and exit systems and equipment at airports and seaports. The first report shall be submitted not later than October 15, 2003, and shall include information on deployment through September 2003, as well as for the remainder of fiscal year 2004.

US VISIT BIOMETRICS

The conferees believe that the success of US VISIT depends on the effective integration of biometrics into its systems and operations. The biometric infrastructure being built must be a viable long-term solution fully interoperable with the FBI Integrated Automated Fingerprint Identification System that meets biometric standards of the National Institute of Standards and Technology. As stated in Public Law 108–7, procurement decisions for the overall US VISIT program should ensure full and open competition.

An example of a technology with great capacity for storing biometric information is optical memory, now used by the Department for permanent resident cards and by the State Department for border crossing cards. The conferees encourage the Department to ensure that all technologies are considered as it proceeds with US VISIT development and as the State Department moves forward with the next generation of travel documents and credentials. The conferees further encourage the Department to ensure that it coordinates with other federal agencies engaged in such technology development and that such technologies are developed to comply with current and planned international civil aviation standards.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The conferees agree to provide $4,396,350,000 for the Bureau of Customs and Border Protection (CBP) instead of $4,587,600,000 as proposed by the House and $4,369,000,000 as proposed by the Senate. This includes: $18,000,000 to cover the costs of 2003 pay increases and partially restore unspecified administrative reductions taken to establish the Department; $4,750,000 for textile transshipment enforcement, as authorized in the Trade Act of 2002; $12,725,000 to enforce laws relating to forced or indentured child labor, of which $4,000,000 is available until expended; $63,800,000 for non-intrusive inspection technology; $6,700,000 for additional staffing needed to support new inspection technology and implement wireless personal data assistant database access; $41,000,000 for an additional 570 Border Patrol Agents; $9,000,000 for additional inspectors; a reduction to correct for $18,000,000 that had been double-counted in the budget request; and an additional $23,200,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. The appropriation also reflects reductions that correspond to realignment of construction funding into separate appropriations, and $128,000,000 for administrative support for investigations and air and marine operations into the Bureau of Immigration and Customs Enforcement appropriation. Funding requested for Plum Island is provided in the Science and Technology biological countermeasures program. Further details on the allocation of funds can be found in the conference funding tables included in this report.

The conferees are aware that the Department is conducting a comprehensive review of administrative and other mission responsibilities, particularly as they affect CBP and other agencies that have inherited multiple legacy missions. While funding provided by this conference agreement is based on the best possible information available, the conferees understand there may be a need to adjust funding to conform to the decisions resulting from the review.

BORDER STAFFING

The conferees support adequate staffing to secure the nation's ports and borders, and have included a total of $76,300,000 for increased deployment of inspection technology, the Customs-Trade Partnership Against Terrorism, canine enforcement officers, CBP inspectors and Border Patrol Agents.

The conferees recognize the effort required to integrate these increases while continuing to adjust the structure and organization of a new, consolidated bureau. In order to assess the status of current and projected staffing, the conferees direct CBP to submit to the Committees on Appropriations not later than December 1, 2003, a detailed staffing

plan including: actual on-board personnel for fiscal year 2003; projected staffing for fiscal year 2004; positions authorized but vacant; full-time, part-time, and temporary positions funded through direct appropriations; full-time, part-time and temporary fee-funded positions; and staffing at each port of entry and border area. The report shall also identify the new positions funded by this Act. The conferees expect this staffing plan to be coordinated and consistent with the staffing assumptions included in the CBP construction master plan.

NON-INTRUSIVE INSPECTION AND RADIATION DETECTION TECHNOLOGY

The conferees are aware of several instances where improvements can be made in evaluating new technology for cargo screening and radiation detection. For example, completion of the demonstration project for pulsed fast neutron analysis at the Ysleta border crossing has been significantly delayed. The conferees direct CBP to accelerate its efforts to complete this test and report its findings to the Committees on Appropriations not later than August 1, 2004. In another example, the conferees note that $3,000,000 was provided to CBP in the fiscal year 2003 appropriation to evaluate and prototype next generation technology to screen and detect contraband, explosives, radioactive materials, and potential chemical and biological weapons. However, it appears that a significant share of this funding is instead being used to test modifications to existing detection technology.

The conferees strongly support Departmental coordination of efforts by CBP and other DHS agencies to test and invest in technology for inspection, detection and monitoring for weapons of mass destruction, and integrate such technology in all operations. The conferees direct both CBP and DHS to ensure that all potential candidate technologies are permitted to compete and be fairly evaluated as part of any acquisition decisions for inspection and radiation detection technology.

ANTI-DUMPING ENFORCEMENT

The conferees have ensured that this account includes sufficient funds to enforce the anti-dumping authority contained in section 764 of the Tariff Act of 1930 (19 U.S.C. 1675c). Additionally, the conferees are aware of the Department of the Treasury Office of Inspector General audit report (OIG003–085), ''Customs Needs to Improve Compliance with CDSOA (Continued Dumping and Subsidy Offset Act of 2000)'' and expect the CBP to fully comply with the recommendations made in that report.

STEEL IMPORTS TRADE LAW ENFORCEMENT

The conferees fully support the language on enforcement of U.S. trade laws regarding steel imports contained in House Report 108–169. The conferees note that the report submitted May 30, 2003, on this issue did not contain the requested data on the types and value of illegal imports seized and penalties imposed. The conferees direct the CBP to submit a revised report by April 20, 2004, that includes all of the information requested.

OFFSETTING FEE COLLECTIONS

The conferees are concerned about the financial health of the Immigration Inspection User Fee, COBRA passenger inspection fees, and the Land Border Inspection Fee, all of which have been affected by declining travel volume. The conferees direct the Department and CBP to manage programs within the levels of actual receipts, and to adjust Land Border Inspection fees quickly to ensure adequate revenue. The conferees direct CBP to ensure that fee revenues are used first to fully fund base operations and adjustments, as supported in justification materials provided to Congress, before undertaking any new initiatives.

AUTOMATION MODERNIZATION

The conferees agree to provide $441,122,000, as proposed by the Senate, instead of $493,727,000 as proposed by the House. Funds are available until expended. This includes funding as requested for the Automated Commercial Environment, the Integrated Trade Data System, and the costs of the legacy Automated Commercial System.

CONSTRUCTION

The conferees agree to provide $90,363,000 as proposed by the Senate, instead of $95,552,000 funded within the CBP Salaries and Expenses appropriation as proposed by the House. Funds are available until expended. The conferees direct CBP to review its nationwide priority list for construction funding for the Border Patrol, and provide a detailed plan of its intended use of this funding within 45 days of enactment of this Act. In addition, the conferees direct CBP to submit an updated construction master plan to the Committees on Appropriations not later than July 1, 2004.

CONFERENCE FUNDING LEVELS

| | *Amount* |
|---|---|
| Customs and Border Protection: | |
| Salaries and Expenses | $4,396,350,000 |
| Automation Modernization | 441,122,000 |
| Construction (Border Patrol) | 90,363,000 |
| Subtotal, Direct Appropriations | 4,927,835,000 |
| Offsetting Fee Collections: | |
| Immigration user fee | (509,000,000) |
| Immigration examinations fund | (0) |
| Immigration enforcement fines | (6,000,000) |
| Land border inspection fund | (28,000,000) |
| COBRA | (302,000,000) |
| Subtotal, Offsetting Fee Collections | (845,000,000) |
| Total, Customs and Border Protection | (5,772,835,000) |

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

The conferees agree to provide $2,151,050,000 for the Bureau of Immigration and Customs Enforcement (ICE) instead of $2,030,000,000 as proposed by the House and $2,180,000,000 as proposed by the Senate. This includes: $7,500,000 to cover the costs of annualizing 2003 pay increases and to partially restore unspecified administrative reductions taken to establish the Department; $4,750,000 for textile transshipment enforcement, as authorized in the Trade Act of 2002; $3,000,000 to enforce laws relating to forced or indentured child labor, of which $1,000,000 is available until expended; $6,700,000 in new funding for additional investigators, particularly for compliance monitoring; $5,400,000 for personnel costs associated with establishing a Northern Border airwing; and $6,400,000 for the Intellectual Property Rights Center.

The funding level reflects realignment of funding for construction into a separate construction appropriation, and realignment of $128,000,000 for administrative support for investigations and air and marine operations into ICE. The conferees agree to provide an additional $15,000,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. The conferees continue to support alternatives to detention and to providing legal orientation to persons in detention prior to their first hearing before an immigration judge, and expect that these programs will be funded at the same level as the previous fiscal year. Further details on funding allocations can be found in the conference funding tables included in this report.

The conferees are aware that the Department is conducting a comprehensive review of administrative and other mission responsibilities, particularly as they affect ICE and other agencies that have inherited multiple legacy missions. While funding provided by this conference agreement is based on the best possible information available, the conferees understand there may be a need to adjust funding to conform to the decisions resulting from the review.

STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM

The conferees direct the General Accounting Office to report on the implementation of the Student and Exchange Visitor Information System (SEVIS). The report should include an assessment of the technical problems faced by institutions of higher education using the system, the need for the detailed information collected, and an analysis of corrective action being taken by DHS to resolve problems in SEVIS. This report should be provided to the Committees on Appropriations not later than 180 days after enactment of the Act.

INTELLECTUAL PROPERTY RIGHTS

The conferees direct the Under Secretary for Border and Transportation Security to report, not later than January 15, 2004, on the number of Immigration and Customs Enforcement open cases, closed cases, arrests, convictions, and prosecutions that result in dismissals or civil actions related to intellectual property rights enforcement for each of fiscal years 2001 through 2003. The conferees strongly encourage the Department to establish a government/industry anti-counterfeit working group in order to facilitate investigations, interdictions and prosecutions.

OFFSETTING FEE COLLECTIONS

The conferees are concerned about the accuracy of estimates for fees supporting ICE operations. There have been significant downward adjustments in the estimates of funding available from breached bond/detention and removal collections that have forced the detention building program to be delayed as long as two years, and similarly, overestimates have been made for the Immigration Inspection User Fee Account. The conferees direct ICE to ensure that fee revenues are used first to fully fund base operations and adjustments, as supported in justification materials provided to Congress, before undertaking any new initiatives. The conferees also direct DHS and ICE to inform the Committees on Appropriations in a timely manner of potential short-term operational or programmatic impacts from reduced fee collections.

RESCISSION OF FUNDS

The conferees have rescinded $54,000,000 from funds made available in chapter 6 of title I of Public Law 108–11. These funds were originally appropriated for expenses related to Operation Liberty Shield, but are no longer required for such purposes.

FEDERAL AIR MARSHALS

The conferees agree to provide $626,400,000 for the Federal Air Marshals program within the Bureau of Immigration and Customs Enforcement rather than the Transportation Security Administration (TSA), pursuant to

the Administration's reorganization notification submitted to the Congress on September 2, 2003. The House bill proposed $634,100,000 for the Federal Air Marshals program as a separate account within TSA's budget. The Senate bill provided $610,000,000 as a separate line item within TSA's aviation security appropriation. Within the funds provided, the conferees agree to provide an additional $2,300,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. Funding shall be allocated as follows:

| | |
|---|---|
| Federal Air Marshals | $602,300,000 |
| Explosive unit | 4,100,000 |
| Scheduling and information technology | 10,000,000 |
| Air-to-ground communications | 10,000,000 |
| Total, Federal air marshals | 626,400,000 |

FEDERAL PROTECTIVE SERVICE

(TRANSFER OF FUNDS)

The conferees agree to provide $424,211,000, as proposed by the House and as included by the Senate in the Salaries and Expenses appropriation for ICE.

AUTOMATION MODERNIZATION

The conferees agree to provide $40,000,000, instead of $367,605,000 as proposed by the House. Funds are available until expended. The Senate included funding for this purpose within the ICE appropriation. This new account will fund major information technology investment projects for ICE, including Atlas/Chimera data modernization and connectivity. The conferees include a new provision prohibiting the obligation of funds until the Committees receive and approve an expenditure plan.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The conferees agree to provide $210,200,000, instead of $175,000,000 as proposed by the House and $257,291,000 as proposed by the Senate. Funds are available until expended. This includes $35,200,000 to establish a Northern Border airwing, of which $12,800,000 is available for aircraft procurement.

AIR AND MARINE INTERDICTION (AMI) PROGRAM MODERNIZATION PLAN

The roles and missions of AMI are being redefined as it becomes integrated as a core component of the Department, and as a result of expanded airspace security missions following the September 11, 2001, attacks and during the recent Liberty Shield operation. The heightened need to coordinate air and marine operations, as well as to continue aggressive counterdrug efforts, make it essential that AMI modernize. As part of a comprehensive review of AMI missions, structures, operations and resources, a number of security shortfalls were identified by the Department. These include the need to establish Northern Border operations and to provide airspace security for the National Capital Region. Other priorities include replacing AMI's aging air and marine assets, and continuing counterdrug interdiction in the source and transit zones. The conferees were informed that, based on the review, a modernization plan including a five-year recapitalization plan will soon be completed.

The conferees are committed to seeing AMI succeed, and need to know more about the ultimate plan for AMI development, modernization and deployment, including its relationship to the Border Patrol and to the U.S. Coast Guard. The conferees therefore direct the Under Secretary for Border and Transportation Security to report to the Committees on Appropriations no later than November 14, 2003, on the five-year plan for AMI missions, structure, operations, and resources, including deployment and command and control requirements, such as the need to increase the number of servers at the Air and Marine Operations Center to eliminate significant surveillance gaps affecting the Northern Border and the western United States. In addition, the report should address: (1) the status of any air traffic control communications with recommendations on how to fill any voids; (2) the current and future role played by tethered aerostat radars (TARs) in airspace interdiction and homeland security, describing any gaps in TARs coverage, such as those that may exist in the central Gulf of Mexico; (3) the basing of air assets, in particular the P–3 aircraft, many of which now occupy temporary or inadequate hangar space such as that at Jacksonville, Florida; and (4) detailed plans for using the $35,800,000 included in the Act for continued support of the Western Hemisphere Drug Elimination Act.

AMI STAFFING AND PERSONNEL

The conferees direct the Under Secretary to report, no later than November 14, 2003, on AMI staffing needs and personnel policies affecting the use and assignment of personnel, including staffing grades, maintenance and operational issues. The report, covering the next five years, should display the numbers and types of authorized positions needed to fulfill the mission of AMI; personnel and benefits costs; current on-board staffing levels; and projections for filling vacant positions.

CONSTRUCTION

The conferees agree to provide $26,775,000 as proposed by the Senate and as included by the House in the Salaries and Expenses appropriation for ICE. Funds are available until expended. The conferees direct ICE to review its nationwide priority list for construction project funding and submit a detailed plan for use of this funding within 45 days of enactment of this Act. The conferees further direct ICE to submit an updated construction master plan to the Committees on Appropriations not later than July 1, 2004.

CONFERENCE FUNDING LEVELS

| | *Amount* |
|---|---|
| Immigration and Customs Enforcement: | |
| Salaries and Expenses | $2,151,050,000 |
| Federal Air Marshals | 626,400,000 |
| Federal Protective Service | 424,211,000 |
| Automation and Modernization | 40,000,000 |
| Air and Marine Interdiction | 210,200,000 |
| Construction | 26,775,000 |
| Subtotal, Direct Appropriations | 3,478,636,000 |
| Offsetting Fee Collections: | |
| Immigration user fee | (107,000,000) |
| Immigration examinations fund | (25,000,000) |
| Breached bond/Detention fund | (116,000,000) |
| SEVIS fund | (25,000,000) |
| COBRA | (0) |
| Subtotal, Offsetting Fee Collections | (273,000,000) |
| Total, Immigration and Customs Enforcement | (3,751,636,000) |

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

The conferees agree to provide $3,732,700,000 instead of $3,659,200,000 as proposed by the House and $4,523,900,000 as proposed by the Senate. Within this amount, not to exceed $3,000 is available for official reception and representation expenses as proposed by the House. The conference agreement includes the use of $95,000,000 of prior year balances carried over from fiscal year 2003. Bill language is also included that reflects the collection of $2,070,000,000 from aviation user fees, as authorized. The following table specifies funding levels by budget activity:

| | |
|---|---|
| Aviation Security | |
| Passenger screening: | |
| Screening pilots | $119,000,000 |
| Passenger screeners—PC&B | 1,319,600,000 |
| Passenger screeners—training and other | 114,100,000 |
| HR services | 151,000,000 |
| Checkpoint support | 62,000,000 |
| CAPPS II | 35,000,000 |
| Registered traveler | 5,000,000 |
| Subtotal, passenger screening | 1,805,700,000 |
| Baggage screening: | |
| Baggage screeners—PC&B | 774,200,000 |
| Baggage screeners-training and other | 69,500,000 |
| EDS Purchase | 150,000,000 |
| EDS Installation | 250,000,000 |
| EDS/ETD maintenance | 75,000,000 |
| Subtotal, baggage screening | 1,318,700,000 |
| Security direction and enforcement: | |
| Aviation regulation and other enforcement | 275,400,000 |
| Airport management and staff | 233,800,000 |
| Airport information technology and other support | 139,100,000 |
| Federal flight deck officer program | 25,000,000 |
| Air cargo | 30,000,000 |
| Subtotal, security direction and enforcement | 703,300,000 |
| Subtotal, aviation security | 3,827,700,000 |
| Use of prior year balances | −95,000,000 |
| Total, Aviation Security | 3,732,700,000 |

SCREENER CAP

The conferees include bill language that caps full-time equivalent screener staff to 45,000, as proposed by the House. The conferees expect the Transportation Security Administration (TSA) to have no more than 45,000 full-time equivalent screeners on its rolls at the end of fiscal year 2004. In order to meet this requirement, the conferees urge TSA to hire more part-time and seasonal screeners. However, the conferees recognize that there are still staffing imbalances in many airports around the country and that TSA continues to lose screeners through attrition. Consequently, TSA may need to reduce staffing in some locations to comply with this provision while recruiting and hiring additional or replacement screeners at other airports. The prohibition on the number of full-time equivalents is not intended to prohibit TSA from hiring screeners during fiscal year 2004 at those airports where additional or replacement screeners are required

to maintain aviation security and customer service.

WAIT TIMES

The conferees do not agree with language contained in the Senate report that requires TSA to ensure a 10-minute passenger screening standard is consistently met.

AIR CARGO

The conferees provide a total of $30,000,000 within aviation security to strengthen the agency's oversight of air cargo security. Additional funding of $55,000,000 is provided within the Research and Development account.

Currently, to secure 100-percent of cargo transported aboard passenger aircraft, TSA prohibits any cargo from ''unknown or high-risk'' shippers from being placed aboard these aircraft. TSA ensures that any shipper wishing to transport cargo on passenger aircraft achieve ''known'' status through participating in the agency's ''known shipper program''. Passenger carriers, all-cargo carriers, and freight forwarders that interline cargo to passenger carriers are responsible for validating the known shippers. Shippers that cannot be validated are not allowed to transport cargo via passenger carriers.

Within this funding, the conferees direct TSA to improve its oversight of the known shipper program, using a risk-weighted freight screening system that will identify pieces of cargo that require closer scrutiny before being loaded on passenger aircraft. An additional 100 TSA staff are provided to perform more in-depth audits of shipper compliance with the known shipper requirement. An improved automated system should include the automated known shipper verification system, the automated indirect air carrier certification and recertification program, and automated cargo profiling systems. In addition, funding has also been provided for TSA to conduct background checks on those employees who handle cargo, have access to secure areas or ramps in which cargo is loaded onto passenger airplanes, or have direct access to air cargo being shipped. Finally, TSA should consider testing the expansion of the Customs-Trade Partnership Against Terrorism (C–TPAT) to the domestic air cargo supply chain.

FEDERAL AIR MARSHALS

The conferees agree to provide $626,400,000 for the Federal Air Marshals program within the Bureau of Immigration and Customs Enforcement (ICE) rather than TSA, pursuant to the Administration's reorganization notification submitted to the Congress on September 2, 2003.

MARITIME AND LAND SECURITY

The conferees agree to provide $263,000,000 instead of $231,700,000 as proposed by the House and $295,000,000 as proposed by the Senate. Funding is available until September 30, 2005, as proposed by the Senate instead of until expended as proposed by the House. The following table specifies funding levels by budget activity:

| | |
|---|---|
| Maritime and Land Security: | |
| Port security grants | $125,000,000 |
| Credentialing/transportation worker identification card | 50,000,000 |
| Intercity bus security | 10,000,000 |
| Operation Safe Commerce | 17,000,000 |
| Trucking industry security program (Highway Watch) | 22,000,000 |
| Hazardous materials security and truck tracking program | 7,000,000 |
| Nuclear detection and monitoring | 4,000,000 |
| Staffing and operations | 28,000,000 |
| Total, Maritime and Land Security | 263,000,000 |

TRANSPORTATION WORKER IDENTIFICATION CARD

The conferees agree to provide $50,000,000 for the transportation worker identification card (TWIC) instead of $55,000,000 as proposed by the House and $35,000,000 as proposed by the Senate. The conferees are concerned with the status of implementing TWIC and the lack of progress in the test and evaluation phase as well as the development of guidelines, technology, applications, and enrollment for personalization and issuance of a universal card that are to be developed by fiscal year 2004.

The conferees encourage TSA to evaluate all technologies for these cards, including those currently in use in other federal agencies, to ensure that the most secure and cost efficient identification card is developed. Further, the conferees agree with language contained in the House report that TSA develop a personalization system that is centralized and uses an existing government card production facility for these activities. While providing funds for this program, the conferees direct TSA not to obligate funds for the next phase until a spend plan has been developed, the Committees on Appropriations are briefed on the results of the technical evaluation and prototype phases, and agree that the program should move forward.

INTELLIGENCE

The conferees agree to provide $13,600,000, as proposed by the Senate instead of $13,700,000 as proposed by the House. Funding is available until September 30, 2004, as proposed by the Senate instead of available until expended as proposed by the House.

RESEARCH AND DEVELOPMENT

The conferees agree to provide $155,200,000 instead of $125,700,000 as proposed by the House and $130,200,000 as proposed by the Senate. The following table specifies funding levels by budget activity:

| | |
|---|---|
| Research and Development: | |
| Research and development (Tech Center) | $55,200,000 |
| Next generation EDS/ETD | 45,000,000 |
| Air cargo | 55,000,000 |
| Total, Research and Development | 155,200,000 |

AIR CARGO

The conferees agree to provide $55,000,000 for air cargo security research and development activities. This funding should be used by TSA to pursue a variety of technological solutions that would allow for the most efficient and targeted inspections of cargo being carried on passenger aircraft. TSA is directed to issue a request for proposals at the earliest date possible for these technologies and report back to the Committees on Appropriations by April 1, 2004, on the options to inspect air cargo, the associated costs, and timetable. Furthermore, TSA should immediately launch a pilot program to use explosive detection machines in select locations to screen high-risk cargo. Consideration should be made for those air carriers or routes that carry a high percentage of cargo on passenger aircraft. TSA should also consider expanding the canine screening teams for additional cargo screening applications. Funding should also be made available to test additional air cargo screening tools, based on recommendations from the industry, or to initiate a public-private partnership to design, develop and test air cargo facility security applications at high-cargo airports in the United States.

ADMINISTRATION

The conferees agree to provide $427,200,000 instead of $487,100,000 as proposed by the House and $433,200,000 as proposed by the Senate. Funding is available until September 30, 2005, as proposed by the House. The following table specifies funding levels by budget activity:

| | |
|---|---|
| Administration: | |
| Headquarters support | $173,700,000 |
| Mission support centers | 40,000,000 |
| Information technology applications | 198,100,000 |
| Corporate training | 15,400,000 |
| Total, Administration | 427,200,000 |

BACKGROUND INVESTIGATIONS

Within the funding provided under Administration the conferees agree to provide $6,000,000 to conduct background investigations on TSA employees, including security screeners, instead of $12,000,000 as proposed by the Senate. The House included no similar provision. In addition, a general provision has been included that provides TSA broader authority to collect fees for background investigations and credentialing necessary for all modes of transportation.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

The conferees agree to provide a total appropriation of $4,713,055,000 instead of $4,719,000,000 as proposed by the Senate and $4,703,530,000 as proposed by the House. Within this total, $340,000,000 shall be available for defense-related activities, as proposed by the Senate instead of $1,300,000,000 as proposed by the House. In addition, the conferees have rescinded $71,000,000 from funds made available in chapter 6 of title I of Public Law 108–11 as proposed by the Senate. The House bill contained no similar provision.

Funding for operating expenses shall be allocated as follows:

| | |
|---|---|
| Military Pay and allowances: | |
| Military pay and allowances | $1,993,713,000 |
| Military health care | 464,890,000 |
| Permanent change of stations | 105,184,000 |
| FECA/UCX | 4,420,000 |
| Subtotal, military pay and allowances | 2,568,207,000 |
| Civilian pay and benefits: | |
| Civilian pay and benefits | 381,246,000 |
| Pay parity for civilians | 4,247,000 |
| Subtotal, civilian pay and benefits | 385,493,000 |
| Training and Recruiting: | |
| Training and education | 106,638,000 |
| Recruiting | 20,702,000 |
| Area and district training and education | 4,000,000 |
| Command training and education | 35,100,000 |
| DHS administrative service | −2,200,000 |
| Subtotal, training and recruiting | 164,240,000 |
| Operating funds and unit level maintenance: | |
| Atlantic command | 145,714,000 |
| Pacific command | 161,540,000 |
| 1st District | 38,708,000 |

| | |
|---|---|
| 7th District | 54,498,000 |
| 8th District | 39,150,000 |
| 9th District | 20,860,000 |
| 13th District | 16,050,000 |
| 14th District | 11,522,000 |
| 17th District | 28,852,000 |
| Headquarters offices | 415,913,000 |
| Headquarters managed units | 111,310,000 |
| Other activities | 2,290,000 |
| Portable radiation search tools | 1,500,000 |
| Travel | −4,000,000 |
| DHS administrative services | −11,200,000 |
| Centrally-managed accounts (rent, ammo, postal) | −131,100,000 |
| Command training and education | −35,100,000 |
| Subtotal, operating funds and unit level maintenance | 866,507,000 |
| Centrally-managed accounts: | |
| Centrally-managed operating expenses | 131,100,000 |
| DHS administrative services | −1,700,000 |
| Subtotal, centrally-managed accounts | 129,400,000 |
| Intermediate and depot level maintenance: | |
| Aircraft maintenance | 218,771,000 |
| Electronic maintenance | 89,889,000 |
| Ocean engineering and shore facilities maintenance | 152,048,000 |
| Vessel maintenance | 146,400,000 |
| DHS administrative services | −7,900,000 |
| Subtotal, immediate and depot level maintenance | 599,208,000 |
| Subtotal, operating expenses | 4,713,055,000 |
| Rescission | −71,000,000 |
| Total, Operating Expenses | 4,642,055,000 |

For the fiscal year 2005 budget justification and for reprogramming purposes in fiscal year 2004, the Coast Guard shall use the six new budget categories listed above (military pay and allowances, civilian pay and benefits, training and recruiting, operating funds and unit level maintenance, centrally-managed accounts, and intermediate and depot level maintenance). However, the conferees expect sufficient detail on each program, project, or activity in the fiscal year 2005 budget justifications to make informed decisions about the appropriate level of funding in each program line item within these six budget categories.

The conference agreement contains bill language to permit operating expenses to be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund, as proposed by the Senate. The conference agreement also limits the number of passenger vehicles that the Coast Guard may purchase or lease in fiscal year 2004 to 25, instead of 5 as proposed by the Senate. The House bill contained no similar provisions. Finally, the conference agreement includes bill language to permit the Coast Guard to use not to exceed $3,000 for official reception and representation activities, as proposed by the House. The Senate bill contained no similar provision.

ICE BREAKING

The conferees direct the Coast Guard to renegotiate the memorandum of agreement relating to ice breaking activities with the National Science Foundation (NSF), as discussed in House Report 108–169. A reduction of $2,500,000 has been made to the budget request to reflect additional payments from NSF in fiscal year 2004 for ice breaking activities in the Antarctic region.

MARITIME SAFETY AND SECURITY TEAMS

A total of $71,800,000 has been provided for Maritime Safety and Security Teams (MSSTs) instead of $64,000,000 as proposed by the House and $76,000,000 as proposed by the Senate. At this level, the conferees assume that seven MSSTs will be funded in fiscal year 2004 for a minimum of two quarters each, including one MSST in the 17th District.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conferees agree to provide $17,000,000 as proposed by the Senate and the House.

RESERVE TRAINING

The conferees agree to provide $95,000,000 as proposed by the Senate instead of $94,051,000 as proposed by the House.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conferees agree to provide $967,200,000 instead of $805,000,000 as proposed by the House and $1,035,000,000 as proposed by the Senate. Consistent with prior practice, bill language is included to distribute the total appropriation by separate obligation availabilities to prevent long-term unobligated balances and ensure fiscal discipline. The following table summarizes the recommended level by program, project, and activity:

| | |
|---|---|
| Vessels | $66,500,000 |
| Great Lakes Icebreaker (GLIB) replacement | (2,000,000) |
| 41 foot UTB and NSB replacement project | (12,000,000) |
| 9 additional coastal patrol boats to enforce security zones | (52,500,000) |
| Integrated Deepwater Systems | 668,200,000 |
| Aircraft | (142,700,000) |
| Surface ships | (302,600,000) |
| C4ISR | (101,400,000) |
| Logistics | (45,400,000) |
| Systems engineering and integration | (42,100,000) |
| Government program management | (34,000,000) |
| Other equipment | 162,500,000 |
| Defense messaging system (DMS) implementation | (3,500,000) |
| National distress & response system modernization project (Rescue 21) | (134,000,000) |
| Oil spill prevention efforts under ports and waterways safety systems | (1,000,000) |
| Automatic Identification System | (24,000,000) |
| Personnel and related support | 70,000,000 |
| Core acquisition costs | (69,500,000) |
| Direct personnel cost | (500,000) |
| Total, Acquisition, Construction, and Improvements | $967,200,000 |

INTEGRATED DEEPWATER SYSTEMS

The conferees agree to provide $668,200,000 instead of $702,000,000 as proposed by the Senate and $530,000,000 as proposed by the House. The following table summarizes the recommended level by program, project, and activity:

| | |
|---|---|
| Aircraft | |
| Maritime Patrol Aircraft | 25,000,000 |
| Unmanned Air Vehicles | 50,000,000 |
| Other contracts/legacy sustainment | 67,700,000 |
| Surface | |
| National Security Cutter | 208,000,000 |
| OPC conceptual and contract design | 20,000,000 |
| Fast Response Cutter/110–123 ft. patrol boat conversion | 66,000,000 |
| Short Range Prosecutor | 1,600,000 |
| Other contracts/legacy sustainment | 7,000,000 |
| C4ISR | |
| Command and Control System for Common Operating Picture | 58,000,000 |
| Cutter upgrades—C4ISR | 7,100,000 |
| Shore sites | 22,100,000 |
| Other contracts/legacy sustainment | 14,200,000 |
| Logistics | |
| Integrated logistics support | 19,200,000 |
| Facilities design required for future deployments | 5,500,000 |
| Shore Facilities | 20,700,000 |
| Systems Engineering and Integration | 42,100,000 |
| Government Program Management | 34,000,000 |
| Total, Integrated Deepwater Systems | $668,200,000 |

CAPITAL INVESTMENT PLAN

Bill language is included to require the Coast Guard to submit a five-year capital investment plan with initial submission of the President's budget request, as proposed by the House. The Senate bill contained no similar provision.

DISPOSAL OF REAL PROPERTY

Bill language is included to credit to the Acquisition, Construction, and Improvements appropriation any proceeds from the sale or lease of the Coast Guard's surplus real property and to provide that such receipts are available for obligation only for the Rescue 21 project until September 30, 2006, as proposed by the House. The Senate bill contained similar language, but made these funds available until expended.

ALTERATION OF BRIDGES

The conferees agree to provide $19,250,000 instead of $19,500,000 as proposed by the House. The Senate funded alteration of bridges under acquisition, construction, and improvements. Within this total, the funds shall be allocated as follows:

| | |
|---|---|
| Fourteen Mile bridge in Mobile, Alabama | $5,250,000 |
| Burlington Northern Santa Fe bridge in Burlington, Iowa | 2,000,000 |
| Canadian Pacific Railroad bridge in LaCrosse, Wisconsin | 1,000,000 |
| Chelsea Street bridge in Chelsea, Massachusetts | 2,250,000 |
| Florida Avenue bridge in New Orleans, Louisiana | 6,750,000 |
| EJ&E Railroad bridge in Morris, Illinois | 1,000,000 |
| John F. Limehouse bridge in Charleston, South Carolina | 1,000,000 |

In addition the conferees include a proviso in the bill that funds be available only to the extent that steel, iron and manufactured products used in such projects are produced in the United States with certain exceptions,

as proposed by the Senate. The House bill contained no similar provision.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conferees agree to provide $15,000,000 instead of $22,000,000 as proposed by the House. The Senate provided $15,000,000 under the Science and Technology Directorate for Coast Guard's research, development, test, and evaluation program.

The conferees are aware that the development of new technologies is necessary if the Coast Guard is to keep pace with its expanding mission. The conferees therefore direct the Commandant to conduct an independent study on research and development priorities, as outlined in the Senate bill under the operating expenses account, and submit the findings of this study to the Committees on Appropriations by June 1, 2004.

RETIRED PAY

The conferees agree to provide $1,020,000,000 as proposed by both the Senate and the House.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $1,137,280,000 instead of $1,148,700,000 as proposed by the House and $1,114,737,000 as proposed by the Senate. This includes $16,365,000 for White House mail screening; $6,824,000 to annualize fiscal year 2003 pay base funding not captured in the fiscal year 2004 budget; $6,475,000 to fully fund the 2003 pay raise; $3,336,000 to fully annualize prior year staff increases; and $5,450,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. Funding also includes $2,100,000 for forensic support to the National Center for Missing and Exploited Children (NCMEC) as well as a $5,000,000 grant to NCMEC.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $3,579,000 as proposed by the House and the Senate. Funds are available until expended. The conferees include bill language under the Salaries and Expenses Account, as proposed by the House, to permit the James J. Rowley Training Center (JJRTC) to provide protective training on a reimbursable basis. The conferees note that the JJRTC is currently operating at full capacity simply to meet training requirements of the Secret Service and is presently unable to accommodate training outside students. The current facilities would need to be expanded to permit increases in training capacity. No additional funding for such expansion has been requested or provided in this Act. The conferees include bill language based on the expectation that it would only be utilized in emergency situations, subject to prior notification to the Committees on Appropriations.

TITLE III—PREPAREDNESS AND RECOVERY

OFFICE FOR DOMESTIC PREPAREDNESS

The conferees view state and local jurisdictions' ability to detect, prevent and respond to a terrorist attack as a high priority. State and local responders are first to arrive on scene when a terrorist attack occurs and must be prepared to protect life and property. This function is inherently non-federal, although federal resources and expertise are needed to manage the crisis, and provide support to state and local assets when an attack overwhelms their resources. For purposes of eligibility for funds under this heading, any county, city, village, town, district, borough, port authority, transit authority, water district, regional planning commission, council of government, Indian tribe, authorized tribal organization, Alaska Native village, or other political subdivision of any state shall constitute a ''local unit of government.''

STATE AND LOCAL PROGRAMS

The conferees agree to provide $3,287,000,000 instead of $2,888,000,000 as proposed by the Senate and $3,513,000,000 as proposed by the House for the Office for Domestic Preparedness (ODP). Funding is available until September 30, 2004, as proposed by the Senate, instead of until expended as proposed by the House. None of these funds may be used for construction or renovation of facilities.

| *State and local programs* | *Amount* |
|---|---|
| Formula-Based Grants | $1,700,000,000 |
| Law Enforcement Terrorism Prevention Grants | 500,000,000 |
| High-Threat, High-Density Urban Areas Grants | 725,000,000 |
| Citizen Corps | 40,000,000 |
| National Domestic Preparedness Consortium | 135,000,000 |
| Technical Assistance | 30,000,000 |
| National Exercise Program | 50,000,000 |
| Competitive Training Grants | 60,000,000 |
| Equipment and Testing | 17,000,000 |
| Management and Administration | 30,000,000 |
| Total | 3,287,000,000 |

FORMULA-BASED GRANTS

The conferees agree to provide $1,700,000,000, instead of $1,900,000,000 as proposed by the House and $1,200,000,000 as proposed by the Senate. These funds are available to all states for purposes of training, procuring equipment (such as interoperable communications equipment), and conducting exercises, based on the state's approved, updated homeland security strategies. The conferees expect that these funds will be made available to states within 30 days after enactment of this Act; that states will have 30 days to apply after the grant is announced; and that ODP will act within 15 days of receipt of an application or receipt of an updated state plan, whichever is later. The conferees also agree that no less than 80 percent of these funds shall be obligated by the state to local units of government within 60 days of the state receiving funds.

The conferees are aware of the need for overtime funding to backfill those first responders attending ODP certified training classes. The conferees understand that ODP anticipates continuing this overtime as an allowable expense of the formula-based grant program. The conferees support this effort with the understanding that only overtime directly related to backfilling first responders attending ODP certified training classes is eligible.

The Secretary may provide a waiver for the use of state grant funds by a local jurisdiction to purchase aviation equipment, where such equipment will be utilized primarily for homeland security objectives and permissible program activities and provided that the local jurisdiction certifies that it has an operating aviation unit and that the costs for operation and maintenance of such equipment will be paid from non-grant funds.

LAW ENFORCEMENT TERRORISM PREVENTION GRANTS

The conferees agree to provide $500,000,000, as proposed by the Senate, instead of $510,000,000 as proposed by the House. These funds are made available to all states for purposes as described in Senate Report 108–86. The conferees expect that these funds will be made available to states within 30 days after enactment of this Act; that states will have 30 days to apply after the grant is announced; and that ODP will act within 15 days of receipt of an application or receipt of an updated state plan, whichever is later. The conferees also agree that no less than 80 percent of these funds shall be obligated by the state to local units of government within 60 days of the state receiving funds.

Law enforcement terrorism prevention activities that involve compensation of overtime shall be limited to those specifically related to homeland security, such as providing expanded investigative and intelligence efforts. Funding may not be used to supplant ongoing, routine public safety activities of state and local law enforcement. State applications must certify that all requests for overtime funding comply with this requirement.

HIGH-THREAT, HIGH-DENSITY URBAN AREAS GRANTS

The conferees agree to provide $725,000,000, instead of $500,000,000 as proposed by the House and $750,000,000 as proposed by the Senate. The conferees do not agree to provide $200,000,000 in a separate account for the protection of critical infrastructure, as proposed by the House. These funds are made available to the Secretary for discretionary grants to high-threat, high-density urban areas. The Secretary shall take into consideration credible threat, presence of critical infrastructure, population, vulnerability, cooperation of multiple jurisdictions in preparing domestic preparedness plans, and the identified needs of public agencies when determining the allocation of these funds. The conferees expect that these funds will be obligated no later than 60 days after enactment of this Act. The conferees also agree that no less than 80 percent of these funds shall be obligated by the state to local units of government within 60 days of the state receiving funds. Grants may be made to single or multiple jurisdictions in the same urban area.

The conferees are concerned with the limited information provided to the Committees on Appropriations regarding the manner in which the Department is distributing these grants. The conferees direct the Department to fully brief the Committees on Appropriations on the methodology for the proposed distribution of the funds appropriated for these grants before the distribution is announced.

CITIZEN CORPS GRANTS

The conferees agree to provide $40,000,000, instead of $45,000,000 as proposed by the House and $50,000,000 as proposed by the Senate.

NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

The conferees agree to provide $135,000,000, instead of $125,000,000 as proposed by the House and $140,000,000 as proposed by the Senate. Of the funds provided, $55,000,000 shall be for the Center for Domestic Preparedness.

TECHNICAL ASSISTANCE

The conferees agree to provide $30,000,000 for direct technical assistance to states, as proposed by the Senate, instead of $67,000,000 as proposed by the House. The conferees do not provide an additional technical assistance account as proposed by the Senate for $10,000,000 and by the House for $32,000,000 under Grant Administration and Planning.

NATIONAL EXERCISE PROGRAM

The conferees agree to provide $50,000,000, as proposed by both the House and Senate. The conferees fully support the Department's initiative to establish a performance-based national exercise program that centers on the Top Officials (TOPOFF) exercise series.

COMPETITIVE TRAINING GRANTS

The conferees agree to provide $60,000,000, instead of $35,000,000 as proposed by the House under Centers for Emergency Preparedness. The Senate proposed $28,000,000

for the continuation of core training and $60,000,000 for emerging training in separate accounts. The conferees expect ODP to fully honor all current training commitments.

EQUIPMENT AND TESTING

The conferees agree to provide $17,000,000, instead of $40,000,000 as proposed by the Senate. The House provided $5,000,000 for equipment and $12,000,000 for testing in separate accounts. The conferees agree that funding of $15,000,000 for standards development be moved to Science and Technology to consolidate department-wide research and development efforts. The conferees further direct Science and Technology to continue the program established by ODP in coordination with the National Institute of Standards and Technology (NIST), consistent with the fiscal year 2003 budget directive and the 5-year plan for development with NIST.

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide $30,000,000, as proposed by the Senate. The House provided $21,000,000 for management and administration and $11,000,000 for contractor support in separate accounts. Of the funds provided, up to $11,000,000 shall be available for contractor support.

EMERGENCY MEDICAL SERVICES (EMS)

The conferees agree with the language in both House Report 108–169 and Senate Report 108–86 regarding EMS providers. Further, the conferees direct the Department to submit the EMS grants report directed in Senate Report 108–86 no later than March 1, 2004.

BEST PRACTICES

The conferees request a report from the Department, no later than January 15, 2004, detailing efforts to assess and disseminate best practices to emergency responders. This report shall address, at a minimum, efforts to coordinate and share information with state and local officials and emergency preparedness organizations, and steps the Department proposes to improve the coordination and sharing of such information.

PREPAREDNESS GRANTS CONSOLIDATION

The conferees are disappointed in the inability of the Department to provide a comprehensive plan on the ''one-stop shop'' proposal. The conferees fully expect to receive this plan as soon as it is available and direct ODP to submit all legislative proposals required to achieve this initiative as part of the fiscal year 2005 budget request.

FIREFIGHTER ASSISTANCE GRANTS

The conferees agree to provide $750,000,000, as proposed by the Senate. The House proposed $760,000,000 under the Emergency Preparedness and Response Directorate. Not to exceed 5 percent may be used for administrative expenses. Funds are available until September 30, 2005.

The conferees agree to provide Firefighter Assistance Grants as a separate appropriation within the Office for Domestic Preparedness. The conferees agree that the Department shall continue current administrative practices in a manner identical to the current fiscal year, including a peer review process of applications, granting funds directly to local fire departments, and the inclusion of the United States Fire Administration during grant administration.

The conferees believe that, when establishing priorities for firefighting vehicles within this grant program, the Department should take into consideration the unique geographical needs of individual fire departments.

COUNTERTERRORISM FUND

The conferees agree to provide $10,000,000, instead of $20,000,000 as proposed by the House and the Senate. Funds are available until expended. The Secretary shall notify the Committees on Appropriations 15 days prior to obligation of these funds.

EMERGENCY PREPAREDNESS AND RESPONSE

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

The conferees agree to provide $3,450,000, instead of $3,615,000 as proposed by the Senate. The House provided $3,293,000 for the Office of the Under Secretary in Title I, under Departmental Operations.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

The conferees agree to provide $225,000,000, instead of $363,339,000 as proposed by the House. The Senate provided $163,000,000 for Preparedness, Mitigation, Response, and Recovery under Operating Expenses. Funding is available until September 30, 2004, as proposed by the House, instead of until expended as proposed by the Senate. The conferees agree to provide an additional $2,000,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment.

The conferees do not provide $25,000,000 for an emergency operations center competitive grant program, as proposed by the House.

URBAN SEARCH AND RESCUE TEAMS

Of the funds provided for Preparedness, Mitigation, Response, and Recovery, the conferees agree to provide $60,000,000 for Urban Search and Rescue Teams, instead of $64,587,000 as proposed by the Senate under Operating Expenses. The House bill contained no similar provision. Not to exceed 3 percent may be used for administrative expenses, instead of 5 percent as proposed by the Senate.

WEB-BASED TECHNOLOGY

In concurring with language in House Report 108–169, the conferees direct the Emergency Preparedness and Response Directorate to continue the Disaster Management Initiative, commonly referred to as DisasterHelp.gov. The conferees further direct the Emergency Preparedness and Response Directorate to collect the appropriate sums as necessary from the following contributing agencies: the Department of Justice, the Department of Commerce, the National Oceanic and Atmospheric Administration, the U.S. Army, the Department of Transportation, the Department of Interior, the Department of Health and Human Services, the Department of Agriculture, and the Environmental Protection Agency.

ADMINISTRATIVE AND REGIONAL OPERATIONS

The conferees agree to provide $167,000,000, instead of $168,589,000 as proposed by the House. The Senate provided $165,214,000 for Administrative and Regional Operations under Operating Expenses. Funding is available until September 30, 2004, as proposed by the House, instead of until expended as proposed by the Senate. The conferees agree to provide an additional $1,733,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. Funding of not to exceed $3,000 is provided for official reception and representation expenses.

OPERATING EXPENSES

(RESCISSION OF FUNDS)

The conferees rescind $3,000,000 of the funds provided by Public Law 108–11, as proposed by the Senate. The House bill included no similar provision.

PUBLIC HEALTH PROGRAMS

The conferees agree to provide $484,000,000, as proposed by the House. The Senate provided $434,000,000 under Operating Expenses. Of the funds provided, $400,000,000 shall be available for the Strategic National Stockpile, to remain available until expended; $34,000,000 for the National Disaster Medical System; and $50,000,000 for the Metropolitan Medical Response System.

BIODEFENSE COUNTERMEASURES

The conferees agree to provide $5,593,000,000 for fiscal years 2004 through 2013 as proposed by the House. Not to exceed $890,000,000 is available for obligation in fiscal year 2004, and not to exceed $3,418,000,000 is available for obligation in fiscal years 2004–2008 as proposed by the House. The Senate included no similar provision.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The conferees agree to retain the Radiological Emergency Preparedness Program as a separate appropriation, as proposed by the Senate. The House proposed the Radiological Emergency Preparedness Program be funded under Preparedness, Mitigation, Response, and Recovery.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $1,800,000,000, as proposed by the House, instead of $1,956,000,000 as proposed by the Senate. Of the funds provided, not to exceed $22,000,000 shall be transferred to the Office of Inspector General. Funds are available until expended. The conferees direct the continuation of the Section 404 post-disaster hazard mitigation grants program as part of a comprehensive mitigation strategy.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees agree to provide $560,000 for administrative expenses, instead of $558,000 as proposed by the House and $557,000 as proposed by the Senate. The conferees agree to provide an additional $3,000 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. Gross obligations for the principal amount of direct loans shall not exceed $25,000,000, as proposed by both the House and Senate.

NATIONAL PRE-DISASTER MITIGATION FUND

The conferees agree to provide $150,000,000, as proposed by the Senate. The House proposed $180,000,000 for pre-disaster mitigation under Grant Programs. Not to exceed 3 percent may be used for administrative expenses. Funds are available until expended. The conferees do not provide $250,000 to each state for planning purposes, as proposed by the House.

FLOOD MAP MODERNIZATION FUND

The conferees agree to provide $200,000,000, as proposed by both the House and the Senate. Not to exceed 3 percent may be used for administrative expenses. Funds are available until expended.

To correct a misprint on page 54 of House Report 108–169, the conferees agree, in the first line of the first paragraph after the heading ''Flood Mapping Projects'', to insert ''Perry,'' after ''of''.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide up to $32,663,000 for salaries and expenses as proposed by the Senate, instead of $32,761,000 as proposed by the House. The conferees further agree to provide up to $77,809,000 for flood mitigation activities and limitations of $55,000,000 for operating expenses, $565,897,000 for agents' commissions and taxes, and $40,000,000 for interest on Treasury borrowings as proposed by both the House and the Senate.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $20,000,000 by transfer from the National Flood Insurance Fund, as proposed by the Senate. The

House proposed $20,000,000 for flood mitigation by transfer under Grant Programs. Funds are available until September 30, 2005.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS (EMPG)

The conferees agree to provide $180,000,000, instead of $165,000,000 as proposed by the Senate. The House provided $168,000,000 for EMPGs under Preparedness, Mitigation, Response, and Recovery. Not to exceed 3 percent may be used for administrative expenses. The conferees agree that EMPGs shall remain in the Emergency Preparedness and Response Directorate where the focus is an all-hazards approach to emergency management. In addition, the conferees direct the continuation of funding personnel expenses, as stated in both the House and Senate reports.

EMERGENCY FOOD AND SHELTER

The conferees agree to provide $153,000,000, as proposed by both the House and the Senate. Not to exceed 3.5 percent may be used for administrative expenses. Funds are available until expended.

CERRO GRANDE FIRE CLAIMS

The conferees agree to provide $38,062,000, as proposed by the Senate. The House included no similar provision. Not to exceed 5 percent may be used for administrative expenses. Funds are available until expended. This funding will fully cover all remaining Cerro Grande fire claims.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

The conferees agree to provide $236,126,000 for the Bureau of Citizenship and Immigration Services (BCIS), instead of $248,500,000 as proposed by the House and $229,377,000 as proposed by the Senate. This includes: $3,836,000 for physical security and staffing; $5,600,000 to cover the costs of 2003 pay increases and unspecified administrative reductions; and $1,125,500 to partially offset the costs of the fiscal year 2004 4.1 percent pay adjustment. The conferees do not provide additional funding requested for information technology and for a program evaluation unit, but strongly support establishment of a program evaluation unit if funded through fee collections. Within the funds provided, not to exceed $5,000 is provided for official reception and representation expenses.

TAMPER-PROOF TRAVEL AND IDENTIFICATION DOCUMENTS

The conferees are concerned that certain documents issued by the Department of Homeland Security and the State Department represent a significant security risk, being vulnerable to fraud, misuse, and counterfeiting to permit illegal entry into the United States or false identification. These include travel documents such as Refugee Travel Documents, Re-Entry Permits, Seamen Booklets, and Advance Parole Documents, as well as old identification cards issued to Mexican citizens. The conferees are aware of efforts to improve security of such documents, but believe that far more must be done.

The conferees direct the Department, in cooperation with the Department of State, to: (1) develop and implement a plan to replace old Mexican identification cards by September 30, 2004; and (2) initiate a pilot program to develop tamper-proof documents. That program should take into account all relevant current and planned International Civil Aviation Organization standards, and incorporate security features such as biometrics (including fingerprint and photograph templates) as well as embedded contactless programmable chips. In addition, such a program should be carried out in consultation with the Forensic Development Laboratory of the Bureau of Immigration and Customs Enforcement.

CONTRACT MANAGEMENT

The conferees are troubled by a July 2003 General Accounting Office (GAO) report that outlined significant contracting weakness within legacy INS agencies, including functions transferred to BCIS. Among other problems, the GAO found that agencies lacked basic infrastructure for contract management and oversight, and documented a lack of procurement coordination. The contract for records management services at the regional support centers in California, Vermont, Texas, and Nebraska is an example of a critical activity dependent on competent oversight. The GAO recommended that the Department undertake a number of significant steps to ensure adequate oversight, management, and staffing for procurement, to include use of cross-functional acquisition teams, procurement performance measures, and upgrading procurement and financial information systems. As the Department has agreed to proceed in accordance with the GAO recommendations, the conferees direct that the Department submit a report to the Committees on Appropriations not later than April 1, 2004, on its specific plans and timetable for implementing these recommendations.

OFFSETTING FEE COLLECTIONS

Current estimates of examination fee collections, which constitute the majority of BCIS offsetting resources, are $1,564,000,000. These support the adjudication of applications for immigration benefits and would be derived from fees collected from persons applying for immigration benefits. Operations are heavily dependent on a variety of fees to offset operations, particularly the Immigration Examination Fee. The fluctuation of these fees can adversely affect operations if allowances are not made for prioritizing spending. The conferees direct BCIS to ensure that it fully funds current, ongoing base operations that are fee-supported before undertaking new initiatives. The conferees also agree to correct page 57 of House Report 108–169 to delete the reference to the Microfilm Rescue Project.

The following table displays how the conferees expect these fees will be applied:

| | |
|---|---|
| Citizenship and Immigration Services, Offsetting Collections: | |
| Backlog Elimination Initiative | $20,000,000 |
| Telephone Customer Service Center Operations | 43,000,000 |
| Digitization Projects | 20,400,000 |
| Other Immigration Staffing and Operations | 1,480,600,000 |
| Total, Citizenship and Immigration Services, Offsetting Collections | 1,564,000,000 |

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees agree to provide $155,423,000, instead of $136,629,000 as proposed by the House and $172,736,000 as proposed by the Senate. The additional $33,044,000 provided above the budget request is to be used for expenses related to the anticipated growth in student weeks of basic training ($32,120,000), including retention of 130 instructors first provided in fiscal year 2003, and to offset a portion of the costs of the fiscal year 2004 4.1 percent pay parity ($924,000). Within this total, $36,174,000 is for materials and support and not to exceed $12,000 may be used for official reception and representation expenses. The conferees also include bill language authorizing reimbursement for the use of personal cellular phones for official duties, as proposed by the House. Funds in this account are available until September 30, 2005, as proposed by the Senate, instead of September 30, 2006, as proposed by the House.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $37,357,000, instead of $32,323,000 as proposed by the House and $28,708,000 as proposed by the Senate. Funds above the budget request (+$13,678,000) are for priorities at the Center's facilities in Cheltenham, Maryland, and Artesia, New Mexico. The conference agreement includes bill language that authorizes the Center to accept reimbursements from government agencies requesting construction of special use facilities operated by the Federal Law Enforcement Training Center, as proposed by the House. The Senate bill contained no similar provision.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide $125,000,000 for management and administration. The Senate proposed $10,460,000 for the Office of the Under Secretary for Information Analysis and Infrastructure Protection (IAIP) and the House proposed this funding under Title I. The funding recommendation includes $4,800,000 for the Office of the Under Secretary; $100,200,000 for other salaries and expenses for federal employees in the IAIP directorate; and $20,000,000 for the Department's command center. The House and Senate provided funding for the command center in two separate accounts, as requested. The conference agreement consolidates this funding within the IAIP management and administration program. Within the funds provided for the Office of the Under Secretary, travel expenses may not exceed $231,000.

The conferees want to ensure that personnel requirements for critical intelligence positions are met and direct the Department to submit a report by December 15, 2003, on plans to meet the personnel requirements of the IAIP directorate, improve communications and disseminate information between the directorate and the intelligence community, and improve coordination between the directorate and state and local public safety entities. This report should include the specific manpower details requested in the House report.

ASSESSMENTS AND EVALUATIONS

The conferees agree to provide $714,300,000 for assessments and evaluations instead of $776,000,000 as proposed by the House and $823,700,000 as proposed by the Senate. All funding for federal salaries and expenses has been moved from the individual programs, as proposed by the House, and is provided in the management and administration account. Funds in this account are available until September 30, 2005.

THREAT DETERMINATION AND ASSESSMENT

The conferees agree to provide $28,400,000 as proposed by the House.

INFORMATION AND WARNING ADVISORIES

The conferees agree to provide $52,300,000, of which $32,800,000 is for cybersecurity, as proposed by the Senate.

The conference agreement includes the use of $10,000,000 within information and warning advisories funding to better develop a national alert system to notify the general public in the event of a terrorist attack. Redundancy in the dissemination of warnings is essential. The conferees are aware of the capabilities of the National Oceanic and Atmospheric Administration (NOAA) nationwide radio network and direct the Under

Secretary to report to the Committees on Appropriations by December 15, 2003, on the immediate use of the NOAA radio network as a key component of the warning systems, measures to expand consumer access to the warning systems, and efforts to educate and inform the public about the existence of this warning system.

The Under Secretary should consult with the Chairman of the Federal Communications Commission to develop the best way to communicate with the general public during threat alerts by using a full range of communication devices, such as wireline and cellular telephones, e-mail and instant messaging systems, radio and television broadcasts, and personal digital assistants. To the extent possible, the Department should incorporate existing federal, state, and local alert systems and consult with state and local public safety and emergency preparedness agencies.

The conferees direct the Under Secretary to report to the Committees on Appropriations by December 15, 2003, on proposed improvements to the Homeland Security Advisory System including an assessment of how the system is fulfilling its intended missions, and an evaluation of progress being made to tailor the system so that alerts are raised on a regional rather than national basis.

INFRASTRUCTURE VULNERABILITY AND RISK ASSESSMENT

The conferees agree to provide $84,200,000 as proposed by the House.

REMEDIATION AND PROTECTIVE ACTIONS

The conferees agree to provide $345,100,000. Funding of $3,900,000 is provided for the critical infrastructure information management office to establish a program to enable and manage the sharing of critical infrastructure information among federal, state, local, and private sector homeland security officials. The office is to develop and deploy information management tools and techniques to provide quick, complete access to information relevant to the protection of physical and cyber critical infrastructure.

The conference agreement provides $172,700,000 for vulnerability field assessments. In scheduling and performing vulnerability assessments of critical infrastructure and key assets, the conferees expect the Department to ensure that public assembly facilities are also addressed.

Funding of $65,700,000 is provided for cybersecurity, as proposed by the Senate, and $8,000,000 is provided for protection standards and performance metrics.

The conferees are aware that the Department of Energy and the Nuclear Regulatory Commission are reviewing and analyzing the safety and security of spent nuclear fuel storage at commercial nuclear power plants. The Under Secretary is directed to perform an independent review and analyses of this information as it becomes available.

NATIONAL COMMUNICATIONS SYSTEM

The conferees agree to provide $141,000,000 as proposed by the House.

ADMINISTRATION AND OUTREACH

For administration and outreach programs, the conferees agree to provide $18,900,000 for competitive analysis and evaluation, $3,500,000 for national plans and strategies, and $40,900,000 for outreach and partnerships, as proposed by the House.

CONFERENCE FUNDING LEVELS

| *Program* | *Amount* |
|---|---|
| Threat determination and assessment | $28,400,000 |
| Information and warning advisories | 52,300,000 |
| Infrastructure vulnerability and risk assessment | 84,200,000 |
| Remediation and protective actions | 345,100,000 |
| National communications system | 141,000,000 |
| Competitive analysis and evaluation | 18,900,000 |
| National plans and strategies | 3,500,000 |
| Outreach and partnerships | 40,900,000 |
| Total, Assessments and Evaluations | 714,300,000 |

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide $44,168,000 for management and administration instead of $5,400,000 as proposed by the Senate solely for the Office of the Under Secretary for Science and Technology. The House provided funding for this office under Title I. The funding recommendation includes $5,168,000 for the immediate Office of the Under Secretary and $39,000,000 for other salaries and expenses for federal employees in the Science and Technology directorate. Within the funds provided for the Office of the Under Secretary, travel expenses may not exceed $250,000.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The conferees agree to provide $874,000,000 for research, development, acquisition, and operations instead of $900,360,000 as proposed by the House and $866,000,000 as proposed by the Senate. The recommendation includes the use of $68,000,000 of prior year unobligated funds that will remain available for use in fiscal year 2004. All funding for federal salaries and expenses has been moved from the individual programs, as proposed by the House, and is provided in the management and administration account. Funds in this account are available until expended, as proposed by the Senate.

The conferees are concerned that research and development is being conducted independently by each of the Department's legacy components leading to duplicative research activities, wasted funds, and lack of appropriate management oversight. The Department is directed to consolidate all Departmental research and development funding within the science and technology programs in the fiscal year 2005 budget request.

BIOLOGICAL COUNTERMEASURES

The conference agreement includes $198,500,000 and the use of $68,000,000 of prior year unobligated funds that will remain available for use in fiscal year 2004. This funding level supports the budget request for the individual programs within biological countermeasures with the following exceptions: $18,500,000 is transferred to management and administration for federal salaries and expenses; an additional $15,000,000 is provided for the urban monitoring program; signatures and bioassays is reduced by $5,000,000; and $88,000,000 for construction of the National Biodefense Analysis and Countermeasures Center is funded as a separate program.

NUCLEAR AND RADIOLOGICAL COUNTERMEASURES

The conference agreement includes $127,000,000. This supports the budget request with the following exceptions: $7,000,000 is transferred to management and administration for federal salaries and expenses, and sensor research and development is reduced by $3,000,000.

CHEMICAL AND HIGH EXPLOSIVES COUNTERMEASURES

The conference agreement includes $52,000,000 for chemical countermeasures and $9,500,000 for high explosives countermeasures, as proposed by the House.

THREAT AND VULNERABILITY, TESTING AND ASSESSMENT

The conference agreement includes $93,500,000. This supports the budget request with the following exceptions: $4,500,000 is transferred to management and administration for federal salaries and expenses; cybersecurity is increased by $11,000,000; and the remaining programs are reduced by a total of $3,000,000.

CONVENTIONAL MISSIONS IN SUPPORT OF DHS

The conference agreement includes $34,000,000, allocated as follows: $25,000,000 for border and transportation security; $2,000,000 for the Secret Service; and $10,000,000 for emergency preparedness and response. Funding of $3,000,000 is transferred to management and administration for federal salaries and expenses.

RAPID PROTOTYPING PROGRAM/TECHNICAL SUPPORT WORKING GROUP

The conference agreement includes $75,000,000, an increase of $45,000,000 over the budget request of $30,000,000. The conferees encourage Science and Technology to evaluate information sharing proposals between the law enforcement and intelligence communities.

STANDARDS/STATE AND LOCAL PROGRAM

The conference agreement includes $39,000,000, as proposed by the House, which transfers $15,000,000 for development of standards from the Office for Domestic Preparedness (ODP). The conferees expect all standards development in the Department to be done by Science and Technology. Working with the public and private sectors, Science and Technology will develop a network of security certification laboratories to provide a consistent level of assurance in the effectiveness of homeland security technologies, systems, and equipment, and allow state and local governments to make better informed decisions on equipment needs. The conferees direct Science and Technology to continue the standards program established by ODP in coordination with the National Institute of Standards and Technology (NIST), consistent with the fiscal year 2003 budget directive and the 5–year plan for development with NIST.

The conferees support House language regarding search and rescue robotics certification and expect the Department to develop standards and criteria for search and robotics certification.

In preparing the report requested by the House on narrowbanding, Science and Technology is directed to consult with the Department of Commerce, the National Telecommunications and Information Administration, the Department of Justice, the Department of Treasury, and major organizations that support state and local public safety agencies.

The conferees support incorporation by SAFECOM of Project 25 technical standards where applicable, and encourage continued involvement of the user community in development and implementation of standards such as those being developed by Project 25 which allow for backward compatibility with existing digital and analog systems and provide for interoperability in future systems.

EMERGING THREATS

The conferees agree to provide $21,000,000 as proposed by the House.

CRITICAL INFRASTRUCTURE PROTECTION

The conferees agree to provide $66,500,000, of which $60,000,000 is provided for research, development, testing, and evaluation of an anti-missile device for commercial aircraft. Funding of $500,000 is transferred to management and administration for federal salaries and expenses.

UNIVERSITY PROGRAM/HOMELAND SECURITY FELLOWSHIP PROGRAMS

The conferees agree to provide $70,000,000, an increase of $60,000,000 over the budget request of $10,000,000, to establish a university-

based system to enhance the nation's homeland security efforts. The conferees encourage the Department to consider all colleges and universities that meet the requirements of 6 U.S.C. 188 in the selection of university-based centers, including historically black colleges and universities, tribal colleges, Hispanic-serving institutions, and Alaskan Native-serving institutions.

NATIONAL BIODEFENSE ANALYSIS AND COUNTERMEASURES CENTER

The conferees agree to provide $88,000,000 to initiate construction of a National Biodefense Analysis and Countermeasures Center that is to be the principal Department of Homeland Security component of the Fort Detrick Interagency Biodefense Campus in Maryland.

CONFERENCE FUNDING LEVELS

| *Program* | *Amount* |
|---|---|
| Biological countermeasures | $198,500,000 |
| Nuclear and radiological countermeasures | 127,000,000 |
| Chemical countermeasures | 52,000,000 |
| High explosives countermeasures | 9,500,000 |
| Threat and vulnerability, testing and assessment | 93,500,000 |
| Conventional missions in support of DHS | 34,000,000 |
| Rapid prototyping/Technical support working group | 75,000,000 |
| Standards/State and local program | 39,000,000 |
| Emerging threats | 21,000,000 |
| Critical infrastructure protection | 66,500,000 |
| University programs/homeland security fellowships | 70,00,000 |
| National Biodefense Analysis and Countermeasures Center | 88,000,000 |
| Total, Assessments and Evaluations | 874,000,000 |

TITLE V—GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Section 501. The conferees agree to a provision that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. The conferees agree to a provision that unexpended balances of prior appropriations may be merged with new appropriation accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. The conferees agree to a provision that provides reprogramming authority for funds within an account and not to exceed 5 percent transfer authority between appropriation accounts with the requirement for a 15-day advance Congressional notification. A detailed funding table identifying each Congressional control level for reprogramming purposes is included at the end of the statement of the managers. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2004.

The conferees expect the Department to submit reprogramming requests on a timely basis and not wait until the end of the fiscal year in an attempt to use funds that would otherwise expire. Any reprogramming that is submitted within 45 days of the end of the fiscal year must be due to exceptional or emergency circumstances. Additionally, the conferees are concerned that reprogramming requests submitted to date by the Department have not been sufficiently documented. Justifications have been incomplete and explanations of funding offsets have been inadequate requiring time consuming follow-up questions and briefings. The conferees expect the Department to review its internal reprogramming process to correct these deficiencies in fiscal year 2004.

Section 504. The conferees agree to a provision that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2004 from appropriations made for salaries and expenses shall remain available through fiscal year 2005 subject to reprogramming guidelines.

Section 505. The conferees agree to a provision that allows the use of funds for: purchase of uniforms without regard to the general purchase price limitation, purchase of insurance for official vehicles in foreign countries, entering into contracts with the State Department for furnishing health and medical services to employees serving in foreign countries, hire and purchase of motor vehicles, and purchase of police-type passenger vehicles without regard to the general purchase price limitation, and make this provision permanent.

Section 506. The conferees agree to a provision that converts the Federal Emergency Management Agency ''Working Capital Fund'' to the ''Department of Homeland Security Working Capital Fund''.

Section 507. The conferees agree to a provision that converts the Federal Emergency Management Agency ''Bequests and Gifts'' account to the ''Department of Homeland Security, Gifts and Donations'' account.

Section 508. The conferees agree to a provision that provides that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2004 until the enactment of an Act authorizing intelligence activities for fiscal year 2004.

Section 509. The conferees agree to a provision that directs the Federal Law Enforcement Training Center to establish an accrediting body to establish standards for assessing federal law enforcement training programs, facilities, and instructors.

Section 510. The conferees agree to a provision that requires notification of the Committees on Appropriations 3 days before any grant allocation, discretionary grant award, or letter of intent totaling $1,000,000 or more is announced by the Department.

Section 511. The conferees agree to a provision that no agency shall purchase, construct, or lease additional facilities for federal law enforcement training without advance approval of the Committees on Appropriations.

Section 512. The conferees agree to a provision that requires the Director of the Federal Law Enforcement Training Center to ensure that all training facilities are operated at optimal capacity throughout the fiscal year.

Section 513. The conferees agree to a provision that none of the funds may be used to produce customs declarations that do not inquire whether a passenger has been in proximity to livestock, and make this provision permanent.

Section 514. The conferees agree to a provision that none of the funds may be used for any activity or to pay the salary of any government employee if that would result in a determination, regulation, or policy that would prohibit enforcement of section 307 of the Tariff Act of 1930, and make this provision permanent.

Section 515. The conferees agree to a provision that none of the funds may be used to import goods that have been produced by forced or indentured child labor, and make this provision permanent.

Section 516. The conferees agree to a provision that none of the funds may be used for any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved.

Section 517. The conferees agree to a provision that none of the funds may be used to require airport sponsors to provide building modifications, utilities and expenses, or space to the Transportation Security Administration without cost for services related to aviation security.

Section 518. The conferees agree to a provision that none of the funds may be used in contravention of the Buy American Act.

Section 519. The conferees modify a provision related to the Computer Assisted Passenger Prescreening System (CAPPS II). The provision prohibits the use of funds for deployment or implementation of CAPPS II until certain conditions are met.

Section 520. The conferees agree to a provision that the Secretary of Homeland Security shall charge reasonable fees for providing credentialing and background investigations for transportation purposes, and may credit the fees to the appropriation available for that purpose, and make this provision permanent.

Section 521. The conferees modify a provision regarding the inspection of air cargo.

PROVISIONS NOT ADOPTED

The conference agreement deletes section 604 of the Senate bill providing that no Departmental employee may be detailed to another component without compensation. This requirement is addressed in the statement of managers.

The conference agreement deletes section 606 of the Senate bill providing a single official reception and representation expenses account. These funds have been provided in separate accounts.

The conference agreement deletes section 616 of the Senate bill requiring a report on countermeasures against shoulder-fired missile systems. This requirement is addressed in the statement of managers.

The conference agreement deletes section 617 of the Senate bill requiring a report on security costs incurred by state and local law enforcement offices for visits by foreign and domestic officials.

The conference agreement deletes section 619 of the Senate bill requiring a report on the Homeland Security Advisory System. This requirement is addressed in the statement of managers.

The conference agreement deletes section 620 of the Senate bill expressing the sense of the Senate that tourist populations should be factored into grant allocations.

The conference agreement deletes section 621 of the Senate bill requesting a review of damage claims from the University of North Dakota.

The conference agreement deletes section 622 of the Senate bill requiring a report on state and local law enforcement access to the ''Tipoff'' database.

The conference agreement deletes section 623 of the Senate bill requiring a report on information technology infrastructure. This requirement is addressed in the statement of managers.

The conference agreement deletes section 624 of the Senate bill prohibiting use of funds for companies that incorporate overseas.

The conference agreement deletes section 625 of the Senate bill requiring the department to ensure active minority institution participation in the university research program. This requirement is addressed in the statement of managers.

The conference agreement deletes section 626 of the Senate bill requiring a report on enhancing operations of the Information Analysis and Infrastructure Protection program. This requirement is addressed in the statement of managers.

The conference agreement deletes section 627 of the Senate bill requiring a report on all data-mining programs.

The conference agreement deletes section 628 of the Senate bill directing the Secretary to consider unique geographical needs when establishing priorities for firefighting vehicles. This requirement is addressed in the statement of managers.

The conference agreement deletes section 629 of the Senate bill requiring a report on the status of air traffic control communications. This requirement is addressed in the statement of managers.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in this bill are contained in the following table:

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| DEPARTMENT OF HOMELAND SECURITY | | |
| TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS | | |
| Departmental Operations | | |
| Immediate Office of the Secretary | 2,340 | 2,139 |
| Immediate Office of the Deputy Secretary | 1,207 | 1,116 |
| Office of Security | 20,025 | 19,899 |
| Chief of Staff | 5,284 | 5,047 |
| Executive Secretary | 6,103 | 5,239 |
| Special Assistant to the Secy/Private Sector | 4,777 | 3,995 |
| Office of National Capital Region Coordinator | 583 | 560 |
| Office of State and Local Government Coordination | 3,698 | 3,095 |
| Office of International Affairs | 1,384 | 1,165 |
| Office of Public Affairs | 9,633 | 8,168 |
| Office of Legislative Affairs | 7,463 | 5,907 |
| Office of General Counsel | 10,750 | 8,696 |
| Office of Civil Rights and Liberties | 14,885 | 13,027 |
| Citizenship and Immigration Services Ombudsman | 1,304 | 1,243 |
| Homeland Security Advisory Committee | 767 | 726 |
| Privacy Officer | 767 | 772 |
| Subtotal, Office of the Secretary and Executive Management | 90,970 | 80,794 |
| Office of the Under Secretary for Management: | | |
| Under Secretary for Management | 1,471 | 1,278 |
| Strategic Initiatives | 1,844 | --- |
| Office of Chief Financial Officer | 12,175 | 10,592 |
| Office of Procurement | 7,134 | 6,171 |
| Office of Human Resources | 7,824 | 6,743 |
| Office of Chief Information Officer | 82,167 | 60,496 |
| Office of Administration | 28,809 | 25,703 |
| Headquarters | 30,000 | 20,000 |
| Subtotal, Office of the Under Secretary for Management | 171,424 | 130,983 |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| Other Departmental Operations | | |
| Office of the Under Secretary for Border and Transportation Security | 10,132 | --- |
| Office of the Under Secretary for Information Analysis and Infrastructure Protection | 5,730 | --- |
| Command Center | 5,459 | --- |
| Office of the Under Secretary for Emergency Preparedness and Response | 4,115 | --- |
| Office of the Under Secretary for Science and Technology | 6,170 | --- |
| Subtotal, Other Departmental Operations | 31,606 | --- |
| Total, Departmental Operations | 294,000 | 211,777 |
| Department-Wide Technology Investments | | |
| Information technology services | 75,000 | 72,506 |
| Security activities | 31,000 | 31,000 |
| Wireless program | 100,000 | 100,000 |
| Salaries and expenses | --- | 2,494 |
| Subtotal, Department-wide technology investments | 206,000 | 206,000 |
| Transfer from working capital fund | --- | -21,000 |
| Total, Department-Wide Technology Investments | 206,000 | 185,000 |
| Office of Inspector General | | |
| Operating expenses | 58,118 | 58,664 |
| Emergency Preparedness and Response Disaster Relief Fund (by transfer) | (22,000) | (22,000) |
| Total, Office of Inspector General | (80,118) | (80,664) |
| Total, Title I | 558,118 | 455,441 |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS | | |
| Office of the Under Secretary for Border and Transportation Security | --- | 8,106 |
| U.S. Visitor and Immigrant Status Indicator Technology | --- | 330,000 |
| Customs and Border Protection | | |
| Salaries and expenses | 4,170,042 | --- |
| Inspection, port operations, and other activities | --- | 2,204,559 |
| Inspection Technologies: | | |
| Wireless PDA Access to Databases: equipment | 14,500 | 14,500 |
| Non-Intrusive Inspection Technology | 57,800 | 63,800 |
| Fiberoptic Scopes | 6,800 | 6,800 |
| License Plate Readers | 6,000 | 6,000 |
| Customs Automated Operations System (CAOS) | 9,700 | 9,700 |
| Explosive and Chemical Detector Canine programs | 17,500 | 17,500 |
| Other, includng Inspection Technology Staff | 6,700 | 6,700 |
| Subtotal, Inspection technologies | 119,000 | 125,000 |
| Container Security Initiative | 61,754 | 61,754 |
| Customs-Trade Partnership Against Terrorism | 18,000 | 14,100 |
| Free and Secure Trade initiative (FAST) | 3,900 | 3,900 |
| Agricultural Quarantine Inspection | 42,000 | 42,000 |
| Plum Island | 8,000 | --- |
| Textile Transshipment Enforcement | --- | 4,750 |
| Enforcement of laws against forced child labor | 12,725 | 12,725 |
| Border Patrol operations | --- | 1,924,562 |
| Border Patrol construction | 43,385 | --- |
| Other construction | 52,167 | --- |
| U.S. Visitor and Immigrant Status Indicator Tech | 444,300 | --- |
| IT Transformation to Homeland Security Fund | 30,210 | --- |
| ATLAS/CHIMERA IT Connectivity | 22,395 | --- |
| Automated Commercial Environment/ International Trade Data System (ITDS) | 441,122 | --- |
| Air and marine interdiction | 175,000 | --- |
| Harbor maintenance fee collection (trust fund) | 3,000 | 3,000 |
| Subtotal, CBP Salaries and expenses | 5,647,000 | 4,396,350 |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| Automated Commercial Environment/International Trade Data System (ITDS) | --- | 318,690 |
| Automated Commercial System & Legacy IT Costs | --- | 122,432 |
| Subtotal, Automation modernization | --- | 441,122 |
| Construction (Border Patrol) | --- | 90,363 |
| Total, Direct appropriations | 5,647,000 | 4,927,835 |
| Offsetting fee collections: | | |
| Immigration inspection user fee | (509,000) | (509,000) |
| Immigration examinations fund | (25,000) | --- |
| Immigration enforcement fines | (6,000) | (6,000) |
| Land border inspection fee | (28,000) | (28,000) |
| COBRA passenger inspection fee | (253,000) | (302,000) |
| Subtotal, Offsetting fee collections | (821,000) | (845,000) |
| Total, Customs and border protection | (6,468,000) | (5,772,835) |
| Immigration and Customs Enforcement | | |
| AMI Staffing (northern border airwing) | --- | 5,400 |
| Investigations, Intelligence, and Interdiction | 903,708 | 1,041,214 |
| Textile transshipment enforcement | --- | 4,750 |
| Child pornography tipline | --- | 100 |
| Project Alert | --- | 200 |
| Enforcement of laws against forced child labor | 3,000 | 3,000 |
| Intellectual Property Rights Center | 6,400 | 6,400 |
| Detention and Removals | 1,082,186 | 1,089,986 |
| Detention and removals construction | 21,000 | --- |
| Other construction | 5,796 | --- |
| U.S. Visitor and Immigrant Status Indicator Tech. | 35,700 | --- |
| ATLAS/CHIMERA IT Connectivity | 5,210 | --- |
| Subtotal, Salaries and expenses | 2,063,000 | 2,151,050 |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| Rescission | --- | -54,000 |
| Subtotal, ICE Salaries and expenses | 2,063,000 | 2,097,050 |
| Federal Air Marshals: | | |
| Federal Air Marshals | --- | 616,400 |
| Air-to-ground communications | --- | 10,000 |
| Subtotal, Federal Air Marshals | --- | 626,400 |
| Federal Protective Service | 424,211 | 424,211 |
| Automation Modernization: | | |
| ATLAS/CHIMERA IT connectivity | --- | 40,000 |
| Subtotal, Automation Modernization | --- | 40,000 |
| Air and marine interdiction | --- | 175,000 |
| Northern border airwing | --- | 35,200 |
| Subtotal, Air and marine interdiction | --- | 210,200 |
| Construction | --- | 26,775 |
| Total, Direct appropriations | 2,487,211 | 3,424,636 |
| Offsetting fee collections: | | |
| Immigration inspection user fee | (132,000) | (107,000) |
| Immigration examinations fund | --- | (25,000) |
| Breached bond/Detention fund | (116,000) | (116,000) |
| SEVIS fund | --- | (25,000) |
| COBRA passenger inspection fee | (49,000) | --- |
| Subtotal, Offsetting fee collections | (297,000) | (273,000) |
| Total, Immigration and customs enforcement | 2,784,211 | 3,697,636 |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| Transportation Security Administration | | |
| Passenger screening: | | |
| Screening pilots | 112,000 | 119,000 |
| Passenger screeners--P,C&B | 1,319,600 | 1,319,600 |
| Passenger screeners--training and other | 114,100 | 114,100 |
| Human resource services | 153,300 | 151,000 |
| Checkpoint support | 62,200 | 62,000 |
| CAPPS II | 35,000 | 35,000 |
| Registered traveler | 5,000 | 5,000 |
| Subtotal, Passenger screening | 1,801,200 | 1,805,700 |
| Baggage screening: | | |
| Baggage screeners--P,C&B | 774,200 | 774,200 |
| Baggage screeners--training and other | 69,500 | 69,500 |
| EDS purchase | --- | 150,000 |
| EDS installation | --- | 250,000 |
| EDS/ETD maintenance | 100,000 | 75,000 |
| Checked baggage data system | 100 | --- |
| Subtotal, Baggage screening | 943,800 | 1,318,700 |
| Airport Security Direction and Enforcement: | | |
| Aviation regulation and other enforcement | 366,800 | 275,400 |
| Airport management and staff | 283,800 | 233,800 |
| Airport information technology & other support | 176,200 | 139,100 |
| Federal flight deck officer program | 25,000 | 25,000 |
| Air cargo | 20,000 | 30,000 |
| Subtotal, Airport security direction and enforcement | 871,800 | 703,300 |
| Use of prior year balances | --- | -95,000 |
| Subtotal, Aviation security | 3,616,800 | 3,732,700 |
| Port security grants | --- | 125,000 |
| Credentialing (TWIC) | 55,000 | 50,000 |
| Intercity bus security | --- | 10,000 |
| Operation Safe Commerce | 2,500 | 17,000 |
| Trucking industry security | --- | 22,000 |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| Hazardous materials security | --- | 7,000 |
| Nuclear detection and monitoring | --- | 4,000 |
| Staffing and operations | 28,000 | 28,000 |
| Subtotal, Maritime and land security | 85,500 | 263,000 |
| Intelligence | 13,600 | 13,600 |
| Research & development at Tech Center | 55,200 | 55,200 |
| Next generation EDS and ETC | 10,000 | 45,000 |
| Air cargo | 10,000 | 55,000 |
| Subtotal, Research and development | 75,200 | 155,200 |
| Headquarters administration | 167,700 | 173,700 |
| Mission support centers | 40,000 | 40,000 |
| Information technology | 198,100 | 198,100 |
| Corporate training | 15,400 | 15,400 |
| Subtotal, Administration | 421,200 | 427,200 |
| Subtotal, TSA | 4,212,300 | 4,591,700 |
| Offsetting collections | -2,070,000 | -2,070,000 |
| Total, Transportation security administration | 2,142,300 | 2,521,700 |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| United States Coast Guard | | |
| Military pay and allowances | 2,568,207 | 2,568,207 |
| Civilian pay and benefits | 381,246 | 385,493 |
| Training and recruiting | --- | 164,240 |
| Operating funds and unit level maintenance | 1,041,107 | 866,507 |
| Centrally managed accounts | --- | 129,400 |
| Intermediate and depot level maintenance | 607,108 | 599,208 |
| Subtotal, operating expenses | 4,597,668 | 4,713,055 |
| Less adjustment for Defense function | -99,668 | -340,000 |
| Defense function | 340,000 | 340,000 |
| Rescissions | --- | -71,000 |
| Subtotal, Operating expenses | 4,838,000 | 4,642,055 |
| Environmental compliance and restoration | --- | 17,000 |
| Reserve training | --- | 95,000 |
| Acquisition, Construction, and Improvements: | | |
| Vessels: | | |
| Great Lakes Icebreaker (GLIB) replacement | 2,000 | 2,000 |
| 41 foot UTB and NSB replacement project | 12,000 | 12,000 |
| 9 add'l coastal patrol boats to enforce securi | 52,500 | 52,500 |
| Subtotal, Vessels | 66,500 | 66,500 |
| Automatic identification system | --- | 24,000 |
| Defense messaging system (DMS) | 4,500 | 3,500 |
| National distress & response sys modernization | 134,000 | 134,000 |
| Port and waterway safety | --- | 1,000 |
| Subtotal, Other equipment | 138,500 | 162,500 |
| Core acquisition costs | 500 | 500 |
| Direct personnel cost | 69,500 | 69,500 |
| Subtotal, Personnel compensation & benefits | 70,000 | 70,000 |
| Aircraft | 67,700 | 142,700 |
| Surface ships | 230,400 | 302,600 |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| C4ISR | 80,400 | 101,400 |
| Logistics | 45,400 | 45,400 |
| Systems engineering & integration | 42,100 | 42,100 |
| Government program management | 34,000 | 34,000 |
| Subtotal, Integrated deepwater systems | 500,000 | 668,200 |
| Research, development, test, and evaluation | 22,000 | --- |
| Subtotal, AC&I | 797,000 | 967,200 |
| Alteration of bridges | --- | 19,250 |
| Research, development, test, and evaluation | --- | 15,000 |
| Subtotal, U.S. Coast Guard discretionary | 5,635,000 | 5,755,505 |
| Retired pay (mandatory) | 1,020,000 | 1,020,000 |
| Total, United States Coast Guard | 6,655,000 | 6,775,505 |
| United States Secret Service | | |
| Protective, Investigative, & Uniformed Activities: | | |
| Other Prot., Investigative & Unif. Activities | 1,017,790 | 1,048,875 |
| White House Mail Screening and Processing | 33,000 | 16,365 |
| Investigations of Missing/Exploited Children: | | |
| Support | 1,633 | 2,100 |
| Grants | 3,009 | 5,000 |
| Presidential Candidate Protective Activities | 64,940 | 64,940 |
| Subtotal, Salaries and expenses | 1,120,372 | 1,137,280 |
| Acquisition, construction, improvements & related exp. | 3,579 | 3,579 |
| Total, United States Secret Service | 1,123,951 | 1,140,859 |
| Total, Title II | 18,055,462 | 19,128,641 |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| TITLE III - PREPAREDNESS AND RECOVERY | | |
| Office for Domestic Preparedness | | |
| Office for Domestic Preparedness | 2,558,000 | --- |
| State and local programs: | | |
| Basic formula grants | --- | 1,700,000 |
| Law enforcement terrorism prevention grants | 500,000 | 500,000 |
| Firefighter assistance grants | 500,000 | --- |
| High-threat High-density urban area | --- | 725,000 |
| Citizen Corps | --- | 40,000 |
| National domestic preparedness consortium | --- | 135,000 |
| Technical assistance | --- | 30,000 |
| National exercise program | --- | 50,000 |
| Competitive training grants | --- | 60,000 |
| Equipment and testing | --- | 17,000 |
| Management and administration | --- | 30,000 |
| Subtotal, State and local programs | 1,000,000 | 3,287,000 |
| Firefighter assistance grants | --- | 750,000 |
| Total, Office of Domestic Preparedness | 3,558,000 | 4,037,000 |
| Counterterrorism fund | 40,000 | 10,000 |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| Emergency Preparedness and Response | | |
| Office of the Under Secretary for Emergency Preparedness and Response | --- | 3,450 |
| Operating expenses: | | |
| Preparedness, mitigation, response and recovery | 163,000 | --- |
| Administrative and regional operations | 165,267 | --- |
| Public health programs | 434,000 | --- |
| Rescissions | --- | -3,000 |
| Subtotal, Operating expenses | (762,267) | (-3,000) |
| Preparedness, mitigation, response and recovery: | | |
| Operating activities | --- | 165,000 |
| Urban search and rescue teams | --- | 60,000 |
| Subtotal, Preparedness, Mitigation, Response and Recovery | --- | 225,000 |
| Administrative and regional operations | --- | 167,000 |
| Strategic national stockpile | --- | 400,000 |
| National disaster medical system | --- | 34,000 |
| Metropolitan medical response system | --- | 50,000 |
| Subtotal, Public health programs | --- | 484,000 |
| Biodefense countermeasures | 890,000 | 890,000 |
| Advance appropriations | 4,703,000 | 4,703,000 |
| Subtotal, Biodefense countermeasures | 5,593,000 | 5,593,000 |
| Radiological emergency preparedness program | 1,000 | --- |
| Radiological emergency preparedness fund | -1,000 | --- |
| Disaster relief | 1,956,000 | 1,800,000 |
| (Transfer to Office of the Inspector General) | (-22,000) | (-22,000) |
| Disaster assistance direct loan program account: | | |
| (Limitation on direct loans) | (25,000) | (25,000) |
| Administrative expenses | 557 | 560 |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| National pre-disaster mitigation fund | --- | 150,000 |
| Flood map modernization fund | 200,000 | 200,000 |
| National flood insurance fund: | | |
| (Limitation on administrative expenses): | | |
| Salaries and expenses | 32,663 | 32,663 |
| Flood mitigation | 77,809 | 77,809 |
| Subtotal, National flood insurance fund | 110,472 | 110,472 |
| (Transfer to Grant programs) | (-20,000) | --- |
| (Transfer to National flood mitigation fund) | --- | (-20,000) |
| National flood mitigation fund (by transfer) | --- | (20,000) |
| Grant programs | 280,000 | --- |
| National flood insurance fund (by transfer) | (20,000) | --- |
| Subtotal, Grant programs | (300,000) | --- |
| Emergency Management Performance Grants | --- | 180,000 |
| Emergency food and shelter | 153,000 | 153,000 |
| Cerro Grande fire claims | --- | 38,062 |
| Total, Emergency Preparedness and Response | 9,055,296 | 9,101,544 |
| Total, Title III | 12,653,296 | 13,148,544 |
| Current Year appropriations | (7,950,296) | (8,448,544) |
| Advance appropriations | (4,703,000) | (4,703,000) |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES | | |
| Citizenship and Immigration Services | | |
| Operating expenses | 155,000 | 156,126 |
| Backlog Elimination Initiative | 80,000 | 80,000 |
| Subtotal, Operating expenses | 235,000 | 236,126 |
| Offsetting fee collections: | | |
| Immigration user fee | (4,000) | (4,000) |
| Immigration examinations fund | (1,550,000) | (1,550,000) |
| H-1b Visa fees | (10,000) | (10,000) |
| Subtotal, Offsetting fee collections | (1,564,000) | (1,564,000) |
| Total, Citizenship and immigration services | (1,799,000) | (1,800,126) |
| Federal Law Enforcement Training Center | | |
| Salaries and expenses | 122,379 | 155,423 |
| Acquisition, const, improvements & related expenses | 23,679 | 37,357 |
| Total, Federal Law Enforcement Training Center | 146,058 | 192,780 |
| Information Analysis and Infrastructure Protection | | |
| Management and administration: | | |
| Office of the Under Secretary for Information Analysis and Infrastructure Protection | --- | 4,800 |
| Other salaries and expenses | --- | 100,200 |
| DHS Command Center | --- | 20,000 |
| Subtotal, Management and administration | --- | 125,000 |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| Threat determination and assessment | 32,000 | 28,400 |
| Information and warning advisories | 69,700 | 52,300 |
| Infrastructure vulnerability and risk assessment | 95,000 | 84,200 |
| Remediation and protective actions | 383,900 | 345,100 |
| National communications system | 155,000 | 141,000 |
| Competitive analysis and evaluation | 20,000 | 18,900 |
| National plans and strategies | 5,000 | 3,500 |
| Outreach and partnerships | 60,000 | 40,900 |
| Office of the Under Secretary for IAIP | 8,400 | --- |
| Subtotal, Assessments and evaluations | 829,000 | 714,300 |
| Total, Info Analysis & Infrastructure Protection | 829,000 | 839,300 |
| Science and Technology | | |
| Management and administration: | | |
| Office of the Under Secretary for Science and Technology | --- | 5,168 |
| Other salaries and expenses | --- | 39,000 |
| Subtotal, Management and administration | --- | 44,168 |
| Biological countermeasures: | | |
| Operating expenses | 274,735 | 266,500 |
| Construction | 90,000 | --- |
| Use of prior year balances | --- | -68,000 |
| Subtotal, Biological countermeasures | 364,735 | 198,500 |
| Nuclear and radiological countermeasures | 136,625 | 127,000 |
| Chemical countermeasures | 55,000 | 52,000 |
| High explosives countermeasures | 10,000 | 9,500 |
| Threat and vulnerability, testing and assessment | 90,000 | 93,500 |
| Conventional missions in support of DHS | 55,000 | 34,000 |

DEPARTMENT OF HOMELAND SECURITY
(IN THOUSANDS OF DOLLARS)

| | FY 2004 Request | Conference Agreement |
|---|---|---|
| Rapid prototyping program/ Technical support working group | 30,000 | 75,000 |
| Standards/State and local program | 25,000 | 39,000 |
| Emerging threats | 22,000 | 21,000 |
| Critical infrastructure protection | 5,000 | 66,500 |
| University programs/Homeland security fellowship | 10,000 | 70,000 |
| National Biodefense Analysis and Countermeasures Center | --- | 88,000 |
| Subtotal, Research, development, acquisition, and operations | 803,360 | 874,000 |
| Total, Science and Technology | 803,360 | 918,168 |
| Total, Title IV | 2,013,418 | 2,186,374 |
| Total, Department of Homeland Security | 33,280,294 | 34,919,000 |

CONGRESSIONAL BUDGET RECAP

| | | |
|---|---|---|
| Scorekeeping adjustments: | | |
| Airline bailout | 215,000 | 215,000 |
| Less advance appropriations for subsequent years | -4,703,000 | -4,703,000 |
| Total, scorekeeping adjustments | -4,488,000 | -4,488,000 |
| Total (including adjustments) | 28,792,294 | 30,431,000 |
| Amount in this bill | (33,280,294) | (34,919,000) |
| Scorekeeping adjustments | (-4,488,000) | (-4,488,000) |
| Total mandatory and discretionary | 28,792,294 | 30,431,000 |
| Mandatory | (1,020,000) | (1,020,000) |
| Discretionary | (27,772,294) | (29,411,000) |

# CONFERENCE TOTAL--WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2004 recommended by the Committee of Conference, with comparisons to the fiscal year 2003 amount, the 2004 budget estimates, and the House and Senate bills for 2004 follow:

(In thousands of dollars)

| | | |
|---|---|---|
| New budget (obligational) authority, fiscal year 2003 | $ | 29,764,233 |
| Budget estimates of new (obligational) authority, fiscal year 2004 | | 29,392,294 |
| House bill, fiscal year 2004 | | 30,430,982 |
| Senate bill, fiscal year 2004 | | 29,541,000 |
| Conference agreement, fiscal year 2004 | | 30,431,000 |
| Conference agreement compared with: | | |
| New budget (obligational) authority, fiscal year 2003 | | +666,767 |
| Budget estimates of new (obligational) authority, fiscal year 2004 | | +1,038,706 |
| House bill, fiscal year 2004 | | +18 |
| Senate bill, fiscal year 2004 | | +890,000 |

HAROLD ROGERS,
C.W. BILL YOUNG,
FRANK R. WOLF,
ZACH WAMP,
TOM LATHAM,
JO ANN EMERSON,
KAY GRANGER,
JOHN E. SWEENEY,
DON SHERWOOD,
MARTIN OLAV SABO,
DAVID E. PRICE,
JOSÉ E. SERRANO,
LUCILLE ROYBAL-ALLARD,
MARION BERRY,
ALAN B. MOLLOHAN,
*Managers on the Part of the House.*

THAD COCHRAN,
TED STEVENS,
ARLEN SPECTER,
PETE V. DOMENICI,
MITCH MCCONNELL,
RICHARD C. SHELBY,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
PATRICK J. LEAHY,
TOM HARKIN,
BARBARA A. MIKULSKI,
HERB KOHL,
PATTY MURRAY,
*Managers on the Part of the Senate.*

## COLTSVILLE STUDY ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 233) to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

The Clerk read as follows:

S. 233

*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 ''Coltsville Study Act of 2003''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) Hartford, Connecticut, home to Colt Manufacturing Company (referred to in this Act as ''Colt''), played a major role in the Industrial Revolution;

(2) Samuel Colt, founder of Colt, and his wife, Elizabeth Colt, inspired Coltsville, a community in the State of Connecticut that flourished during the Industrial Revolution and included Victorian mansions, an open green area, botanical gardens, and a deer park;

(3) the residence of Samuel and Elizabeth Colt in Hartford, Connecticut, known as ''Armsmear'', is a national historic landmark, and the distinctive Colt factory is a prominent feature of the Hartford, Connecticut, skyline;

(4) the Colt legacy is not only about firearms, but also about industrial innovation and the development of technology that would change the way of life in the United States, including—

(A) the development of telegraph technology; and

(B) advancements in jet engine technology by Francis Pratt and Amos Whitney, who served as apprentices at Colt;

(5) Coltsville—

(A) set the standard for excellence during the Industrial Revolution; and

(B) continues to prove significant—

(i) as a place in which people of the United States can learn about that important period in history; and

(ii) by reason of the close proximity of Coltsville to the Mark Twain House, Trinity College, Old North Cemetery, and many historic homesteads and architecturally renowned buildings;

(6) in 1998, the National Park Service conducted a special resource reconnaissance study of the Connecticut River Valley to evaluate the significance of precision manufacturing sites; and

(7) the report on the study stated that—

(A) no other region of the United States contains an equal concentration of resources relating to the precision manufacturing theme that began with firearms production;

(B) properties relating to precision manufacturing encompass more than merely factories; and

(C) further study, which should be undertaken, may recommend inclusion of churches and other social institutions.

**SEC. 3. STUDY.**

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior (referred to in this Act as the ''Secretary'') shall complete a study of the site in the State of Connecticut commonly known as ''Coltsville'' to evaluate—

(1) the national significance of the site and surrounding area;

(2) the suitability and feasibility of designating the site and surrounding area as a unit of the National Park System; and

(3) the importance of the site to the history of precision manufacturing.

(b) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with Public Law 91–383 (16 U.S.C. 1a–1 et seq.).

**SEC. 4. REPORT.**

Not later than 30 days after the date on which the study under section 3(a) is completed, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

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

Mr. Speaker, S. 233, introduced by Senator DODD of Connecticut and passed by the Senate earlier this year, would authorize the Secretary of Interior to conduct a suitability and feasibility study of the Coltsville site, an area within the city of Hartford, Connecticut, for the potential inclusion in the National Park System.

The Coltsville site, founded by Samuel Colt, flourished during the industrial revolution, spurring innovation in not only the production of firearms, but also with the development of technology. S. 233 is supported by the administration, as well as the majority and minority of the subcommittee. I urge my colleagues to support S. 233.

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

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

Mr. Speaker, S. 233 is a Senate companion legislation to a bill, H.R. 437, introduced by the gentleman from Connecticut (Mr. LARSON), which would authorize a study of the Coltsville historic district in Connecticut. This district is located in the city of Hartford. The site, which is associated with the historically significant Colt Manufacturing Company, contains a notable number of historic resources that provide an important glimpse into the history of American industry and precision manufacturing.

At the April 8 subcommittee hearing on the House bill, the National Park Service and public witnesses testified in favor of the study. The legislation also has the support of the entire Connecticut delegation.

Mr. Speaker, I want to commend the work of the House sponsor, the gentleman from Connecticut (Mr. LARSON), on this measure. He has been a strong and effective advocate of the Coltsville community and the city of Hartford. It is our hope and intention that the study will provide Congress and the community with information on how to appropriately preserve and interpret the historic resources of the Coltsville community.

Mr. Speaker, I support the legislation and urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. LARSON), the sponsor of this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her kind words. I would also like to thank the gentleman from Arizona (Mr. RENZI) for his remarks. I thank as well the gentleman from California (Chairman POMBO) and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their consideration of this legislation, and the gentleman from California (Mr. RADANOVICH) for his help in assisting bringing this important legislation to the floor.

I would be remiss not to mention, as the gentlewoman did, the involvement of the entire Connecticut delegation, with special thanks to United States Senators DODD and LIEBERMAN, the gentlewoman from Connecticut (Ms. DELAURO), the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Connecticut (Mr. SHAYS), and the gentleman from Connecticut (Mr. SIMMONS) for their tireless efforts as well.

A hearing was conducted on this back in April with the National Park Service testifying in favor of this study going forward. We have also, as was noted by the gentlewoman, received

numerous support from State and local public officials, the State's oldest continuous published newspaper, and many civic groups, neighborhood groups, the Connecticut Historical Society and others who support this wholeheartedly.

The historical significance is paramount. This actually was the seat of the industrial revolution. Connecticut has long been known as being an arsenal for democracy dating back to our Revolution, and Samuel Colt is known most famously for the Colt 45 and the gun that won the West. What is not known in history is the effort of Elizabeth Colt.

Samuel Colt died at a very young age, and it was Elizabeth Colt who for 42 years managed this business and made it the most successful precision manufacturing business in the world at the time. It was the business to which Henry Ford came to study. It was the business in which both Pratt and Whitney were interns, and later were the pioneers of manufacturing Pratt & Whitney aircraft engines. It was here that people came to look at precision manufacturing; but Elizabeth Colt, who would have been among the Fortune top 10 at the time, did not even have the right to vote.

The gentlewoman from California (Ms. PELOSI) has talked frequently about how she was able to break through the glass ceiling and become the first to make history. Well not only did Elizabeth Colt make history, she also made a difference, as I know our leader will as well. In doing so, Elizabeth Colt was able to focus on housing concerns in the region, she was able to focus on the need to bring in assurances to help out workers in the workplace, and so she became a study not only in terms of precision manufacturing, but how to build a community around an industrial base.

It is for this reason and at the dawn of our industrial revolution, and the fact that this was the first American overseas factory, that this community enterprise of State government and the private sector is worthy of this study and, as indicated, was unanimously passed by both the Senate and by the respective committee and subcommittee in this body. I urge its support today, and thank all of those for their kind words and help in bringing this to fruition. It is an outstanding achievement for the city of Hartford and the citizens of Coltsville, and a great step forward for America in recognizing the genius of Samuel Colt and the long-overdue recognition of Elizabeth Colt.

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

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

I thank the gentleman from Connecticut (Mr. LARSON) for the rich history and the articulation he shared with us today. It is truly a fitting tribute to the Colt family.

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 Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 233.

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.

## GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the nine bills just considered.

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

There was no objection.

## ROBERTO CLEMENTE WALKER POST OFFICE BUILDING

Mr. MURPHY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2826) to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the ''Roberto Clemente Walker Post Office Building''.

The Clerk read as follows:

H.R. 2826

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

**SECTION 1. ROBERTO CLEMENTE WALKER POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, shall be known and designated as the ''Roberto Clemente Walker Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Roberto Clemente Walker Post Office Building.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 2826, introduced by the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) designates the U.S. Postal Service facility in Carolina, Puerto Rico, as the Roberto Clemente Walker Post Office Building. Roberto Clemente was one of baseball's greatest heroes, both when he commanded the right fields of baseball stadiums across America, and when he was so giving of his time, energy and resources off the field. Naming this post office in Carolina, his hometown, is a wonderful tribute to a man all of us ought to never forget.

This legislation is particularly relevant to my constituents and myself because of Roberto Clemente's great years with the Pittsburgh Pirates. He played all of his 18 major league seasons in Pittsburgh, slugging 240 home runs and exactly 3,000 hits. Clemente remains the Pirates' all-time leader in at-bats and hits. Along with his hitting prowess, Pittsburghers and Pirate fans everywhere remember his cannon of an arm. Number 21 finished his career with 266 assists from the outfield, and won 12 Gold Gloves.

And at a time when we may confuse the meaning of hero, he truly fits the definition, showing sacrifice and courage and giving of himself to help others. Beyond the baseball field, Roberto Clemente took seriously his role as a community leader. He was known for his work to bring better lives to disadvantaged children all over the world. And tragically, it was his charitable conduct that led to his death. After relief supplies had failed to be sent to Nicaragua immediately following a devastating earthquake in December 1972, Clemente wanted to see to it himself that essential provisions were delivered. Roberto loaded 16,000 pounds of supplies into a DC–7 aircraft and set off for Nicaragua. The plane, apparently overloaded, crashed just off the coast of his native Puerto Rico on New Year's Eve.

Major league baseball honored Roberto Clemente the very next summer by inducting him into Baseball's Hall of Fame. He was the first player ever from Latin America to become a Hall of Famer; and today, Major League Baseball's annual Man of the Year Award is named in Roberto Clemente's honor.

□ 1600

After Clemente's death, his eldest son, Roberto, Jr., sought to continue his father's benevolent legacy; and in 1993 he established the Roberto Clemente Foundation, which provides educational and recreational programs for disadvantaged youth in the Pittsburgh area. I want to commend all those involved in the work of the Roberto Clemente Foundation today.

Roberto Clemente once said, ''I want to be remembered as a ball player who gave all he had to give.'' Off the field, perhaps more than on, today we remember Roberto Clemente as just that, a man who gave all he had to give.

Therefore, Mr. Speaker, I urge all Members to support the passage of H.R. 2826 that will name this post office after Roberto Clemente, number 21. I thank the gentleman from Puerto Rico for his work on this fitting honor for a

baseball great and a great humanitarian.

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

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

H.R. 2826 would designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the Roberto Clemente Walker Post Office Building. As a member of the House Committee on Government Reform, I am pleased to join my colleague in the consideration of H.R. 2826, which designates a U.S. postal facility in Puerto Rico after Roberto Clemente Walker. H.R. 2826 was introduced by the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) on July 23, 2003.

Roberto Clemente Walker was born in Barrio San Anton in Carolina, Puerto Rico, in 1934. A top athlete from his early years where he excelled in track and field, he went on to play amateur baseball in Puerto Rico. From there he signed with the Brooklyn Dodgers, playing for the Montreal Royals. He later joined the Pittsburgh Pirates baseball team as the number one draft pick in 1954. He played 18 years, his entire major league career, with the Pirates.

During his career with the Pirates, Roberto Clemente played in two World Series, he was the National League batting champion four times, was awarded 12 Gold Gloves, and selected National League Most Valuable Player. Roberto Clemente Walker could do it all, and he did.

He was also a very caring man. He was the father of three sons, Roberto, Jr.; Luis Roberto; and Roberto Enrique, and the husband of Vera Cristina Zabala. Sadly, he died in a plane crash in 1972 delivering food, clothes, and medical supplies to an earthquake-stricken Nicaragua.

Mr. Speaker, while we often honor athletes for their great athletic ability, for the number of home runs that they hit, for how fast they can run, how well they can catch, how many touchdowns they may have thrown or how many they may have caught, Roberto Clemente died demonstrating that when you give of yourself, when you give of yourself for others, that is when you truly give. That is really what makes you great. Roberto Clemente died proving that if he could help somebody as he passed along, if he could cheer somebody with a word of song, if he could give his life for the benefit of others, that is the real stuff that heroes are made of. That is really what made Roberto Clemente the hero that we all know him to be.

I commend my colleague for seeking to honor this great American, this great humanitarian, this great man. I urge passage of this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ), the author of this legislation.

Mr. ACEVEDO-VILÁ. Mr. Speaker, today is a very important day for Puerto Ricans, for fans of baseball, and for humanitarians alike who value the legacy of Roberto Clemente, one of the greatest ball players of all time. It gives me great pride to recognize Roberto Clemente's successful career, both on the field as a baseball player and off it as a humanitarian, by naming a post office after him in his native town of Carolina, Puerto Rico.

Roberto had rare talent that combined all the essential elements of a great baseball player. He had a powerful bat, speed, graceful fielding, and an especially amazing arm. But perhaps the most important characteristics about Roberto Clemente for Puerto Ricans and for Americans include his character, integrity, humility, and commitment to excellence both on and off the field.

Between 1955 and 1972, Roberto Clemente batted 9,454 times in the major leagues, scored 1,416 runs, 3,000 hits, the first Puerto Rican to reach that mark; 240 home runs and batted in 1,305 runs in 2,433 games. Also, Roberto won four National League batting titles, 1961, 1964, 1965 and 1967; had a .317 lifetime batting average; and was selected 12 times to the Midsummer Classic, the All-Star game.

Roberto also participated in two World Series, won the National League Most Valuable Player award in 1966, and became the first Puerto Rican to win such an award. He also won 12 Gold Gloves as a right fielder; and was selected, and I remember that one, in 1971 the World Series Most Valuable Player. Also, Roberto Clemente has been the only Latin American to appear in two First Class stamps.

Puerto Ricans remember Roberto Clemente with great pride, for he not only made the most of his athletic talents, he was also a role model for us all, helping those in need and giving back to the community what he earned through his hard work and dedication. In a day when we often cringe at the scandals involving some of our greatest athletes, we can remember Roberto Clemente for all the great things he embodied.

Last December 31, 2002, we commemorated the 30th anniversary of his tragic death. Roberto died on New Year's Eve while delivering aid to the victims of a major earthquake that hit Nicaragua in 1972. I was 10 years old, and I clearly remember that New Year's Day in Puerto Rico the reaction, a holiday that is supposed to be a celebration, New Year's Day was a day of great, great sorrow for the people of Puerto Rico when we all learned about what had just happened to Roberto. Even though his family urged him not to do the trip because of foul weather, Roberto was determined to help the victims. Unfortunately, the plane suffered a tragic accident; and Roberto and the whole crew perished in the incident.

H.R. 2826 will honor Roberto's legacy by naming his hometown post office in his honor. This legislation will serve much-deserved recognition to Roberto Clemente. It is for our fallen star, his family, and for all his fans in Puerto Rico, Pennsylvania, and throughout the world. We will never ever forget what he brought to both the baseball field and to our society.

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

Again, I would like to commend the gentleman from Puerto Rico for introducing this legislation. In my community, there is a Roberto Clemente High School that we revere as one of the great institutions in the city of Chicago. I certainly would urge passage of this legislation naming a post office for a tremendous athlete, but more than that for a great humanitarian and a great citizen.

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

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

I am just reminded of one other thing. When Roberto Clemente hit his 3,000th hit, as he reached the base, he stood there and raised his hat to the fans. It is fitting for a man who gave his life helping others that we raise our hats to him. I urge all Members to support the passage of this measure that honors Roberto Clemente.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 2826.

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.

## J.C. LEWIS, JR. POST OFFICE BUILDING

Mr. MURPHY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2533) to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the ''J.C. Lewis, Jr. Post Office Building''.

The Clerk read as follows:

H.R. 2533

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

**SECTION 1. J.C. LEWIS, JR. POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, shall be known and designated as the ''J.C. Lewis, Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the J.C. Lewis, Jr. Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Pennsylvania (Mr. MURPHY) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY).

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. MURPHY. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia (Mr. KINGSTON), the sponsor of this legislation.

Mr. KINGSTON. Mr. Speaker, I wanted to start out saying that there is a statement, I cannot quite get it right, but it states to the effect that men who have monuments built after them to honor them do not need monuments built after them to honor them because their achievements speak for themselves. Nothing could be truer for Mr. J.C. Lewis, Jr. His achievements have touched and reached thousands of lives in Savannah, Georgia, the State of Georgia, and the United States of America. He is truly a renaissance man, a modern day Cincinnatus, who goes and leads his community time and time again in cause after cause and then returns to his own business life or quietly takes a step offstage to avoid the applause.

In fact, the bill today, Mr. Speaker, would not be here if the family had their wish; but I have known the Lewis family for some time, and I know the sons well enough to speak frankly, and I have told them despite their opposition because they do not really seek the limelight under any circumstances, to a person in the family, I said, we need to do this for your dad. I figured that forgiveness was easier than permission, and waiting around for the permission of any Lewis to give them honor will keep one waiting for a long, long time. So we are moving forward.

When I spoke to the gentleman from Georgia (Mr. BURNS) about this, whose district contains this post office, he absolutely jumped up and down about it because the gentleman from Georgia (Mr. BURNS) knew of Mr. Lewis long before committing himself to run for the United States Congress. And so we are proud to offer this legislation as partners. It basically names this post office after Mr. J.C. Lewis, Jr., not sufficient enough in terms of an honor to a guy who has done so much for our community; and yet in another way it is a token, just one way of saying thanks not just to Mr. Lewis but to his wife, Nancy, and to the six children, Nan, Curtie, Walter, Wistar, Scott, and Christian. I hope I named six of them. It is a big family. I know they will kill me if I left out one of them.

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

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

Mr. BURNS. Mr. Speaker, I thank the distinguished gentleman for yielding. I join with the gentleman from Georgia (Mr. KINGSTON) and the entire Georgia delegation in honoring J.C. Lewis, Jr., by the naming of the post office on Abercorn Street in the 12th District of Georgia. As the gentleman from Georgia (Mr. KINGSTON) pointed out, Mr. Lewis seeks no recognition. A humble man, a servant of our community for decades, he was born in Savannah, Georgia; and throughout his life he has served Savannah and the low country and the rest of our State, his community, his country, and his God. He went to public schools in Chatham County and attended and graduated from the University of Georgia with honors. J.C. Lewis, Jr. is a true Bulldog. He later received the school's outstanding award as an alum. I am sure that was one of the proudest moments in his life.

After his university education, he acknowledged his patriotic duty. He served in the United States Navy. He continued to remain devoted to the U.S. military in his actions. One of the most significant things that he has done for our community is serve as chairman of the Mighty Eighth Air Force Museum. He has also served as president of the Association of the United States Army and is a member of the Navy League.

□ 1615

After his education he returned to his childhood home in Savannah and, with his wife, Nancy Nelson Lewis, and their children, made it his home and his dream and his passion. He became the first Republican Governor in Georgia since reconstruction when he was elected as mayor of the city of Savannah. He is a successful businessman, serving as President and CEO of J.C. Lewis Enterprises. He is a devoted family man, a member and deacon of the First Baptist Church of Savannah.

But I think probably most notably that when most other Americans Mr. Lewis's age were retiring, he was just getting started. He was concerned about the rising problem of homelessness in the city of Savannah. He approached the Board of the Union Mission in 1985, nearly 20 years ago. He then purchased and donated facilities that provide for the care of both homeless men and women, and shelters are located there. He also funded a cancer program for the homeless, the J.C. Lewis Health Center, and he serves continuously as the honorary chairman of Union Mission's capital campaign as they seek in their mission to end homelessness in the city of Savannah, Georgia.

Throughout his life, J.C. Lewis has been a physically and personally devoted individual to helping and serving mankind, and I join the gentleman from Georgia (Mr. KINGSTON) and the rest of the Georgia delegation in supporting H.R. 2533 as just a very small way that we can thank Mr. Lewis for his service to Savannah, Georgia and to the 12th District.

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

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join with my colleagues in consideration of H.R. 2533, which designates a U.S. postal facility in Savannah, Georgia after J.C. Lewis, Jr. H.R. 2533 was introduced by the gentleman from Georgia (Mr. KINGSTON) on June 19, 2003. Mr. Lewis, the former mayor of Savannah, Georgia, serves on many charitable and community-oriented boards. A given and committed man, he financed the building site for the Savannah Baptist Center, which serves as a recreational and education center in town. He is best known for his work with Union Mission to end homelessness in Savannah. He purchased and donated the Union Mission's main office building and helped to renovate the facility so that needed and necessary health care services could be provided to those in dire straits. Mr. Lewis is currently the honorary chair of Union Mission's capital campaign.

Mr. Speaker, oftentimes individuals are involved and help raise money and generate money, not always do they give as much of their own money as Mr. Lewis seemingly does. So, Mr. Speaker, I commend the gentleman from Georgia (Mr. KINGSTON) for seeking to honor such an individual, and I urge swift passage of this bill.

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

Mr. MURPHY. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time. And I also want to thank the gentleman from Illinois (Mr. DAVIS) for those kind words about a very important local hero, but I think one who shows what kind of country we have and why this country is so great.

The gentleman from Georgia (Mr. BURNS) had enumerated so many of J.C. Lewis's accomplishments, but I wanted to go over a couple of them, just maybe from a personal standpoint.

I first got to know the Lewis family through my father-in-law, Archie Morris, who was a boyhood friend of his. And my mother in-law, Betty Morris, has been friends with Mrs. Lewis, and the Morris kids and the Lewis kids were all friends. In fact, I think my first encounter with one of them was with Wistar Lewis when he was riding a horse down the street, down Milledge Avenue in Athens, Georgia for one of his Kappa Alpha fraternity parades and they were going by the Lambda Chi House, which I was a member of. And I was proud to see that my fraternity brothers spooked his horse and caused his date to fall off the horse in hopes

that she would join us as far better bulldogs than that fraternity. Wistar never let me forget that, and I was really surprised when I started dating my wife, Libby, and the Lewis family was known for having a big Christmas party on Christmas night in Savannah, and they invited me through the Morrises to come to it, and I thought I do not know why they would want me to come. They hardly know me. But I realized I was riding the coattails of my future in-laws. But that is the kind of people they are. Opening up the doors on Christmas Day for people to come, strangers and mere acquaintances, to come in and enjoy their fellowship.

The gentleman from Georgia (Mr. BURNS) had spoken about Mr. Lewis being in the Merchant Marines, in the Coast Guard, and the Navy. He also did not know that from there he went on to have a lot of fun fishing and had a boat at one point called the NAUTINAN, and I think in time the children sort of took over. Certainly, Scott and Wistar became the big mariners in the family, but I think all of them enjoyed it. In fact, I think that webbed-feet tradition continues and his son Curtie, actually, I was counting his boats this summer, and he has four of them. I do not know how one would utilize all those, but the Lewises absolutely loved the waterfront and living in Savannah, Georgia, on the water.

The gentleman from Georgia (Mr. BURNS) had pointed out that he has been active in the First Baptist Church and on the board of deacons and the trustees. He has also been very active in our Wednesday Businessmen's Bible study with a Presbyterian minister, Terry Johnson, who is in charge of it, but Mr. LEWIS and son Scott and son Christian are very active and stalwarts in that Bible study. And what happens every Wednesday is they try to drill the Gospel message into the thick skulls of business people such as myself and a lot of our friends. But to see people like that, each and every Wednesday, devoting time to the Lord is very instrumental for the rest of us.

The gentleman from Georgia (Mr. BURNS) talked about when J.C. Lewis was mayor of Savannah and pointed out that he was the first Republican mayor of Savannah, a major Georgia city, but one of the things that is interesting, from that point on, he did somewhat become the godfather of the Republican Party in Savannah in as much as anybody who ran under the Republican ticket always went by to see J.C. Lewis. But rather than assume the role of local political Republican kingmaker, he took a much broader approach.

Number one, he would not just see aspiring Republican candidates. Democrats, or Independents, the door was wide open. And he never said this is the strategy for winning, so that I can grow my kingdom and my influence and my clout. It was always, What do you stand for, and what is best for Chatham County, Georgia? What is best for Savannah, Georgia? How are we going to make this a better community? So whether one's name is Jack Kingston, Max Burns, Saxby Chambliss, or anybody else, Sonny Perdue, he always tried to do what was best for the State or the community or the country and never would call them. Once they were elected, he would never say, I want you to vote on House bill whatever. He has never made such a call to me to ask me to vote for anything. And I can tell the Members how rare that is, and we have 435 Members of Congress who would certainly agree to that.

As a businessman, Mr. Lewis lost his father at a young age, and he took over an automobile business, which probably the easiest thing would have been to sell it, but instead he grew it. It became one of the largest Ford dealerships in coastal Georgia. But, in addition, he added broadcasting and equipment leasing and real estate and insurance.

For example, they have had a television station, WJCL, which is an ABC affiliate. They also had WJCL for many years on the radio, which had some of those great classic tunes that we all enjoyed from the swing era. It kind of always put a little class and a little taste in the city of Savannah airwaves.

Charitable donations, an incredible list of them. He gave land to the YMCA on Habersham Street; for the Agudath Achim Congregation Synagogue; for Memorial Baptist Church; land for Virginia Heard Public School; land for the Episcopal Church in Oakdale, Georgia; land and building for the Skidaway Island Baptist Church; land and building for the Savannah Baptist Center; and funded the new Cancer Program at the J.C. Lewis Health Center.

The Gospel tells us that to those whom much has been given, much is expected. Mr. Lewis has followed that line. He also has been a Free and Accepted Mason and the past potentate of the Alee Temple Shrine, and part of the creed of Masons is somewhat to look after each other, and I have heard many Masons who do not know Mr. Lewis personally say Mr. Lewis is a Mason who looks after his brother Masons and looks after the community in general.

A friend of mine, a formal liberal, which I cannot tell if he is still a liberal anymore or not. He still tells me he is a Democrat, but Reverend Michael Elliott, whom the gentleman from Georgia (Mr. BURNS) and I deal with on homeless issues, he and I were talking over the weekend, and I told him what we were doing with this legislation, that we were sneaking out something on Mr. Lewis and hoped he would forgive us. He said, he is the guy that I have had the opportunity to have this homeless shelter built, because of his generosity, because of his leadership, and the fact he has opened so many doors for me and getting other businessmen to see them.

When we think about all the down and out people in the world that have benefitted from the generosity and the leadership of Mr. Lewis, there again, we do not know who is always benefitting. In the Gospel there is a part where followers of John the Baptist asked him, Are you the Messiah? And he says to them, No, I am not the Messiah. I have come to prepare a place for Him, and I am not even worthy to pick up the breadcrumbs from his table. That, Mr. Speaker, is so important because often when we do things for others, we do not know who is going to benefit, and indeed, when we receive these blessings, we do not know who caused these blessings to happen. That is the case with Mr. Lewis on everything that he has done.

Civic responsibilities, and I know this is just voluminous, but I want to name a few. He has been active on the Board of the Kiwanis Club; on the Bethesda Home for Boys, on the Board of Directors; the Georgia Baptist Children's Home; Woodberry Forest School Board of Trustees; the President of the YMCA; the Chamber of Commerce Board of Directors; the United Community Appeal or United Way; Savannah Country Day School, Board of Directors; Association of the United States Army, President, Coastal Empire Chapter; the Elks Club, Lodge 183; American Legion, Post 184; the Navy League; Salvation Army as an Honorary Director. The gentleman from Georgia (Mr. BURNS) mentioned the Mighty Eighth Air Force Museum Foundation; and many more. And I think one of the more important things, recently, was he was the sponsor of the Isle of Hope Mudcats baseball team in the U12 League last year and probably will be doing it again.

His awards, the gentleman from Georgia (Mr. BURNS) had mentioned some of these: A Brotherhood Award from Agudath Achim Synagogue, the President's Award from Savannah State College, Outstanding Alumni Award from the University of Georgia; Union Mission, Golden Heart Award; Community Service Award from the Georgia Municipal Association; Department of Army Award for patriotic civilian service while serving as President of the AUSA, Coastal Empire Chapter; Salvation Army, ''Others'' Award; Savannah Exchange Club, Golden Deeds Award; the Rotary Club, Paul Harris Fellow, which one of the big motives of the Rotary Club is service above self, which I think, again, he epitomizes; the Oglethorpe Leadership Award; a two-time recipient of the Ben Franklin Quality Dealer Award sponsored by Time Magazine; and also an inductee in the Savannah Business Hall of Fame. And I want to say this on behalf of the local Chatham County Republican Party, we name our annual award in his honor, the J.C. Lewis Award.

Mr. Speaker, it is not often when people like this are born, and with Mr. Lewis, it is a family unit. If we know

him, we know his family, and we know they are all in it together. They have made Savannah and Georgia and the United States of America and the world a better place to live. So I am very honored to be a cosponsor with the gentleman from Georgia (Mr. BURNS) on this piece of legislation.

Mr. MURPHY. Mr. Speaker, I urge all Members to support this resolution which honors J.C. Lewis, Jr, a man truly worthy of our commendation.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 2533.

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.

□ 1630

RECESS

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PENCE) at 6 o'clock and 31 minutes p.m.

## MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider the conference report to accompany the bill (H.R. 2657) making appropriations for the legislative branch for the fiscal year ending September 30, 2004, and for other purposes; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read.

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

There was no objection.

## APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 2004(b), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the Harry S Truman Scholarship Foundation:

Mr. SKELTON of Missouri.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

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

U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, September 22, 2003.*

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 22, 2003 at 2:55 p.m. and said to contain a message from the President whereby he submits a national interest waiver consistent with section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246).

With best wishes, I am

Sincerely,

JEFF TRANDAHL
(Clerk of the House).

## WAIVING SUSPENSIONS UNDER FOREIGN RELATIONS AUTHORIZATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–128)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Consistent with the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) (the ''Act''), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to waive the suspensions under section 902(a) of the Act with respect to the issuance of licenses for QSR–11 sensors that serve as components of an Inertial Measurement Unit (IMU) used in commercial aircraft and spare IMU for such aircraft. License requirements remain in place for these exports.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 20, 2003.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the previous order of the House, proceedings will resume on the three motions to instruct postponed on Wednesday, September 17, 2003, and on motions to suspend the rules postponed earlier today. Votes will be taken in the following order:

Motion to instruct on H.R. 1308, by the yeas and nays; motion to instruct on H.R. 1, by the yeas and nays; motion to instruct on H.R. 1588, by the yeas and nays; H.R. 1409, by the yeas and nays; and S. 111, de novo.

The first electronic vote will be conducted as a 15-minute vote. If a vote is ordered on S. 111, that vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

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

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Ohio (Mr. RYAN) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 199, nays 214, not voting 21, as follows:

[Roll No. 509]

YEAS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard

Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—214

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Ballance
Carter
Davis, Jo Ann
Deutsch
Fattah
Gephardt
Gordon
Hensarling
Houghton
Hunter
Israel
Lewis (GA)
Osborne
Pastor
Payne
Ruppersberger
Shays
Sweeney
Tancredo
Terry
Woolsey

□ 1857

Mr. OXLEY and Mr. PETERSON of Pennsylvania changed their vote from ''yea'' to ''nay.''

Mr. GEORGE MILLER of California changed his vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PENCE). Pursuant to clause 8 of rule XX, the next three votes in this series will be conducted as 5-minute votes. The last vote in this series, if ordered, will be conducted as a 15-minute vote.

## MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Texas (Mr. STENHOLM) 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 202, nays 213, not voting 19, as follows:

[Roll No. 510]

YEAS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Fletcher
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wu
Wynn

NAYS—213

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller

Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Ballance
Carter
Davis, Jo Ann
Deutsch
Fattah
Gephardt
Gordon
Hensarling
Houghton
Hunter
Israel
Lewis (GA)
Osborne
Pastor
Payne
Ruppersberger
Sweeney
Terry
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1906

Mr. GUTKNECHT changed his vote from ''yea'' to ''nay.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on rollcall No. 509 (H.R. 1308) and rollcall No. 510 (H.R. 1), I was detained in my district touring disaster areas from Hurricane Isabel and trying to obtain help from FEMA. Had I been present I would have voted ''no'' on both H.R. 1308 (rollcall 509) and H.R. 1 (rollcall 510).

## MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1588.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Texas (Mr. RODRIGUEZ) 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 298, nays 118, not voting 18, as follows:

[Roll No. 511]

YEAS—298

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Bonner
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Buyer
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fletcher
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayworth
Hefley
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Nunes
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Paul
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)

NAYS—118

Akin
Ballenger
Barrett (SC)
Barton (TX)
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Chabot
Chocola
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Emerson
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Herger
Hoekstra
Hostettler
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
King (IA)
Kingston
Knollenberg
Lewis (CA)
Linder
Lucas (OK)
Manzullo
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Nethercutt
Neugebauer
Northup
Norwood
Nussle
Ose
Oxley
Pence
Pitts
Platts
Pombo
Ramstad
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Smith (MI)
Smith (TX)
Souder
Stearns
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Toomey
Upton
Vitter
Wamp
Weldon (FL)
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—18

Ballance
Carter
Deutsch
Fattah
Gephardt
Gordon
Hensarling
Houghton
Hunter
Israel
Lewis (GA)
Osborne
Pastor
Payne
Ruppersberger
Sweeney
Terry
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1915

Mr. HULSHOF, Mr. EVERETT, and Mrs. KELLY changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1915

## EASTERN BAND OF CHEROKEE INDIANS LAND EXCHANGE ACT OF 2002

The SPEAKER pro tempore (Mr. PENCE). The pending business is the question of suspending the rules and passing the bill, H.R. 1409.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 1409, 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 288, nays 127, not voting 19, as follows:

[Roll No. 512]

YEAS—288

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Conyers
Cox
Cramer
Crane
Crenshaw

Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Honda
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ose
Oxley
Pallone
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Stupak
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—127

Ackerman
Allen
Andrews
Baird
Baldwin
Bell
Berkley
Berman
Berry
Bishop (GA)
Boyd
Brady (PA)
Brown (OH)
Capps
Cardin
Clyburn
Cooper
Costello
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Evans
Farr
Filner
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Lee
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Oberstar
Obey
Ortiz
Owens
Pascrell
Pelosi
Peterson (MN)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Schiff
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (MI)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waxman
Weiner
Wexler
Wu
Wynn

NOT VOTING—19

Ballance
Carter
Deutsch
Fattah
Gephardt
Gordon
Hensarling
Houghton
Hunter
Israel
Lewis (GA)
Osborne
Otter
Pastor
Payne
Ruppersberger
Sweeney
Terry
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1924

Messrs. MOLLOHAN, SPRATT and SHERMAN changed their vote from ''yea'' to ''nay.''

Mr. MEEKS of New York changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. ISRAEL. Mr. Speaker, early tonight when the House voted on the Ryan Motion to Instruct on H.R. 1308, rollcall No. 509, the Stenholm Motion to Instruct on H.R. 1, rollcall No. 510, the Rodriguez Motion to Instruct on H.R. 1588, rollcall No. 511, and passage of H.R. 1409, rollcall No. 512, I was not present. Unfortunately, I was compelled to miss these votes due to a long-standing meeting with Prime Minister Silvio Burlusconi of Italy. Had I been present I would have voted ''yes'' on rollcall Nos. 509 through 511, ''no'' on rollcall No. 512.

## PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber today during rollcall votes No. 509, No. 510, No. 511, and No. 512. Had I been present, I would have voted ''yea'' on rollcall No. 509, ''yea'' on rollcall No. 510, ''yea'' on rollcall No. 511, and ''no'' on rollcall No. 512.

## DIRECTING SECRETARY OF INTERIOR TO CONDUCT STUDY TO DETERMINE NATIONAL SIGNIFICANCE OF MIAMI CIRCLE IN FLORIDA AND OF ITS INCLUSION IN NATIONAL PARK SYSTEM AS PART OF BISCAYNE NATIONAL PARK

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 111.

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.

## ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. KIND. 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. KIND 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).

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## ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Mr. CROWLEY. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1588, the defense authorization bill.

The form of the motion is as follows:

Mr. CROWLEY 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 paragraphs (3) and (4) of section 1074a(f) of title 10, United States Code, as proposed to be added by section 701 of the Senate amendment (relating to health care for members of reserve components).

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MURPHY). 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.

## HONORING JUDGE A. JAY CRISTOL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to share the story of a man who is far more than ordinary, a man who has achieved more than some do in three lifetimes, always compassionate, caring and loving to the community to which he belongs.

Today I am proud to honor Judge A. Jay Cristol, an astonishing man and native of Miami who remains vital, curious, and energetic. This pious man, who is dedicated to his country, put off law school to ultimately earn his distinguished Navy Wings of Gold. Judge Cristol braved active duty as an aircraft carrier combat pilot during the Korean Conflict, in addition to flying operational flights during the Cuban missile crisis. His commitment to our Nation was also seen in his volunteering to perform airlift missions to Vietnam, his affirmation being, ''I am proud to be an American and I love my country.''

Judge Cristol, who was later made an honorary professor of the Naval Justice School, was assigned by the Department of Defense to lecture abroad concerning law of naval warfare. After retiring from the Navy in 1988 and dutifully practicing law for 25 years, Judge Cristol was appointed to the bench of the U.S. bankruptcy court where he continues to serve in Florida's Southern District. If that were not enough, it is noteworthy to state that Judge Cristol is also an adjunct professor at the University School of Law.

Always positive and with a smile on his face, Jay's inquisitiveness for international terrorism led him right into the university's graduate school of international studies. Interested in naval history, he began to research the 1967 incident with the USS *Liberty* where Israeli air and naval forces erroneously engaged the ship in international waters off the Sinai Peninsula. His meticulous analysis formed the basis for his book, ''The Liberty Incident,'' and earned him his Ph.D. His studies and his experience in the field have made him a sought-after scholar, appearing on national broadcasts such as CNN's ''Late Edition with Wolf Blitzer.''

Mr. Speaker, what more could be said about the man who refused to see Pan Am Airlines shattered and who told the owners to ''kick the tires, light the fires and get those planes in the air,'' or the man who donates his aircraft and his time to perform angel flights, bringing children in need of medical aid who are in difficult-to-reach areas.

In his humility, Judge Cristol attributes everything simply to being lucky and always believing that we have to make peace for mankind, love instead of hate, as there we find the promise of a better humankind.

Indeed, it is an honor to speak of a man who pioneered in all of his endeavors and who continues to motivate others to do as well. Judge A. Jay Cristol is a brilliant, concerned individual who has put ripples in time with his profound dedication to a Nation that deserves him well.

Congratulations, Judge Cristol.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## THE CLEAR ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, earlier this month was a very somber time for our Nation, in fact, for all freedom-loving people. It was 2 years ago this month that America and the world watched in horror as terrorist thugs took the lives of an estimated 3,000 innocent people on American soil. Our worst fears were realized, our very way of life was challenged, and our world was changed on that day, perhaps forever. In the days, weeks, months, and now years that have followed, our Nation has responded to that challenge. In the war on terrorism that ensued and continues today, we have led the free world in rooting out these terrorist thugs and in holding accountable those who would harbor and aid them in their insidious pursuits. The challenge and cost has been great, but the stakes are even greater. This is a war we simply cannot afford to lose.

Still, Mr. Speaker, for all we have done and all we are doing at home and abroad to secure our homeland, there is a troubling and growing crisis within our borders that has been largely ignored and presents another challenge in securing our homeland that simply must be met. It is a crisis that has created countless innocent victims and that continues to put our Nation's citizens and law enforcement officers in greater and unnecessary danger with each passing day it is not addressed.

Mr. Speaker, the crisis I am referring to is America's criminal alien crisis. The sad fact is our own badly broken immigration system has created this very crisis; and the numbers, quite frankly, are staggering and shocking. First, consider the staggering. Today, there are roughly 400,000 individuals living in the United States who have received their final deportation orders to go, but have not left. Why have they not left? It is pretty simple. It is because our Federal Government does not know where they are. Now for the truly

shocking. Of the 400,000 individuals that should have been deported, 80,000 of those are criminal aliens, meaning that they have been charged and convicted of committing criminal acts, some of which include the most heinous and atrocious deeds one can possibly imagine. Yet these 80,000 convicted criminals, rapists, murderers, pedophiles and the like among them, who were in the hands of law enforcement officials, were simply turned loose because of an outmanned, inefficient, and unaccountable immigration system that is failing both the law-abiding citizens of our Nation who live here legally and peacefully and the courageous, hardworking men and women who wear the badge who protect us who must face the prospects of arresting and rearresting these criminals over and over again.

Mr. Speaker, it is also worth noting, again looking back at earlier this month's somber anniversary, that an estimated 3,800 of these individuals are from countries with a known presence of al Qaeda. Unfortunately, America's criminal alien crisis has been allowed to continue and worsen because our Federal Government and this Congress are not serious about addressing it. Today there are only 2,000 Federal agents who have the job of finding any of the 400,000 I mentioned earlier. Mr. Speaker, that is not a fair fight, and it is not the right message to send to the American people.

Recently, along with the gentleman from Florida (Mr. BOYD), the gentlewoman from Pennsylvania (Ms. HART), and the gentleman from Georgia (Mr. DEAL), I introduced the CLEAR Act. This is a bill that makes clear that our Nation's 600,000 local and State law enforcement officers have the authority to enforce immigration laws, gives those 600,000 men and women wearing the badge the training, access to data and appropriate funding they deserve, and gives the 2,000 Federal agents in the field the assistance they so badly need.

□ 1945

And that, finally, provides the needed accountability that our immigration system has lacked for far too long.

Mr. Speaker, I encourage my colleagues to join me in sending a strong message that this Congress is serious about protecting Americans from this crisis within our own borders, and I encourage my colleagues to support the CLEAR Act.

## OPPOSITION TO CUTS IN LOAN GUARANTEES TO ISRAEL

The SPEAKER pro tempore (Mr. MURPHY). 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 express my concern regarding reports that President Bush has already approved cuts in loan guarantees to Israel and is considering further cuts. Last week I spoke on the House floor regarding a decision by the Bush administration to cut loan guarantees to oppose Israeli settlements in the West Bank and Gaza. As I stated last week, I oppose any cuts in loan guarantees. These guarantees allow Israel to rebuild after years of violence and economic decline and are critical to Israel's future.

I am further disturbed by reports that the Bush administration is considering additional cuts in loan guarantees to protest Israel's construction of a security fence along the West Bank.

Mr. Speaker, on a recent trip to Israel in August along with, I think, 29 other Democratic Members, I had the opportunity to view the security fence firsthand. While in Jerusalem, I toured border communities where Israeli citizens live in constant fear of sniper attacks and suicide bombings. This fence will provide a sense of safety and security to these border families and will help prevent continued attempts to derail the peace process through violence.

In my meetings with government officials in Jerusalem, they acknowledged that the fences are temporary and can be moved or removed pending future peace agreements. Furthermore, Prime Minister Ariel Sharon has shown that he is willing to work with the United States and has sent a diplomatic delegation here to continue discussions on the fence. However, until the Palestinian Authority dismantles the terrorist infrastructure, Israel must be permitted to take steps to protect their citizens from violence without financial retribution from the United States.

Mr. Speaker, I just think this is the wrong decision by the Bush administration. That is why today I sent a letter to President Bush to urge him to reverse his decision to restrict loan guarantees to Israel and to reconsider any future restrictions. With the continued rise in violence, now is not the time to take punitive action against the Israeli Government. It is critical to our role in the region that the United States maintains its steadfast support of Israel and not undercut Israel's military and diplomatic authority or, most important, their ability to protect their citizens from harm and terrorism.

## PURCHASE CARD AND TRAVEL CARD ACCOUNTABILITY ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, today's Washington Waste Watch highlights the vast amount of waste, fraud, and abuse throughout the government purchase card and travel card programs. Mr. Speaker, such waste steals from the hard-working taxpayers in order to line the pockets of some career bureaucrats who seek to profit from the obviously broken system.

Mr. Speaker, Americans should and would be outraged at the consistent abuse of their tax dollars within the purchase card and travel card program. These cards are paid for by the taxpayers, and they are supposed to be used, obviously, for official government business. However, Mr. Speaker, I think taxpayers would be horrified and outraged of the fact that these cards have purchased, among other things, Elvis Presley pictures, vacations and cruises, designer leather goods, Internet pornography, power tools and toys, music, designer clothing, luggage, fine china, jewelry, escort services, electronics, and televisions and even a pet dog. And yet our friends on the other side of the aisle, the Democrats, insist still on sometimes introducing bills to raise taxes to do more of this, Mr. Speaker?

If this abuse, Mr. Speaker, happened within the private sector, these individuals would clearly get thrown out of their jobs and in many cases would be turned over to law enforcement agencies. But when it is the taxpayers who are paying for it, when it is the taxpayers who are footing the bill, these people do not lose their jobs. They just stay in their careers. Many times they get their annual pay increases. Very few of these employees, Mr. Speaker, are ever appropriately disciplined for this improper use of purchase cards and travel cards.

Therefore, Mr. Speaker, I will introduce the Purchase Card and Travel Card Accountability Act of 2003, which will create a uniform system of accountability for all Federal agencies. This system will include repayment to the Federal agencies by those who have used those cards incorrectly. It would also, furthermore, ask the inspector general to report regularly to Congress on disciplinary actions taken against employees for abuse of purchase cards and travel cards, and, yes, it will also create a uniform system of accountability for all Federal agencies, which will include termination.

Only, Mr. Speaker, in the Federal Government, a place where billions of dollars, billions of dollars, are just lost every year, can people go shopping with a card that the taxpayer pays for on things, as I said, for china and designer leather products, $163,000, for example, worth of designer leather goods and a billiard table, and nothing happens. And, again, the Democrats want to raise taxes to do more of this?

Mr. Speaker, for too long the bureaucracy have been given free rein to do what they want with taxpayers' money with no accountability. That is why we are filing this bill, Mr. Speaker. Purchase cards provide a great avenue to continue this waste. The American taxpayers deserve better. They should not support irresponsible spending. They do not support it.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## DEBT RELIEF FOR IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 2482, the Iraqi Freedom from Debt Act, but first I would like to respond to the gentleman's statement that Democrats want to raise taxes. That is not true. The Kerry-Biden bill calls for a repeal of only the top 1 percent. This would result in $600 billion, and this would pay for the $87 billion for the challenge in Iraq. Some Democrats support that. I am one of those, but I disagree with the statement from the gentleman who preceded me.

Mr. Speaker, I rise really in support of one of the administration's spokesmen, Mr. Paul Bremer, and he said that it would be a mistake to lay any more debt onto the backs of the Iraqi people, and he wisely added that there would be no way that the Government of Iraq will be able to pay Iraq's current debt. Mr. Bremer estimates that Iraq owes over $100 billion to other nations as a result of Saddam Hussein's irresponsible borrowing, and how can we expect Iraq to begin paying on this debt when the challenges of funding reconstruction are so steep? The Financial Times reported: ''Even assuming a resumption of oil exports at 2 million barrels a day, Iraq's debt-to-export ratio would exceed 700 percent, the highest in the world. Clearly, Iraq cannot rebuild its economy, establish conditions for growth and development and,'' also, ''service all its outstanding debt.''

It is impossible to imagine that the people of Iraq will be able to reconstruct a future if they are forced to pay for their own oppression by paying back odious debt accrued by this regime for his 34 palaces and other expenses that helped his immediate family and circle and not the people of Iraq.

We learned from World War II reconstruction that the most effective way to ensure regional security and facilitate a friendship with the people of a once-hostile nation was to provide debt cancellation and new aid for reconstruction. We learned this lesson the hard way after World War I when Hitler campaigned for his election on a platform that included working towards the cancellation of the debts Germany accrued during reconstruction after the First World War. The allies did not want to repeat that mistake after World War II, and let us learn from this history and provide the same support to Iraq by urging for creditors to cancel Iraq's debt.

The International Monetary Fund and the World Bank are priority creditors, creditors that will be paid first, and leaders in the creditor community. It is our responsibility as key stakeholders at the World Bank and IMF to encourage these institutions to take the first step for debt cancellation for Iraq. The IMF and World Bank are owed relatively little by Iraq, only about $150 million. So while it would not be a burden on the institutions, because $150 million to these organizations is not a lot of money, this act of generosity could leverage reduction of the debt of Iraq by other creditors.

The IMF and World Bank are meeting at this moment in Dubai discussing Iraq and the debt of the most impoverished countries in the world. Join me in calling on these institutions to take action on Iraq's debt by cosponsoring H.R. 2482, the Iraqi Freedom from Debt Act. It is a bipartisan legislation that I introduced with the gentleman from Iowa (Mr. LEACH), and it states that the U.S. should work within the IMF and World Bank to encourage the institutions to reduce debts owed by Iraq. It also contains a ''Sense of Congress'' urging countries around the world to reduce debt. Without reducing Iraq's debt, our investment of aid and loans in Iraq will simply be recycled into debt service payment to other creditors.

When Ambassador Bremer spoke before this Congress, he supported this legislation and this effort, and when I joined with the gentleman from Virginia (Mr. TOM DAVIS) in Iraq, visiting Baghdad and Tikrit and Mosul, we met with Ambassador Kennedy, his deputy. He likewise supported this legislation as a step in the right direction.

In order to rebuild Iraq, we must forgive this debt, most of which is odious, for purposes that did not help the Iraqi people. So I urge my colleagues to cosponsor the Iraqi Freedom from Debt Act and work towards rebuilding Iraq.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## QUESTIONS CONCERNING THE WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, recently Senator EDWARD KENNEDY of Massachusetts took the floor of the other body and made the observation that the stated reasons of the President for going to war in Iraq were a fraud, that the war in Iraq had nothing to do with the war on terrorism and certainly nothing to do with the specific attack on the United States of September 11. Rather, his observation was that the President's reasons for going to war in Iraq were political, and partisan political reasons at that.

Senator KENNEDY's observations were correct and courageous. Since September 11, for almost 2 years, the President has inferred that there was a direct relationship between the attack on the United States by the al Qaeda network of September 11, 2001, and the Government of Iraq; that there was a direct connection between those two. Just recently the President had to admit that there was no evidence whatsoever associating either Saddam Hussein or the Government of Iraq in any way with the attack on our country of September 11.

The President has alleged that the other reason for going to war in Iraq was that Iraq possessed substantial so-called weapons of mass destruction, chemical and biological weapons. He made that statement repeatedly, and that statement was made also by Secretary Rumsfeld and Vice President CHENEY. In fact, statements were made at certain points that they knew precisely where those so-called weapons of mass destruction were located and that they could find them very easily. That, too, has proven not to be an accurate statement.

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The reasons that we have gone to war in Iraq have nothing to do with terrorism, nothing to do with the attack on the United States of September 11 and nothing to do with the presence of so-called weapons of mass destruction. They have not been found.

The administration has got to answer a basic question: Why? Why did we engage in a preventive war against another sovereign country? Why have more than 200 Americans lost their lives? Why have more than 70 Americans lost their lives since the President declared victory in Iraq? And why, because of the destruction that was caused in that war, are we now about to spend in the neighborhood of $200 billion or more for the rehabilitation and reconstruction of that country?

The President most recently has asked this body for $87 billion. That expenditure would have been unnecessary had this war not taken place.

So there is much that this administration has to answer for, and the American people, and specifically their representatives in this body, have the profound obligation to answer those questions.

If the leadership of this House was discharging its responsibilities, it would begin a series of hearings to get to the bottom of the rationale behind the administration's actions in Iraq. Why was this preventive war engaged in, and why have we lost so many lives? Why have so many Iraqis been killed? And why are we spending so much of our treasure in Iraq, when our needs here at home are so substantial

and significant and those needs are not being addressed?

These are serious questions, they need to be asked, and that is one of our most important duties as Members of the House of Representatives, to raise these questions. Why is the leadership of this House not raising these questions? Why are we not engaged in those hearings? Why are we not trying to get to the bottom of this matter? That is the responsibility of the people who operate this House of Representatives.

I call upon the leadership to engage in a concerted and directed effort to find the answer to this question: Why did we go to war? Why did we engage in this so-called preventive war, when the President now has admitted there was no connection between September 11 and the government in Iraq, when no so-called weapons of mass destruction have been found. Therefore, the stated reasons of the administration for engaging in this war have been shown to have absolutely no legitimacy, yet the costs of this action are substantial, in human life and in treasure. We must get to the bottom of this.

## THE COST OF THE WAR IN IRAQ

The SPEAKER pro tempore (Mr. MURPHY). Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it has been a year since the President began pressing to invade Iraq. At the time, many of us pressed the President to fully account for the cost of his planned war. Most Americans would agree that if the issue of Iraq was important enough to start a war over, it was important enough to pay for.

For a year, Congress has asked for hard numbers on the cost of occupying and rebuilding Iraq, and for a year the President has given us nothing but blandishments and pie-in-the-sky forecasts. At the time, experts, including the President's own chief economist, predicted the war and reconstruction would cost as much as $200 billion. But the President and his aides actively downplayed those numbers, saying it would only cost around $50 billion.

Well, guess what? Last week the President finally admitted that he had low-balled the cost of the war when selling it to Congress a year ago. The President is now asking for an additional $87 billion, billion with a B, to extricate our troops from what is beginning to look like a quagmire.

Let me be perfectly clear: The current situation in Iraq should not have come as any surprise to anyone in this administration or in this Congress. Last fall, the Chief of Staff of the United States Army, General Eric Shinseki, told Congress that it would require close to 300,000 troops to secure Iraq after toppling Saddam. Today, only about half that number are in Iraq. As the toll of American soldiers killed in the occupation of Iraq rises, our young men and women in uniform are paying the price of trying to wage war on the cheap.

I was just reading a news report referring to a young man from Micronesia, Hilario Bermanis, II, and how he was injured in Iraq. He has lost an eye, an arm and both legs. He is being honored by being made an American citizen. And a few weeks earlier, the proposal was made to reduce veterans' services. I cannot understand that.

This additional $87 billion comes on top of the $78.5 billion Congress gave the President just 5 months ago, bringing the grand total so far to $165 billion, and we would cut the cost of veterans' services.

If that sounds like a lot of money, hold on to your hat for this piece of information: A recent analysis by the Committee on the Budget shows that the entire cost for rebuilding Iraq could rise to as much as $400 billion over the next 5 years.

Now, this new $87 billion alone is a big number by itself. That is a number most people will never encounter at any point in their lives. So it is important to put these numbers into context.

Eighty-seven billion dollars is more than twice what the President requested to protect the United States from the terrorist attack that might come at any time. Eighty-seven billion dollars is about three times what the request was for highway and road construction across the country next year. Eighty-seven billion dollars is about twice the net worth, not annual income, but total net worth of America's wealthiest man, Bill Gates. Eighty-seven billion dollars is almost six times the profits of America's largest corporation, General Electric. Eighty-seven billion dollars is more than $300 for every man, woman and child in the United States of America. That is a lot of money to spend on a country halfway around the world, when our local schools, hospitals, fire and police departments are struggling to make ends meet.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

(Mr. WYNN addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

## TRIBUTE TO JOHN H. JOHNSON

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, America is indeed a land blessed with many treasures and foremost among them are people. Some countries, for example, such as Japan, have formal programs to honor citizens which they classify as ''national treasures.'' We have no such formal program, but I take this opportunity to acknowledge such an individual.

This evening I want to highlight one of America's great national treasures who lives in my district, John H. Johnson.

John H. Johnson was born, a descendant of slaves, to extremely modest circumstances in Arkansas City, Arkansas, in 1918. John's father died when he was very young. His mother, Gertrude Johnson Williams, worked as a domestic and levee cook.

It was a time when Jim Crow law defined life in the South. Arkansas schools did not permit African Americans admittance to high school and, under normal conditions of the day, John Johnson's education would have ended with the eighth grade. However, Gertrude Johnson would not accept normal circumstances, and moved with her family to Chicago in 1933.

John enrolled at DuSable High School and became an honor student, class president, student council president and editor of the school newspaper and the yearbook. He taught himself public speaking by standing in front of a mirror at home. Among his classmates at DuSable were Nat King Cole, Redd Foxx and William Abernathy.

He won a scholarship to attend the University of Chicago at night while working for the Supreme Liberty Life Insurance Company, owned by African American businessman Harry Pace. His job at Supreme Liberty came as a result of his public speaking talent after Pace heard him speak at an Urban League event.

One of his tasks at Supreme was the collection and organization of news of the African American community into a weekly digest. The black press of the day, such as the Chicago Defender and the Pittsburgh Courier, was a kind of national nerve system, transmitting information to every corner of every community where African Americans lived.

John appreciated the value of the news he was collecting and, in 1942, he launched his first magazine, Negro Digest. The $500 he used as seed money for his new venture came from his mother, who pawned their furniture. The first issue sold 3,000 copies. Within one year, circulation hit 50,000.

By 1945, he launched his second magazine, Ebony, which highlighted the achievements of African Americans. Six years later he began publishing a news magazine of African American politics, entertainment, business and sports: Jet.

Today, Johnson Publishing is headquartered in an 11-story building, located at 820 South Michigan Avenue in Chicago's Loop. The last time I looked, Johnson Publishing had annual revenues of some $425 million and more than 2,000 employees. Ebony now has a readership of more than 11 million, and Jet enjoys a readership in excess of eight million. Together, it is estimated these periodicals are read in half the black households in America.

Today the book division of Johnson Publishing is home to such authors as

Lerone Bennett, Jr. and to such publishing standards as the New Ebony Cookbook. For those who would like to know more about the life and work of John H. Johnson, they also published his autobiography, Succeeding Against the Odds.

The Johnson Publishing empire also encompasses Fashion Fair Cosmetics and Supreme Beauty Products, headed by Mrs. Eunice Johnson. The Ebony Fashion Fair is the world's largest traveling fashion show and raises money for scholarships and charities in the United States and Canada.

John H. Johnson has received the Presidential Medal of Freedom, the Spingarn Medal, the Horatio Alger Award, the USC Journalism Alumni Association Distinguished Achievement Award, the Black Journalists' Lifetime Achievement Award and countless other awards and recognitions.

Awards are nice, but I suspect that Mr. Johnson takes the greatest pleasure in watching as his daughter, Linda Johnson Rice, joins him in managing Johnson Publishing as its president and chief operating officer.

Mr. Speaker, John H. Johnson's dream has profoundly influenced America and its people. We are all impacted for the better by his vision and his implementation of that first of our great freedoms, the freedom of speech and freedom of the press.

On September 26, Howard University will be holding its 136th opening convocation and will celebrate the accomplishments of communications pioneer John H. Johnson. In January, Mr. Johnson made a $4 million contribution to the School of Communication at Howard, which will be renamed in his honor. Mr. Johnson, a firm believer in education, is a great contributor to the United Negro College Fund and many other charities.

Mr. Speaker, John H. Johnson may truly be said to be one of America's greatest living treasures. I congratulate him and his family for their contributions to America.

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–281) on the resolution (H. Res. 374) waiving points of order against the conference report to accompany the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2557, WATER RESOURCES DEVELOPMENT ACT OF 2003

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–282) on the resolution (H. Res. 375) providing for consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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## NOT ALL DOOM AND GLOOM IN IRAQ

The SPEAKER pro tempore (Mr. MURPHY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 60 minutes as the designee of the majority leader.

Mr. KENNEDY of Minnesota. Mr. Speaker, this last Sunday in the Minneapolis Star Tribune on the front page of the opinion section was a picture in Iraq, and above this picture it says, ''Look at this picture. What do you see?'' And then it lists a couple of counterpoints, including one from myself. If you look at the picture, you see a market in Mosul, and you see some fruits up front, you see some women dressed in clean, neat clothes. You see a market with the shelves full, and you see a U.S. soldier from the 101st Airborne watching over that market and making sure that it stays secure.

Some in this Chamber have expressed doom and gloom as to what they see. As we listen to the articles in the paper and the TV and the radio, too often we hear that saying, doom and gloom. But there is a different picture that I am going to try to, with several of my colleagues, bring out today. Those who have been to Iraq, as I have, and many of my colleagues, have seen a different picture. There are two sides to this story, and I would argue that the story of advancement, of progress, of moving towards a democracy and an open government, an open economy, is the more accurate picture.

I was challenged recently by someone back home in Minnesota who said, Mark, why is not anybody else saying anything positive about Iraq? And my answer would be, well, I am not sure that anybody is reaching beyond some of the press they are getting, because not everybody is going to Iraq, not everybody is looking at other sources. Mr. Speaker, it was Thomas Jefferson who said that you would be better educated if you read nothing than if you read nothing but papers, newspapers, and that is, unfortunately, the case in this situation.

Mr. Speaker, the press does a better job of reporting crashes than landings. We are certainly having great reporting of the crashes, but the landings and the progress that we have seen, with progress towards quality of life, progress towards getting Iraqis governing themselves, and progress towards more stability, more freedom in a country that is very diverse and has great potential is something that we are going to try to bring out here today.

As I mentioned, I will have several folks joining me, and I would, first of all, like to welcome the gentleman from Georgia (Mr. GINGREY) for some comments that he has.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Minnesota. The gentleman has actually been to Iraq, he has been to Baghdad, and he has seen on the ground many of these things of which we are speaking about tonight. As the gentleman points out, we are not really getting, if you rely just on 24-hour news and the newspapers and coverage, we are not really getting the whole picture, the full picture. I am glad that the gentleman was part of a group that recently was in Iraq who could see for themselves and understand that, as he points out, how much progress is being made.

Mr. Speaker, there is a lot of discussion, of course, about where the weapons of mass destruction are, where is Saddam Hussein, and, of course, we want answers to those questions. But what the public needs to understand is that progress is definitely being made. Nobody denies the existence of Saddam Hussein, and I think we will ultimately find him. But let me just point out a little bit of information that I think is important on this issue.

The Iraq Survey Group is tasked with the search for the weapons of mass destruction. The ISG has between 600 and 800 personnel in Iraq and is headed by former U.N. inspector David Kay. The Iraq Survey Group's highest priority is the hunt for weapons of mass destruction. They have formed quick reaction teams to explore sites indicated by intelligence. The Coalition Provision Authority has actually offered a reward of up to $25 million for the capture of Saddam Hussein. And, of course, this same type of incentive is what led to the finding and the killing of Uday and Qusay.

So a lot of progress is being made. We have the inspectors on the ground, and we are following up on every lead. This is just one of the things that I wanted to point out, and the gentleman from Minnesota, of course, knows that because he has been there and he has seen it.

Mr. KENNEDY of Minnesota. Mr. Speaker, one of the first things I did

when we landed in Baghdad was I asked the general in charge there, I said, how are things here relative to what we are hearing back home? And he said, with a combination of disgust and disappointment, that it is total distortion. There are so many things that are going on positive here. We in our group saw that. We had a bipartisan group of 11 Members. We went to Mosul, to Tikrit, to Babylon. We drove around in Baghdad, visited the police academy, visited the hospital, met with folks from Iraq who had recently been elected to city councils and to provincial councils, and what we saw was progress in every direction. As we flew over Iraq at night, the lights were on. As we drove through even Baghdad, the markets were up. There were cars and, in fact, traffic jams even in Baghdad as people were getting on with their lives.

As we went up to Mosul, we went in a garden variety tour bus, 11 Members of Congress, through the markets of Mosul, and, for the most part, most of the citizens did not really pay much attention to us. They were just going about their normal life in the progress of rebuilding. We passed by schools and hospitals that were rebuilt.

So having all of the hospitals up and running again and the schools up and running is great progress, and that is something I was very pleased to see. I know the gentleman as a physician can appreciate what we are doing on the health care side, and I think on all of those fronts we are making great process.

Mr. GINGREY. Mr. Speaker, if the gentleman will yield, yes, and I am so glad the gentleman from Minnesota (Mr. KENNEDY) brought that up, because there are some 240-some hospitals in Iraq, and many of them are being brought back on line, and there is a lot of work that is being done. The gentleman points out the fact that schools are being built, hospitals are being reopened. Much of the infrastructure is markedly improved.

Electricity is an example. I think currently there are 3,200 megawatts of electricity being generated. The prewar level was 4,000. The national demand is estimated to be 6,000, but the Coalition Provision Authority plans to reach 4,000 megawatts by August. Baghdad is receiving, the city of Baghdad, 1,200 megawatts. Prewar levels were 2,500, averaging 3 hours on and 3 hours off each day.

So we are definitely making progress, as the gentleman points out, and not only in the infrastructure, but, as he also mentions, in health care, and in water as well. Much of Iraq is at prewar water level supply levels now. There is no critical shortage of water.

Mr. KENNEDY of Minnesota. Mr. Speaker, I would say the gentleman is absolutely right on all of those counts. One of the reasons that possibly explains why we get such negative press is that Iraq, like America, is a very diverse country, with a lot of different ethnic groups and different regions throughout the country. And one of those, the Sunni Arabs from which Saddam came, represents about 15 percent or maybe 20 percent of the total population, and that group as a whole received preferential treatment. So as we compare their state today versus where they were before, it is not quite as attractive as the Shiites in the south that were really abused and tortured and done things to that one would not even want to describe in some cases, but some of them as vicious as rerouting the river so that they could not cultivate their crops. Similarly, the Kurds in the north were treated in a like fashion.

There were three electrical grids in Iraq prior to us coming in there, and even today; one electrical grid to make sure that all of Saddam's palaces, his almost 50 palace compounds, were lit up around the country. The second was for the Sunni areas around Baghdad, because Baghdad was a showcase to the world to show the world that ''I have a great country here.'' And the third went to the southern and northern regions if there was any left over. Now today, of course, we are treating everybody equal. So in and around Baghdad, it might not be quite up to their preferential status they received before the war, but in the 80, 85 percent of the rest of the country, they are doing significantly better.

We also have a situation in Baghdad that really is not talked about enough, and that is that 100,000 criminals, we are talking murderers and rapists and thieves, were let out just before the Americans took over, and their records destroyed, so that these criminals are wandering around the city causing untold havoc to the native Iraqis, making it a much riskier environment than it was before, as well as cheap criminals for hire to go after our soldiers. So within Baghdad, it is a much more challenging situation. It is much more difficult. It is much more risky.

Unfortunately, like any capital, that is where most of the press are. But I have to tell my colleagues, when one goes out beyond Baghdad, it is a lot calmer. One does not hear the reports of the attacks on American troops out there. They are working with the natives. They are making great progress. I remember driving down one country road and having several children run down the country driveway to come waving at us and showing their appreciation. And I have talked to many Members, even on the other side of the aisle, who have said one of the things that struck them most was just how appreciative the Iraqis were, particularly outside of Baghdad.

So there is good progress. It is not evenly distributed around the country, but that is because Saddam was not evenly treating people in the fashion that Americans have come to expect.

Mr. GINGREY. Mr. Speaker, I think the gentleman has pointed out something that is very important in regard to the fact that Saddam Hussein, at the outset of the conflict, just opened the prison doors. I mean, he just literally opened those prison doors and turned all of these bad guys, and when I say bad guys, I am talking about murderers, onto the streets of Baghdad, particularly in the population center. Now, one can just imagine if we did that in this country. In my home State of Georgia, if we just all of a sudden opened that Federal penitentiary in Atlanta and let all of these people out on the street, the number of attacks, assault, battery, assault with a deadly weapon, murder, rape that would occur in the city of Atlanta, and one can understand. One begins to get, I think, a better picture.

But as the gentleman points out, there is not mass chaos in Baghdad. We have, yes, some very difficult things to deal with, as the gentleman from Minnesota (Mr. KENNEDY) points out, Mr. Speaker. But let me give my colleagues this information about security and force protection that we have begun to restructure.

Coalition forces are on the offensive. They are putting constant pressure on the enemy to disrupt some of these attacks. The coalition forces are also deterring attacks with aggressive patrolling, cordons, and raids based on actionable intelligence. I do not think anything is more important than intelligence, and we are beginning to get that.

Currently the Coalition Provisional Authority has actually hired some 32,000 police officers nationwide, and 28,000 are already on the streets. The ultimate goal, by the way, is some 61,000. The police are conducting joint patrols with coalition forces.

So this picture that is being painted of mass chaos and everything on the backs of our brave American fighting force, they are doing a great job; they are doing a great job, but they are not doing it completely on their own. As I point out, we are hiring, we are putting Iraqi security forces on the street, and ultimately they will do the job. They will restore order for their own country.

Mr. KENNEDY of Minnesota. Mr. Speaker, the gentleman from Georgia is very correct. Our soldiers are doing a fabulous job. They are rightly proud of the great work they are doing, and they are not alone. We have long known that the British have had a region of the country around Basra. But while we were there, down in Babylon, also in southern Iraq, they were preparing to turn that region over from the 1st Marine Expeditionary Force, which came in with the initial assault, and turn that over to a Polish-led division, and that has happened.

□ 2030

The Spanish are helping them, and just recently this week the remaining portion around Nasref was handed over to the Spanish, which was with that Polish division. So two of the six regions of the country are already being

administered by our allies, by a group of almost 30 countries that are providing 20, 25,000 troops; but the gentleman is absolutely correct.

The solution here is to have Iraqis protecting Iraqis, and while we were in Baghdad we met with the police academy; and Bernie Kerik, the former police commissioner from the city of New York City, is there on the ground in charge of helping to train these Iraqis. One of the most emotional statements that I heard during my whole trip there was when we were talking to the Iraqi general in charge of the police that are helping to secure Iraq right now.

He says as they come through the academy and they learn about the things that we take for granted here in Minnesota from our great police forces around the country and teach them respect for civilians, not to torture, civilian authority, so many other things to keep us secure and protect our civil liberties as well, he says, When they come, I challenge them to be heroes. He says, When I tell them about what a hero is, a hero is somebody who leaves their family, leaves their wife, leaves their children, leaves their parents, lives their familiarity of home and goes to a strange land, suffer through tremendous heat, tremendous deprivations and puts their life at risk for a stranger.

Hearing from him how appreciative he was for our soldiers, our Marines that are doing that each and every day and how he holds those men and women up as their heroes was a great comfort and a great reassurance to me, but it is not just from the police. We are adding them on the border patrol. We are adding civil defense units to guard units to take our troops out of those regions and have Iraqis protecting Iraq, and we are seeing that.

We had a second unfortunate attempt to bomb the U.N. headquarters in Baghdad; and if we see who it was that unfortunately lost their life in that attempt, it was the bomber himself and an Iraqi policeman that was on guard doing exactly what my colleague was talking about, guarding the treasures of Iraq, guarding their own security and protecting their own citizens. We are moving as fast as we can in that direction. They are taking it on very willingly, and that is a very positive step.

Mr. GINGREY. Mr. Speaker, I am glad the gentleman mentioned about the heroism of our troops and of course some 130,000; and of course, he also pointed out that there are about 25,000 from other countries, indeed some I think the gentleman said maybe 20-or-so other countries, obviously the Brits, the Pols, and that is growing every day; but there is just no question that the commitment of the coalition forces and our own troops is strong.

They know what the mission is; and obviously, loved ones back home, spouses, parents, grandparents, they are concerned. Their youngsters, their loved ones are in harm's way. Sure, they want them to come back home and they will come back home; but they know what their mission is, just as our men in World War II and the Korean conflict and other wars that we have been engaged in, they are committed and they will stay the course. I just could not be prouder of the job that they are doing there.

Mr. KENNEDY of Minnesota. I could not be prouder either and the gentleman is right. We have 130-or-so thousand, from I think it is up to 30 countries now. It is about 55,000 Iraqis on the job making sure that Iraqis are safe, and that number is growing. I think it is the Czech Republic that stepped forward to train another 25,000-or-so on a police program up in their country and get them more on duty to guard their own country.

One of the other things that is really very gratifying is that our soldiers are working with the people to make the country better; and as they go on these raids that the gentleman spoke of earlier and they are collecting a million dollars here, a hundred million dollars there as part of those raids of money that was stolen from the American people, they are putting it back to work on projects there in Iraq. In fact, there are 6,000 projects that have been completed and these might be cleaning up the school, making it more presentable and safe and a better learning environment, helping with the hospitals. We were in a neonatal institute there in Baghdad. Helping the water be a little bit cleaner, buying a fire engine for the local fire department, buying equipment for the local police department, on and on and on these projects are going on.

My favorite was the 101st Airborne brought 10,000 Screaming Eagle soccer balls for the children to have something to play with, but these are helping to move that forward in an endless number of ways and really making it a better country each day and I think helping to really have a positive working relationship between our brave men and women in uniform and the Iraqi people.

Mr. GINGREY. Mr. Speaker, I wanted to talk a little bit about the cost. Of course, the President is coming to Congress now and asking for a supplemental appropriation to continue the efforts to win this war on terrorism, not only in Iraq and Baghdad but also in Afghanistan and really in the entire world. We hear a lot of discussion obviously about, well, how can we afford 87 additional billion dollars to continue this effort, and I want to just talk to the gentleman a little bit about that and maybe get into a discussion about cost and putting this in its proper perspective.

Obviously, $87 billion is a big number and the question comes up, we hear it all the time, can the United States afford this war and continue to do everything else the President calls for? The answer is yes, in my opinion. We cannot afford not to do what is necessary to win the war against terror, ensure a sustained economic recovery, and secure the homeland. The funding for the war is necessary and significant; but keep in mind, it is a temporary cost, and the cost of fighting the war is well below the cost of previous conflicts. In fact, $87 billion is less than 4 percent of the entire Federal budget.

I think it is important, Mr. Speaker, that people understand the total cost of the 9/11 attack. We are talking about hundreds of billions of dollars in costs just from that act of terrorism, and one study even pegged the cost to our economy of well over $2 trillion. So we know that this effort that we are conducting in Iraq, this war against terrorism there, better there than on our own soil, and our continued expenditures for homeland security, it is a big number but it is small in comparison to what it would cost us and the devastating effect on this economy should we have another 9/11 occur anytime soon.

So I think it is real important that we put that in perspective, and I would like for the gentleman to speak to that if he would.

Mr. KENNEDY of Minnesota. Mr. Speaker, I would absolutely agree. The issue we have is we have a situation where we have a country that is in desperate need and has traditionally been a source of frustration for its own neighbors, disrupting the security of its own neighbors and contributing to terrorism and making us less safe here at home.

The question that I would have is when FDR decided that we were going to take Hitler out of Germany, did we ask how much it was going to cost? As I hear our friends on the other side of the aisle lambasting what is going on and lambasting the costs, it is a terrible cost to pay. I do not want to have to pay anything like that. It is something we have to watch over closely and make sure it is well spent, but we cannot not afford to pay it, and when they are talking, I say what if this was FDR? What if this was World War II? Would the same thing not apply?

If we look at what we did in Germany, what we did in Japan, we had the best track record of setting a region anew, setting a country anew. In the 50 years before 1945, Germany had helped initiate two world wars where millions of people had died. In the 50 years since, they have been a great contributor to prosperity, to world peace, a great friend and neighbor and a great friend of ours. We can say the same thing about Japan.

I have the very real sense that what will happen with our success, that we cannot afford to fail, we must win, we must create a democracy in Iraq, that we will have that same stark contrast between a disruptive past and a future that will benefit the region as much as it has in the past.

Mr. GINGREY. The gentleman is so right, and of course, people want to

say, well, we have not found any weapons of mass destruction, we have not killed or captured Saddam Hussein, so we have not accomplished the mission, the reason we went there; but of course, that was never the reason. As the gentleman from Minnesota points out, the reason for being there was to rid that part of the world of a dictator, of a tyrant; and of course, although we have not found a cache of weapons of mass destruction, in the process of looking, we have certainly found lots of evidence of mass destruction, that is, bodies, mass graves, where Saddam Hussein has murdered his own people.

As the gentleman points out, the main purpose is to bring some stability to the Middle East and to that part of the world as we effect this regime change; and make no doubt about it, that mission has been accomplished, and I wanted to just speak a little bit more, continue in that vein on cost, and it is actually estimated that since the Gulf War 10 years ago that the cost of containing Saddam Hussein, and that cost would be continuing if we were not rid of him, that cost over that 10-year period cost Americans at least $30 billion, $30 billion from the end of the Gulf War to the beginning of Operation Iraqi Freedom, for the military forces stationed in the Persian Gulf, patrols over the no-fly zone and, of course, associated costs.

So just appeasing, or if we want to say containing, Saddam and maintaining the status quo, as so many of our allies of the United Nations, countries who have been our friends and I think will continue to be our friends, that appeasement, that stance of do nothing and taking a chance and letting a sleeping dog lie was costing us, over a 10-year period of time, $30 billion; and those costs were just going to escalate.

Mr. KENNEDY of Minnesota. The gentleman is absolutely right. The cost of freedom is high, but the cost of not defending freedom is far greater, and I appreciate the gentleman bringing up the mass graves.

Our soldiers over there, part of what really drives the fact is that they know they are there for a reason, and they are proud of what they are doing is having seen mass graves. One stands in front of a mass grave, as we did in our group in Babylon where there was 3,000 bodies recovered, 2,100 of them identified but 900 just reburied with whatever personal effects were remaining, were left in plastic bags on top for someone to try to identify them afterwards, and that is out of what they expect to find a 3 to 500,000-people mass grave, a million three people missing. This is out of a country with a population of 26 million where most people can tell you they know somebody who is no longer around, and that is the kind of grave, grave tragedy that we have recovered them from.

I am very pleased that we have been joined today by our good friend, the gentleman from South Carolina (Mr. WILSON), who I know has been to Iraq even more recently than I have and has some thoughts to share with us on this subject.

Mr. WILSON of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Minnesota. I yield to the gentleman from South Carolina.

Mr. WILSON of South Carolina. Mr. Speaker, it is an honor to be here tonight. I want to thank my colleague, the gentleman from Minnesota (Mr. KENNEDY), for asking me to be here tonight. Prior to my visit to Iraq, the gentleman was very helpful to brief me on what to expect, what to look for. He was very incisive, he was very knowledgeable, and it certainly made the visit I had very helpful.

Mr. Speaker, the central front in the war on terror is being fought in Iraq, and I was honored to be selected by the gentleman from Missouri (Mr. SKELTON), the Committee on Armed Services ranking Democrat, to serve on a delegation last week to newly liberated Iraq.

□ 2045

Our troops are heroes of an historic military victory and I was privileged to see firsthand how they are professionally conducting peacekeeping as they enable democracy to develop in Iraq.

This is not a war we sought, Mr. Speaker, but is a direct consequence of the September 11 attacks on America, leading to our fulfilling the President's plan to stop any country from harboring or supporting terrorists. As my colleague from Minnesota stated a moment ago, this is a war we must win. It is a war we can face head on in the terrorist breeding grounds overseas or it will return in full force on American soil.

As I met in Baghdad with Lt. General Ricardo Sanchez, the commander of coalition forces in Iraq, I was impressed by our military competence and resolve. At each stop we met with top military Iraqi and coalition civilian officials, but a highlight was to meet informally with troops of all ranks from our home States. I was startled that instead of patrolling streets by remote armed vehicles, our soldiers were walking the sidewalks, really getting to know the people, who are favorable 70 to 90 percent to our presence, and this has led to improved human intelligence, reducing terrorist attacks, Mr. Speaker.

When I asked General Sanchez about media reports of being mired, he responded very forcefully that this was untrue because real progress is being made. From his perspective, and that of Major General David Patraeus at Mosul, the coalition efforts are progressing much more quickly than what they had experienced in Bosnia and Kosovo.

Daily administration of Iraq is capably led by Ambassador Paul Bremer of the Coalition Provisional Authority. His leadership has coordinated recruiting over 60,000 new Iraqi security forces and initiating over 6,000 community development programs for hospitals, schools, electrical transmission, business development, and road improvements.

From South Carolina, we are very proud that Columbia attorney George Wolfe, counsel of the U.S. treasury, is detailed to the Authority in Baghdad. He is helping coordinate currency conversion of tons of Hussein dinars to be replaced by new money beginning this month. Following World War II, it took nearly 3 years to convert German Deutschmarks, but the coalition will complete this feat in only 5 months.

The Iraqi Governing Council has been formed of 25 supporters of democracy to begin the process of self-government. It was encouraging on our delegation at the Al-Rashid Hotel to meet at a reception with Chairman Ahmad Chalabi.

Since the fall of Saddam's dictatorship, more than 90 percent of Iraqi municipalities have elected town councils, and I met courageous supporters of democracy serving as mayors, council members, and provincial governors as we toured Baghdad and then visited Al Hillah to the south and Mosul to the north. Traveling by helicopter, I could see markets filled with people, bridges left intact with heavy traffic and minimal war damage.

Visiting Al Hillah, I met the Polish general who is commanding over 20,000 coalition forces from 32 countries. In ancient Babylon, we were welcomed by religious university president Sayyed Qizwini, a descendant of Mohammed, who explained that Americans are revered as liberators. Then, as a chilling reminder of the Hussein dictatorship, the local governor escorted us to a mass grave site where thousands of women and children were slaughtered by the regime, which was cited a few minutes ago by my distinguished colleague, the gentleman from Georgia (Mr. GINGREY).

Following meetings at the palaces of Hussein, which have been transformed into Coalition military headquarters, I was glad to see the vibrancy of Mosul, the northern city of 1.8 million people, which had been the ancient capital of Nineveh of the Assyrian Empire. We attended the reopening of Kisik refinery, where 300 new jobs were restored. The refinery was abandoned 4 years ago, but is back on line producing fuel to trade with Syria for electricity to be sent to Baghdad as the dilapidated infrastructure is being rebuilt, ignored for decades by Saddam Hussein as he put more money into his palaces.

As our delegation returned last Tuesday, our transport carried a body bag containing a soldier who had died in Iraq, a sad reminder of the courage and sacrifice of our troops. He is a hero, protecting our homeland overseas from a hate-filled terrorist enemy, which has as its goal the destruction of modern Western democracy. His service should be an inspiration for Americans to take forcefully the new challenges we face.

Again, I would like to conclude by thanking my colleagues here tonight. They are making excellent points and ones that need to be brought to the attention of the American people. I want to thank both of them for making such a difference on behalf of our troops, our country. Civilization as we know it is under attack, and this is not the time to quibble, it is a time to stand together, and both of my colleagues are making a difference.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from South Carolina. I thank him for going there and finding out the truth for himself. And I really appreciate your bringing up the elected governments, because our goal there is to get out. Our goal there is to turn over the reins to the Iraqis. But we are not going to do that until there is a constitution that protects the rights of the minorities, the Assyrian Christians, the Kurdish, and so many other minorities there, the Turkamens.

Over 90 percent, as the gentleman mentioned, of the town councils have been elected. One of the things that struck me, and maybe the gentleman got the same briefing, they have provincial councils up and running as well. And our troops helped organize those elections, and if there are, say, 30 members on the provincial council, the leaders of the town and the province would come together and elect them, but the generals would hold out, say five to appoint themselves. And that was to make sure we had women involved, that we had the minorities properly represented. And we do have women on the Iraqi governing council, women in the provincial councils.

One of the things that struck me is that the Wall Street Journal recently published the first poll that was conducted in Iraq, the Zogby and American Enterprise Magazine did this, and one of the many things that I took away from that poll is when they asked, Do you want democracy or not? Women wanted democracy by a far greater percentage than men. This is a country and a culture that has not always had the same views towards women that we have in this country. We obviously respect the great corrections that they are not only applying throughout our country here, but if you go to Iraq you see many. And I am sure the gentleman saw many servicewomen doing just fine jobs, great jobs, and being wonderful examples for the Iraqi people. And I think that is something that is really another great sign of progress.

Mr. WILSON of South Carolina. What is also very impressive, too, is that when, in fact, we talk about other countries, such as Germany, and how we helped restore democracy to Germany, we cannot say that about Iraq. Iraq has never had a democratic history. So this is a new challenge. And I think it is extraordinary, as my colleague pointed out, that the Zogby poll indicated there is a favorable desire.

What I found so impressive in talking to the troops from my home State of South Carolina, and it was an informal setting, it was not contrived, there were no ranking officers there to make sure everybody said the right thing at the right time, they told me in walking the streets of Baghdad, which was really surprising, again, that they would be walking the streets of Mosul, that the people really impressed them as to their education level and their knowledge of issues. So there is really a bright future because of the people who live in that country and who deserve a chance.

Another point that was so exciting too, as we flew over by helicopter, we could see the number of satellite dishes. Prior to March, with the fall of the Saddam Hussein regime, there were no satellite dishes. Just as in North Korea, it is illegal to have a satellite dish in a totalitarian regime. But we saw hundreds, possibly thousands of satellite dishes, where people could stay in touch with what is going on in the world. They could receive the various networks from around the world by satellite. This is a new development which I think will be encouraging for democracy.

Mr. KENNEDY of Minnesota. Yes. And, Mr. Speaker, one of the things we did not see was all the planned-for catastrophes that never happened. We have challenges, yes, but the dams were not blown up, so they did not flood everybody down river. The oil refineries and the oil wells were not blown up, so they are producing. They are maybe not producing as much as they will in the future, and they are helping to offset the cost we are incurring. We did not have the tribal warfare everybody projected.

So there are so many negative things that did not happen at the same time all these positive things are happening.

Mr. WILSON of South Carolina. And, Mr. Speaker, the gentleman is being very concise in what he is saying. He is not overstating. The gentleman did not include the predictions of mass refugee formations going into Iraq out of Iraq through different regions. And if my colleagues will remember, there were dire predictions of urban warfare; there was going to be a massive quagmire. Did not occur. Even the quagmire that had been announced when we had like a 24-hour pause due to a sand storm, that did not occur.

Then, finally, of course, there was people who made extraordinary predictions of mass starvation. That did not occur. And it did not occur because the American military made substantial planning. The American government, through U.S. Agency for International Development, did extraordinary planning. I had the privilege of being last year in Kuwait in November and learning of the plans that were being made in the event an invasion was necessary.

I was very fortunate to go back in February to Kuwait and meet with the troops on the front lines, the 3rd Infantry Division from Hinesville, Georgia, and the 1st Marine Division, and I saw the preparation being made for the conflict and then for after the conflict to avoid the dire consequences that we had heard would occur and did not occur.

Mr. KENNEDY of Minnesota. And the gentleman spoke of the satellite dishes. They are watching all kinds of channels now that they never saw before. They are seeing the outside world.

If you ask me, Mr. Speaker, what the average Iraqi thinks, the average Iraqi is thinking, how do I get to be like Kuwait as quickly as possible? How do I become a prosperous country? How do I have everything everybody else has? And it is not just the oil Iraq has. And I am sure my other colleague saw the same thing, when we looked down from those helicopters, it was green. They actually grow rice there. They have enough water between the Tigris and the Euphrates Rivers to flood fields and grow rice. This was the old supposed Garden of Eden. This was the cradle of civilization. So we have, really, a region that has foundations for prosperity, not just oil but water, that can produce a strong agricultural base as well as industry.

I know my colleague must have in Georgia many industries that rely on water, and having that diversified economy to employ the people is something that Iraq is potentially uniquely qualified in that region to do.

Mr. GINGREY. Well, Mr. Speaker, if the gentleman will yield, I think it is important to point out that in Iraq we are not talking about a Third World country. We are talking about what we formerly knew as Mesopotamia, the land between the Tigris and Euphrates. It is one of the oldest nations on the face of the earth and has had beautiful civilizations.

This is a situation where a brutal dictator was suppressing, indeed even killing his own people. And not only his own people, but also the neighboring countries, where we have moderate Muslim countries that are friendly and understand the value of life, like Turkey, as an example, and we mentioned Kuwait, and, of course, other neighbors of Saddam Hussein. Under this dictator, this regime and its reign of terror, if you will, these other countries lived in constant fear. And until we rid Iraq of Saddam, there would never be any opportunity for people to feel secure.

I am real pleased that the gentleman from South Carolina joined us this evening, and I commend him. He is one of maybe only 25 percent of the Members of Congress who is actually a veteran. I know his three sons also served in the military, and no doubt his teenage boy one day will. And it is really good to hear in these colloquies, and I know the gentleman from Minnesota would agree with me, to hear from people like the gentleman from South Carolina (Mr. WILSON) who knows the

military, understands, and who was part of a group that just recently returned from Baghdad, along with the gentleman from Minnesota, and with his own eyes, and your own eyes, saw the tremendous job that our troops, our well-trained troops, our modern technology was able to perform. They were able to inflict maximal damage with minimal collateral damage; with laser precision attacks, protecting as many innocent men, women and children as possible and I commend you.

Mr. KENNEDY of Minnesota. And we absolutely saw that. People might ask if everything is so great over there, why do we need this money to rebuild Iraq. Well, I want to point out, it was not due to the war.

As we went through Baghdad, and I am sure the gentleman from South Carolina saw the same things, we saw specific buildings, specific floors on buildings that were targeted and that were hit, but right beside that there would be a building standing and continuing in commerce today.

□ 2100

But what has caused a need for reconstruction is the fact that Saddam Hussein spent one-third of total income on armaments, and we are constantly recovering huge caches of arms in palaces. We were in one palace complex in Tikrit that had 112 buildings on the palace compound, each one of which could be called a palace itself. When you spend money in such awful ways on destructive things and neglect the people, that is what we are recovering from. We are not recovering from the war. That damage was very tightly focused, and maybe the gentleman from South Carolina (Mr. WILSON) can talk about what he saw in Iraq.

Mr. WILSON of South Carolina. Mr. Speaker, that was something very startling. I was showing pictures to my family of my visit; and I, of course, had some terrific aerial photos as we were flying by helicopter. We had a perfect view of the communities. I saw during the flights that I had six buildings destroyed. I also saw sites where rubble was pushed up, so I knew there were buildings no longer there. But the infrastructure is in place. The bridges that had to be destroyed in Serbia, that did not occur in Iraq. The bridges were in across the Tigris and the Euphrates.

When we talk about rebuilding, I hope the American people understand it is not because of the American destruction. The destruction is that created by Saddam Hussein. For example, in the schools, we are working very hard to show our good faith to the people of Iraq to get the schools open on October 1. When we talk about rebuilding the schools, we are not building beautiful edifices. Many of these schools are one-room schoolhouses which we are repainting. Particularly in the Shiite areas, the persons less likely to be followers of Saddam Hussein, their schools were closed or left to be dilapidated. They are not to American standards, but they are going to be very fine schools. And very importantly, the materials they have to learn from will be modern materials. No longer will the math book have contrived subliminal messages of how bad America is and how bad the West is. Now it will deal with math, and history will be authentic. This starts on October 1.

Another part of the rebuilding that the American people should understand because it was not due to our destruction was the electrical transmission. Because Saddam Hussein had such a heinous dictatorship, there were two electrical transmission systems. This is, unfortunately, a very common occurrence in dictatorships, and that is the palaces had a system. Additionally, the Baath Socialist Party members, they were on the system that worked, and then the different government agencies were on that system, but then the general public was on another system. In fact, that system had been left in place during the 1930s and the 1940s, built by the British. That system is not only antiquated, it had rolling power service. The people who got service were the ones who paid a bribe to the people who administered the power plants. This is a bizarre circumstance.

It is very difficult, obviously, for Americans to realize there are two transmission systems. We are going in to help rebuild that system because it is crucial for economic development. One of the greatest industries of Iraq is cement production to build buildings and have commerce. That is a very high-intensive use of electricity. By getting the electrical transmission, some people perceive that as we are just trying to provide frills; but, no, we are trying to provide basic services so the economy can come back.

The bottom line is that is beneficial to America, because, as has been pointed out, after World War II we had the Marshall Plan. That was to rebuild Germany. It was not because we were fond of the Germans, but what it was is that we did not want that to become a breeding ground for communism, and the way to avoid that is for the economy to be revived. Our challenge in Iraq is to restore the economy so it will not be a breeding ground for terrorists.

Mr. KENNEDY of Minnesota. Mr. Speaker, as the gentleman mentioned, with electricity, we are bringing forth that core concept of equal treatment under the law. No longer does the Baath Party chair or the Sunni Arabs around Baghdad get their electricity before the rest of the country. Everybody is being treated equal.

Now the children are also benefiting from those schools. We are not having Saddam Hussein's picture on every other page of the textbooks.

We have had some very vicious attacks on Iraq by terrorists recently. This is the new front for the war on terrorism. We are fighting them in their area of strength. Patton said, do not let the enemy pick where you are going to fight, bring the battle to them, and we are. But those terrorists think they are somehow hurting America and dividing us from the American people, but I sense something completely different.

When they attack the U.N., they are attacking the people who are trying to help in Iraq. When they attack the Shiite cleric in Najaf, they are creating a common enemy. The Iraqi people and America have a common enemy, and these acts are pulling us together toward the same goal of getting to the point of security and government where everybody in Iraq, as mentioned, can be equal under the law, and that is the final goal that we have to achieve before we turn over the reins.

Mr. GINGREY. Mr. Speaker, if the gentleman will yield, pointing out the attack on the U.N. Embassy in Baghdad where most of the deaths were Iraqi citizens, and, of course, the Ambassador from Brazil who had spent his entire professional life in trying to promote humanitarian efforts not just in Iraq, but in many, many countries, and for them to just come in and blow up that U.N. Embassy, and what was the U.N. doing in Baghdad? They were not a fighting force, they were just there for humanitarian reasons, that is all; in fact, so humanitarian that they refused to defend that facility. They did not want it to be guarded. They did not want it to appear that they were in any way there as a fighting force. And look what happened to them.

As the gentleman from Minnesota (Mr. KENNEDY) has pointed out, this killing is wanton, it is indiscriminate, and so they are not just attacking our fighting men and women, the United States troops, it is their own people. And it is this reign of terror that we are having to deal with, and it is something that just could not stand, and we had to bring an end to that, and we are going to have to continue.

The President has come to the Congress, and I talked earlier about the cost, and trying to put it in the proper perspective. And I think the gentleman from South Carolina (Mr. WILSON) and the gentleman from Minnesota (Mr. KENNEDY) would agree with me, none of us like deficits. We do not like debt. We would love to have a balanced budget. We are all fiscal conservatives, and $87 billion is a lot of money, but let us talk about cost and try to put it in its proper perspective.

I have heard this statement: The $87 billion is far more than what we spend on education or other priorities. How can we justify that? That is absolutely wrong. Of course it is a lot of money, but remember this: This is a temporary expenditure. This is an investment in America's security.

In contrast, the government's sustained commitments to domestic priorities are dollars spent every year, and they grow over time which appropriately dwarf this incremental cost.

Let me just give some comparisons in the fiscal year 2004 budget: Social Security spending, $492 billion in fiscal year 2004 and growing; Medicare, $259 billion; Medicaid and the Children's Health Insurance Program, $187 billion; veterans expenditures, $57 billion; education K–12, $53 billion; the amount of money this country spends and we will be appropriating this year for higher education in the way of Pell grants and student aid loans to our neediest students so they can go to college, $90 billion.

Again, $87 billion, and I love to get the input from the gentleman from Minnesota (Mr. KENNEDY) and the gentleman from South Carolina in regard to this overall cost and putting it in the right perspective. We hear over and over that people are more concerned about jobs than they are about homeland security. Members have heard that. We see it on some of the news shows at night. But while jobs, jobs, jobs are very important, and the President has brought to us an economic growth package that is going to grow those jobs, yes, there is a little bit of lag in the policy before those small business men and women can create those jobs, but just keep in mind, and I want to throw this out to put it in the right perspective, on September 11, 2001, some 2,875 men and women that went to work that morning at the Twin Towers at the Trade Center, they had jobs. They had good jobs. They had good jobs with good benefits, and they went to work that day feeling secure. Unfortunately, they were not secure. They no longer have jobs. They no longer are with us. They lost their lives that morning.

So while jobs are extremely important, and we need to do everything we can to stimulate this economy, and I commend this President and this administration and this leadership in what we are doing, Mr. Speaker, in trying to grow those jobs, they are not worth a tinker's darn if we cannot assure these workers when they go to work every day that they are going to come home to their loved ones in the evening. So we have to put it in its proper perspective.

Mr. KENNEDY of Minnesota. Mr. Speaker, I appreciate the gentleman from Georgia (Mr. GINGREY) helping us do that. This is the front line in the war on terrorism. We are up against people who kill men and women with no mercy and with no shame. One of the most vivid discussions I had was with the vice mayor of Mosul. He said, for you in America, this is a foreign policy issue. But for the jihadists that want to take the world back and have the women wearing veils, and have the men punished if they shave their beards, and have a few guys in beards making all of the decisions, and do what they have not been able to accomplish in so many other areas, if we succeed and have a democracy and freedom and an open economy in Iraq, they will fail and fail forever, because just as Iraq has been a very disrupting force in the region in the past, it has the potential to be a force that expands that freedom, expands that prosperity, expands that openness and that choice to their neighbors, to Iran, to Syria, to Saudi Arabia, and what better way to make Americans secure, to make sure that they are not going to have to be worrying about their security than to plant that freedom in Iraq in that neighborhood.

Mr. Speaker, I yield to the gentleman from South Carolina.

Mr. WILSON of South Carolina. Mr. Speaker, indeed what we are talking about is jobs, because in the war on terrorism, if we were to have disruption of our economy as we did on September 11, it could be immediately catastrophic.

□ 2115

With the container ships that we all very much depend on for products being sent from the United States by export, back to the United States by import, we know that there is a potential for an abuse there of explosives or whatever. So by having an interruption of our shipping, it could be absolutely catastrophic, particularly in the Northeast. If there was even a 3-day disruption of shipping, there could be a disruption of the oil and gasoline necessary for refining above New York City to the Northeast to the point where it would be catastrophic. We would have the return of the lines with the lack of fuel; people would lose jobs. In my home State, the number one industry is tourism. We already know that if we were to have a terrorist attack of some nature, that it would completely devastate the hospitality industry. This is just a ripple effect all over the United States, actually all over the world. So the war on terrorism is crucial for us to proceed. It is a war we must win. I want to thank both of my colleagues again for making this clear.

Mr. KENNEDY of Minnesota. I thank the gentleman from South Carolina. I thank the gentleman from Georgia. We cannot afford to lose. This is a fight that we must win.

## IRAQ WATCH

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOEFFEL. Mr. Speaker, we have come back to the floor this evening, the Iraq Watch has come back to the floor, and we are glad to be back. There is new information to discuss, the President's speech today at the United Nations to review. I am looking forward to the next hour, joined by my colleagues, the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Illinois (Mr. EMANUEL), the gentleman from Ohio (Mr. STRICKLAND); and I know others are on the way.

I would like to just start, though. The previous hour was taken by three distinguished Members of the other side of the aisle speaking about Iraq. I listened carefully to what they said and found myself in agreement with many of their comments. Certainly their frustrations that the press does not accurately report the good news, tends to report and dwell on the confrontations and the failures. That obviously is something we have broad bipartisan agreement on, the failures of the media to cover things the way we would like them to be covered. I would hope perhaps tonight could be the beginning of a more bipartisan discussion during this Special Order when we give our Iraq Watch hour. Perhaps in the future, the Republican Members could join us, not in a confrontational way, but in a way to see if there is common ground and, if we have disagreements, to develop those more fully. The purpose of Iraq Watch is to ask questions about our policies in Iraq, to see if there cannot be more information solicited for the Members of Congress and for the general public and to suggest policy changes that we think are necessary. Perhaps we can do that with our Republican friends in the future.

Let me take a few moments before turning to my colleagues to respond to the President's speech today in the United Nations. I should not say ''respond,'' comment upon the President's speech. He essentially gave a summary of our role and our spending in Afghanistan, in Iraq, in the worldwide fight against AIDS and in measures to fight the traffic in humans and the sex trade. He also challenged the member nations of the United Nations to do more and join us in these efforts. It was a wonderful opportunity for the President to set forth our challenge to the United Nations, our desire for them to be involved in Iraq, to step forward, to provide leadership for the reconstruction and the security that clearly needs to be done in Iraq.

Yet the President, from my point of view, did not achieve that. I found his remarks to be flat and uninspiring. He did not set forth the role that the United Nations could assume in Iraq. He did not discuss the parameters of that role. He surely did not discuss the power-sharing that the United Nations member states have indicated they want to share in order to assume the major role in Iraq in terms of their reconstruction and their security needs. In fact, he made it clear in a reference to America working to submit a new resolution to the Security Council to bring in the U.N., the President's vision is for the United States to stay in control of the occupation in Iraq.

I think one fundamental question Congress has to ask as we consider the $87 billion request the President has made, does the United States have to be in charge of the reconstruction?

Why should the United Nations not be in charge of the reconstruction and the new governance and the security? That would require the U.N. to step up to the plate, and perhaps they will not. If they do not, then we must finish the job ourselves, because surely we cannot leave a vacuum in Iraq. We must make sure that the innocent civilians of that country have an opportunity to move forward in a pluralistic way toward freedom, toward self-government, hopefully toward democracy as soon as possible. But why does the President refuse to consider the notion that the United Nations be given the primary responsibility, if they will assume it, to reconstruct Iraq, to provide security and bring a new governance forward? From my way of thinking, that is why there is a United Nations.

The President in his campaign for office scorned the notion of nation-building. He did not want to do it. Yet that is exactly what he wants America to do, primarily be in charge of nation-building in Iraq. I would suggest we consider a larger role for the United Nations. It was interesting the other day, the President sort of quickly, without any warning, finally indicated that he believes that Saddam Hussein was not behind the terror attacks of 9/11. He indicated that there is no evidence that Saddam Hussein was behind, or responsible for, those horrible attacks on 9/11.

Mr. DELAHUNT. If my friend would yield for just a moment.

Mr. HOEFFEL. I will indeed.

Mr. DELAHUNT. I thought what was particularly ironic was that the day before, on ''Meet the Press,'' President Bush's Vice President, DICK CHENEY, said something entirely different. He made statements in which the only reasonable inference that one could draw is that somehow al Qaeda, Osama bin Laden, had a relationship with Saddam Hussein. I want to compliment the President of the United States finally for being forthcoming on that and ending that assertion that I think has caused great confusion among the American people.

Could I just go on for one minute, because, as you did, I witnessed the colloquy among our good friends, the Republicans from the other side of the aisle, and their discussion about Iraq. I have obviously significant disagreements. But I believe there is one thing we can agree on, that our men and women there have acted professionally, have reflected great pride on the military, and, in fact, on a number of occasions have acted heroically. But what I would do is to challenge them that when these men and women return as veterans and are no longer part of the military but assume that honored title ''veterans,'' that we do not disrespect them. Because as you well know, this administration and this Republican Congress failed to support adequate funding for veterans health care benefits to the tune of $1.8 billion. I wish one of them were here right now. In addition to that, if we are concerned about our veterans, if we are concerned about the men and women that are serving in Iraq today when they come home, it is important that we address the issue of disability for those that have been wounded in combat.

This is a story from yesterday, maybe today's, Miami Herald. I think it is important that the American people know this:

''Three months ago, the Republicans stalled a vote on a bill to erase a century-old injustice whereby the money that disabled military veterans collect in disability pay from the Veterans' Administration is deducted dollar for dollar from their military retirement pay.'' This, I daresay, is unacceptable, given the fact that we have a foreign policy that is creating more and more veterans. While we can praise them here on the floor of the House, there is currently right here in this Chamber a place to sign a so-called discharge petition that would redress this injustice, this travesty.

Let me continue with this story that appeared in the Miami Herald:

''A group of 401 retired generals and admirals signed a letter to President Bush earlier this month urging him to do the right thing by changing a law that penalizes disabled military retirees. In the words of one veteran, if George Bush only knew how deep and bitter the sentiment over this issue really is, he would immediately order his stooges and henchmen to back off and do the right thing. It will definitely be out the door in 2004 for everyone who did not support disabled military retirees.'' I daresay that there are close to 200 Members of this body that have signed that discharge petition, and it is my understanding there is only one Republican Member of the House of Representatives that has done so. That is wrong.

Mr. STRICKLAND. I would just like to point out to my friend that 202 Democrats have signed the discharge petition. Only one Republican has signed the discharge petition. It is something that I think the American people, especially the veterans in our country, need to know. They need to ask their Representative whether or not they have signed the discharge petition; and if they have not, they should ask them why they have not.

Mr. HOEFFEL. Before I go to the gentleman from Illinois, who has got important information about his American Parity Act and before we come back to discussions of the veterans, let me just quickly return to the point that I yielded to the gentleman from Massachusetts on, his absolutely accurate comments about the President obviously responding to the Vice President's comments when the Vice President tried to once again weave that web that Saddam Hussein was responsible for 9/11. It reminds me of that movie ''A Bridge Too Far.'' I would suggest that the President finally leveled with the American people about that because the Vice President made a comment too far. He just said it once too often and the press was paying attention and the President decided he had to say what we have all known, that there is no evidence of that connection between Hussein and 9/11.

But if you look at the President's speech today to the United Nations, he did it again. As another President said, ''There he goes again.'' There were several references when the President talks about the regime of Saddam Hussein cultivating ties to terror while it built weapons of mass destruction, and nations are more secure because an ally of terror has fallen. Saddam Hussein is a murderous and evil man who was willing to use weapons of mass destruction against innocent civilians. He did it against his own Kurds. He did it against innocent Iranians. But there is no evidence of the so-called ties to terror.

It seems to me, before I yield to my colleagues, that one of the most fundamental things we need from the White House is for the President to level with the American people. The situation in Iraq and with Hussein was bad enough. It does not have to be exaggerated. We do not need to continue to try to make connections with terror that simply do not exist. Hussein is evil enough on his own. And every time a bogus claim is made or an exaggeration is made by the administration and by the spokesmen for the administration, it weakens the President's credibility, it weakens the national credibility, and it does not help us accumulate the international support that we need to internationalize the reconstruction of Iraq and to get the Iraqis back in charge of Iraq, which must be our two primary goals.

I thank the gentleman for being patient with me, and I am happy to yield to the gentleman from Illinois.

Mr. EMANUEL. I want to thank my colleague again for organizing this Special Order to discuss the news in Iraq. I think it is appropriate to focus on the President's speech, but I am also very interested in Mr. Bremer's testimony the other day and the document they produced about the plan for reconstruction in Iraq. They have produced a blueprint to how they plan to spend $21 billion of American taxpayer dollars, hard-earned dollars to rebuild Iraq.

□ 2130

I just want to highlight some of the individual items. There is a $5.6 billion plan to rebuild the entire Iraqi electric grid. In the summer, America had a blackout. The response in the new energy bill for investment in the American electric grid, not a single dollar will be dedicated. As everybody has noted, Democrat or Republican, conservative or liberal, we have the most modern economy on top of a Third World late-19th century, early 20th Century electric system. It is not up to the power that we need for an economy that is an information-driven economy.

They are going to get $5.6 billion for an electric grid, a new system in Iraq. Not a single dollar is in the energy bill dedicated to the United States, and we had a massive Third World-equivalent blackout that covered the east coast and parts of the Midwest.

I would like to also note, and it obviously was in the gentleman from Ohio's State primarily, but the estimates are for every billion dollars we spend, we could produce 10,000 jobs here at home. That would create 50,000 jobs here in America if we would spend that money on America's electric grid, upgrade it and bring it up to snuff and the level that is equivalent to the greatness of this economy.

Mr. DELAHUNT. Mr. Speaker, I would ask the gentleman how many American jobs, 5 billion-plus that we are sending to either construct or upgrade the electric grid in Iraq, how many American jobs will that generate?

Mr. EMANUEL. Mr. Speaker, I have no idea, but two points on that, if I could, to my colleague. One is we do know it would produce 50,000 here at home if it was spent here. Second, there was an article the other day in The New York Times about how we are paying thousands of Iraqi workers who do not show up for work but just to kind flood the economy with money, thousands of no-show jobs. I am from Chicago. We think we have written the book on no-show jobs. We know something about no-show jobs. And thousands of people are getting paid a salary who do not show up.

Let me bring up a couple other things, if I could, because I think this is relevant to everybody's district. We are going to spend, according to the Wall Street Journal today, $4.6 billion of the $21 billion in Iraq, 4.6 is going to go for drinking water, wetlands restoration, environmental policy for Iraq, and also irrigation. I have a bill to invest $4 billion in the Great Lakes, Lake Michigan, Lake Erie, Superior, Lake Huron. Twenty-seven million Americans get their daily drinking water from the Great Lakes. Twenty percent of the world's entire freshwater exists here in the United States. It is the largest body of freshwater in North America. Not a single Federal dollar; yet we are going to spend $4.6 billion in Iraq for drinking water when we have got 27 million Americans here who get their daily drinking water from the Great Lakes and not a single dollar dedicated?

What I find most fascinating is we finally have an environmental policy for this administration. It is in Iraq because they are going to restore the wetlands.

Third, $850 million of the $21 billion will be spent in hospital construction. Of that, Basra is going to get $150 million for a new children's hospital; $150 million for a new children's hospital in Basra out of the $850 million.

Mr. DELAHUNT. Mr. Speaker, I have hospitals in the Commonwealth of Massachusetts that, because of the cuts to Medicaid, are on the verge of closing and our people are suffering.

Mr. EMANUEL. Mr. Speaker, of the $150 million, I have a request to spend $1.5 million for the Children's Memorial Hospital in Chicago. It is one of the top five pediatric hospitals not only in the country, but the world. In fact, that hospital saved my life when I was 16 years old. I was there for 8 weeks. 1.5, it equals to 1 percent, and I am struggling to find the money for construction for a new facility to keep it on the forefront of children's facilities in pediatric care; yet we are going to spend $150 million. So I am going to suggest tomorrow to the Children's Memorial Hospital in the city of Chicago at the corner of Lincoln, Halsted, and Fullerton that they may want to set up a sister program with the Basra Children's Hospital. They want 1.5 million? See if they can set up a sister program and borrow out of $150 million for the new Basra children's hospital.

I would also like to draw people's attention in this $21 billion that there is also money for Afghanistan. There is $40 million to build 275 schools and train 10,000 more teachers in Afghanistan.

Mr. STRICKLAND. Mr. Speaker, if the gentleman would yield for just a moment, the President in his speech today said that he intended to build 1,000, 1,000 new schools in Iraq. And I serve a district where children are going to schools that are unsafe, where they have so many safety violations because of the age of the buildings that if they were a business, they probably would be closed down, where a prisoner that was a ward of the State could not be housed because the safety violations would keep the State from putting the prisoners in those buildings; and we have got school children going to those buildings, and the President is going to use the tax dollars coming from southeastern and southern Ohio where I have one county with unemployment of 13.5 percent, tax dollars are going to come from those moms and dads. They are going to come here from Washington, and the President is going to take those tax dollars and use them to build new schools in Iraq. It just does not make sense.

Mr. EMANUEL. Mr. Speaker, I also have a request. There is an academy in Chicago called the Chicago Academy, Carnegie endowment, called one of the landmarks for teacher trainings, a request for $1 million for a landmark facility doing new teacher training in the schools for teachers who get master's degrees. The truth is I have nothing against the reconstruction investment in Iraq, but to vote for these cuts here at home, to ask the people in the gentlemen's districts and my district to pay the taxes, work hard, get the kids off to school, teach them the right values, and see their tax dollars go over there when schools are being closed, teachers are being laid off, police and firefighters are being laid off, health care is being cut, 3 million unemployed Americans, 45 million uninsured Americans, and yet all this investment over there.

As my colleagues know, I have a bill called the American Parity Act, and it says whatever we invest in Iraq, we have got to do here at home. So when that bill comes on the floor, I will offer the amendment to ensure that our investment in Iraq does not in any way supersede our investment here at home because Iraq cannot have a future that is brighter and stronger than the one we are committed to to our families here at home and our children.

Mr. HOEFFEL. Mr. Speaker, if the gentleman does not mind a friendly correction, he hopes to offer the amendment. I know he will try to offer the amendment, but the House Committee on Rules is unlikely to allow any amendment to be offered to that bill.

Mr. EMANUEL. Mr. Speaker, to my colleague, I do think that the House Committee on Rules will give me ''welcome to the NBA'' treatment. I do see my bill getting stuffed.

Mr. DELAHUNT. Mr. Speaker, I intend to offer another amendment too along with the gentleman from Ohio (Mr. STRICKLAND) which would provide $1.8 billion for our veterans, for American veterans who are currently fighting in Iraq so that when they come home, they will have the health care that they need and that they deserve.

Mr. EMANUEL. Mr. Speaker, one last thing. I draw these health care analogies, these school analogies, infrastructure analogies, the producing of jobs and building a future at home. There is also a request in there for $100 million for a witness protection plan for Iraq. The entire budget for the United States on witness protection: $30 million, for the entire United States. The last time I checked, we could help people who wanted to finger drug dealers, who wanted to finger big gang leaders. We could use that money. Thirty million dollars is all we spend for fighting crime here in the United States, but we are going to dedicate $100 million to the Iraqi witness protection plan. I think Americans will look at that and think maybe we should have a dual citizenship program. Maybe they should apply over there and start fingering people.

Mr. DELAHUNT. Does the gentleman have any details on this plan?

Mr. EMANUEL. No. It is in there. If we ever get a chance to ask Mr. Bremer or the people that developed this, I am not suggesting they do not need resources to help people who would turn on former Baathists that are living in the neighborhood, but $100 million for a witness protection plan in Iraq, and we spent our entire Department of Justice request last year in 2001, $30 million; $3 million in the State of California. Ten percent of the budget to that. Does anybody really believe that we could not use more money or that is going to be well spent? And yet the American

soldiers, their families and their kids in the recent tax credit get only $450 per child tax credit.

Mr. HOEFFEL. And many of them do not get that.

Mr. EMANUEL. No, they will not get that. There are 12 million children in this country who will not get the tax credit; yet we are going to spend $100 million in Iraq on a witness protection plan.

There is a desire to build 3,500 units of affordable housing in Iraq. The President's budget submitted had 5,000 units of affordable housing. Iraq's entire affordable housing unit will be nearly equal to the President of the United States' plan for America.

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield for a moment before he leaves the floor, what I find particularly ironic is that it is the so-called Iraqi Governing Council that is really supporting our premise. They think that the administration is overspending. Stop for a moment and we should explain to those that are watching us here this evening that it was Secretary Rumsfeld and this administration that appointed the governing council.

According to a story that appeared in The New York Times yesterday, they are coming to Congress. They are going around the administration. They are getting frustrated. They are coming directly to the legislative body; and according to this particular story that appeared, again, in yesterday's New York times, they are coming to argue that American taxpayers could save billions of dollars on Iraq's reconstruction by granting sovereignty more rapidly. In interviews, the Iraqi leaders said they plan to tell Congress about how the staff of L. Paul Bremer, the American occupation administration, sends its laundry to Kuwait, how it costs $20,000 a day to feed the Americans at Al-Rashid Hotel in Baghdad, how American contractors charge large premiums for working in Iraq, and how across the board the overhead from supporting and protecting the large American and British presence here is less efficient than granting direct aid to Iraqi ministries that operate at a fraction of the cost.

One member of the governing council made this statement: he estimated that in some cases the savings could be a factor of 10 where, and these are his words, our appointee to the group that is commonly described as the governing council, he said where they spend $1 billion, we would spend $100 million. What are we doing?

Mr. EMANUEL. Mr. Speaker, we have been joined by the gentleman from Hawaii, but I want to add one thing. What I described was the line items of the $21 billion for the Iraq and Afghanistan reconstruction. I went through the hospitals, the education, infrastructure, the water projects. I did not mention that today in the newspaper there is an additional $8 billion that was just recently offered for Turkey. I do not have anything against offering assistance to Turkey. They are a good American ally, but $8 billion so they would participate. What I find interesting is we spend about $11 billion a year on Pell grants. So Turkey in 1 year will get nearly what we spend for one of the largest Federal assistance programs for kids to go to college here in the United States. That is what we are going to offer Turkey.

So just to put this in perspective, we have $21 billion for the Iraq and Afghanistan reconstruction, the lion's share going to Iraq. That does not count what we are spending now in Turkey that was just approved yesterday. I do not know, but the last time I checked, we fought tooth and nail to get Medicaid reimbursement here at home for our hospitals for the health care of our citizens, and I know our colleagues from Ohio and Hawaii, and I do not want to take more time than is allocated here for me.

□ 2145

But I want to add that piece for Turkey to that number. As we talk about $21 billion, there is another $8 billion just offered for Turkey. Again, there are needs at home. It need not be an either/or situation that the President has put us in, America versus some of our allies.

Mr. STRICKLAND. If my friend will yield for a moment, we keep talking about the $21 billion for Iraq, and that is out of the $87 billion the President has requested. But we should not forget that we have already appropriated $65 billion. What we are talking about here is over $150 billion that has already been requested out of the American taxpayers' pocketbook. So it is maddening to me when the President stands before the U.N. today and he says we are going to build 1,000 new schools in Iraq, and we are underfunding the No Child Left Behind bill by $8 billion.

We ought to care about Iraqi children, but we ought to care about American children and American kids as well. And then he says we are going to build hospitals and health care clinics, and we are underfunding our VA health care system by $1.8 billion.

So which is it, Mr. President? Do you care more for the Iraqi citizens or for America's veterans? Do you care more for Iraqi children or America's kids?

It is just maddening to me. I do not think the President has been a straight shooter with the American people, and I do not think it was any coincidence that when the President finally came clean and 'fessed up that there was no evidence that connected Iraq with September 11, 2001, that he did it in the midst of a hurricane, when the Nation's attention was focused on the weather. But the fact is, it is significant, because about 70 percent of the American people apparently continue to believe that we went to Iraq because Iraq was involved in the attack upon our country.

Afghanistan was involved in the attack upon our country, and I think we all supported going into Afghanistan. But the American people need to know that there was no connection between Iraq and September 11, and no weapons of mass destruction have been found. So I find myself asking, what is the justification for what has happened, and how are we going to deal with this mess we have gotten ourselves into?

Mr. HOEFFEL. I just wanted to add to the gentleman's comments that the reference to Afghanistan is important because we have been distracted from the challenge in Afghanistan because of our commitment in Iraq, and things are not going so well in Afghanistan these days. The Taliban is reforming, President Karzi is having a difficult time with security outside of the capital city of Kabul, and clearly we did not get the job finished in Afghanistan, where al Qaeda was clearly located and where the Taliban was allowing al Qaeda to flourish.

Mr. STRICKLAND. And where Osama bin Laden is still hiding somewhere out there planning the next attack upon our people.

Mr. HOEFFEL. I thank the gentleman for his comments.

We have been joined by the gentleman from Hawaii (Mr. ABERCROMBIE). Aloha.

Mr. ABERCROMBIE. I came in just at the moment when I could say to our good friend from Chicago, maybe we ought to talk a little turkey tonight.

I just find it extraordinarily interesting that people continue to come to our offices, and I want to emphasize that all of us are here working today, and we find ourselves, do we not, meeting with constituents who come to our offices with concerns, and among them, and perhaps Members here can verify today, they probably saw, if they have any military dependents in their districts, representatives of the Impact Aid Coalition.

For those in our listening audience and for those Members who may not be thoroughly familiar with what Impact Aid means, you will find that when a child is in a school district as a result of his or her parents being assigned there by the United States military, that district is generally eligible for what is called Impact Aid, because that child has an impact on the finances of that school system. That child's parents may or may not be paying the same kinds of taxes, contributing the same kind of financial support, that would be there if that parent was in fact living in that district as a matter of course in their life. So in areas where we have a high number of military dependents, the United States and Congress in its wisdom has evolved a system called Impact Aid.

Now, the astounding thing that is taking place today is here are our constituents on behalf of military-dependent children appearing in our offices asking for funding, full funding of Impact Aid, inside the boundaries of the

United States. We will pay foreign nations 100 cents on the dollar with respect to those children and their education, but within the boundaries of the United States, tonight as I speak, those children and their parents have to beg the United States Government for financial assistance for the children of our own military that are serving.

Some of the same military that is serving tonight in Iraq have children in this country whose education is not being paid for by the Impact Aid to which they are entitled. This is the kind of disconnect that is taking place with the prosecution of this war and its aftermath that the people of this country have to come to grips with and come to terms with.

Mr. DELAHUNT. If Mr. EMANUEL could tell us how many tax dollars from the United States are going to Iraq to construct or rehabilitate schools in Iraq. What is the dollar figure?

Mr. EMANUEL. The schools number has not been determined. What I do know is they have $40 million for an Afghan school program, 10,000 teachers trained. The budget is not line-itemed. There is a big number in there for the 1,000 schools that our colleague from Ohio noted the President has planned for Iraq.

The $21 billion, at this point, we just got this today and are still going through it. The whole line item, as I outlined earlier, it has numbers for the electric grid, for the water projects, for the hospital program.

As my colleague noted, there is a vision there. But there is not a person here among us whose constituents have not talked about after-school programs, teachers being laid off, police and firefighters being laid off, hospital doors closing on the uninsured in this country. So there is not one of us who are not begging for money for their districts and see plans and visions and dollars for Iraq that do not match up with what we hear here at home, in America.

Mr. ABERCROMBIE. If the gentleman would yield on that point, all of that is true, but my emphasis here is these are military dependents. These are the dependent children of people who are now fighting in Iraq, and those children and the school districts within which they are now living are not funded under the Impact Aid program that we ourselves have authorized in the Congress.

If this is taken as the basis for our conversation in the immediate, I would point out that is one of the reasons why some of us are insisting that before any of this money be voted, that it be authorized; that the requisite subject matter committees, perhaps the Committee on Education and the Workforce or most certainly the Committee on Armed Services, have hearings on this to determine what in fact should be authorized, how much unexpended funds there are, where funds have been allocated, and have an audit of what has been spent to this point, what is expected to be spent, before we simply go to the Committee on Appropriations and in effect block the entire legislative process that has been established for every other item.

The fact is that an appropriation, an emergency appropriation, a supplemental appropriation, should be handled only under emergency circumstances. These are not emergency circumstances. This is the result of what has taken place up to this point and needs a sober, serious consideration and analysis before we take one step forward.

Ms. JACKSON-LEE of Texas. If the gentleman would yield, to add I guess insult to injury on his point about Impact Aid, we have just been told, my office has been told and a number of you, I am sure, have been contacted, that posttraumatic mental health services for returning service veterans and their families are now being cut, so that certain military bases where our troops will be returning from Iraq, and these are enlisted persons, will not have sufficient mental health services to deal with the trauma that they have experienced in Iraq.

Some of my constituents were in my office just this past weekend talking about that kind of crisis, which leads me to support this whole idea that there has to be an accounting of how these monies were spent.

I just sent to my colleagues a whole list of discussion points about the $87 billion, which takes into account accountability, full hearings, and I might say that we should question the reason for voting for the total package of $87 billion without having a separate vote for how much it will take to support our troops in Iraq and get them the kind of equipment and food and services that they need, and then place the rebuilding of Iraq, so we can address the questions of the distinguished gentleman from Hawaii. Why we are not funding the Impact Aid? Why do we not separate out the rebuild question?

I leave you on this point: I have asked for full hearings on the weapons of mass destruction and what we spent money on, but the real question is, what will our allies pay for? I did not see much in the speech today at the United Nations where I would have been anymore encouraged as an ally to jump in and join us, because I did not see any conciliatory remarks by the President. But he is asking them to send troops, he is asking them to pay money, and he is asking them to see lives lost. We are already experiencing that.

The question is, before we spend money on the rebuild, what are these allies willing to do? What is the deal we are cutting? How many troops will be sent and how much money will be expended? So we can spend good money on our troops.

The last point is very important: The defense appropriations we just passed, that are coming up, how much of that could we not utilize for the operation in Iraq?

So I thank the distinguished gentleman from Pennsylvania (Mr. HOEFFEL) for having this special order, and I hope that we can have the kind of honest debate that will be befitting of the oversight responsibilities of this Congress and our commitment to the American people.

Mr. HOEFFEL. I thank the gentlewoman from Texas for joining us. She adds great wisdom and enthusiasm to the discussion. I hope you will be here every week with us. We plan to continue this for the duration.

I know there is one of our colleagues who has been patiently waiting who has not spoken yet. First the gentleman from Illinois (Mr. EMANUEL) has a quick point to make.

Mr. EMANUEL. I want to make one quick point that I left out of my notes, and I would like to draw people's attention to it.

There is $21 billion in this for rebuilding for Iraq. There is another line item for $150 million for retraining and recruiting police officers to guard the streets of Baghdad. Yet the President's budget zeros out the police program that funds police on the street here in the United States, the 100,000 police program.

So we will have dollars dedicated to recruiting, training, upgrading the police security for the city of Baghdad and the rest of Iraq, 40,000 of them; yet the President's budget zeros out the COPS program here in the United States to help recruit 100,000 police on our streets, to make sure we have the right types of police on our street, they have the resources they need, so we can actually bring crime down here at home.

These are the people, if we have a terrorist threat, we are going to be calling on. And yet, as I went through the hospital program, I went through the water purification program, I went through the electric program, comparing what was going on there versus the cuts or eliminations here or nonfundings here at home, I left out the police program that I think is also important. Somehow we have placed the safety and security of what goes on in the streets of Baghdad above what we are doing here at home. I did not want to leave that out from the discussion.

Mr. HOEFFEL. I thank the gentleman from Illinois (Mr. EMANUEL). He has done a magnificent job with this fiscal analysis of the requested money for reconstruction in Iraq. It is a fascinating comparison that I think all of America needs to pay attention to. You made a reference to wanting to ask Paul Bremer these questions directly. I know the gentleman from Massachusetts (Mr. DELAHUNT) and I will have an opportunity on Thursday when he appears before the Committee on International Relations, and maybe we will have a chance to use some of your material, and we will credit you and ask the appropriate questions.

Let me now yield to our colleague the gentleman from Washington (Mr. INSLEE).

□ 2200

Mr. INSLEE. Mr. Speaker, I just want to note the message that I heard in my district this weekend, representing the First District north of Seattle. I went to the homecoming of the USS *Carl Vinson*, one of our great aircraft carriers stationed in the west Pacific. They went for a tour that was supposed to be 1 month, but because of the Iraq War, they were essentially out to sea for 8 months, and it was really exciting to see families reunited after this patriotic service in the west Pacific.

But I heard two messages while I was out and about this weekend talking to these folks. One was how proud we are of our people doing this very difficult duty, and the second was being absolutely flabbergasted by the amount that the administration has requested for the reconstruction of Iraq and these expenditures. People were absolutely floored when they saw the numbers that are associated with this project that the President has led us into or gotten us into, depending on one's perspective, in Iraq.

And we worked just on the back of an envelope as I was talking to some constituents about how much money this is. Conservatively this is going to be $200 billion before we are out of Iraq, conservatively. The gentleman from South Carolina (Mr. SPRATT) has done a great job on the House Committee on the Budget, which has done an analysis of the various scenarios, and, conservatively, it is going to be over $200 billion. That is $480 million for every congressional district in the United States. That is $8 million a week for every congressional district in the United States. That means if we think about what this money really means, it means in your town, it means $8 million you could be spending on a new school or health care, $8 million a week you could put, conservatively, 7,000 to 10,000 kids in your hometown through college with the amount the Iraq project is going to cost.

Mr. Speaker, that is why people are flabbergasted by this number. The reason they are flabbergasted is because the enormity of the number and because the President simply did not shoot straight with the American people on how much this was going to cost when we started this entire project, and now people are very, very upset about it.

Mr. STRICKLAND. Mr. Speaker, if the gentleman would yield just for a moment, the numbers are startling, I agree, but I think they are even more troublesome when we put them in perspective. We are talking about billions and billions and billions to rebuild Iraq, and as has been pointed out this evening, we are underfunding our veterans' health care by $1.8 billion. It seems so easy for the President to talk about billions and billions and billions for Iraq, and yet this administration and the leadership of this House, they are fighting us tooth and toenail to keep us from getting the $1.8 billion we need just to provide the basic medical services to our soldiers.

I want to tell my colleagues something that I found out today that is shocking. I think the American people will be appalled when they find this out. The soldiers who have been wounded in Iraq and have been brought back to this country and are currently in hospitals a few miles from here, Walter Reed Hospital, when they leave the hospital, if they are able to leave the hospital, they receive a bill. They are being charged $8.10 every day they are in that hospital for the food they eat. Think of that. You are in Iraq, you get your leg blown off, you come to Walter Reed Hospital here outside of Washington and get medical care, and when you leave the hospital, they present you with a bill totaling $8.10 for every day you are in that hospital for the food you have eaten.

Why are we willing to nickel and dime our veterans and be so incredibly generous with those who are living in Iraq or Turkey or elsewhere around the world? It is almost beyond belief.

Mr. DELAHUNT. Mr. Speaker, it does border on the incredible when we just hear our friend, the gentleman from Hawaii (Mr. ABERCROMBIE), talk about the issue of impact aid in those school districts which provide education for the children of military personnel, when we reflect on the $1.8 billion underfunding for health care, when we think about the fact that this Republican Majority is continuing to penalize disabled veterans, and now this, this $8 per day to feed veterans that are in our hospitals after combat in Iraq. I cannot imagine anything so obscene.

Mr. Speaker, back in the early 1930s there was a very famous march in Washington, and it was the march of the veterans to decry the way they were being treated. We are getting to the point where there will be another march of the veterans on Washington unless this House and this President take action.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman will yield on that point, we have tried to emphasize, and our chairman, the gentleman from Pennsylvania (Mr. HOEFFEL) would agree, that we have tried to emphasize in our remarks in the Iraq Watch, as we have proceeded from week to week, that this is not a partisan attack; this is not meant to be a Democratic Party discussion and analysis. Obviously, anybody can come and join us who wishes to do so. But nonetheless, the plain fact is that the House, as the gentleman from Massachusetts (Mr. DELAHUNT) points out, is going to have to act, the Congress is going to have to act.

The gentleman from Florida (Mr. YOUNG), for example, the chairman of the Committee on Appropriations, is aware of what has taken place at the hospital because I know that the chairman of the Committee on Appropriations and his wife and family visit regularly, and this did not just start with the war in Iraq; this is something that has been a lifelong commitment of the Youngs. They have, that is to say, upon the discovery of that, I know that in at least one instance the gentleman from Florida (Mr. YOUNG) has paid that bill himself, and he has a bill in the Congress now which we should pass instantly. We should have that on the floor.

Mr. DELAHUNT. By unanimous consent.

Mr. ABERCROMBIE. Mr. Speaker, it should just come right down on a suspension vote and be passed. But the fact that it has to be passed, the fact that the gentleman from Florida (Mr. YOUNG) has to take the lead as the appropriations chair to right this wrong is indicative of the fact that the administration has failed to understand what is at stake here. Surely something like this could be rescinded by an Executive Order. We are apparently able to go to war without the slightest recourse to the Congress for approval; one would think that the administration could rescind this tax on food for wounded veterans in our Nation's military hospitals.

So I think the Congress has the obligation to get involved in this oversight in a way beyond that which is the ordinary passage of bills and the ordinary scope of legislation that we go through in the quotidian details of legislative life here in Washington. This is a perfect example of it. In some respects, it is almost shameful that the chairman of the Committee on Appropriations has to resort to a legislative bill to right this wrong, which is obvious to anyone who would objectively look at the situation.

There is no doubt in my mind that the good offices of the chairman of the Committee on Appropriations is utterly and totally sincere and straightforward. The question is not the motivation of a Republican Member or a Democratic Member; it is that the Congress has to bring any administration, Democrat or Republican, to account with respect to how we fund things, where we fund things, why we fund things, and what the rationale is behind it. This is our obligation as Members, regardless of party.

Mr. INSLEE. Mr. Speaker, if the gentleman would yield, I want to note another little secret cost, and this is another reason for congressional oversight of this expenditure. There is a secret little bitter financial pill in here that so far I do not think we have talked a lot about, and that is because the administration wants to borrow, every single dollar for this Iraq operation, the President wants to take it right out of the Social Security Trust Fund, every single dollar. He will be borrowing every single dollar he expends in Iraq from the Social Security

Trust Fund. And to do that, of course, we will have to pay interest on that. The interest alone, for which Americans will get absolutely nothing, conservatively, under an optimistic scenario, will be $83.9 billion in interest charges that the President of the United States wants to impose on our children, because that is the generation that will actually be paying this. If it is not so rosy and we are there through 2008, it will be $104 billion in interest charges.

One of the reasons Congress needs to engage in a debate about how to handle this situation is we do not believe we should put those interest charges on our children. It is unconscionable to put $80 billion of debt on our kids of interest for which they get no teachers, no cops, no sailors, no soldiers. This is the biggest item of waste, fraud, and abuse probably in the Federal budget, this interest charge that they want to sneak by the American public so they do not know about it. And they do want to sneak it by. And do my colleagues know why they want to sneak it by? Because the President did not tell us about this when they started this war. I do not remember him saying, this is going to cost $80 billion in interest, and I can borrow it from the Social Security Trust Fund.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will yield, in contrast to what the gentleman has just offered about how we are spending on this war, in the Bush I war, if you will, the Gulf War, the total expenditures were about $62 billion, $63 billion. Because of the coalition, whatever one's opinion was on that war or this war, because of the approach that was utilized, a coalition effort, in fact, they were going in to liberate Kuwait, we spent only $7.5 billion. The American people are willing to make sacrifices, but we did it as a coalition.

Right now we are standing postured to spend $150 plus billion, $79 billion and $87 billion, and then possibly another $75 billion, which speaks to the question of layering this country and layering our children with enormous debt and getting nothing for it, and our soldiers and our veterans and our families having no school aid, no impact aid, no mental health aid, nothing for what we are doing. We need to have full oversight of this Congress on behalf of the American people.

Mr. INSLEE. Mr. Speaker, I just want to note also that the projections that the President has given us are assuming that he is going to go with his tin cup to the rest of the world and get another $50 billion to $60 billion from the rest of the world. I do not see that money coming in in the next 10 days.

Mr. DELAHUNT. And today, from the reaction of the United Nations, it was clearly that $60 billion from the rest of the world is a pipe dream.

In addition to that, earlier we heard from our Republican colleagues, and they were making the comparison with FDR and how he excited the American people and made a commitment to peace. And yet what a difference, because FDR asked the American people if they would accept a war tax. And yet we have this administration doing exactly the opposite, creating deficits that are looming so large that all economists, from the right to the left and in between, are saying we are on the cusp of real economic danger. We are looking at a bleak economic future if we continue down this road. So any comparison between President Bush and the conduct of FDR, I dare say, is not apropos.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for that point. It is very well taken.

We have about 2 minutes left this evening in our Iraq Watch. I would summarize my thoughts based upon what all of us have said, and the President's speech today, it is clearer than ever before that the President needs to do three things. First, he needs to level with the American people about the costs, about the timetables, about what we are getting into. Secondly, we need a plan on how he is going to internationalize the reconstruction and the security challenges in Iraq, and how he is going to get Iraqis back in charge of Iraq; how long will it take, when will we know it is going to happen. The third thing we need is an exit strategy. We cannot leave until these other things happen, or until the United Nations steps up in a real way to do it. If they do not step up, we have to stay and do it. How will we judge our progress? When will we know when it is time for us to leave?

We have 1 minute left, I think. Any comments from my colleagues?

Ms. JACKSON-LEE of Texas. Mr. Speaker, I just want to offer and hope that we can separate the vote. We are united behind our troops, and to be able to have a deliberative, studied approach to the operation, rebuild, that will allow us to have accountability and an exit plan, and all the remarks that the gentleman said.

Mr. ABERCROMBIE. Mr. Speaker, I think in conclusion it is important for us to reiterate that what we must avoid is equating support for a political agenda with support for our troops.

□ 2215

To the degree or extent that that is deliberately confused in people's minds by politicians who are attempting to associate their political policies with support for the troops that has to be resisted. That has to be pointed out. That has to be applied and dissected, and so I think that it is important for us to continue to meet, to continue to urge the media to do more than simply take press releases and speeches at face value and to perhaps follow a little bit more analytically what is taking place and most certainly for all of us to stand up and make sure that everyone in this country understands that political agendas and support from the troops and for the troops are two different things.

I do not think anybody recognizes the full degree of anger that is building in this country as a result of trying to confuse those two points.

Mr. DELAHUNT. I thank the gentleman from Pennsylvania (Mr. HOEFFEL) for everything he has done. This is, I think, our 11th week; and as has been said over and over again, there will not come a week when we are not here to ask those questions because it is our responsibility, it is our patriotic duty; and I thank the gentleman.

Mr. HOEFFEL. Mr. Speaker, I thank my colleagues for the promotion they have given me this evening, but we are all equal in the Iraq Watch, and we will be back next week; and I thank the Speaker for his cooperation.

## ENVIRONMENTAL PROTECTION AGENCY

The SPEAKER pro tempore (Mr. MCCOTTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes.

Mr. BLUMENAUER. Mr. Speaker, this evening I wanted to take the opportunity to deal with the critical issue of our Environmental Protection Agency, the key Federal agency dealing with the environment and of great import to citizens all across this country.

Recently, we have seen the resignation of Christine Todd Whitman as the administrator. Ms. Whitman was a former moderate Governor of New Jersey and was hailed by some as an important signal, when she was appointed by the Bush administration, of perhaps some environmental moderation and balance, that there would be an opportunity for the administration to use the appointment of someone like Ms. Whitman to send a signal that it was going to try and operationalize some of the rhetoric that was used by then-Governor Bush in his Presidential campaign where at times, in some of the debates with Vice President Gore, he was actually making even stronger statements in support of the environment. My colleagues will remember he was going to deal with all four of the air pollutants dealing with, in the debate, in terms of the regulation.

What we have seen in the course of the past 32½ months, sadly, has been a rather extreme disappointment on the part of those who follow the environmental developments and, in fact, has been rather unnerving for many Americans.

Administrator Whitman has left, some would say, under a cloud, literally and figuratively, being repeatedly undercut or backtracking in terms of her environmental pronouncements, most notably internationally dealing with global climate change, staking out a position of reasonableness and international cooperation, only to be pulled back by the administration and

to repudiate that position by the President himself.

New attention is being directed to the EPA and its administrator, as we have a nomination by the President of Utah Governor Mike Leavitt to replace Ms. Whitman; and indeed, today our colleagues in the other body began hearings on the confirmation. In his opening statement, Governor Leavitt talked about balance, ''Balance between this generation and next, balance between sustainable environments and sustainable economies and balance among regions.''

I was struck by how, in this language, he was closely following the advice of the Republican political consultant Frank Luntz who sent a memo to the Republicans in Congress earlier this year entitled Straight Talk, which has become rather notorious here on Capitol Hill, because its advice to the Republican Party in Congress is not to deal with strengthening its record, not to deal with new initiatives to protect the environment, not pushing back on the President's efforts to erode environmental protection; but instead, it is a blueprint of how to talk about the environment.

The memo starts with: ''Tell them a personal story from your life,'' and it is interesting that Governor Leavitt started out his testimony with a story about being 8 and going to the Grand Canyon.

Luntz urged Republicans to talk about a ''fair balance between the environment and the economy,'' and indeed, Leavitt has even made up a word called ''enlibra,'' which he wants to mean this environmental balance.

The Luntz memo tells Republicans that they need to be even more active in recruiting experts who are sympathetic to your view and more active in making them part of your message. Governor Leavitt has been accused by those working on the environment in Utah of reassigning or demoting dozens of wildlife scientists after they recommended needed protections for endangered species in Utah.

The issue is not making up words. It is about telling the truth about the environment and the public health consequences.

I would like to make clear from the outset that there are some aspects of Governor Leavitt's record that I personally find very interesting. I have done a lot of work over the years in the State of Utah, and I have worked with the people who are involved with a program called Envision Utah, which is planning for the future that people in Utah want to promote livability, to promote sound land use and integrating the built environment with the natural environment; and I will say that Governor Leavitt by all accounts has been involved with smart growth issues.

He was the honorary co-chair of Envision Utah, a public-private partnership to implement this quality-growth strategy, to help protect Utah's environment, economic strength and quality of life from urban sprawl; and I personally think that this is a positive development. There are 130 key stakeholders in Utah, State and local government officials, business leaders, developers, conservationists, landowners, members of the LDS Church and others in the religious community and citizen groups.

They had 150 public workshops where citizens discussed how they wanted to shape future land use, transportation and open space preservation; and in these public workshops, when citizens were given the chance to, they demonstrated that they wanted more investment in public transit, more initiatives with affordable housing, more reliance on alternative transportation like cycling and walking. They were concerned about the preservation of open space and more town-like development along the transit lines.

I have been pleased to note that Governor Leavitt has been part of an implementation of this vision for the future. He supported the creation of a special fund for open space protection, secured funding for 175 miles of railway right-of-way for commuter rail and has been involved with leadership in the National Governors Association as chair, raising the profile of growth issues and promoted tools that States can use to contain sprawl and build healthy cities and towns. He even lobbied the National Governors Association to produce its first-ever land use principle.

This is an encouraging development because this is truly an area of environmental protection that cries out for bipartisan support, for leadership from the administration and Congress, for doing things where Congress leads by example, with the administration, to model the sort of behavior we want from the rest of America, to lead by example.

Another area that I thought was intriguing in the Governor's record, as I have examined it, deals with the accomplishments attendant to the Olympic games. He was Governor during this period. There was a net zero air emissions. There was a voluntary effort where local companies donated emissions reduction to offset pollution from the games, an interesting and innovative approach. There was zero waste from recycling and composting, and there was complete compliance with all environmental standards, unlike what some in Congress would do, exempting parts of the Federal Government.

Most recently, we had an effort here in Congress to eliminate environmental requirements of the Department of Defense to play by the same environmental rules as the rest of America, except of course when there was a need for an exemption for national security; but there are some here who were saying that is too hard for the Department of Defense, we want to exempt them across the board. Governor Leavitt did not use the Olympics and the significant task that that faced for his community and for our country to shortcut environmental standards. Instead, as near as I can tell, his administration was in complete compliance, an interesting and important precedent that I would like to see modeled here in the Federal Government. They were involved with things like planting over 100,000 trees.

So I want to be clear that I am not reflexively opposed to the Governor; and I do think there are elements of his record that are worthy of praise, and I hope that we would find willing people here in the Federal Government to implement some of them; but there must be a full look at the Governor's record, and as a long-tenured Governor, he has achieved a number of other areas.

I have already referenced deep concerns from some of the people who have been following environmental developments in the State of Utah, the notion of not having hands off when it came to allowing the scientific experts to state their opinion. He fired a division of wildlife resource enforcement official who had fined the Leavitt family fish farm for violations that had brought devastating whirling disease to Utah's wild fish stocks. He downplayed toxic releases reported by the mining industry, including releases of neurotoxin mercury by saying, ''In reality, it is not pollution.''

He supported the infamous Legacy Highway, an extremely controversial project that threatens wetlands along the Great Salt Lake. This was a project that was challenged by community activists and local government officials; and taken to court, the Legacy Highway project was rejected by the 10th Court of Appeals for the failure of the people planning this project to consider less environmentally harmful alternatives and for ignoring the impacts on Utah's wildlife and environment, a sad note on his watch.

It is no secret that there was a series of closed-door negotiations with Secretary Norton, after which Governor Leavitt signed a memorandum of understanding that opened up 10 million acres of Federal lands in Utah for possible development under the arcane RS 2477 road provision. He also brokered a back-room agreement with the Interior Department to prevent a new wilderness study area designation. This agreement opens 2.6 million acres of former wilderness study areas to oil and gas drilling, off-road vehicle use, and other development.

It is no accident, I suppose, that Utah has the least amount of designated wilderness out of 11 Western States, in part because of this Governor's dedication to preventing new wildlife proposals from being passed by Congress during his tenure. Utah is one of only a handful of States without any, without any wildlife and scenic river designations, again because the Leavitt administration worked to oppose Federal wild and scenic river reviews in southern Utah.

In objective, objective appraisal of Utah's environmental performance under the Governor's administration, looking at the EPA itself, this administration's recent EPA report on Clean Water Act enforcement from major sources, Utah tied for last place with two other States for performance in six key environmental indicators.

□ 2230

This from the EPA that he seeks to lead, published in February of 2003.

According to the 2001 EPA toxic release inventory, Utah has the second highest volume of toxic chemical releases in the Nation. And between 1995 and 2002, during the Leavitt administration, Utah power plants actually increased their emissions of nitrogen oxide, a pollutant linked to respiratory disease, while the rest of the country decreased such emissions substantially, on average over 21 percent during the same period.

Well, Mr. Speaker, in addition to defending and explaining his environmental record, positive and negative, there are other issues that the nominee should address as he appears before Congress and the American public. These are some of the issues that have caused Senators to place a hold on his nomination, people who are concerned about EPA statements about the pollution in New York City after 9/11; the New Source rules; the Clean Skies administration strategy. Indeed, what may be the major issue in these discussions will not be Governor Levitt's record at all but that of this administration, its environmental record and the fundamental question about the independence of the EPA.

It is interesting to note that Russell Train, who was the EPA Administrator under Presidents Nixon and Ford, and I would state parenthetically that the EPA has a long and proud bipartisan history, being created under the administration of President Nixon, Russell Train, a Republican appointee, has said recently that the White House has constantly injected itself into the way the EPA approaches and decides the critical issues before it. The agency today has little or no independence. I think it is a very great mistake and one for which the American people could pay over the long run in compromised health and reduced quality of life.

The administrator designate, Governor Leavitt, and this administration need to be held accountable in terms of the initiatives on Superfund. Will the administrator and the administration push to reinstate the Superfund tax and help clean up sites? The GAO reported that the Superfund would run out of money next month. There are currently 1,200 sites in the annual $3 billion Superfund program. It has cleaned up only 42 toxic waste sites last year, down more than 50 percent from the late 1990s.

The EPA announced this summer they would have to cut funding for 10 Superfund sites, including one close to home for me, but I have heard from Republican colleagues who have been concerned about loss of projects in their districts, citing lack of funding as a reason. Yet the administration refuses to come to Congress to have the Superfund tax, which is the very principle of ''polluter pays'' that was supported by Presidents Reagan, George H.W. Bush, and Clinton. Silence from the administration.

Mr. Speaker, where will the new EPA Administrator be when it comes to deal with the Clean Air Act? One of the holds that has been placed on the Leavitt nomination deals with the relaxation of the New Source Review rules, which inhibit the intent of the Clean Air Act. As you know, 30 years ago, when the Clean Air Act was enacted, there was a reprieve given to the dirtiest coal-fired plants, giving them a reasonable time to come into compliance. They did not all have to do it immediately, that would have been disruptive and expensive. The notion was that the new technology, under the New Source rule, was designed so that plants would modernize and then the new technology would be put into place when it was the most economical. Instead, what we have seen is an industry that has kept these aging powered dinosaurs in place because they make a lot of money. They are cash cows.

But rather than enforcing the Clean Air Act, as previous administrations have done to put pressure on the industry to deal with the modernization and upgrade of these plants, President Bush has now proposed that the old plants, in effect, be grandfathered permanently, being able to spew forth pollution indefinitely. The changes that he announced to the New Source Review rules would allow plants to make a 20 percent investment without triggering the rule. There is no reason for the vast majority of them to ever come into full compliance.

Now, there are approximately 17,000 of these plants, and the estimates from the scientific experts that we are supposed to listen to are that they caused conservatively 20,000 premature deaths each year. Because of the patterns of prevailing winds that blow the smoke from these plants, the pollution is not just in the vicinity of the plant. If they were just polluting their neighborhood, maybe it would be a sort of rough justice for the cities and States that permitted them. But the effects move away often because of the pattern of prevailing winds.

They are concentrated particularly in the New England States. It is interesting that Attorney Generals in New York, New Jersey, Pennsylvania, Wisconsin are lining up to challenge these rules in court. The changes were also opposed by the States of Massachusetts, Illinois, and California.

Earlier this month, the President was in Michigan for a photo-op for the power plant in Monroe to promote the Clear Skies Initiative, which it is estimated may be responsible for up to 300 premature deaths itself. Now, the President attempted to paint this as a job creation issue, but local labor leaders were quick to point out that when the owner of the Monroe plant, Detroit Edison, found out that the New Source rules were going to be relaxed, they stopped their efforts to install pollution controls required by law. And I understand there are some 800 union workers who are out of work.

The administration and the new administrator should be straight with the American public about the economic, environmental, and national security consequences of continuing to rely on these aging, polluting plants. When we deal with issues like the Clean Skies Initiative, it is an important question for the administrator designate and for the administration: Who are they going to be taking advice from? For instance, there have been calls for the resignation of the Assistant EPA Administrator of Air and Radiation, Holmstead, the leader behind the Clean Air Act overhaul. The Clear Skies Initiative, which actually is going to move us back beyond what would happen if we just enforced the Clean Air Act now, and leave any progress well, well into the future.

The EPA has withheld scientific data from two different EPA studies that undercut the administration's claims about the benefit of the proposed legislation. It has drug its feet in completing the analysis of competing Clean Air Acts before Congress so that we do not have the information before us as a legislative body, and the American public does not have the benefit of this analysis. It took months of delay before the EPA finally agreed to study Senator CARPER's Clean Air bill, but will not include carbon dioxide reductions in the analysis. Carbon dioxide, a critical element in the Senator's bill, one of the key elements of global warming, is not going to be included.

The EPA overstated State and local support for the Clear Skies Initiative. In fact, many of the Governors and mayors cited as allies in an August press release have decided not to support it at all. The Southern Governors Association did not have a policy for or against the plan if they are included. The National Association of Counties has adopted a position that generally supported the reduction of emissions. No reference to this specific bill.

Assistant Secretary Holmstead, is an attorney for the former industry that he is now seeking to—supposed to—regulate. He represented several clients in fighting title I, III, and V of the Clean Air Act. Those clients include the Ad Hoc Industry Group on Regulatory Reinvention, Alliance for Constructive Air Policy, Hughes Communication, Montrose Chemical, and he is an adjunct scholar at a think tank, the Citizens for the Environment, that actually believes that many of these environmental problems are myths and lobbies for deregulation of corporations as

a solution to the environmental problems, something that has not had great effect as we have looked at the securities industry, at the deregulation of energy, and has in the State of Texas, the voluntary program of then Governor Bush, has yielded really pitiful results in terms of cleaning up the air.

There is a deep and troubling question that is circulating now about the representations of the EPA about the World Trade Center pollution. Will the EPA, under the new administrator, be an independent agency that can give the American public the truth? One week after September 11, Christie Whitman assured the citizens of New York that the air was safe to breathe, the waters safe to drink. Her statements focused on asbestos levels and did not mention any other pollutants. Well, an investigation by the EPA Office of Inspector General has revealed that the White House, through its Council on Environmental Quality, told the EPA to downplay these concerns. The facts are that the EPA did not have sufficient data to evaluate short-term or long-term health impacts, and they had only data on four of 14 pollutants. It will be one of, I think, the black marks of former Governor Whitman's administration to make statements like this to the citizens of New York.

A team of independent scientists, led by the University of California, Davis, found that in fact the air was the most polluted the world has experienced. The area had high levels of sulfur, sulfuric acid, titanium, nickel and silicon. The EPA had not tested for these small particles, even though EPA scientists acknowledge that they are the most hazardous. Tragically, tragically, the rescue workers, the people who on this floor were commemorated and celebrated, with whom this administration has been involved with photo-ops and issued flowery words, these rescue workers were the most likely to suffer from this pollution. Yet the EPA was involved in, to be charitable, shading the truth. And we do not know what the long-term consequences will be with a failure to level with the American public.

There is a question about whether the EPA in the remaining term of President Bush, under a new administrator, will be able to change the pattern of manipulating and ignoring science to serve political and their own policy ends. For instance, in June of this year, the EPA released a report that was commissioned by former EPA Administrator Whitman to examine the state of the environment.

□ 2245

It noted improvements which were actually due to landmark legislation passed decades ago. If the EPA does a follow-up report in a decade, what will be the likely increases in air and water pollution, global warming and ozone depletion as a result of this administration's policies because it is claiming credit for what happened 10, 20, and 30 years ago and under its watch is undermining and delaying?

The report ignored global warming, the single most important long-term threat to our environment. The White House forced the EPA to eliminate references to many studies concluding that warming is at least partially caused by human activity. There is a denial despite the 2001 National Academy of Science report that was requested by President Bush that confirmed that greenhouse gases are accumulating in our atmosphere as a result of human activities, and this is causing air and ocean temperatures to rise.

The edits made by the White House and acquiesced to by the former EPA Administrator were so severe that an internal EPA memo stated that the section on climate ''no longer accurately represents scientific consensus on climate change, global warming.''

Another example, last September the annual EPA report on air pollution that for 6 years had contained a section on climate change, this time when the scientific community has reached an even stronger consensus that global warming is a reality, when we have permafrost thawing in Alaska, roads buckling, villages washing away, parts of the Alaskan pipeline sagging and temperatures increasing 4, 6 and 8 degrees Fahrenheit, this report for the first time in 6 years had no section on global warming, climate change.

Mr. Speaker, Russell Trane, the Nixon-Ford EPA Administrator that I quoted earlier, stated that we have moved radically ''away from regulation based on independent findings and professional analysis of scientific health and economic data by the responsible agency to regulation controlled by the White House and driven primarily by political considerations.''

It has been one of the great frustrations and concerns during my tenure in Congress to watch the Environmental Protection Agency, an agency that I have worked with throughout my public service career, where I have worked with many fine, dedicated public servants, professionals, who are in that so-called faceless bureaucracy, but are really doing their best to deal with their mission of protecting the environment, and when I have worked with Republican and Democratic administrations going back over 20 years, it saddens me to see the politicalization of the EPA, the reversal, the abrogation of responsibility to give the American public the truth about the environment, to say nothing of hard work to move forward with policies and programs to give our communities the type of environment that our families deserve.

I can only hope that the Senate in the course of its deliberations will be able to focus on this and that the new Administrator, should Governor Leavitt be confirmed, will be the Governor Leavitt that was so creative in dealing with livable communities, sprawl, planned growth, transportation, and allowing the community to work to gain control over its destiny, and not be the Governor Leavitt of questionable environmental achievements dealing with air and water, open space, and certainly not an EPA that has been characterized by the reversals and the politicization of these last 2½ years.

Mr. Speaker, time will tell, but the American public deserves an answer sooner rather than later, and I will continue to do all I can to put appropriate focus on these critical issues.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PASTOR (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Mr. RUPPERSBERGER (at the request of Ms. PELOSI) for today on account of official business in the district.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today and September 24.

Mr. FEENEY, for 5 minutes, September 24.

Mr. NORWOOD, for 5 minutes, today, September 24, and September 30.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. HENSARLING, for 5 minutes, September 24.

Mr. JONES of North Carolina, for 5 minutes, today and September 24.

The following Member (at her own request) to revise and extend her remarks and include extraneous material:

Mrs. MALONEY, for 5 minutes, today.

## BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 22, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 13. To reauthorize the Museum and Library Services Act, and for other purposes.

H.R. 659, To amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

H.R. 978. To amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

## ADJOURNMENT

Mr. BLUMENAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 24, 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:

4340. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General John M. Keane, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

4341. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Richard W. Mayo, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

4342. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Pelham and Meigs, Georgia) [MB Docket No. 03-58; RM-10608] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4343. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Laramie, Wyoming and Timnath, Colorado) [MB Docket No. 02-365; RM-10451] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4344. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to United Kingdom for defense articles and services (Transmittal No. 03-36), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4345. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Denmark and The Netherlands (Transmittal No. DTC 093-03), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4346. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Japan (Transmittal No. DDTC 094-03), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4347. A letter from the Acting Director of Human Resources, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4348. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4349. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 090203A] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4350. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Areas of the Bering Sea and Aleutian Islands Managment Area [Docket No. 021212307-3037-02; I.D. 080103C] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4351. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 082203D] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4352. A letter from the Deputy Director, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking of Marine Mammals Incidental to Power Plant Operations [Docket No. 021107268-2268-01; I.D. 102402A] (RIN: 0648-AQ54) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4353. A letter from the Deputy Director, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Missile Launch Operations from San Nicolas Island, CA [Docket No. 030421095-3202-02; I.D. 111902C] (RIN: 0648-AQ61) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4354. A letter from the Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements [Docket No. 030725185-3207-02; I.D. 071403B] (RIN: 0648-AR34) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4355. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Manangement Measures; Corrections [Docket No. 030828215-3215-01; I.D. 082103A] (RIN: 0648-AR47) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4356. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 011120279-1311-02; I.D. 092401E] (RIN: 0648-AP68) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4357. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 001128334-0334-01; I.D. 111300E] (RIN: 0648-AN40) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4358. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 001128334-1313-06; I.D. 092101B] (RIN: 0648-AN88) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4359. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 020819200-2200-01; I.D. 021202A] (RIN: 0648-AP93) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4360. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 112602D] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4361. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 001128334-2292-10; I.D. 112702B] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4362. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 00128334-1312-02; I.D. 091401B] (RIN: 0648-AN88) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4363. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Regulatory Amendment

[Docket No. 030612150-3214-02; I.D. 051503B] (RIN: 0648-AQ94) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4364. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Lake Washington Ship Canal, WA [CGD13-02-012] (RIN: 1625-AA09) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4365. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Iowa and Illinois [CGD08-03-011] (RIN: 1625-AA09) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4366. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes within or Contiguous to Waterfront Facilities [USCG-1998-4302] (RIN: 1625-AA07 (Formerly RIN: 2115-AE22)) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4367. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Portland, OR [CGD13-03-022] (RIN: 1625-AA00) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4368. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Maryville, MO [Docket No. FAA-2003-15720; Airspace Docket No. 03-ACE-62] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4369. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Centerville, IA [Docket No. FAA-2003-15724; Airspace Docket No. 03-ACE-66] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4370. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Montgomery, AL [Docket No. FAA-2003-15409; Airspace Docket No. 03-ASO-8] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4371. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airsapce; Aurora, MO [Docket No. FAA-2003-15460; Airspace Docket No. 03-ACE-58] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4372. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cambridge, NE [Docket No. FAA-2003-15257; Airspace Docket No. 03-ACE-50] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4373. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sullivan, MO [Docket No. FAA-2003-15721; Airspace Docket No. 03-ACE-63] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4374. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Meade, KS [Docket No. FAA-2003-15723; Airspace Docket No. 03-ACE-65] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4375. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wayne, NE [Docket No. FAA-2003-15718; Airspace Docket No. 03-ACE-60] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4376. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lee's Summit, MO [Docket No. FAA-2003-15722; Airspace Docket No. 03-ACE-64] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4377. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. MU-2B Series Airplanes [Docket No. 97-CE-27-AD; Amendment 39-13278; AD 2003-17-04] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4378. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747SP, and 747SR Series Airplanes [Docket No. 2001-NM-178-AD; Amendment 39-13280; AD 2003-17-06] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4379. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Transport Category Airplanes Manufactured by McDonnell Douglas [Docket No. 2001-NM-77-AD; Amendment 39-13281; AD 2003-17-07] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4380. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. 2002-NM-13-AD; Amendment 39-13283; AD 2003-17-08] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4381. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Model Duo-Discus Gliders [Docket No. 2003-CE-33-AD; Amendment 39-13282; AD 2003-16-51] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4382. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EXTRA Flugzeugbau GmbH Models EA-300/200, EA-300L, and EA-300S Airplanes [Docket No. 2003-CE-14-AD; Amendment 39-13275; AD-2003-17-02] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4383. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Turboprop Engines; Correction [Docket No. 2001-NE-34-AD; Amendment 39-13257; AD 2003-16-04] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4384. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2001-NM-325-AD; Amendment 39-13274; AD 2003-17-01] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4385. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines [Docket No. 2003-NE-08-AD; Amendment 39-13271; AD 2003-16-18] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4386. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2001-NM-228-AD; Amendment 39-13265; AD 2003-16-12] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4387. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes, and Airbus Model A310 Series Airplanes [Docket No. 2001-NM-314-AD; Amendment39-13268; AD 2003-16-15] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4388. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Pratt & Whitney JT9D-3 or JT9D-7 Series Engines (except JT9D-70 Series Engines) [Docket No. 2002-NM-27-AD; Amendment 39-13267; AD 2003-16-14] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4389. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2001-NM-328-AD; Amendment 39-13266; AD 2003-16-13] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4390. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Luftfahrt GMBH Models 228-100, 228-101, 228-200, 228-201,

228-202, and 228-212 Airplanes [Docket No. 2003-CE-20-AD; Amendment 39-13270; AD 2003-16-17] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4391. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2001-NM-322-AD; Amendment 39-13221; AD 2003-14-02 R1] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4392. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 and -200PF Series Airplanes Equipped with Pratt and Whitney PW2000 Series Engines [Docket No. 2001-NM-341-AD; Amendment 39-13247; AD 94-01-10 R1] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4393. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada PW206A and PW206E Turboshaft Engines [Docket No. 2003-NE-25-AD; Amendment 39-13263; AD 2003-16-10] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4394. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the pending accession to the World Trade Organization of the Kingdom of Nepal; to the Committee on Ways and Means.

4395. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2005 to OMB, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Kentucky: Committee of Conference. Conference report on H.R. 2555. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–280). Ordered to be printed.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 374. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–281). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 375. Resolution providing for consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 108–282). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. SANDERS, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Ms. WOOLSEY, Mr. HINCHEY, Mr. OLVER, Ms. KAPTUR, Mr. OWENS, Mr. MCNULTY, Mr. PAYNE, Mr. FALEOMAVAEGA, Mr. CLAY, Ms. ROYBAL-ALLARD, Mr. MCGOVERN, Mrs. MALONEY, Mr. TIERNEY, Ms. DELAURO, Mr. MATSUI, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Mr. OBERSTAR, Mr. FROST, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mr. SHERMAN, Mr. NEAL of Massachusetts, Mr. BERMAN, and Ms. WATERS):

H.R. 3139. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BURR (for himself, Mr. TOWNS, Mr. TAUZIN, Mr. DINGELL, Mr. WAXMAN, Mr. STARK, Ms. SCHAKOWSKY, Mr. MATHESON, Mr. ROGERS of Michigan, Mr. BISHOP of Utah, Mr. SENSENBRENNER, and Mr. GIBBONS):

H.R. 3140. A bill to provide for availability of contact lens prescriptions to patients, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BISHOP of Georgia:

H.R. 3141. A bill to direct the Secretary of the Army to release to Clay County, Georgia, a reversionary interest of the United States requiring the non-profit operation of certain land as a retirement community, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANNON (for himself and Mr. BERMAN):

H.R. 3142. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes; to the Committee on the Judiciary.

By Mr. STEARNS (for himself and Ms. SCHAKOWSKY):

H.R. 3143. A bill to enhance Federal Trade Commission enforcement against cross-border fraud and deception; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. STUPAK, and Ms. SCHAKOWSKY):

H.R. 3144. A bill to amend title 36, United States Code, to amend the Federal charter of the United States Olympic Committee; to the Committee on the Judiciary.

By Mr. HYDE (for himself and Mr. LANTOS):

H.R. 3145. A bill to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation, and for other purposes; to the Committee on International Relations.

By Mr. THOMAS:

H.R. 3146. A bill to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Budget, 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. CANNON (for himself, Mr. BISHOP of Utah, and Mr. MATHESON):

H.R. 3147. A bill to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the ''James V. Hansen Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself, Mr. HASTERT, Mr. LAHOOD, and Mr. LIPINSKI):

H.R. 3148. A bill to award a congressional gold medal to Monsignor Ignatius McDermott in recognition of his contribution to the drug treatment community, and his accomplishments as a priest and humanitarian; to the Committee on Financial Services.

By Mr. JANKLOW:

H.R. 3149. A bill to ensure that members of the Armed Forces serving in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom do not experience a reduction in the total monthly rate of combat zone-related special pay and allowances after September 30, 2003; to the Committee on Armed Services.

By Mr. LANTOS:

H.R. 3150. A bill to amend the Internal Revenue Code of 1986 to provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers; to the Committee on Ways and Means.

By Mr. OWENS (for himself, Mr. CUMMINGS, Mr. TOWNS, Mr. RUSH, Mr. FATTAH, Mr. DAVIS of Illinois, Ms. NORTON, Ms. KILPATRICK, Mrs. JONES of Ohio, Mr. WYNN, Mr. PAYNE, and Mr. MEEKS of New York):

H.R. 3151. A bill to amend part B of title III of the Higher Education Act of 1965 to expand the eligibility requirement to include Predominantly Black Institutions of higher education; to the Committee on Education and the Workforce.

By Mr. PAYNE (for himself, Mr. KILDEE, Mr. DAVIS of Illinois, Mr. OWENS, Mrs. CHRISTENSEN, Mr. FILNER, Mr. GRIJALVA, and Mr. ANDREWS):

H.R. 3152. A bill to enhance the global competitiveness of the United States by increasing the participation of African Americans, Hispanic Americans, American Indians, and other underrepresented minorities in the international service, including private international voluntary organizations, the foreign commercial service, and the foreign service of the United States; to the Committee on Education and the Workforce.

By Mr. SABO:

H.R. 3153. A bill to amend the National Voter Registration Act of 1993 to require States to permit individuals to register to vote in an election for Federal office on the date of the election; to the Committee on House Administration.

By Mr. SHAW:

H.R. 3154. A bill to promote programs for the beneficial use of sand; to the Committee on Transportation and Infrastructure.

By Mr. STARK (for himself, Mr. EMANUEL, and Mr. GRIJALVA):

H.R. 3155. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs that fail to provide certain information or to present information in a balanced manner, and to amend the Federal Food, Drug, and Cosmetic Act to require reports regarding such advertisements; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself and Mr. DEFAZIO):

H.R. 3156. A bill to amend the Temporary Extended Unemployment Compensation Act

of 2002 to provide for additional weeks of benefits thereunder; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Mr. ACEVEDO-VILA, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Mr. FROST, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. LIPINSKI, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Ms. SOLIS, Mr. TOWNS, Ms. VELAZQUEZ, and Ms. WATERS):

H. Con. Res. 287. Concurrent resolution recognizing and honoring the life of the late Raul Julia, his dedication to ending world hunger, and his great contributions to the Latino community and the performing arts; to the Committee on Government Reform.

By Mr. MOORE (for himself, Mr. FROST, and Ms. CARSON of Indiana):

H. Res. 376. A resolution expressing the sense of the House of Representatives with respect to the Bloch Cancer Foundation; to the Committee on Energy and Commerce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. REHBERG.
H.R. 33: Mr. HINOJOSA.
H.R. 58: Mr. DEAL of Georgia and Mr. DEUTSCH.
H.R. 167: Mr. WELDON of Florida.
H.R. 195: Mrs. MUSGRAVE and Mr. FRANKS of Arizona.
H.R. 236: Mr. TURNER of Texas.
H.R. 284: Mr. OLVER, Mr. LANGEVIN, Mr. REYES, and Mr. ORTIZ.
H.R. 328: Mrs. DAVIS of California.
H.R. 333: Mr. KENNEDY of Rhode Island.
H.R. 339: Mr. BILIRAKIS and Mr. SULLIVAN.
H.R. 428: Mr. WELDON of Pennsylvania.
H.R. 525: Mr. MCINTYRE, Mr. UDALL of New Mexico, Mr. KING of New York, Mr. THOMPSON of Mississippi, Ms. DELAURO, Mr. LEVIN, Ms. CORRINE BROWN of Florida, Mr. MEEKS of New York, Mr. CONYERS, Mr. WYNN, Mr. KIND, Mr. THOMPSON of California, Mr. KILDEE, Mr. MARIO DIAZ-BALART of Florida, Ms. HARRIS, Mr. CRAMER, Mr. BILIRAKIS, Mr. PETERSON of Minnesota, Mr. PORTMAN, Mr. LUCAS of Kentucky, Mr. GUTIERREZ, Mr. RENZI, and Mr. WELDON of Florida.
H.R. 574: Mr. LAMPSON.
H.R. 594: Ms. HARRIS.
H.R. 645: Mr. PAUL.
H.R. 713: Mr. FRANK of Massachusetts.
H.R. 785: Mr. MORAN of Virginia and Mr. SULLIVAN.
H.R. 807: Ms. HOOLEY of Oregon.
H.R. 833: Ms. HART and Mr. BEAUPREZ.
H.R. 857: Mr. CAPUANO.
H.R. 870: Mr. RYUN of Kansas.
H.R. 873: Mr. BELL.
H.R. 880: Ms. DELAURO and Ms. SCHAKOWSKY.
H.R. 896: Mr. MCINTYRE.
H.R. 920: Mr. ROSS and Mr. GRIJALVA.
H.R. 935: Mr. LEVIN.
H.R. 996: Mr. MOORE.
H.R. 1210: Ms. ROYBAL-ALLARD.
H.R. 1244: Mrs. CAPPS.
H.R. 1322: Mr. DELAHUNT, Mr. CRAMER, Mr. PETERSON of Minnesota, Ms. MILLENDER-MCDONALD, Mr. PASCRELL, Mr. WEXLER, Mr. BOUCHER, Mr. MCGOVERN, and Mr. CAPUANO.
H.R. 1359: Ms. MCCARTHY of Missouri.
H.R. 1372: Mr. PRICE of North Carolina.
H.R. 1385: Mr. BRADLEY of New Hampshire, Mr. DEUTSCH, Mr. GUTIERREZ, and Mr. HINOJOSA.
H.R. 1421: Mr. MCDERMOTT.
H.R. 1480: Ms. DELAURO.
H.R. 1546: Mr. BARTLETT of Maryland.
H.R. 1552: Mr. SHAW, Mr. FEENEY, and Ms. HOOLEY of Oregon.
H.R. 1563: Mr. CASE and Mr. BLUMENAUER.
H.R. 1622: Mr. KIRK, Mr. CUNNINGHAM, and Ms. SOLIS.
H.R. 1633: Mr. FALEOMAVAEGA and Mr. GUTIERREZ.
H.R. 1653: Mr. CUNNINGHAM.
H.R. 1708: Mr. OLVER.
H.R. 1731: Mr. BARTON of Texas.
H.R. 1742: Mr. BECERRA.
H.R. 1752: Mr. GRIJALVA and Mr. EMANUEL.
H.R. 1763: Mr. COOPER.
H.R. 1769: Ms. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. RAHALL, and Mr. HILL.
H.R. 1819: Mr. WELLER.
H.R. 1929: Mrs. JONES of Ohio.
H.R. 1930: Mr. DAVIS of Illinois.
H.R. 1943: Mr. WOLF, Mr. TANCREDO, Mr. SHERWOOD, and Mr. LATOURETTE.
H.R. 1958: Mr. TOWNS and Mr. ABERCROMBIE.
H.R. 1961: Ms. JACKSON-LEE of Texas and Mr. MCNULTY.
H.R. 2020: Mr. HASTINGS of Florida.
H.R. 2034: Mr. MCINNIS, Mr. NETHERCUTT, Mr. HENSARLING, Mr. VITTER, and Mrs. MUSGRAVE.
H.R. 2047: Mrs. JOHNSON of Connecticut and Mr. BRADY of Texas.
H.R. 2118: Mr. SHERMAN and Mr. LAMPSON.
H.R. 2133: Mr. BARTON of Texas and Mr. ABERCROMBIE.
H.R. 2221: Mr. ROGERS of Michigan, Mr. BARTON of Texas, and Mrs. BONO.
H.R. 2241: Mr. GUTIERREZ.
H.R. 2265: Mr. BERRY.
H.R. 2442: Mr. KILDEE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GILCHREST, Mr. PRICE of North Carolina, Mr. DOYLE, Mr. MARKEY, Mr. KUCINICH, Mr. NADLER, Mr. HINCHEY, Mrs. TAUSCHER, Mr. BROWN of Ohio, Mr. ANDREWS, Mr. ALLEN, Mr. GREEN of Texas, Mr. TIERNEY, Mr. CROWLEY, Mr. KING of New York, Mr. LYNCH, Mr. INSLEE, Ms. WATSON, Ms. KAPTUR, Mrs. MCCARTHY of New York, Mr. TERRY, Mr. WELDON of Pennsylvania, and Mrs. NAPOLITANO.
H.R. 2456: Mrs. MALONEY.
H.R. 2511: Mr. PAYNE.
H.R. 2512: Ms. GRANGER.
H.R. 2519: Mr. SMITH of Washington.
H.R. 2527: Ms. MCCOLLUM.
H.R. 2538: Mr. DAVIS of Florida.
H.R. 2568: Mr. SPRATT and Mr. CAPUANO.
H.R. 2569: Mr. BRADY of Pennsylvania and Mr. DAVIS of Florida.
H.R. 2619: Mr. ABERCROMBIE.
H.R. 2626: Mr. MCHUGH.
H.R. 2665: Mr. BERMAN.
H.R. 2677: Mr. ISRAEL.
H.R. 2699: Mr. ROGERS of Michigan and Mr. OSBORNE.
H.R. 2700: Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Mr. CALVERT, Mr. PALLONE, and Mr. DREIER.
H.R. 2719: Mr. TOM DAVIS of Virginia, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. PAUL, Ms. HART, Mr. MCHUGH, and Mr. FRANK of Massachusetts.
H.R. 2727: Mr. DINGELL.
H.R. 2733: Mr. OTTER, Mr. BERRY, and Mr. THOMPSON of Mississippi.
H.R. 2787: Mr. GRIJALVA.
H.R. 2806: Mr. MILLER of Florida.
H.R. 2808: Mr. MENENDEZ and Mr. MILLER of Florida.
H.R. 2813: Mr. VITTER.
H.R. 2849: Mr. SHAYS and Mr. KNOLLENBERG.
H.R. 2883: Mrs. NAPOLITANO, Mr. EMANUEL, Mr. MCCOTTER, and Mr. WEXLER.
H.R. 2891: Mr. FALEOMAVAEGA.
H.R. 2897: Mrs. JONES of Ohio.
H.R. 2898: Mr. DAVIS of Florida and Mr. STRICKLAND.
H.R. 2899: Mr. PUTNAM.
H.R. 2908: Ms. JACKSON-LEE of Texas and Mr. LARSON of Connecticut.
H.R. 2913: Mr. KIND.
H.R. 2932: Mr. FRANK of Massachusetts and Mr. EMANUEL.
H.R. 2944: Mr. GOODE and Mr. CALVERT.
H.R. 2949: Mrs. MALONEY.
H.R. 2963: Mr. LIPINSKI, Mr. WELDON of Pennsylvania, and Mr. RENZI.
H.R. 2968: Mr. MURPHY, Mr. MCINNIS, Mr. ENGLISH, and Mr. MICHAUD.
H.R. 2983: Mr. EVANS, Mr. TOWNS, Mr. HONDA, Mr. GRIJALVA, and Ms. NORTON.
H.R. 2999: Mr. GUTKNECHT, Mr. BARRETT of South Carolina, Mr. PAUL, Mr. SHIMKUS, Mr. WALSH, Mr. PITTS, and Mr. ISTOOK.
H.R. 3011: Mr. HUNTER, Mr. CUNNINGHAM, Mr. THOMPSON of California, Ms. WOOLSEY, Mr. FALEOMAVAEGA, Mr. STARK, Ms. PELOSI, and Mr. HERGER.
H.R. 3014: Mr. FROST.
H.R. 3023: Mr. STRICKLAND.
H.R. 3026: Mr. FROST.
H.R. 3049: Mr. CASE.
H.R. 3066: Mr. TERRY, Mr. LATOURETTE, Mr. SENSENBRENNER, and Mr. WILSON of South Carolina.
H.R. 3097: Mr. FOLEY and Mr. DUNCAN.
H.R. 3106: Mr. SOUDER and Mr. HUNTER.
H.R. 3125: Mr. TANCREDO.
H.R. 3126: Mr. BISHOP of Utah, Mr. HAYWORTH, Mr. COLE, Mr. SESSIONS, Mr. GARRETT of New Jersey, and Mrs. MUSGRAVE.
H.R. 3134: Mr. ISAKSON and Mr. GERLACH.
H.R. 3137: Mr. NADLER and Mr. ISRAEL.
H.J. Res. 52: Mr. LINDER.
H.J. Res. 62: Mr. BRADY of Pennsylvania.
H.J. Res. 67: Mr. SHERMAN.
H. Con. Res. 87: Ms. LINDA T. SANCHEZ of California.
H. Con. Res. 206: Mr. BARTON of Texas.
H. Con. Res. 247: Mr. REYNOLDS, Mr. ISAKSON, and Mr. SIMMONS.
H. Con. Res. 275; Mr. CROWLEY.
H. Con. Res. 280: Mrs. CAPITO and Mr. BOEHLERT.
H. Res. 45: Mr. HOSTETTLER.
H. Res. 103: Mr. GERLACH and Mr. OBERSTAR.
H. Res. 140: Mr. MATSUI.
H. Res. 157: Mr. SNYDER and Mr. VAN HOLLEN.
H. Res. 167: Ms. BORDALLO.
H. Res. 261: Mr. FILNER, Mr. PAYNE, and Mr. TURNER of Texas.
H. Res. 304: Mr. EMANUEL and Mr. BURTON of Indiana.
H. Res. 320: Ms. LINDA T. SANCHEZ of California.
H. Res. 344: Ms. ROS-LEHTINEN and Mr. ISRAEL.
H. Res. 362: Mr. FARR, Mr. FOLEY, Mr. CUNNINGHAM, Mr. TANNER, Mr. MILLER of Florida, Mr. SOUDER, Mrs. CUBIN, and Mr. HOEFFEL.
H. Res. 363: Mr. GEORGE MILLER of California.
H. Res. 364: Mr. STARK, Ms. BERKLEY, Mr. EVANS, Mr. UDALL of New Mexico, Mr. HINCHEY, Mr. OWENS, Mrs. JONES of Ohio, Mr. FRANK of Massachusetts, Mr. KLECZKA, Mr. CUMMINGS, Mr. FROST, Ms. DELAURO, Mrs. NAPOLITANO, and Ms. MCCOLLUM.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments ware submitted as follows:

H.R. 2557

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 1: Page 107, after line 18, insert the following (and redesignate subsequent sections, and conform the table of contents of the bill, accordingly):

**SEC. ___. MISSOURI RIVER MAINSTEM AND TRIBUTARIES ENHANCEMENT PROJECT.**

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 342) is amended to read as follows:

**"SEC. 514. MISSOURI RIVER MAINSTEM AND TRIBUTARIES ENHANCEMENT PROJECT.**

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Interior, and the Governors of the States of Montana, North Dakota, South Dakota, Nebraska, Iowa, Kansas, Colorado, Wyoming, and Missouri, and federally recognized Missouri River basin Native American Tribes, may undertake, as identified in a comprehensive plan, ecosystem restoration projects necessary to protect, restore, recover, and monitor fish and wildlife habitat along the mainstem and floodplain of the Missouri River from Three Forks, Montana, to the confluence of the Missouri and Mississippi Rivers at St. Louis, Missouri, and the following tributaries of the Missouri River: Yellowstone River; Platte River; and the Kansas River.

''(b) COMPREHENSIVE PLAN.—

''(1) DEVELOPMENT.—

''(A) PURPOSE.—The Secretary shall develop a comprehensive plan for the areas identified in subsection (a) for the purpose of protecting, monitoring, restoring, and recovering fish and wildlife habitat.

''(B) REQUIRED ISSUES.—The Plan shall include—

''(i) modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat;

''(ii) modification and creation of side channels to protect and enhance fish and wildlife habitat;

''(iii) restoration and creation of island fish and wildlife habitat;

''(iv) creation of riverine and terrestrial habitat for fish and wildlife;

''(v) establishment of criteria for prioritizing the type and sequencing of activities based on the likelihood of ecological success;

''(vi) support for facilities for the propagation of the pallid sturgeon; and

''(vii) physical and biological monitoring for evaluating the success of the plan.

''(c) AUTHORIZED ACTIVITIES.—In carrying out projects identified in the plan under subsection (b), the Secretary shall ensure that activities do not adversely affect the other water-related needs of the region surrounding the Missouri River and select tributaries, including flood control, navigation, recreation, and enhancement of water supply.

''(d) NATIONAL TECHNICAL REVIEW COMMITTEE.—

''(1) IN GENERAL.—In carrying out this section, the Secretary, through the Engineering Research and Development Center, shall establish a National Technical Review Committee (referred to in this subsection as 'NTRC'). The NTRC shall provide technical expertise to the Secretary on an on-going basis during the development of the plan under subsection (b) and during implementation of projects carried out pursuant to such plan.

''(2) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—The NTRC shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $300,000 for each of fiscal years 2004 through 2009.

''(e) MISSOURI RIVER RECOVERY TASK FORCE.—

''(1) ESTABLISHMENT OF INTER-AGENCY TASK FORCE.—The Secretary shall establish an Inter-Agency Task Force on the Missouri River and Tributaries Enhancement Project (referred to in this subsection as the 'Task Force'). The Task Force shall consist of the following members at the level of assistant secretary or an equivalent level:

''(A) The Secretary, who shall serve as chairperson.

''(B) The Secretary of Interior.

''(C) The Secretary of Commerce.

''(D) The Secretary of Energy.

''(E) The Secretary of Transportation.

''(F) The Secretary of Agriculture.

''(G) The Administrator of the Environmental Protection Agency.

''(2) DUTIES OF TASK FORCE.—The Task Force—

''(A) shall consult with and provide recommendations to the Secretary during the development of the plan under subsection (b);

''(B) shall assist the Secretary in coordinating with interested stakeholders during the development of the plan under subsection (b).

''(C) shall make recommendations to the Secretary on implementation of projects and activities in the plan.

''(D) shall establish a regional working group which shall include representatives of the agencies represented on the Task Force as well as Federally recognized Missouri River basin Native American Tribes, other governmental entities, and non-governmental entities as appropriate for the purpose of formulating, recommending, coordinating, and implementing policies, strategies, plans, programs, projects, activities, and priorities of the Task Force.

''(3) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Task Force shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

''(4) COMPENSATION.—No member of the Task Force shall receive compensation for the service of the member on the Task Force.

''(5) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency that the member represents.

''(f) PUBLIC PARTICIPATION.—In carrying out the development of the plan under susbsection (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

''(1) providing advance notice of meetings;

''(2) providing adequate opportunity for public input and comment;

''(3) maintaining appropriate records; and,

''(4) compiling a record of the proceedings of meetings.

''(g) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the plan under subsection (b) and any subsequent projects, the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), there is authorized to be appropriated to pay the cost of carrying out activities under subsections (b) and (c) $42,000,000 for each of fiscal years 2004 through 2009.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

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# 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 Lord God, the source of our highest joy, remind us that only in Your will can we find true peace and happiness. Change our hearts so that our actions will glorify Your name. Lord, bring us from behind our barricades of selfishness and teach us that it is more blessed to give than to receive. As Senators labor today, fill them with Your spirit so that they will seek to know and do the right thing. Save them from disunity and from decisions made solely in the name of politics. Give wisdom to their advisers, and throughout each day may each of us find moments to seek You in prayer. 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 conduct a period for morning business to allow Senators to speak. Following morning business, at approximately 10:30 a.m., the Senate will resume consideration of the Interior appropriations bill. Under the order from last night, there will be 10 additional minutes for debate in relation to Senator DASCHLE's amendment on Indian health care. Therefore, the first vote of today's session will occur at approximately 10:45 a.m. Following that vote, we hope to be in a position to schedule additional votes on some of the other pending amendments.

We will recess from 12:30 p.m. to 2:15 p.m. for the weekly party luncheons to meet, and it is our hope to have additional votes prior to that recess.

We do expect to finish the appropriations bill today or this evening, if necessary. Once completed, we will continue with other appropriations bills, possibly the DC appropriations legislation.

I also remind Members once again that we will be scheduling votes on available judicial nominations and others throughout the week.

Over the course of the last 24 hours, people have been recovering in the region from the natural disaster we had last week. Our thoughts and prayers go out to them, of course. There are many people, including many people in this body, who do not have electricity or are having water problems. We had rain last night, so we have continued problems. We will continue to work together to get people back to normal lives, but our thoughts and prayers are with them.

Lastly, as I mentioned yesterday, this week is a very busy week in addressing the request for $87 billion to further the war against terrorism, and our goal is to have a good debate, good exchange of information, asking the tough questions. That started yesterday afternoon with some fantastic hearings chaired by the President pro tempore, who is in the Chair now, that went into last evening. Hearings will be held by a number of other committees over the course of this week, both in the Senate and the House of Representatives.

Next week, I hope to be able to address the request on the floor of the Senate. I would like to aim for having that request completed by the end of next week and before we go out for the following week.

## RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant minority leader.

Mr. REID. Mr. President, there are a number of amendments pending—the Bingaman amendment and another Daschle amendment. Unless something can be worked out with the managers, I am sure we can dispose of those by votes prior to the recess. Also, I say to the leader, that with respect to the contracting-out amendment, which will take a little more debate, we will be ready to vote around 3 o'clock on that amendment. At least the way amendments are now stacked, that is the most contentious amendment that has been filed.

I also say in the presence of the majority leader, and for Senators on our side and on the other side, the two managers are waiting for amendments. If there are amendments to be offered, they should do that as quickly as possible. Progress has been made more rapidly than I thought on this bill. With a little bit of good fortune, we can complete this bill fairly early this evening.

Mr. FRIST. Mr. President, I will close. I know people will be coming over to speak in morning business. We have an hour.

## PRESIDENT BUSH'S VISIT TO THE UNITED NATIONS

Mr. FRIST. Mr. President, today President Bush will be addressing the United Nations, and he is asking those who champion freedom to pull together and support the reconstruction of Iraq. He will make a powerful case because freedom is a powerful force. Freedom is a beacon to people all over this land—

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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indeed, all over the world. It leads countries to greatness and men and women to their highest aspirations. We look forward to hearing his comments later this morning.

It is clear this body will stand by the Iraqis, will help them build a free, prosperous, and democratic Iraq. Their future, indeed, our security and the security of civilized people everywhere depends on it.

Mr. REID. Mr. President, I also certainly wish the President the best of luck at the United Nations today. I think it is extremely important we have more support from the international community. I am very happy to see the President going there seeking that help.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business not to exceed 60 minutes, with Senators permitted to speak therein, with the first 30 minutes under the control of the Democratic leader or his designee, and the remaining 30 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BENNETT. I ask unanimous consent that I be allowed to proceed for 15 minutes on the Republican time.

Mr. WARNER. Mr. President, I have no objection, but I will indicate that I desire to follow the distinguished Senator from Utah. I will seek recognition at that time for another 4 to 6 minutes.

The PRESIDENT pro tempore. Does the Senator seek unanimous consent at this time?

Mr. WARNER. Yes.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Virginia will be recognized following the Senator from Utah.

The Senator from Utah is recognized.

## A CHARGE AGAINST THE PRESIDENT

Mr. BENNETT. Mr. President, over the weekend the country heard one of the more senior Members of this body, the senior Senator from Massachusetts, make a charge against the President of the United States, particularly with respect to the war in Iraq.

The senior Senator from Massachusetts said the war in Iraq was ''hatched in Texas'' in a conversation between the President of the United States and the Republican leadership and that the purpose of attacking Iraq was to help the Republicans politically in the congressional elections of 2002. The Senator from Massachusetts summarized the President's position with respect to the war in a single word. He called it a ''fraud.''

To quote a comment from the Washington Post in another situation dealing with Iraq, this is a serious charge and it deserves a serious response. It is my attempt today to give a serious response to this charge.

If the charge made by the senior Senator from Massachusetts is accurate, then the President is deserving of a serious rebuke. If in fact the charge is not accurate, the senior Senator from Massachusetts is deserving of a serious rebuke.

I intend to examine whether or not the charge could be substantiated and give it the attention that I think it does in fact deserve.

I will turn not to sources that are friendly to the President of the United States; I will go in my analysis to those who have been critical of President Bush with respect to Iraq and to his Presidency generally.

Let me start by quoting a Presidential statement with respect to Iraq:

> Saddam Hussein's priorities are painfully clear, not caring for his citizens but building weapons of mass destruction and using them—using them not once, but repeatedly in the terrible war Iraq fought with Iran, and not only against combatants but against civilians, and not only against a foreign adversary but against his own people, and he has targeted Scud missiles against fellow Arabs in Iran, Saudi Arabia, and Bahrain.
>
> Nobody wants to use force, but if Saddam Hussein refuses to keep his commitments to the international community, we must be prepared to deal directly with the threat these weapons pose to the Iraqi people, to Iraq's neighbors, and to the rest of the world. Either Saddam acts, or we will have to.

As I say, that was a Presidential quote, but it was not from George W. Bush, and it was not after a meeting in Texas between George W. Bush and Republican leaders. That was a statement made by President William Jefferson Clinton on February 20, 1998—long before the congressional elections of 2002 and 2 years before George W. Bush became President of the United States.

The suggestion that President Bush created the fraud or the specter that Saddam Hussein had weapons of mass destruction does not stand up against that statement by President Clinton.

I make reference to the Washington Post. This is a newspaper that is not known for its support of either Republicans or President Bush. But they were a supporter of attacking Iraq and, as I have said, there were those who charged the Washington Post editors with a ''jingoistic rush to war,'' and the paper said, as I have noted:

> That is a serious charge and it deserves a serious response.

Then the paper goes on to make these comments:

> In fact, there is nothing sudden or precipitous about our view that Saddam Hussein poses a grave danger.

Quoting further:

> In 1997 and 1998, we strongly backed President Clinton when he vowed that Iraq must finally honor its commitments to the United Nations to give up its nuclear, biological, and chemical weapons, and we strongly criticized him when he retreated from those vows.

Again, that was a comment made after the supposed meeting in Texas and made after the congressional elections of 2002. If, indeed, President Bush made the decision to go into Iraq for purely political reasons, why would the Washington Post, which is not one of President Bush's supporters, be commenting after those congressional elections in a way that makes it clear they came to the same conclusion that President Bush did?

Would the Senator from Massachusetts suggest that the Washington Post was part of the conspiracy that went on in Texas prior to the congressional elections, and that the Washington Post was complicit in the fraud visited on the American people by the decision to go ahead in Iraq?

The Post editorial goes on, and this was February 27, 2003:

> When we cite Mr. Clinton's perceptive but ultimately empty comments, it is in part to chide him and other Democrats who take a different view now that a Republican is in charge. But it has a more serious purpose, too. Mr. Clinton could not muster the will, or the domestic or international support, to force Saddam Hussein to live up to the promises he had made in 1991, though even then the danger was well understood.

We need not stay within our shores to find those who believe the President made the right decision in Iraq. Let us go overseas. I had occasion to visit with a group of European Parliamentarians. One of them, who came from Great Britain, made this comment to me. He said they have never had a politician in Great Britain who is as poll-driven as Tony Blair, and they never had one who pays so much attention to focus groups. The man said Tony Blair almost allows focus groups to determine what kind of tie he will wear in the morning. Yet when we come to this Iraq business, said this particular Parliamentarian, Tony Blair is going against all of the polls and all of the focus groups. He is acting in a manner that is completely uncharacteristic for him as a politician. He is actually willing to risk his position as Prime Minister in order to make sure we go after Saddam Hussein. He said they cannot understand it, except on one possible basis, and that is that Tony Blair must be completely convinced that the information is correct, that the intelligence is right, and that Saddam Hussein does indeed pose a threat. He said that there is otherwise no explanation for the way he is behaving, that it is contrary to his entire political experience.

Would the senior Senator from Massachusetts suggest that Tony Blair was

part of a conspiracy in Texas prior to the 2002 elections, and that Tony Blair was convinced by the President of the United States he should help him win a Republican victory in the congressional elections by supporting the action in Iraq?

It is interesting when we are talking about Tony Blair we can once again turn to the words of William Jefferson Clinton. On March 18, 2003, once again, after the congressional elections had taken place, President Clinton had this to say in the Guardian Newspaper, published in Great Britain. He talked about those in America who were calling for action. Then he says:

On the other side, France, Germany and Russia are adamantly opposed to the use of force or imposing any ultimatum on Saddam as long as the inspectors are working. They believe that, at least as long as the inspectors are there, Iraq will not use or give away its chemical and biological stock and therefore no matter how unhelpful Saddam is, he does not pose a threat sufficient to justify invasion.

Here is President Clinton using a phrase that is now current in the Democratic Presidential race: ''He does not pose a threat sufficient to justify invasion.''

Then President Clinton goes on and responds to that statement by saying this:

The problem with their position is that only the threat of force from the US and the UK got inspectors back into Iraq in the first place. Without a credible threat of force, Saddam will not disarm.

Then President Clinton goes on to conclude:

If we leave Iraq with chemical and biological weapons, after 12 years of defiance, there is a considerable risk that one day these weapons will fall into the wrong hands and put many more lives at risk than will be lost in overthrowing Saddam.

. . . Prime Minister Blair will have to do what he believes to be right. I trust him to do that and hope the labor MP's and the British people will, too.

This is President Clinton supporting Prime Minister Blair in his support of President Bush after the congressional elections of 2002 have taken place.

Are we suggesting again that President Clinton and Prime Minister Blair and the Washington Post were all part of the conspiracy to perpetuate a fraud on the American people? I don't think so.

Now, I come to my final comment that I wish to make, again, from a source not friendly to the President. Once again, it is the Washington Post. I began with them and I shall conclude with them. This is an editorial published on August 10, 2003, almost a year after the congressional elections are over. They are referring to a speech made by the former Vice President, Al Gore:

The notion—that we were all somehow bamboozled into war—is part of Mr. Gore's larger conviction that Mr. Bush has put one over on the nation, and not just with regard to Iraq.

That is essentially what the senior Senator from Massachusetts said, and which the former Vice President said, and the Washington Post repeats that. This is the comment they make, referring to that proposal President Bush ''put one over on the nation.''

The Washington Post says of that idea that it is:

. . . one that many Americans might find a tad insulting: The administration has developed a highly effective propaganda machine to embed in the public mind mythologies . . .

Again, that is Vice President Gore's comment, and that was the gist of what the senior Senator from Massachusetts said.

Back to the Washington Post:

Thus, Mr. Gore maintains, we were all under the ''false impression'' that Saddam Hussein was ''on the verge of building nuclear bombs,'' that he was ''about to give the terrorists poison gas and deadly germs,'' that he was partly responsible for the 9/11 attacks. And because of these ''false impressions,'' the nation didn't conduct a proper debate about the war. But there was extensive debate going back many years; last fall and winter the nation debated little else. Mr. Bush took his case to the United Nations. Congress argued about and approved a resolution authorizing war. And the approval did not come, as Mr. Gore and other Democrats now maintain, because people were deceived into believing that Saddam Hussein was an ''imminent'' threat who had attacked the World Trade Center or was about to do so.

They conclude:

It would certainly be fair now to argue that the logic was wrong. There was a cogent case to be made against the war, and even those who supported it might now say that the absence of any uncovered weapons of mass destruction, or the continuing violence against Americans, gives them, in hindsight, a different view. There's plenty to criticize in the administration's postwar effort, too. What isn't persuasive, or even very smart politically, is to pretend to have been fooled by what Mr. Gore breathlessly calls the Bush ''systematic effort to manipulate facts . . .''

From these sources outside of the Republican base and outside of the administration, it is clear the senior Senator from Massachusetts has made a charge he cannot substantiate.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first, I compliment my distinguished colleague from Utah. The Bennett family has given two generations of service to the Senate, and the Senator can speak with a background and understanding of this institution and a conscience for this institution to follow. I commend my distinguished colleague.

I join this morning in speaking out about this situation, and indeed, if I may say, the responsibility of this Chamber, each individually and collectively, as we deal with these issues. I have been privileged to be a member of this Chamber for a quarter of a century. I, too, was gravely concerned to hear remarks from several of our colleagues regarding criticism of this operation in Iraq. Criticism is welcome. Our President welcomes it. It is freedom of speech. But there seems to be a responsibility, if you criticize, answer the question, Are we as a nation—is the world better off today, having deposed Saddam Hussein and his regime of terrorism, or should we have left it as it was?

That question has to be answered by those who wish to employ this strident rhetoric, but they fail to do so.

Throughout the military history of this country, from World War I, World War II, Korea, Vietnam, Afghanistan, Iraq, our military planners have done their best—a clear victory in World War I, a clear victory in World War II, an indecisive conclusion in Korea—still there is no armistice as such—and an indecisive and somewhat tragic conclusion in Vietnam. So as we look at the records in Afghanistan, militarily, it clearly was a success. Could the planning have been more comprehensive? Possibly so. And there will come a time—and I wish to stress that—there will come a time when this Chamber and the House of Representatives and the Congress as a whole can determine the accountability for these operations.

At this time, our focus should be behind the Commander in Chief, our President, who at this very moment is addressing the United Nations on the policies and the goals of our Nation working with a coalition of forces in Iraq.

Mr. BENNETT. Will the Senator yield for a question?

Mr. WARNER. I yield.

Mr. BENNETT. Mr. President, the Senator is the military historian and has served as Secretary of the Navy. Could the Senator confirm my recollection that General Eisenhower once said, before the attack: The plan is everything? After the attack starts, the plan goes out the window.

Is that a correct quote? And does that apply in this situation?

Mr. WARNER. Mr. President, I think that carefully paraphrases what that brilliant strategist and President said. There is no doubt about it. And there will be a time to determine what went right, what did not go according to plan, and such deficiencies, and the accountability. But right now our obligation is owing to the men and the women who are fighting there and their families at home. Stop to think of the reaction of a young wife, surrounded by small children, not knowing from day to day whether her husband will survive another day's engagement in Afghanistan or Iraq, and they hear this whole thing has been a fraud perpetrated upon this family and was made up in Texas. I find that very painful.

I have had the privilege of almost a lifetime of association with the men and women of the Armed Forces of the United States—over half a century. Modest was my contribution on active duty, but through this half century I have learned much from these men and women with whom I have been privileged to work and support now as a Member of the Senate.

We always have to focus on that family and their reaction to every word we say on this floor, every word that is said in the Congress. How does it affect that young wife or spouse of a female serving in uniform, as many are in these troubled areas of the world? How is that family affected, and not only the children but the parents?

By and large, people who go into uniform do so solely for patriotism. It is an all-volunteer force. There is no draft. No one is compelled to do this. They volunteer. They volunteer as a consequence of the inspiration of their older brothers and sisters, their fathers, their uncles, their grandfathers who have served in previous military conflicts.

They look upon the Congress as that bastion that safeguards—safeguards—those who are put in harm's way. I ask, do these comments constitute embracing, as we should, those families, those children? Is that safeguarding those put in harm's way? I say no.

I simply say the goal of this operation in Iraq and the goal of the operation in Afghanistan is to bring to those troubled regions of the world, at long last, a measure of freedom for the peoples of those nations, a measure of their ability to govern themselves.

I am proud the United States, behind our President, has taken that leadership to bring about that measure of freedom and democracy in those foreign lands. Yes, each of us is paying by the loss of life, the loss of limb, but history will record, in this hour of world history, America stands strong. It is committed to its goals. I am confident this body will support our President on measures that he needs to fulfill these objectives.

The decision to confront Saddam Hussein was not without careful deliberation, extensive diplomacy, and substantial effort to find a peaceful solution. It had been the conclusion of three consecutive American administrations, countless other nations, and the United Nations that Saddam Hussein's Iraqi regime had weapons of mass destruction, had used them on his own people and neighboring countries, and was a clear and present danger to regional and world peace. It had been the conclusion of the Clinton administration that Saddam Hussein had stockpiles of weapons of mass destruction, was actively seeking more, and would ultimately use them again. The United Nations Security Council had passed 17 resolutions, stretching back to 1991—12 years—requiring full cooperation in disarming itself of weapons of mass destruction. Saddam Hussein's response was defiance and deception.

In October 2002, after an unprecedented amount of debate, the Senate voted 77–23 to authorize the President to use force in Iraq. The House of Representatives also voted overwhelmingly in favor of authorizing the use of force. By that act, it became our war and the American people's war, not the President's war. At this critical juncture, it is our responsibility to provide the resources necessary to finish the job.

American armed forces, joined by a robust coalition, achieved extraordinary, rapid military success in Iraq, with minimum casualties and damage. This is a clear tribute to the professionalism and dedication of our young men and women in uniform and those who support them. We have succeeded in ridding the world of a brutal tyrant and have revealed the extent of his barbarism. We should be congratulating our President and our armed forces on a job well done, not criticizing and undermining their heroic efforts.

Extensive planning was done for combat operations, as well as post conflict stability operations. We all know that no plan survives its initial confrontation with reality on the battlefield. Plans must be flexible and adapt to conditions as they are encountered. No one could have anticipated the complete disintegration of Iraqi security and governance institutions. No one knew how badly the Iraqi infrastructure had deteriorated under Saddam Hussein's 30-plus years of mismanagement.

American forces and coalition partners have done a remarkable job of restoring basic services, rebuilding schools and hospitals, preventing ethnic violence and creating an environment where reconstruction can succeed. This is being done in a difficult environment of harsh conditions and significant risk, as those who have been removed from power seek to delay inevitable defeat and as terrorists lash out at the loss of another haven.

What is the best way to reduce U.S. casualties and create the conditions for withdrawing U.S. troops? The key is to improve the security situation by restoring essential services, recruiting and training dependable, indigenous Iraqi security forces, and repairing the infrastructure so that real economic growth and opportunity can flourish. The emergency supplemental request of $87 billion submitted by President Bush specifically addresses this need.

It is imperative that we give our President and our troops the resources they need to complete their missions in Iraq and Afghanistan. The faster the money gets to these countries, the faster conditions will improve, and the faster our troops will come home. We must, and we will, stay the course and achieve our goals. This is also a clear message of support and resolve to our troops, their families, and the neighborhoods and communities that support them.

Lasting peace and security in Iraq will be achieved when we establish the environment for a democratic, economically viable Iraq. The supplemental request now before the Congress will ensure such an environment and is the best path to the earliest possible return of our troops. Half a century ago, the Marshall plan brought peace and prosperity to a war-ravaged continent. That modest investment has been repaid a hundredfold or more. The funding we are being asked to provide for this important region is an equally important investment that will, likewise, be repaid many times over in the decades to come. I urge my colleagues to support and rapidly approve the President's request and send a message of overwhelming bipartisan support to our troops, and to all American citizens, of the need to stay the course and secure this important victory in the war on terrorism.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it was my understanding that the Democratic side had from 9:30 to 10, and the Republican side from 10 to 10:30. Could you clarify where we stand at this point?

The PRESIDING OFFICER. There were 60 minutes divided starting at 9:38 a.m. Currently on the majority side there are 6½ minutes; on the minority side there are 7 minutes 40 seconds.

Mrs. HUTCHISON. Mr. President, I would like to ask, then, that the minority take its time, after which I would like to reserve the remainder of our time for Senator SANTORUM.

Mr. REID. Mr. President, we are not going to take our time now.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Mr. President, let me clarify that. What is the status, then, of the minority's time allocation?

The PRESIDING OFFICER. They have 7 minutes 41 seconds. The majority has 6 minutes 25 seconds.

Mrs. HUTCHISON. Mr. President, it was my understanding that——

The PRESIDING OFFICER. There is no agreement. The time is just equally divided.

Mrs. HUTCHISON. May I ask the distinguished minority leader what his intentions are, then, with regard to the minority time, because we had thought we had a division that is the tradition here where the minority takes the last 30 minutes on one day and then the majority the next.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Texas is correct. What happened this morning is the majority went ahead of their normal time. I say to my friend, the Senator from Texas, we are going to ask for more time, anyway. Quite frankly, we didn't know when morning business was scheduled that the purpose was to attack another Senator. Based upon that, we are going to ask, when all time expires, for more time. So we should all have time to state our respective positions.

We have a number of Senators who are on their way to the Chamber now. Senator DODD is here now to say a word regarding the statements that have been made by the majority. So we are going to ask for more time.

Mrs. HUTCHISON. Mr. President, in that case, I will withhold for our majority leader to make a decision about what the time allocation would be, and I yield up to 5 minutes to Senator SANTORUM.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President. And I thank the Senator from Texas.

Having reflected on this debate on Iraq and postwar Iraq, a lot of what I am hearing—the rhetoric I am hearing about this administration not having a plan, this administration not preparing for all the contingencies, this administration not having an exit strategy or an end strategy—reminds me of a couple of things. No. 1, it reminds me about the same people making the same criticism about the same administration about a month into the war that the generals didn't consider all the different problems they were going to confront, they didn't have a plan, didn't have an exit strategy, et cetera—and then 2 weeks later the war was over.

I am not suggesting that 2 weeks from now everything in Iraq is going to be settled, but this idea that every contingency had to be considered is ridiculous. No one is smart enough anywhere to consider every contingency. What you are smart enough to do is put a basic game plan in place, and then, as things develop, have that game plan flexible enough to adjust and meet those contingencies. It is exactly what Tommy Franks did when he put the game plan together for the war in Iraq. As things changed and developed, as new things came up, they adjusted. It is exactly what is going on with Jerry Bremer over in Iraq today.

I also harken back to postwar Germany after World War II. A lot of analogies are being made by both sides about the importance of this reconstruction of Iraq as was the reconstruction of the Axis powers after World War II. I remind my colleagues that this plan Truman gets a lot of credit for, Marshall gets a lot of credit for, was not in place until 2 years—2 years—after Germany fell. It was not passed in the Congress until 3 years after Germany fell.

I remind my colleagues of some of the comments some Members of this body made and some Members of the House made back then. A House Member, a Mr. Vursell, from Illinois, said—this is in the CONGRESSIONAL RECORD—

> There is little question in my mind but that the launching of the Marshall plan asking 16 nations to gather in conference and determine how much aid they needed from the United States was a colossal blunder in the very beginning.

Does this sound familiar—''a colossal blunder''?

He said:

> It will be less disastrous to this country if the Members of this Congress will now take over and have the courage to try to salvage what we can in the interest of our Government and the [American] people.

Now you are hearing the same thing today.

History proved that great leadership and great vision have their place in the world. Sometimes Members of Congress, with very narrow vision and very parochial interests, don't necessarily do what is in the best interest of the Nation or the best interest of the world.

What the President is doing is providing true leadership at a time when leadership is at a premium. He provided in the Iraq war a great plan. He stuck to it in spite of criticism and followed that plan to its successful conclusion.

There were speeches in the Senate, both sides of the aisle, about how difficult not the war was going to be but how difficult postwar Iraq was going to be, that it would be the difficult and long challenge. Yet here we are a few months afterwards and we are already carping, saying it is not finished, it has not been accomplished. Yet by every measure, we are doing much better in postwar Iraq than they did with the most successful reconstruction plan in the history of the world, the Marshall plan. We are moving forward with economic reforms, currency reforms, banking reforms, money to be put in to restore their infrastructure at a much faster and more effective rate than what occurred after World War II. This is a plan that needs time to work.

I understand the pressures of the 24-hour news cycle. Thankfully, in 1947 they didn't have that. But we have it today. And so the need is always immediate. There can be no room for delay or failure. We are in a push-button world, and we have to solve the problems today.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HUTCHISON. Mr. President, what is the status of the time?

The PRESIDING OFFICER. One minute 14 seconds left.

Mrs. HUTCHISON. For the majority side. And how much on the minority side?

The PRESIDING OFFICER. Seven minutes 41 seconds.

Mrs. HUTCHISON. Mr. President, I am going to use the 1 minute 14 seconds to say that there is one thing I must object to that was said recently by Senator KENNEDY, when he said that the war is ''a fraud that was made up in Texas to give the President a political boost.'' I have great respect for Senator KENNEDY and every Senator who represents his or her State in this body. But that is a slur on my home State of Texas, to say this plot was made up in Texas.

I remind the people of America that Texas is a patriotic State, that Texas has 1 in 10 Active-Duty military. On the very day that statement was made, a plot in Texas to help a political campaign of a President, in fact, on that very day, three Texas soldiers were ambushed in Iraq and lost their lives serving our country. Those are great Texans. The 4th Infantry Division from Fort Hood, TX, is there now, as we speak.

As I traveled through Afghanistan and Iraq, I met Texans who were serving their country. I don't think there should ever be a slur on another State when we are talking about foreign policy or the policies of a President.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

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. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ATTACK ON SENATOR KENNEDY

Mr. DASCHLE. Mr. President, I know we are still negotiating with regard to the schedule for the course of the next hour or so. We will ask for some additional time to respond to this attack on Senator KENNEDY. I believe this is getting to be a real practice here. I was the brunt of similar criticism last spring. It seems as if anyone who comes to the floor to express concern or to express his or her views on Iraq is now the subject of attack.

Regardless of one's views, to impugn someone's patriotism, to question the motives, to challenge the integrity is wrong. We ought to have an opportunity to have an open, candid expression of views without challenging——

Mr. BENNETT. Will the Senator yield for a question?

Mr. DASCHLE. I am going to finish my statement and I will be happy to yield to the Senator from Utah.

We ought to have an opportunity to have this open discussion and expression of views without challenging the motives, the patriotism, or the very right of any Senator to express him or herself. Senator KENNEDY did that. Many of us have done that now over the course of the debate. We may ultimately come to different conclusions about what the facts are or about the specific policies involving Iraq or our involvement in the questions we are facing right now with regard to the $87 billion. But I must say, let's keep this an open and fair discussion of the facts, without always impugning someone's integrity or personal motivation.

I am happy to yield to the Senator from Utah. I am told we only have a couple minutes left. Until we reach agreement, I will yield at this time to the Senator from Connecticut.

Mr. BENNETT. Mr. President, I asked unanimous consent that the exchange between the Democratic leader and myself not be charged to their time, if he would be willing to yield for a question.

The PRESIDING OFFICER. Is there objection? Does the Senator yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from Utah for a question.

Mr. DODD. Under the circumstances the Senator from Utah has described, this will not detract from the time?

The PRESIDING OFFICER. That is correct.

Without objection, it is so ordered.

Mr. BENNETT. My question is very simple: I ask the Democratic leader if at any time in my presentation did he find where I attacked the motives, the patriotism, or the rights of the Senator from Massachusetts? My intent was—and it is my belief that I stood up to my intent—to challenge the accuracy of the statement of the Senator from Massachusetts, never having made any reference to his motives, his patriotism, or his rights. If the Democratic leader has instances where I did that, I would appreciate it if he would point that out to me so I can make the appropriate response.

Mr. DASCHLE. Mr. President, I was not on the floor when the distinguished Senator from Utah spoke. I am relating not necessarily to his comments specifically but to this general approach Members on the other side seem to use any time one of those in the Democratic caucus speaks out, expresses him or herself, raises concerns or in some way criticizes this administration with regard to its policy in Iraq. There is an orchestrated effort to attack those who criticize.

I am not saying that the Senator from Utah may have done so specifically on the floor this morning. I will look forward to reading his comments. But that is the approach. I think it is unfair. I think it is unfortunate. It demeans the debate that we ought to be having in the Senate about these important issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes fifteen seconds.

Mr. DODD. I yield myself 2 minutes.

I wish to quickly respond to my colleagues and friends on the other side. I supported the President's request for authority in Iraq. I believed at the time that was the right vote to cast.

But it is important to focus on the war issue and what is going on in Iraq in the construction period, the economic and political efforts there. There is growing concern, both here and abroad, that this is not going well. We can spend all day debating about what our colleagues said or didn't say, what their motives or intentions were, but that diverts attention from what the debate ought to be; that is, we have a request before us for $87 billion. We will have to vote on that in the coming days. The American people want to know where we stand on that. How is the money going to be spent? Where is it going?

Why are we losing a soldier a day it seems, or 10 are being wounded every day? Why isn't the rest of the world joining us? What efforts are being made? The President may be giving a speech right now at the United Nations. Spending our time in this great deliberative body arguing over what one of our colleagues said over the weekend in an interview detracts from what ought to be the real debate, and that is whether we are on the right track or the wrong track when it comes to rebuilding Iraq, getting the government turned over to the Iraqi people, getting international support for the efforts and how the taxpayer money is going to be used.

Spending our time talking about what Senator KENNEDY said—I think his spirit reflects where many Americans are. You may not agree with every word. That is not the point. We rarely agree around here on speeches we give, but we ought to be debating how we get it right in Iraq instead of spending time this morning arguing about whether or not we agree or disagree with what our colleague said in an interview in his home State. The American public wants to know what is happening in Iraq, not what is happening in Massachusetts—not what one said but what is the policy of this Government and what is the Senate saying about it. That ought to be the debate.

Mr. President, I don't know if any of my colleagues want to be yielded some time.

Mr. REID. Mr. President, morning business has expired. I would ask unanimous consent—and I do this with the greatest respect—that we, the minority, be given the next 20 minutes and that the minority have 10 minutes to respond.

The reason I suggest that is that there has been a half hour here directed toward one Senator. We think that we would, with the 7 minutes we have been given and the 20 minutes that I am asking, be nearly balanced—not totally balanced. In fact, it would still be out of balance, with 40 minutes for one side and about 30 to respond to that—in fact, 27. So I would ask unanimous consent that we be given the next 20 minutes; following that, the majority be recognized for 10 minutes, still as if in morning business, and that the work of the Interior appropriations subcommittee, the vote, plus the 10-minute speeches prior to the vote, be set aside for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. Mr. President, reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator cannot suggest the absence of a quorum until he gets time.

Mr. REID. I withdraw my unanimous consent request and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. 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, I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

Mr. LEAHY addressed the Chair.

Mrs. HUTCHISON. As to the unanimous consent request, for clarification, after the 30 minutes that we have just allocated by unanimous consent, there will be 10 minutes equally divided on the Daschle amendment, after which there will be a rollcall vote. So Members would know that at about 11:20 to 11:25 we will have a vote.

Mr. REID. That is true.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I am not quite sure. What is the parliamentary situation?

Mr. DASCHLE. Mr. President, as I understand it, if I could answer the Senator from Vermont, we have 20 minutes now. The Republicans have 10 minutes. We will allocate that time as if in morning business. I would be happy to yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. LEAHY. Mr. President, I have listened to my friends on the other side of the aisle who have come to the Senate floor this morning to criticize the senior Senator from Massachusetts, Mr. KENNEDY.

Last week, Senator KENNEDY, speaking for millions of concerned Americans, challenged the President and his advisers for misleading the country about the war in Iraq.

Every Senator is free to disagree with the views of another Senator. That is the nature of debate. But too often, officials in this administration, and some of my Republican friends, have questioned the patriotism, and the right to disagree, of those who criticize policies they believe are fundamentally flawed.

Senator KENNEDY has asked hard and important questions about a policy that—contrary to what the American people were told to expect—has already resulted in the loss of life or limb of hundreds of American soldiers and is costing billions of dollars with no end in sight.

The reality is that since the fall of Baghdad, practically everything the White House and the Pentagon predicted about Iraq has turned out to be wrong. Yet you would hardly know it from listening to officials in Washington who consistently give evasive and overly optimistic assessments.

The administration's own shifting statements show that the threat posed by Iraq was not what we were led to believe.

Just a few months ago, Vice President CHENEY insisted that Saddam Hussein had reconstituted nuclear weapons. No weapons of mass destruction have yet been found.

Last week, Secretary Powell said the use of chemical weapons against the Kurds was the justification for a preemptive war 15 years later. As much as I admire and respect the Secretary, that is grasping at straws.

For months, the White House and the Pentagon tried mightily to draw a connection between Saddam Hussein and the attack against the World Trade Towers. Last week, the President belatedly conceded that there was no link.

Vice President CHENEY said our troops would be treated as liberators. I am sure that most Iraqis are grateful that Saddam Hussein is gone. I am too. But it is clear the Iraqi people increasingly don't want us there.

We should all be concerned that when our soldiers—who have performed so bravely—are ambushed and killed, there seems to be increasing jubilation in the streets, and not just by the remnants of Saddam's regime.

Then, there is the issue of cost. Five months ago we passed a wartime supplemental with $2.5 billion for reconstruction in Iraq. At the time, we were told that was all that U.S. taxpayers would be asked for this year. That, we have learned, was a gross miscalculation.

Former-OMB Director Mitch Daniels said the total cost would be between $50 and $60 billion. Deputy Defense Secretary Wolfowitz said:

We're dealing with a country that can really finance its own reconstruction, and relatively soon. The oil revenues of that country could bring between $50 and $100 billion over the course of the next two or three years.

We now know those predictions were wildly off the mark.

We are also paying other countries to support us. The State Department's own documents show that since April, the United States has provided almost $4 billion to coalition partners, other nations who supported our efforts in Iraq, and allies in the region. This does not include billions of dollars in loans.

Now the President wants another $87 billion for Iraq. Within a year, we will have spent far more than $100 billion, and it is clear that the administration will be back for many more tens of billions of dollars before next year is out.

We don't have this money in the bank. It is red ink. We are headed for a $1 trillion deficit, which will fall squarely on the backs of our children and grandchildren. That could very well be our most lasting legacy.

We are spending all this money in Iraq, but there is no supplemental to help the hundreds of thousands of Americans who have lost their jobs here at home. There is no money to fix our dilapidated public schools. There is no money for health care for the millions of Americans who lack health insurance. None for low income housing for Americans living in poverty.

I hope my Republican friends who have rushed here to defend the President's preemptive war and his policy of nation building, are also concerned about how much it may cost, how long it may take, and how many American troops may be needed in the years to come. They should be asking these questions too.

We cannot continue to drift along, spending more than $1 billion a week, with no plan other than business as usual, no realistic time table, every week another four or five Americans killed or wounded, and the growing resentment of the Iraqi people.

It is long past time to abandon the same old ''go it alone'' strategy. We need to get the international community involved. We need to work towards bringing our soldiers home sooner rather than later.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Mr. President, I thank very much the Senator from Vermont for his comments. I think I will simply add that the vast majority of the American people agree with him. I appreciate very much his contribution to this discussion.

Teddy Roosevelt once said:

> To announce that there must be no criticism of the President or that we are to stand by the President right or wrong is not only unpatriotic and servile but it is also morally treasonable to the American public.

There has to be open dialog, candid discussion about the extraordinary ramifications of many of the issues that are confronting us relating to Iraq, or we will be morally treasonable.

The President has requested an additional $87 billion in money for Iraq over the next several months. Requesting the money is no substitute for a plan, and the President has no plan. In fact, we don't know where the money has gone so far. There is little accounting of the billion dollars a week that we are currently sending to Iraq—$1 billion a week, with very little if any transparency with regard to that commitment.

Now the President is saying he wants $87 billion more. General Anthony Zinni recently spoke to a group of Marine officers, and here is what he said:

> [Our troops] should never be put on a battlefield without a strategic plan, not only for the fighting—our generals will take care of that—but for the aftermath and winning that war. Where are we, the American people, if we accept this, if we accept this level of sacrifice without that level of planning? Almost everyone in this room, of my contemporaries—our feelings and our sensitivities were forged on the battlefields of Vietnam; where we heard the garbage and the lies, and we saw the sacrifice. We swore never again would we do that. We swore never again would we allow it to happen. And I ask you, is it happening again? And you're going to have to answer that question, just like the American people are. And remember, every one of those young men and women that don't come back is not a personal tragedy, it's a national tragedy.

You cannot say it any more powerfully than that. That was not some politician. That wasn't one of our elected Senators. That was General Anthony Zinni, who knows a great deal about sacrifice and about what it is to go into circumstances like this without a plan.

So I think it is incumbent upon us to ask the questions: Where is the plan? What will it cost? Why can't we get better international support? How long will our troops be there? When will they come back? What level of cooperation are we getting from the Iraqis themselves?

If you read the papers in the last couple of days, we are not even getting full support from the Iraqi Council.

I think it is critical, especially in these days before the supplemental is brought before the Senate floor, that the level of debate, the questions that we have a right to ask, are asked and answers are given. Where is the sacrifice, you might ask, when the average tax cut for those at the top 1 percent is $238,000 this year? Where is the sacrifice for those who benefit the most?

We are asking a lot of sacrifice from our soldiers. We are asking a lot of sacrifice for those veterans who come back. Then we tell them we are not going to give them the full measure of support in the budget for the health care needs they have once they are here? You see the bumper stickers: ''Support Our Troops.'' What happened to our veterans? Why don't we see the same bumper stickers with some advocacy, some recognition of the need to support our veterans, too? But it is not in the administration's budget. We are told we can't afford it. We are told they have to just suck it up and sacrifice. The sacrifice is not being borne equally, and that is what many of us have been asking a long time—why not? Why not?

So I look forward to the coming days where we can have an all-out debate. Many of us will be presenting alternatives, amendments to this request by the President. We will have more debate about that matter. I know there are other Senators who wish to be recognized and to speak in the time that we have remaining.

I yield such time as he may wish to the distinguished Democratic whip.

Mr. REID. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 9 minutes 20 seconds.

Mr. REID. I ask Senator DODD be given the last 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, in baseball you have seen the teams pile onto each other. That only happens on one occasion, generally, in baseball, which I understand quite well. One of the pitcher's weapons is to throw a ball inside, and that happens all the time to keep the batter loose. But you never throw at someone's head. That, in effect, is what happened here, and that is why we have had the Senators rallying here because, in effect, someone threw a ball at the head of one of our Senators, and that is not right.

I appreciate very much Senator DODD, whom we all know is a close personal friend of Senator KENNEDY—I

would expect nothing less—defending his close personal friend. But he also defends the institution itself. He is in the process not only of defending his close personal friend but the institution.

As we have said, people who deliver a message that this administration doesn't like are attacked. There is no better example of that than Senator DASCHLE, who has been attacked personally with TV ads being run against him in his own State by people who are just voicing the administration's line. There have been many other ways he has been attacked.

When it comes to rebuilding Iraq's infrastructure—the electric grid, the water supply, the highways—I think there are a number of questions that need to be answered for the American people. People may not have liked how Senator KENNEDY phrased his objection to what has gone on and what is going on, but he said it. He raised issues. Let's not attack him; let's talk about the issues.

I have some questions. What are the assumptions underlying the President's request for $87 billion, and how many months for reconstruction will it cover? Why haven't we done more for Afghanistan? That is a question I have. What is the best case scenario for international contributions? What will the administration request next year? What is going on with Iraqi oil revenue, which we were led to believe would pay to rebuild the country? What happened to their seized assets?

Another question is, Why is the contracting process less transparent than U.S. law requires, and which companies are profiting from these contracts? What is the status of the Iraqi Army and the police?

The American people deserve answers to these questions. That is why Members of Congress, including decorated Members such as Congressman MURTHA and Senator HAGEL, have been raising these and other questions. No one should question their patriotism. They are doing their duty just as Congressman MURTHA and Senator HAGEL did when they wore the uniform of the American military.

No one should dream of questioning the patriotism of Senator KENNEDY, who has served the body for four decades. He doesn't have all the answers of what is going on in Iraq, but he has a right to ask questions. The responses to his questions, unfortunately, have all been too familiar. Whenever someone has the temerity to criticize the actions of this administration, the response is a personal attack.

A former Member of this body, Senator Max Cleland, was the first to recognize the need for the Department of Homeland Security. But he didn't agree with every detail of the administration's plan for that Department. So this man was attacked and his patriotism was questioned during the 2000 Presidential race. Even Senator MCCAIN, who served 7 years in a prisoner of war camp in Vietnam, was attacked because he did not agree with the President on every issue.

The list goes on. It should trouble any of us when Americans feel free to raise questions about the policies of their Government and then are criticized. What troubles me is when those questions go unanswered and personal attacks take place.

I have asked questions about today's plan in Iraq because my ultimate concern is the protection and safety of our troops. I will do anything I can to support our troops in every way possible. They will get every dollar they need for security and ongoing military operations. But I don't want to give Iraq a blank check, while our children get a bounced check for education, while our efforts to rebuild our own roads and power grids go begging.

The President has the responsibility as commander in chief to bring the international community together and rally our allies behind a comprehensive plan that will complete our mission in Iraq. We cannot continue to fight a war without a plan for victory.

Mr. President, we have a lot of questions. It has nothing to do with one's patriotism. We have a right to ask these questions. I say to the administration, please don't attack the person who asked the question. Answer the question.

I yield whatever time I have remaining to the Senator from Connecticut.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 4 minutes 45 seconds.

Mr. DODD. Mr. President, I thank my colleagues, the Democratic leader and the Democratic whip, Senator REID, for their comments, and Senator LEAHY for his comments as well.

As I said a few minutes ago, I voted to give the President the authority to use force. Others didn't. I respected that decision but reached a different conclusion. I am just concerned when I hear the debate shift, as it has this morning, from what we need to be doing in Iraq to get this right, to those who take a different position or question the motivations that led us to this particular point. By the way, going back looking historically, the comments Senator KENNEDY made—whether you agree or disagree with them, and I don't think they ought to be the subject of the debate; the debate ought to be about Iraq—go back to January 19, 2002, and Karl Rove, Chief of Staff of the White House addressing the Republican National Committee. I quote him while speaking to that group. According to the Washington Post story, his top political advisor said this:

> . . . Republicans will make the President's handling of the war on terrorism the centerpiece of their strategy to win back the Senate and keep control of the House in this year's midterm elections.
>
> We can go to the country on this issue because they trust the Republican Party to do a better job of protecting and strengthening America's military might and thereby protecting America.

He goes on to say:

> The second place we should go to the country is on protecting the homeland. We can go to the country confidently on this issue because Americans trust the Republican party to do a better job of keeping our communities and families safe.

That is the top political advisor to the President in January of 2002 suggesting that in fact we can make this a partisan issue. You may not like the statements of Senator KENNEDY, but there is a genesis here that could draw a conclusion that there have been political motivations.

My view is simply, look, to spend this morning debating what one of our colleagues said on an interview someplace detracts from what ought to be the subject of debate: how do we get it right in Iraq? That ought to be the common challenge. We have a major request of $87 billion in front of us and there are legitimate questions being raised about how to do this, how to get this right. We ought to be spending our energy and time and that of our staffs on organizing and debating and discussing how we can get this right as a coequal branch of Government, constitutionally charged with the conduct of foreign policy. This body deserves—in fact, its history and the country demand that we do a much better job of focusing on the foreign policy matter before the Nation and the world, getting about the reconstruction, and getting the political and economic questions right in Iraq, and taking our time to debate what one Senator says seems to be, quite transparently, an effort to divert the attention of the country and the media to one of our colleagues rather than the far larger issue, and that is whether we are going to go further into debt without paying for these additional moneys that are deserved for our military, certainly, and questionably on the reconstruction effort.

My hope is we can move away from the debate of what one colleague says and start talking about what needs to be done to get this situation in Iraq on the right track.

Certainly, if you go back and look at the history, as I said earlier, the suspicions that the administration was motivated in part by politics are rooted in the fact that the top political advisers of this administration have made the case to their own party faithful that in fact part of their motivations are to look at gaining political favor. It was a great disappointment then because there was a sense of unity in the country about fighting terrorism together, getting homeland security right together, and certainly getting Iraq right together is what we ought to talk about. There are legitimate issues. Why are we not getting the international support? Where will the money come from? Are we going to get ourselves further into debt? How are our needs at home going to be addressed? How are we going to get the Iraqis back in control of their country?

These are the questions we ought to be working on—not whether some colleague made a statement you disagree with and that we organize ourselves in a structured response to that, rather than take the time we ought to in order to get a situation that the American public wanted to know more about, which is a deep problem that is getting worse. The longer we fail to address it and try to divert attention to other matters, it does a great disservice to our men and women in uniform and to the American taxpayers.

Mr. President, I hope any further debate about what one colleague says would be confined to how we can get the Iraq situation on the right track and how we are going to spend the bulk or a good part of the $87 billion on the reconstruction phase of Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

## STANDING UP FOR THE PRESIDENT

Mrs. HUTCHISON. Mr. President, I yield myself up to 4 minutes. I think a lot has been said here about the words of Senator KENNEDY. I don't think anyone on the floor has cast aspersions on the Senator. He certainly has a right to say anything he wants to say. But I also think many of us who believe the President is trying very hard to do the right thing for our country have the right to take up for our President, stand up for our President, and talk about the issues.

I think Senator KENNEDY would be the first to say he should stand by his words, he must take responsibility for his words. It is my opinion that when you use words such as ''fraud'' and ''bribery'' in talking about the policies of the United States, it is fair game for us to respond to that and say I think it is absolutely wrong to say we are bribing political leaders all over the world by giving them American dollars.

We are giving foreign countries American dollars for a variety of reasons. Is it a bribe that we would make a loan to the country of Turkey after Turkey has just led the command and control of the security forces in Afghanistan, doing a great service for all of the people of the world to try to help keep the peace and security in Afghanistan, which was very costly to a relatively small country? That we would be making loans to Turkey, is that a bribe? I don't think so. Is it a bribe to give money to Russia for part of its economic improvement? I don't think so. I think Russia has shown it can be quite independent. So has Turkey. No one is accusing them of doing everything the United States has asked them to do. But foreign aid is part of American policy and, in most instances, foreign aid goes for buying American products. It gives them the money to buy American products to help our economy.

So I think when people use words, they should be able to take responsibility for those words, and I don't think it casts aspersions on anyone's patriotism.

But if anyone questions my right to stand up for my President who is speaking before the United Nations as we are talking on the floor today, then I think they are wrong. Of course, we are going to stand up for him. Why would that be a surprise? We are in a terrible war on terrorism. We are doing everything we can to support the President as he prosecutes that war. It is not for helping other countries exclusively. It is for helping America. It is for American security that we are in Iraq and Afghanistan—to keep terrorists on their soil so they do not come to American soil again.

The President has not forgotten 9/11. Sometimes I think when I hear people talking that they have forgotten America was attacked.

People are talking about an $87 billion package. It is a big package. Many of us are trying to ask for contributions from other countries to help defray the cost of rebuilding Iraq and Afghanistan. But let me remind you about the cost of 9/11. The cost of 9/11 is estimated at $300 billion, and that was one incident. What will be the cost if we allow terrorists to come in here because we haven't contained them in Iraq and Afghanistan? What will be the cost to the American people?

We have a right to stand up for our President, and that is exactly what we are doing. We are trying to talk about the policies that are important to our country.

I yield up to 4 minutes to the Senator from Pennsylvania, after which I will yield the remainder of our time to the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President. I thank the Senator from Texas.

The Senator from Texas noted the irony of our standing on the floor of the Senate at the very moment the President is speaking to the United Nations. He is speaking before the United Nations to rally the world for our efforts in Iraq. As we stand on the floor of the Senate, some Members are calling into question the President's actions and calling into question the President's motives. It is one thing to call into question his action. It is one thing to call into question his plan. But to call into question his motives is one of the things that I think disturbs many people on this side of the aisle, and, frankly, many members of the American public.

The Senator from Nevada said that some Members here have been using the baseball analogy of throwing a high hard one at Senator KENNEDY's head to back him off the plate. Having reviewed what was said here this morning, I think the best thing we can throw is a change-up on the outside corner. Hopefully, we have gotten a strike since we have been accurate in what we are saying. But it was not put to anybody's head and it was not thrown hard. These were principled statements about the accuracy of the statement of the Senator from Massachusetts. We did not comment on his motives. We did not comment on his patriotism. We commented on the accuracy of his statement, which is a legitimate discussion here in the Senate. I hope we keep to that.

We have had a debate on the floor of the Senate. Senator DASCHLE again questions the planning and actually questioned whether there was a plan. He used terms which were used back in 1948. A Senator Revercomb said, ''I charge tonight that there are no restraints placed upon those who administer this act''—similar to what Senator DASCHLE and Senator BYRD said. In fact, the statement has been made describing it as a ''blank check.'' Senator BYRD from West Virginia has used that term repeatedly on the Senate floor—only this comment is not about, obviously, the Bush plan in Iraq; it was about the Marshall plan of the Truman administration.

It is remarkable as I have gone through the CONGRESSIONAL RECORD of the House and the Senate about the debate and the way it happened 3 years after V–E Day. Not 3 months was the plan put into place, not 3 weeks was this plan put into place—it took 3 years for the Truman administration to put a recovery plan into place in Europe and for Congress to act on it.

Back then Members of Congress talked about how this was a blank check which was going to be a failure and it was unwise policy. Of course, it is now seen as one of the greatest foreign policy accomplishments of this country's history. Why? Because we had a President at the time—and who at the time was not popular among the American people for what he was doing—who was seen as someone who was not providing a great plan or strong leadership but he stuck to his guns. He went to the American people at election time, and the American people sustained him in office because he provided leadership at a time when leadership was needed; when Members of Congress were looking at their own parochial interests instead of the interests of the country and of the world such as, again, is the case here today.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Thank you, Mr. President.

I certainly join my colleagues in underscoring the fact that, of course, this shouldn't be a discussion about motives or patriotism. This is not a discussion about a former Senator, Mr. Cleland, or any other individual. All of us have the right to disagree on issues of substance.

Senator DODD was absolutely right. The issues of substance that we should be discussing are how to succeed in

Iraq and how to do the right thing for homeland security. But at the same time, all of us are responsible for the words we use and the terms we use and what it conveys not just to the American people but to our allies abroad.

In this regard, I was most concerned about the use of the word ''bribery'' in reference to foreign assistance. I think that was a mistake. I think that was not just a poor choice of words but a counterproductive choice of words, because to suggest that the funds we provide for reconstruction is bribery suggests that all of the foreign assistance we engage in around the world is misspent, or, again in the worst case here, bribery.

I believe our foreign assistance should be scrutinized, should be debated, and that we should strike the right balance, but in all cases the foreign assistance that we provide around the world should be used to further our national security interests. That is an important issue of substance. The funds we are providing to Iraq should strengthen security in the United States and should strengthen the stability and security of the people in Iraq and in the region of the Middle East.

In all cases, we should scrutinize that foreign assistance budget. But to refer to it as ''bribery'' I think is a mistake. It sent the wrong message to our allies and to those who are benefiting from our economic support, foreign military financing program, and even our humanitarian aid around the world. It is for our national security interests and the purposes for which we do that, and our debate should reflect that point.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2691, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Reid amendment No. 1731, to prohibit the use of funds for initiating any new competitive sourcing studies.

Reid amendment No. 1732, to authorize the Secretary of the Interior to acquire certain lands located in Nye County, Nevada.

Reid amendment No. 1733, to provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors.

Daschle further modified amendment No. 1734, to provide additional funds for clinical services of the Indian Health Service, with an offset.

Daschle further modified amendment No. 1739, to strike funding for implementation of the Department of the Interior's reorganization plan for the Bureau of Indian Affairs and the Office of Special Trustee and to transfer the savings to the Indian Health Service.

Bingaman amendment No. 1740, to ban commercial advertising on The National Mall.

AMENDMENT NO. 1734

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes equally divided prior to the vote in relation to the amendment No. 1734.

The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I will take 5 minutes to talk briefly about this amendment.

I have had an opportunity to come to the floor on a couple of occasions. Basically this comes down to whether or not we mean it when we say we will provide meaningful health care to our Native American population. That is what we are talking about today. Unfortunately, as most people know, we are far from that promise. It would take about $5 billion for us to fulfill the promise and to live up to the expectations on the reservations that we see with health care delivery in the rest of the country—$5 billion for the IHS clinical services account.

This year's budget is $1.9 billion—less than half of what it would take to meet that obligation. As a result, today there is severe rationing of health care on every reservation—rationing so severe that they call it the ''life or limb'' test. Unless your life or limb is in jeopardy, you often do not get care on a reservation today.

This chart shows as clearly as anything can just what the commitment made to the Native American people is today when it comes to health care.

We spend about $5,915 per capita on Medicare. We spend about $5,200 per capita within the VA. We spend about $5,000 per capita in our population generally for health care. We spend about $3,800 per capita for every Federal prisoner—$3,800 a year goes to our Federal prisons on a per capita basis for health care alone. We spend $1,900 for Indian children and their families, in spite of commitments we have made for four generations.

What this amendment does is very simple. Last spring, when we had this debate and when we offered the amendment to the budget resolution to make whole the Indian health care budget, it was defeated. We proposed that we try to level the playing field. That was defeated.

What the Senate agreed to, reluctantly on my part, but agreed to nonetheless, was $292 million, one-tenth of the amount required to make the IHS clinical services budget whole, to provide some parity between Indian health and prison health. That was incorporated in the Senate version of the budget.

Now we are simply saying: Let's live up to what the Senate said we would do on Indian health this year during the budget debate. Let's provide that $292 million, one-tenth of the amount required, if we are going to do this right.

For the life of me, I cannot understand how someone could vote against this, knowing, as we do, we are giving one-half the amount of money to Indian children as we are to Federal prisoners. We are giving a fraction to the Native-American population that we give to Medicare beneficiaries.

This amendment simply acknowledges our need to rectify that extraordinary disparity, to deal with it in a way that only we can, to say it is not enough just to talk about it, not enough just to lament it, we have to do something about it. Granted, $292 million is a far cry from what is required, but at least it is what the Senate said we would do last spring. It is now time to put our money where our mouth was last spring. This amendment is intended to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, this amendment provides an additional $292 million for the Indian Health Service. There is no offset.

I don't doubt the numbers the Senator from South Dakota presented. They are factual. I do not doubt his passion for this subject. But let's take a look at what is really happening.

Since we have focused on that, over the last 5 years we have added $725 million funding to the IHS account. In addition, thanks to the work of my colleague from New Mexico, Senator DOMENICI, and the Balanced Budget Act of 1997, we have provided $30 million per year for diabetes efforts. We know that is one of the primary focuses in Indian health for the following 5 years. That amount was increased to a total of $100 million beginning in fiscal year 2001. Reauthorization of this program has ensured that $150 million for the next 5 years will be available beginning in fiscal year 2004. In short, over the last 5 years, well over $1 billion in new money has been provided in order to improve the health care within our Native-American community.

Within the extremely limited resources this subcommittee has been given over the past several years, we have been responsive to the needs of Native Americans and we will continue to make every effort to provide the additional dollars within the overall allocation we were given.

We know well, and my colleagues on the other side of the aisle know well, what happened last year. Under their leadership, the IHS account was reduced by $75 million in the final hours before markup in order to reduce the subcommittee's allocation. Clinical services alone were reduced by $50 million.

Saying that, despite the decrease, we still have a problem even with the additional moneys we put in this year. We understand the problems in the Indian Health Service. We are $88 million over last year's level, and the adoption of this amendment would exceed the subcommittee's allocation and is subject to a point of order.

Mr. DASCHLE. If the Senator yields the floor, I will be recognized for what remaining time I have.

This amendment is not offset. Yes, we are told we cannot afford $292 million. We need $2.9 billion. We are told

we cannot afford that. I hope someone will come to the floor next week or the week after on the other side and say we cannot afford $87 billion for Iraq, then, either. If we cannot afford $292 million for our Native-American population, who are experiencing life or limb tests, then I sure hope we will not hear the argument on the other side that somehow we can afford providing health care dollars to the Iraqi children. I bet that is exactly what we are going to hear—$87 billion worth of requests. It is a double standard.

I yield the floor.

Mr. BURNS. The pending amendment No. 1734, offered by the Senator from South Dakota, increases discretionary spending in excess of the 302(b) allocation to the Subcommittee on Interior of the Appropriations Committee. Therefore, I raise a point of order against the amendment pursuant to section 302 of the Budget Act.

Mr. DASCHLE. I move to waive the relevant portions of the balanced budget amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. 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 legislative clerk called the roll.

Mr. REID. 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), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 45, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—49

| | | |
|---|---|---|
| Akaka | Dayton | Lincoln |
| Baucus | Dodd | McCain |
| Bayh | Dorgan | Murkowski |
| Biden | Durbin | Murray |
| Bingaman | Feingold | Nelson (FL) |
| Boxer | Feinstein | Nelson (NE) |
| Breaux | Harkin | Pryor |
| Byrd | Hollings | Reed |
| Campbell | Inouye | Reid |
| Cantwell | Jeffords | Rockefeller |
| Carper | Johnson | Sarbanes |
| Clinton | Kennedy | Schumer |
| Coleman | Kohl | Stabenow |
| Collins | Landrieu | Stevens |
| Conrad | Lautenberg | Wyden |
| Corzine | Leahy | |
| Daschle | Levin | |

NAYS—45

| | | |
|---|---|---|
| Alexander | Cochran | Frist |
| Allard | Cornyn | Graham (SC) |
| Allen | Craig | Grassley |
| Bennett | Crapo | Gregg |
| Bond | DeWine | Hagel |
| Brownback | Dole | Hatch |
| Bunning | Domenici | Hutchison |
| Burns | Ensign | Inhofe |
| Chafee | Enzi | Kyl |
| Chambliss | Fitzgerald | Lott |
| Lugar | Sessions | Sununu |
| McConnell | Shelby | Talent |
| Nickles | Smith | Thomas |
| Roberts | Snowe | Voinovich |
| Santorum | Specter | Warner |

NOT VOTING—6

| | | |
|---|---|---|
| Edwards | Kerry | Mikulski |
| Graham (FL) | Lieberman | Miller |

The PRESIDING OFFICER. On this vote, the yeas are 49 and the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

## ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session and immediately vote on the confirmation of Executive Calendar No. 357, the nomination of Kim R. Gibson to be U.S. District Judge for the Western District of Pennsylvania, with no intervening action or debate; further, that there be 2 minutes equally divided in the usual form prior to the vote; further, that following the vote, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, the Senate then return to legislative session, and Senator KENNEDY be recognized for up to 10 minutes in morning business, to be followed by Senator FEINGOLD for up to 8 minutes, to be followed by the majority leader, or his designee, for up to 10 minutes, and the Senate then stand in recess under the previous order.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, the two managers of the bill are contemplating, at 2:15, when we come back, the Senator from California taking up her amendment. She has requested 20 minutes. Then it is my understanding the managers of the bill, in conjunction with the leaders, are going to try to set a series of votes after the debate on the Boxer amendment is completed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. I thank the Chair.

## EXECUTIVE SESSION

### NOMINATION OF KIM R. GIBSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The Senate will proceed to executive session, and the clerk will report the nomination.

The legislative clerk read the nomination of Kim R. Gibson, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield my time to the Senator from Pennsylvania, Mr. SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania, Mr. SPECTER, is recognized.

Mr. SPECTER. Mr. President, I am sure my colleagues want to hear about the outstanding qualifications of this judicial nominee so they will be prepared to vote yea or nay.

The Senate is about to vote on the nomination of Common Pleas Judge Kim Gibson for the U.S. District Court for the Western District of Pennsylvania. Judge Gibson now serves on the State court, where he has been a distinguished jurist since 1998. He has gone through the bipartisan, nonpartisan nominating panel that Senator SANTORUM and I have set up. He is a graduate of the U.S. Military Academy in 1974. He has a law degree from Dickinson Law School, magna cum laude, 1975. He served with the defenders office helping the indigent. He has had a distinguished practice and now is on the Common Pleas bench in Somerset County, PA. He is well grounded academically, well grounded professionally, and I recommend to my colleagues that he will make an outstanding Federal judge.

I now yield to Senator SANTORUM.

Mr. SANTORUM. Mr. President, I associate myself with the remarks of the senior Senator from Pennsylvania. I thank my colleagues for allowing the vote to go forward on this very distinguished individual.

Mr. LEAHY. Mr. President, today we vote to confirm another district court nominee, to the Western District of Pennsylvania. This nominee, Mr. Kim Gibson, is currently a judge on the Court of Common Pleas in Somerset County, in Western Pennsylvania. Judge Gibson is a graduate of West Point Military Academy and graduated second in his class from Dickinson School of Law in Carlisle, PA. Over the course of his career he has served in the Army's Judge Advocate General Corps and the public defender service. Not surprisingly, the ABA gave this nominee its highest rating—unanimous ''well qualified.''

With today's confirmation, the Senate has now confirmed 154 judicial nominees for this President. As I noted this week, the current pace of confirmation stands in stark contrast to what occurred with judicial nominees during the Clinton administration. It was not until well into the fourth year of President Clinton's second term when Republicans controlled the Senate, before this many judicial nominees were confirmed. It took President Reagan, during his first term, almost to the end of his fourth year to get this many judicial nominees confirmed, and that was with a Senate that was controlled by the same party. It also took President George H.W. Bush well into his fourth year to get this many of his judicial nominees confirmed.

In contrast, today, with the shifts in Senate control, it has effectively taken

a little more than 2 years of rapid Senate action to confirm 154 judicial nominees for this President, including 100 during Democratic control. This year alone the Senate has confirmed 54 judicial nominees, including 11 circuit court nominees in 2003. That is more confirmations in just nine months than Republicans allowed for President Clinton in 1996, 1995, 1999, or 2000. Overall, we have confirmed 28 circuit court nominees of President Bush since July of 2001, which is more than were confirmed at this time in the third year of President Reagan's first term President George H.W. Bush's term, or either of President Clinton's terms.

The Senate has held hearings for 13 Pennsylvania nominees of President Bush's to the Federal courts in Pennsylvania. While I was chairman, the Senate held hearings for and confirmed 10 nominees to the district courts in Pennsylvania, plus Judge D. Brooks Smith to the Third Circuit Court of Appeals.

A look at the Federal judiciary in Pennsylvania indicates that President Bush's nominees have been treated far better than President Clinton's. Today, there is no State in the union that has had more Federal judicial nominees confirmed by this Senate than Pennsylvania.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House, particularly regarding nominees in the western half of the State.

Just a few months ago, on May 16, 2003, Jon Delano wrote in the Pittsburgh Business Times, an article titled ''Despite Bush Protests, Court Vacancies are Down,'' about how this President's nominees in the western part of Pennsylvania have been treated more fairly than President Clinton's nominees. He wrote:

> Take the Western District of Pennsylvania, for example. During the years of the Santorum filibuster, that court of 10 judges had as many as five vacancies. Today, the Senate has confirmed four Bush appointees—Judges Joy Contie, David Cercone, Terry McVerry, and Art Schwab—and the fifth nomination, attorney Tom Hardiman, has just been sent to the Senate.
>
> With the elevation and confirmation of Judge Brooks Smith to the U.S. Court of Appeals, the president still needs to name one more judge to the local court, but once completed, Mr. Bush, with less than three years in office, will have named—and the Senate will have confirmed—six of the 10 judges on the local federal court. That hardly sounds like obstructionism.

Despite the best efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State, there were nine nominees by President Clinton to Pennsylvania vacancies who never got a vote: Patrick Toole, John Bingler, Robert Freedberg, Lynett Norton, Legrome Davis, David Fineman, Harry Litman, Stephen Lieberman, and Robert Cindrich to the Third Circuit. Despite how well-qualified these nominees were, many of their nominations sat pending before the Senate for more than a year without being considered.

The record of this nominee stands in contrast to the record of many of this President's judicial nominees, particularly for circuit positions. Judge Gibson received a unanimous ''well qualified'' rating from the American Bar Association and has enjoyed a tremendous career as both a litigator and a judge. Far too many of this President's judicial nominees have limited legal experience and no judicial experience but significant partisan experience. In fact, 23 of this President's judicial nominees have earned partial or majority ''not qualified'' ratings from the ABA. Another nominees to the same court, Tom Hardiman, has significantly less litigation experience, no judicial experience and was give a partial ''not qualified'' rating by the ABA. It is also interesting to note that their local bar association, the Allegheny County Bar Association, gave the two nominees very different peer-review ratings. Judge Gibson received a rating of ''highly recommended'' for the district court position. Mr. Hardiman, however, received a rating of ''not recommended'' by the same local bar association.

Certainly, the citizens of Western Pennsylvania deserve a well qualified judiciary to hear their important legal claims in Federal court. I am pleased to lend my support to Judge Gibson's nomination. He will be the 13th judicial nominee of this President confirmed to the State of Pennsylvania and the fifth judge confirmed to the Western District of Pennsylvania. I congratulate Judge Gibson and his family.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kim R. Gibson, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. 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), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 357 Ex.]

YEAS—94

| | | |
|---|---|---|
| Akaka | DeWine | Lott |
| Alexander | Dodd | Lugar |
| Allard | Dole | McCain |
| Allen | Domenici | McConnell |
| Baucus | Dorgan | Murkowski |
| Bayh | Durbin | Murray |
| Bennett | Ensign | Nelson (FL) |
| Biden | Enzi | Nelson (NE) |
| Bingaman | Feingold | Nickles |
| Bond | Feinstein | Pryor |
| Boxer | Fitzgerald | Reed |
| Breaux | Frist | Reid |
| Brownback | Graham (SC) | Roberts |
| Bunning | Grassley | Rockefeller |
| Burns | Gregg | Santorum |
| Byrd | Hagel | Sarbanes |
| Campbell | Harkin | Schumer |
| Cantwell | Hatch | Sessions |
| Carper | Hollings | Shelby |
| Chafee | Hutchison | Smith |
| Chambliss | Inhofe | Snowe |
| Clinton | Inouye | Specter |
| Cochran | Jeffords | Stabenow |
| Coleman | Johnson | Stevens |
| Collins | Kennedy | Sununu |
| Conrad | Kohl | Talent |
| Cornyn | Kyl | Thomas |
| Corzine | Landrieu | Voinovich |
| Craig | Lautenberg | Warner |
| Crapo | Leahy | Wyden |
| Daschle | Levin | |
| Dayton | Lincoln | |

NOT VOTING—6

| | | |
|---|---|---|
| Edwards | Kerry | Mikulski |
| Graham (FL) | Lieberman | Miller |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table and the President shall be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## UNANIMOUS-CONSENT REQUEST

Mr. REID. Mr. President, Senator KENNEDY is to be recognized for 10 minutes. His remarks will take longer than that. I ask unanimous consent that he be recognized for an additional five minutes and the majority have five minutes in addition to whatever time the majority leader has under his control.

The PRESIDING OFFICER. In my capacity as a Senator, I will object at this time.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 8½ minutes of my 10 minutes.

## FAILED POLICY IN IRAQ

Mr. KENNEDY. Mr. President, I heard many of my colleagues today discussing my remarks on this administration's go-it-alone policy in Iraq. This administration and my colleagues across the aisle are trying to deflect attention away from the administration's failed policy in Iraq. For the sake of our troops, it is time for this administration to speak honestly about its failures in Iraq. Many Americans share my views, and I regret that the President considers them uncivil and not in the national interest. The

real action that was not in the American interest was the decision to go to war unilaterally without the support of our allies and without a plan to win the peace.

There is no question that the White House sees political advantage in the war. You can see it in Karl Rove's speeches to Republican strategists. Just this morning, the New York Times reports that ''the White House goal is to show substantial improvement in Iraq before next fall's reelection campaign.'' You can see it in the way they attack the patriotism of those who question them.

There are valid questions and deep concerns about the administration's rush to war in Iraq—in its rationale, whether there is a plan for winning the peace, how the money is being spent, and when our troops can come home with honor. Our troops, their families, and the American people deserve answers—not more politics as usual.

The administration has no plan for Iraq, and it shows. American service men and women are paying with their lives. The President's trip to the United Nations this week is now the most important journey of his administration but it didn't have to be this way.

The situation in Iraq is out of control, and American troops are paying the price every day with their lives. We have now lost more troops since the President declared an end to major combat than during the war itself. The administration says it has an international coalition, but it is paper-thin. America has 85 percent of all the coalition troops on the ground, and we are taking 85 percent of the casualties. This administration is muddling through day-by-day, while the lives of our soldiers are at risk and their families worry here at home. The administration has been unwilling so far to make the compromises needed at the United Nations to obtain the support our troops need to ease their burden and bring stability and peace to Iraq. The American people want to know from President Bush, when can their sons and daughters, their husbands and wives, their fathers and mothers, return from Iraq with dignity, having fulfilled their mission?

The White House may be saying things are going well and we should stay the course. But the American people know that major changes in policy are essential. We need a plan from the administration—a real plan—before we write an $87 billion blank check to pay for this administration's hollow policy in Iraq. Terrorist are sabotaging the reconstruction efforts, lashing out in every way they can. U.S. casualties continue to rise. The headquarters of the United Nations was devastated by a truck bomb that specifically targeted and killed the U.N.'s highly respected chief representative in Baghdad. Nothing is sacred. A key Shiite cleric was assassinated in the bombing of a mosque. Even the Jordanian Embassy in Baghdad was bombed, in an ominous message to other Middle East nations that cooperate with the U.S. Terrorists are said to be streaming into Iraq to take advantage of the new breeding ground that our failed policy has given them.

President Bush has asked Congress to provide $87 billion more in the coming year to set it right in Iraq, but it is essentially a blank check. He says he will internationalize the conflict, but he doesn't want to share power on the ground. The administration had a brilliant plan to fight the war, but no plan to win the peace. It had a brilliant plan to overthrow a government, but no plan to deliver on the promise of democracy. The American people are confused about why we fought this war, and what our strategy is for winning the peace.

Last fall, the President said that Iraq was developing nuclear weapons. The, he said Iraq has an active weapons of mass destruction program. This spring, the administration claimed that Iraq was linked to al-Qaida. None of these are true. No one doubts that Saddam Hussein was an evil dictator, but what was the imminent threat to our national security? The administration's rationale was built on a quicksand of false assumptions. In terms of how we will win the peace, the administration also seems confused. The Secretary of State has argued that additional time is needed to establish a new government in Iraq. A few weeks ago, he said, ''it will be some time before any new government could take over the responsibilities inherent in being in charge of security.'' But Secretary Rumsfeld, in an effort to assure that we are not getting bogged down, says that things are ''moving at a very rapid pace in Iraq.''

Which is it?

These and other facts lead the American people to question whether the administration has an effective plan to share the security burden with the international community, reduce the burden on our troops, and deliver on the promise of democracy. The American people deserve answers.

How will the administration obtain a broader international mandate—through the United Nations—to bring in other countries' troops and provide a greater role for the United Nations in the political development and reconstruction of Iraq? How many additional troops are needed to prevent the sabotage undermining the reconstruction? What nations will supply troops? What is the estimate of the duration of the U.S. military occupation and the likely levels of U.S. and foreign troops required for security? What is the estimate of the total cost of security and reconstruction, including the likely amount of international contributions?

What is the schedule for restoring electricity, water, and other basic services to the Iraqi people? What is the long-term schedule for the withdrawal of foreign and American armed forces?

The administration must answer these questions and provide a credible long-term plan for Iraq. We can't afford to continue our failed strategy of making it up day-by-day as we go along, when our soldiers are paying for it with their lives. We all hope the window to peace will stay open. If it closes, history will have no mercy—it will say this is how we went to war against Iraq, for the wrong reason, and lost the war on terrorism. That is the precipice we not stand on. The administration needs to show the American people and the world a plausible plan to correct this colossal failure in our policy.

In addressing the United Nations, the President should have taken responsibility for his administration's mistakes in going to war without the broad support of the international community. We need to involve the United Nations in a meaningful way in the transition in Iraq. Our policy cannot be all take and no give. The President should work with the United Nations as long as it takes to get an agreement to help our troops and bring stability to Iraq. Our troops are doing their jobs in Baghdad; now President Bush must do his in New York.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Wisconsin.

## HELPING DOMESTIC MANUFACTURERS

Mr. FEINGOLD. Mr. President, I rise today to offer some comments on one of the most serious problems we face in this Nation—the severe erosion of our manufacturing base.

This crisis has been well documented, and the statistics are dismaying. According to the Economic Policy Institute, between January 1998 and August 2003, manufacturing employment dropped by three million, and manufacturing's share of total gross domestic product fell from 16.3 percent in 1998 to 13.9 percent in 2002. In my own State of Wisconsin, 77,000 manufacturing jobs have been lost just in the last 2½ years.

Of course, as shocking as those numbers are, they do not begin to convey the depth of the personal tragedies behind them. Millions of families have had their breadwinner thrown out of work, and entire communities have been ravaged. When the factory shuts down, everybody in town feels the impact. Across my home State of Wisconsin communities are trying to cope with this crisis on a daily basis. There are, no doubt, a number of reasons for this sudden loss of manufacturing jobs, but at the absolute center has been our appalling trade policy. The trade agreements into which we have entered have failed to protect our businesses and workers against unfair competition from overseas competitors. This failed trade policy was the result of an unholy alliance of leaders of both the Democratic and Republican parties over the past decade and more. I opposed those trade agreements, and

until this country's trade policy is changed we will see more and more jobs shipped overseas.

We have seen this most clearly in the manufacturing jobs lost to China, but the problem is broader than just China. People have turned a blind eye to the impact of these trade agreements for too long. It is time for reality to set in here in Congress: These trade agreements have failed the American people. They have taken Americans' livelihoods and shipped them overseas. People in my State are left wondering who these trade agreements were for, if they weren't for America's workers? These men and women are the heart and soul of the economy in Wisconsin, and these agreements have taken their jobs out from under them.

The tool and die industry is one of the hardest-hit parts of the manufacturing sector in my State. In the town of Kewaskum, it was reported that the county board has taken the extraordinary step of making a loan to a local tool and die company to help it stay afloat in the face of competition with China. That is not typical for a county board, but it just goes to show how hard communities across Wisconsin, and across the country, are fighting to keep manufacturing businesses alive. These businesses are the lifeblood of our communities, and we turn our back on them every time we say yes to another one of these kinds of trade agreements.

Mr. President, no single policy can adequately address this problem. If we are to stop this hemorrhaging of manufacturing jobs it will take a concerted effort on several fronts, and over the next few weeks I will come to the floor to discuss some of the steps I think we ought to take.

Today I want to very briefly discuss one, and that is tax policy. A number of my colleagues have advocated changing our Tax Code to help beleaguered domestic manufacturers. In the other body, Representatives CRANE and RANGEL have proposed legislation to help domestic manufacturers by providing them with a tax incentive to keep production here at home, and to encourage those runaway plants that left our shore to return. In our body, Senator HOLLINGS has introduced the Senate companion to that proposal, S. 970, the Jobs Protection Act, and I am proud to be a cosponsor of that measure.

Under this bill, the new tax incentive for domestic manufacturers is offset by repealing the extraterritorial income provisions of the Tax Code. This offset means that the bill is paid for, and won't increase our already exploding budget deficit. I think that feature is essential to any measure we propose to spur economic growth for, as we know, budget deficits undermine long-term economic growth.

The repeal of the extraterritorial income provision deserves at least a brief comment. The foreign sales corporation tax benefit, and it successor, the extraterritorial income, ETI, tax subsidy, were challenged by the European Union before the World Trade Organization as illegal export subsidies, and the WTO ruled in favor of the EU.

I opposed the ETI provisions when they were before the Senate in the fall of 2000 in part because, as I noted at the time, I fully expected the WTO to rule against them, which would subject American firms and workers to a possible multibillion dollar tax on American products purchased in the EU.

I regret to say that we now face that very problem. If we fail to repeal the ETI provisions enacted in November of 2000, American firms and workers will bear the brunt of billions of dollars in trade sanctions.

This situation is a testament to the failed trade policy that has, in great part, led to the crisis we are seeking in American manufacturing. Our tax policy is being held hostage to the rulings of an international bureaucracy, making decisions largely in secret.

As I noted 3 years ago, while the ETI tax subsidy may be bad tax policy, it is our tax policy—a policy arrived at through the elected Representatives of the people of this Nation. The ability of some international bureaucracy to impose punitive taxes or tariffs on American goods should offend all of us. Unfortunately, that is what we face because of the action Congress took in 1994 to ratify the GATT. And unless we eliminate the ETI export tax subsidy, American firms and American workers are at risk.

Faced with that situation, the best possible choice is to take this opportunity to repeal the ETI tax subsidy and use the additional revenue raised by that repeal to help our domestic manufacturers, many of whom are directly impacted by the WTO's ruling against the ETI tax subsidy.

As I noted earlier, I have cosponsored legislation offered by Senator HOLLINGS, and I was pleased to do so, but that bill certainly is not the only possible model, and I am willing to consider supporting other approaches so long as they are focused on domestic operations and are also fiscally responsible. I understand the chairman and ranking member of the Finance Committee are developing a measure that may fit the bill. I commend them for doing so, and look forward to reviewing their proposal. Our manufacturers are facing a crisis that is in great part the result of the policies promoted by our Government over the past several years. It is essential that we reform those policies to stop more jobs from being shipped overseas. But we must also take other steps to help American workers, and this sensible change to our Tax Code should be one of them.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alabama, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

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.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

Mrs. BOXER. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1753

Mrs. BOXER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1753.

Mrs. BOXER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike section 333 relating to a special judicial appeals process for cases involving timber harvesting in the Tongass National Forest)

Strike section 333.

Mrs. BOXER. Mr. President, the amendment I offer today is to strike section 333 from the Interior appropriations bill. Essentially, section 333 is an anti-environmental rider which would impose a 30-day statute of limitations for the public to seek judicial review of certain Forest Service timber sales in the Tongass National Forest in Alaska. In other words, it is putting on very tough time constraints for the public to follow if they have a problem with timber sales in the Tongass.

I want to show you a little bit of what the Tongass Forest looks like. I was very fortunate to spend a week in Alaska looking at this magnificent park. I think I may well have been right in this area depicted in the photo. You can see how magnificent these pictures are and why this rider could be so

damaging. If there was, say, some movement by the Forest Service to cut down trees and put roads in here, we want the public to have a chance to make their case to a court as to why this is not the right thing to do. So that is one photo. I will show you some other photos.

This photo represents the area we are talking about. As I said, I had the joy of being in Alaska to actually see this with my own eyes. It is so magnificent there. When I was there, of course, daylight lasted until about midnight. You can see this beautiful land.

I will show you one more beautiful photograph. Again, what we are talking about is an anti-environmental rider which would take away the public's right to go to court if they believed some of these lands were going to be destroyed. The other thing the amendment does is it interferes with the ability of the Federal district court to manage its docket because that section also puts a deadline on the court. So it not only puts a deadline on the people in terms of their inability to study timber sales, it says to a judge who may have a very busy docket that he or she has to act on this case in 180 days.

The Tongass National Forest is the last remaining old-growth temperate rain forest in the world, spanning nearly 70 acres. You have seen it here with some of these beautiful photographs. It is the crown jewel of America's natural forests, and conservation is very much in the interest of all Americans because it is our land and we are the stewards of that land.

When I was up there, I saw glaciers, mountains, growths of hemlock and cedar that grow to be over 200 feet tall. The trees can live as long as a thousand years. I am not a person large in stature anyway, but when you see some of this beauty and realize how comparatively weak we are to the forces of nature, it seems to me when we have a magnificent national forest such as this, at the minimum you don't change the rules just for this one forest. It does not seem right.

The species that thrive in this forest include the brown bear—I saw some of those—bald eagles—and I saw some of them. I did not see gray wolves and wolverines, but I am told they are there. And there are lots of salmon.

We have this temperate rain forest. It is really a jewel. We want to make sure that, at the minimum, there is a check and balance in the courts if somebody feels or a group feels or a resident feels they are not being protected enough.

We are not telling the court they cannot make a decision that favors cutting down trees or building roads. We are just saying don't contract the time. It does not seem right.

I am going to read parts of letters I have seen. This is one from a couple who is very upset about this anti-environmental rider. They are owners of the Clover Bay Lodge, a fishing lodge on Prince of Wales Island in the Tongass. They write:

> We recently received a bad decision from the U.S. Forest Service that will probably mean the end of our very successful fishing lodge business. The Forest Service had no interest in listening to us or others affected by their decisions or even using the correct data regarding our business.

Then they talk about other elected officials who tried to intercede. They said:

> We wrote letters, we had meetings for over 6 years with the Forest Service and came to the same conclusion time and time again: The U.S. Forest Service had the money and the power and the control to force any decision, good or bad, down the taxpayers' throats. So sometimes the courts are the only place left and the people should not be constrained. Please stop this damaging rider, and do not accept any limitations on the American people's right to defend against the actions of the Federal Government.

This is really important because so many of my colleagues on the other side of the aisle talk about how big Government is bad and we shouldn't intrude in private property. Here we have a couple who owns a fishing lodge who wants to make a living doing that and says they have no other recourse but to go to court. They cannot make headway. With this rider, they will be constrained to get their whole act together in 30 days, and the court will have to act in 180 days. It seems to me not right.

I am going to read another paragraph from a letter written by a group of scientists who talk about the Tongass in this fashion:

> Alaska's national forests occur within the Pacific Coast's temperate rainforest ecosystem. Throughout the world, old-growth temperate rainforests are rapidly disappearing. Today, the Tongass National Forest represents the largest remaining tracts of old-growth temperate rainforest in the world.

We are talking about an incredible resource for our Nation.

They continue:

> Established in 1907 by President Theodore Roosevelt, the Tongass is the country's largest national forest. . . . Unlike most national forests, both the Tongass and Chugach still encompass many undisturbed watersheds with a full complement of all native species, including productive populations of bald eagles, wolves, brown bears, and five species of anadromous salmon. And we still have much to learn about the unique biodiversity and archeological resources of this forest.

The reason I took a moment to read this is because this is quite a group of people who signed on to this description of this land we are trying to protect: Craig Benkman, Ph.D., from New Mexico State University; Andrew Hansen, Ph.D, from the Department of Biology, Montana State University; Robert Jarvis, Ph.D., Oregon State University; David Klein, Ph.D., Institute of Arctic Biology in Alaska; Russell Lande, Ph.D., from the University of California, San Diego; William Lidicker, Ph.D., University of California, Berkeley; Dale Mccullough, Ph.D., University of California, Berkeley; Sterling Miller, Ph.D., Missoula, MT; Paul Paquet, Ph.D., University of Calgary in Calgary, Alberta; Roger Powell, Ph.D., from Raleigh, NC; John Ratti, Ph.D., University of Idaho; John Schoen, Ph.D., senior scientist at the National Audubon Society, Department of Biology and Wildlife, University of Alaska Fairbanks; Mark Shaffer, Ph.D., Defenders of Wildlife; Christopher Smith, Ph.D., Kansas State University; Richard Taber, Ph.D., University of Montana; and Mary Willson, affiliate professor, School of Fisheries and Ocean Science, University of Alaska Fairbanks.

The point I am making is, if this is, indeed, a national gift to us, why we would want to make special rules for 39 timber sales there really escapes me. It just does not seem right, and it does not seem fair, and it seems to go against bipartisan support for this magnificent place.

I have read parts of a letter from a fishing lodge owner and I have read parts of a letter from scientists who do not want to see this damaging rider. I have received another letter from a lodge operator in the same area, Larry McQuarrie, who owns Sportsman's Cove Lodge. I ask unanimous consent to print this letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPORTSMAN'S COVE LODGE,
*Ketchikan, AK, September 17, 2003.*

Hon. Senator BARBARA BOXER,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR BOXER: I am writing to describe what's at stake if Senator Stevens rider limiting the public's ability to fully defend their interests in timber sale decisions (Sec. 333 of S. 1391) are passed. If this rider passes, my business would be deprived of my rights to defend my commercial interests against actions of the Federal Government. Any limitation of my right to sue is unreasonable because it would curtail my ability to uphold major business interests and protect my business's economic well-being.

I am the owner of Sportsman's Cove Lodge, which is located in Saltery Cove—an area slated for logging. My business relies on the undeveloped nature of the surrounding area. I assure you that our clientele would be singularly unhappy at the sights and sounds of timber harvest dashing their expectations of wild and pristine Alaska. In most cases they would not return until the activity was over—if at all. While the lodge is filled to capacity every season, it is not because there are clients lined up, beating down our doors. It is because we have learned, like other businesses have, that marketing is the key to success.

As fishing lodges go, ours is a marketing challenge. We do not have the spectacular King Salmon fishing of the west coast resorts, nor do we have the nearby population centers and draw of the Kenai Peninsula and South Central Alaska. What we do have going for us is excellent service in a beautiful Inside Passage setting. Timber harvest activities, scarred landscapes, log dumps in our cove and in scenic McKenzie inlet, road blasting, helicopters buzzing overhead, and log trucks rumbling across our now pristine backlands would necessitate an increased marketing burden that indeed could very

well place our operation in jeopardy. If we lose the one thing that we can always market—the solitude and pristine nature of the surrounding—then we face business failure.

We have tried to work with the Forest Service to find logging plans that would allow the sale to proceed while not causing problems with our business. Yet the Forest Service has turned a deaf ear to my business concerns and those of other Saltery Cove residents.

In FY 2000, Sportsman's Cove Lodge grossed just under $1.9 million. Payroll for the year was $498,000, Capital investment in the lodge and its associated equipment (including a new $250,000 heated winter boat storage and boat hauling facility in Ketchikan) totals approximately $3.7 million. This family business has contributed approximately $1.0 million to the Ketchikan community annually for the past ten years. That contribution is expected to increase for many, many years to come. These are not estimates or projections. These are real numbers of an existing, ongoing, vibrant business that will be in operation far past the 3–4 year life of this project. Make no mistake, this business, the 30 seasonal and 8 full time employees, and the financial contributions it makes to the local economy will be seriously at risk if this sale proceeds as planned.

Forest Service timber sales plans show that logging the Saltery Cove area would generate only a total of 42 seasonable timber-related jobs divided up over a period of 5 years. This represents direct earnings of $1.99 million, again, not annually, but for the total of the 5-year project lifetime. Almost apologetically, the Forest Service says that this is justified to ''help maintain the capital investment [in existing mills and lodging operations] already in place in several communities.'' By contrast, the payroll for the lodge during the same 5-year period, assuming nothing happens to impact it, will be approximately $2.5 million, and it will not stop at the end of those 5 years.

Let me state that I am not opposed to the responsible harvest of timber in the Tongass, or anywhere else for that matter. I was born and raised in a community that was heavily dependent upon timber. I understand and appreciate all of the reasons for responsibly harvesting our great renewable forest resources.

In searching my own soul over these issues I have repeatedly asked myself the question, ''Are the lodge and logging mutually exclusive?'' Sadly, I have come to the conclusion that when the two are in close proximity, they are. I wish that it were not so, but that is the reality. Each one is the antithesis of the other, and no amount of mitigation will resolve the differences other than to physically distance the two. The lodge, is already established in Saltery Cove and cannot be relocated. Logging however is not established, does not make economic sense here, and can go somewhere else.

If this rider passes, then there is no due process for the lodge or for my neighbors, and my business and community will suffer major and unnecessary economic harm. Ordinary Alaskan businessmen should be allowed to sue to protect our business and economic interests. Please take actions to remove Sec. 333 from the Interior Appropriations bill.

Respectfully submitted,

LARRY G. MCQUARRIE,

*Owner, Sportsman's Cove Lodge.*

Mrs. BOXER. Mr. President, Mr. McQuarrie, who owns the Sportsman's Cove Lodge, says:

This family business has contributed approximately $1.0 million to the Ketchikan community annually for the past ten years . . .

If the rider passes, then there is no due process for the lodge or for my neighbors, and my business and community will suffer major and unnecessary economic harm.

Let's look at Chomley Sound again. That is where this lodge is located. We can see it is magnificent, but it is unprotected, and it is on Prince of Wales Island in the southern Tongass. We can see how unbelievable this forest is. This small businessman is saying he is going to suffer irreparable harm if he cannot protect this area. What sometimes gets lost is there are so many who seem to say the only way we are going to make money, to lift the economy, is to go after resources—cut down trees and drill for oil. Of course, we need to do that in areas where it makes sense, but I am here to say that when you go in to an area that is as magnificent as this forest, the whole economic potential revolves around tourism. I saw that when I was in Alaska. It was a pretty wonderful trip.

The bottom line is, if there were a lot of trees being cut down and noise being made, we would lose the wildlife and we would lose the tourism. That is why I oppose this rider that I think is completely unnecessary.

I do not have much else to say except I think it is a bad rider and interferes with the judiciary, which I don't think is our job to do. It says to the court: You must hear this in so many days. A lot of us know the courts are backed up. There are a lot of people waiting for justice, whether it is one business suing another or somebody has a problem. Now we are saying go to the head of the class. You get to go to the head of the line if you want to cut down trees or build a road in one of these areas or there is a question about any of these timber sales.

We encourage courts to move quickly, but it seems to me we don't want to force them to have to act on one particular case in a certain number of days. It doesn't seem fair to me, and I don't think this section solves any problem.

The last lawsuit challenging a Tongass timber sale was 4 years ago. It is not like this is a pressing problem. There are no pressing problems challenging or enjoining the timber sales in Tongass, and timber companies on the Tongass have a huge backlog of timber under contract to be cut. As a matter of fact, they have about 300 million board feet left to be cut. They only logged 34 million board feet last year. So it is hard to understand why we have to make this rule for a problem that doesn't seem to exist. Yet it would take away a fundamental right of judicial review for timber sales in Alaska.

Maybe there is some good reason this should be done. I have been trying to figure it out myself. Maybe they actually want to reopen these sales. I don't know what it is. But I can say I have looked up and down to figure out what is going on. We have people here who are very nervous. They don't want to see a series of attacks continue on the Tongass National Forest. We had an attack last year. I spoke out in opposition to it. And we have it again this year.

Once again, I hope we strike this rider from the bill and assure the public is given an opportunity to seek judicial review, and that the judicial system is not unjustly hindered. The beauty of our country is the checks and balances that we have. All of us learn that when we go to school, in the sixth grade, eighth grade, high school, college—the checks and balances between the executive branch, the legislative branch, and the courts. When Congress starts standing up and saying: Judge, you have to hear a particular case in 180 days and, people, you better get your act together, get your case together in 30 days, in my view, this is really interfering in the rights of the people we represent and interfering in the duties of the courts.

Once again, feast your eyes on this magnificent area. It was my joy to be there for 7 days. I will never forget that trip. The last thing I want to see happen is to weaken the protections we have afforded this temperate rain forest that is so magnificent.

It honestly takes your breath way.

I yield the floor.

Mr. BURNS. 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. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, while we are waiting for some other presenters, speakers on the amendments that are pending, I ask unanimous consent to speak in morning business for 5 minutes, and ask it appear in the morning business section of today's RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I wish to address the pending Boxer amendment. Is that still the pending business?

The PRESIDING OFFICER. It is the pending question.

Mr. STEVENS. Mr. President, this provision which Senator BOXER seeks to strike—which I call the expedited judicial review provision—has been misconstrued by the Senator from California. Let me give you first a little history of the Tongass Forest.

In 1917 this forest was established, 17 million acres. It is the largest national forest in the United States. It encompasses over 80 percent of all of southeastern Alaska, which is roughly the size of New England.

In 1947, the Tongass Act set aside an allowable sale quantity level of 1.38 billion board feet per year. Let me repeat that—1.38 billion board feet per year.

In 1959, as part of the Statehood Act, there was an allowable sale quantity level established at 1.3 billion board feet per year.

Congress continued to review the Tongass. In 1971, the Alaska Native Land Claims Settlement Act set what we called the ASQ—the allowable sale quantity—level at 950 million board feet.

In 1980, that was reduced to 250 million board feet. Under the law, we call it ANICA—the Alaska National Interest Conservation Act—from 1980 to 1987, the average volume of timber sold and harvested per year in the Tongass was 280 million board feet per year.

In 1990, the Tongass Timber Reform Act set the ASQ at 440 million board feet. That act also directed the Forest Service to provide a supply of timber to meet the market demand.

But in 1997, Congress further reduced the level to 260 million board feet. That was through the Tongass land management plan. We call it the TLMP process.

So today only 676,000 acres of the 17 million acres in the Tongass National Forest is currently available for timber or timber harvesting for the timber industry. That is from the largest national forest in the United States.

Due to litigation, only 34 million board feet in total was cut in 2002.

This forest once supported 4,000 timber jobs. Now the lumber jobs have been reduced by 50 percent. Some of them work for independent operators or outside of the national forest on Native land. But 99 percent of the jobs associated with the processing of timber, particularly the pulp industry, have been eliminated.

In 2001, the timber industry had about 2,000 workers—again, a lot of them not on Federal land—with an annual payroll of $108 million.

The Senator from California represents a State that also has national forests. In California, there is a healthy and robust timber industry. Over 259 million board feet of timber was harvested in 2002 on 10 million acres of California land. In 2001, the timber industry supported 110,000 jobs with $3.4 billion in annual payroll.

Despite the rhetoric of the Senator from California, my amendment does not cripple the public's due process at all. It seeks to deal with the lawsuits pertaining to timber sales in the Alaska region and the way they have been handled by those who oppose cutting timber in Alaska but support cutting timber in a national forest half the size of one of Alaska's forests, the Tongass Forest. Lawsuits pertaining to timber sales are filed in a way that delays the process through the administrative courts, then through the Federal courts. By the time they are through, they are not harvesting.

My amendment provides that suits be filed in Alaska District Court within 30 days after the administrative appeals have been exhausted, or 30 days after enactment of this act. It directs the District Court of Alaska to render a decision within 180 days of the date the lawsuit was filed. We are dealing with judicial process, not environmental process, not the rights of individuals, but abuse, primarily from lawyers from California who file these lawsuits in Alaska. If the court has not rendered its decision, the provision in this bill authorizes the Secretary of Agriculture to petition the court to proceed with the action.

The timber sales at issue are subject to an intense public review process. For each timber sale, a notice of intent to prepare an environmental impact statement is published. The environmental impact statement is prepared, which generally takes 2 to 3 years. Each one of them costs $1 to $3 million. The draft EIS is issued, at which time there is a public comment period. The final EIS is then issued which addresses the public comments and makes any necessary changes.

Again, the public is invited to comment on the final EIS. Once that extensive review process is completed, a record of decision is released which stipulates the conditions under which the timber sale may proceed. My amendment does not cover that part of this process at all. There is no limitation put upon the administrative side at all.

If the public has additional concerns, they have an opportunity to appeal the record of decision administratively to the Forest Service. Invariably that happens. An appeal is made to the Forest Service. After that appeal, there is what we call the record of decision. Of the last 36 records of decision, 32 were administratively appealed.

Despite the extensive environmental review, public participation, and administrative use, lawsuits are still filed. Of the 32 claims administratively appealed, 9 have been litigated. It takes an average of 2 years from the time the complaint is filed in district court until a final judgment is reached, and then it is usually by the Ninth Circuit Court of Appeals in California.

These lawsuits add enormously to the expense of the taxpayers. They have a devastating effect on the men and women involved in the timber industry in my State. This process can take between 4 and 7 years before a single tree is harvested under a contract that authorizes harvesting of the timber. My provision does not limit access to the judicial system, nor does it impair the rights of those seeking judicial review of records of decisions. It does not affect the environmental process. It does not affect the public's right to comment. There is no time line for filing appeals to the district court's decision. That would be the Ninth Circuit.

This provision merely ensures there will be timely consideration of this equal process that is fair to environmental groups, the Forest Service, and men and women of my State who rely upon the timber industry for their livelihood. We merely set a time line for the judicial review of records of decision that have been made after the administrative process has been completed. That normally takes 1 to 2 years. Each of these is then appealed to the courts, the district courts, but there is no requirement now that those appeals be filed on a timely basis. This requires that within 30 days after the decision, there has to be a decision whether they will appeal. If they appeal, the district court must render the decision within 180 days. After that, they have the right to consider the process and appeal to the Ninth Circuit Court of Appeals if they wish. As a practical matter, we have eliminated the basic area where delay has taken place.

Again, let me point out, what we are seeking to do is to require that this judicial review process be expedited. That is a fair way to handle this process which has been so abused by these lawyers. I am a California lawyer, incidentally. California lawyers in my day did not act the way these guys are acting; I can state that right now. This says if you take an appeal from the Forest Service—mind you, they are after public hearings on the EIS, they are after public hearings and comments, and after administrative appeals to the Forest Service; and then the time for the basic delay. After they fail to file appeals, delay, delay, and delay, and they get to the court and the court delays. This is relieving the delay in the courts and relieving the delay in filing the appeal from the administrative court.

I urge that the motion to strike of the Senator from California be eliminated. Today these lawyers have 6 years within which to file that complaint after it has gone through the process of two public hearings, administrative appeal. For the record of decision, they can wait up to 6 years to file for review of the record of decision. This is, as far as I am concerned, a defect in the administrative process for judicial review. That is all we are dealing with.

We do not affect environmental rights. We do not affect the right to appeal. All we say is, you have to do it within a timely period. The district court must act within a timely period so we can tell whether the contracts that have been issued and approved by the Forest Service can be carried out by those who seek to make a living off harvesting the small amount of timber still available from forests in my State.

I point out the inconsistency of the Senator from California in complaining about relieving this process, the delay in this judicial process, when in the State of California they harvest an enormous amount of timber from an area that is less than half the size of our national forests. Surely the people of the State of California would understand that if a decision is made, the

small amount of Alaska's timber area, 676,000 acres in the Tongass Forest, is available for harvesting, there has to be certainty in the review process so the economics of the timber industry will be sound.

I urge defeat of the motion to strike of the Senator from California and I move to table that amendment.

Mrs. MURRAY. Mr. President, I intend to speak on the Reid amendment and I would ask what the pending business is.

Mr. BURNS. The order of business now is the Boxer amendment. We have set aside some time for the Senator to speak on the outsourcing amendment.

The PRESIDING OFFICER. Is the Senator from Alaska making a motion?

Mr. STEVENS. I did inquire whether the Senator from Washington was seeking to speak on the Boxer amendment. I made a motion to table the Boxer amendment and ask unanimous consent that the time for the vote on my motion be determined by the leadership.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I yield the floor.

Mr. BURNS. If the Senator from Washington wants to speak on the Reid amendment, I ask unanimous consent that the present amendment be set aside and the Senator from Washington retain the floor.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT NO. 1731

Mrs. MURRAY. Mr. President, I rise today to speak in support of the amendment offered by Senator REID that temporarily bars the Department of the Interior from spending any more money on competitive sourcing studies.

The House has already inserted this language into its Interior spending bill, and I hope the Senate will do the same.

This amendment is critical so we can assure the people who visit our already overstressed national parks that they will not be subjected to even fewer services. ''Competitive sourcing'' is a new term that has been created to describe the opening up of public sector jobs to private sector competition. Now, we have all been told that competitive sourcing is not the same as outsourcing, but I think it is pretty safe to say it is not a whole lot different.

As all of us know, one of the primary goals of this current administration is to privatize large numbers of Federal workers. This administration, under its initial outsourcing policy, mandated that each Federal agency review for privatization no less than 15 percent of its commercial activities by the end of fiscal year 2003. Unfortunately, this onerous and apparently arbitrary privatization quota did not take into account the different agencies' unique conditions.

After a lot of pressure from Federal workers, environmentalists, and labor groups, the White House finally abandoned its original blanket competitive sourcing scheme. But now the initial plan has been replaced by a new plan that actually pushes for more outsourcing, not less.

Although there is no concrete timeline, this new incentive-based plan encourages Federal agencies to outsource 50 percent or more of their commercial activities. So while we in Congress are trying to slow down this outsourcing drive, the administration is now working to speed it up.

So what does that mean for an agency such as the National Park Service? I am very concerned that the President's outsourcing policy may well cause critically needed maintenance funds in our parks to be spent, instead, on further studies for competitive sourcing.

In my home State of Washington, we are very concerned about the reports that Mount Rainier National Park, for instance, could possibly have to divert up to 40 percent of its repair budget due to this outsourcing and antiterrorism requirements. So when they were faced with this possibility, the National Park Service director at Mount Rainier promised that at Mount Rainier no more outsourcing studies would be conducted using 2003 and 2004 dollars. This comes as a great relief to the users of Mount Rainier National Park and the surrounding communities, but now everyone is asking, What about Olympic National Park? What about Cascade National Park? Those are national treasures that are in my home State. And what about all the other national parks across the country that remain vulnerable to this proposal?

Outsourcing is by no means a new policy for the Department of Interior, especially in the National Park Service. The Park Service, in fact, currently outsources nearly $2 billion in services, including over $800 million in concessions and over $1 billion for contractors.

Those contractors currently provide functions such as janitorial services, tree work, garbage pickup, construction, and management consulting—things like that. So when the Department of Interior is now told to outsource up to 50 percent of its commercial responsibilities, we are very concerned that some of the National Park Service's key functions are going to be threatened.

The Park Service, as we all know, was initially created to preserve the natural and cultural resources of the Park System and to provide recreational opportunities for generations of Americans. The last thing we should be doing is lessening the agency's ability to do just that.

The amendment now before the Senate, that was offered by the Senator from Nevada, Mr. REID, will not completely stop all outsourcing efforts. It will simply slow them down. I believe that is the right thing to do.

So far, in the case of the Department of Interior, OMB's outsourcing initiative has been on the fast track. The Reid amendment will simply prevent funds from this year from being used to initiate any new studies for competitive sourcing. It will, however, still allow the studies initiated with money from the last 2 years to be completed. I think that is the right course to take.

Slowing down this outsourcing initiative will allow us in Congress to have the time to analyze the costs and implications of this administration's proposal—I believe something we should have done in the first place.

The National Park Service is truly a mission-driven organization. Its core responsibilities include promoting the highest level of environmental stewardship, and, in turn, providing the best possible service to each and every park visitor.

So far, as we all know, the Park Service has done a tremendous job of doing just that. Consistently, 97 percent of our national park visitors have indicated they are ''satisfied'' or ''very satisfied'' with their national park experience. A lot of this public regard is attributed to the high quality and high morale of our Park Service employees.

Historically, National Park Service workers have maintained an extremely high level of camaraderie and positive spirit. Often these wonderful employees of ours are called upon to perform multiple duties that fall outside any one particular job title. It is not uncommon, in our national parks, for a maintenance worker to give interpretive talks on the weekends, or a park geologist to perform first aid, when it is necessary, or for a visitor assistant to help in fighting forest fires.

This kind of overlap of job duties is possible because of the way in which Park Service employees are currently cross-trained and because of the workers' extraordinary commitment to their jobs. In my opinion, having these kinds of outcomes with 9-to-5 contract workers would be very unlikely.

All of the implications of the President's policy of outsourcing in the National Park Service are not yet known or understood by those who use the parks or by Members of Congress who are passing this legislation. I think Congress has yet to carefully consider the consequences of this policy, especially when it comes to the services we expect for our families when they visit our national parks.

I am on the floor of the Senate today to thank Senator REID for putting this amendment forward, and I urge the Members of the Senate to follow the House and slow down the President's outsourcing policy to protect the core mission of the National Park Service by voting for the Reid amendment, and then thoroughly taking the time to analyze and understand how this will impact our incredible heritage at our national parks before we move forward.

Mr. President, I yield the floor.

Mr. REID. Mr. President, last week I proposed an amendment to this bill

that would prevent the administration from privatizing parts of the Park Service, Forest Service, BLM, and related agencies.

I would like to submit for the RECORD some statements supporting my amendment. These are from the National Parks Conservation Association, the Wilderness Society, the National Trust for Historic Preservation, and the American Federation of Government Employees.

These organizations support my amendment because they share my belief that our National Parks and National Forests are public treasures that should be managed for posterity, not for profit.

Their letters cite many reasons why privatizing the operation of our National Parks and Forests would reduce the quality of maintenance and service.

As the letter from the Wilderness Society points out, the director of the National Parks Service wrote an internal memo warning that the administration's privatization policy could reduce visitor services, and cause layoffs of Parks Service workers.

These organizations realize that if we lose dedicated foresters, fire fighters, archaeologists and scientists, we will lose valuable knowledge about our precious public lands.

Protecting our National Parks and Forests is not just a job for these dedicated workers; it is a way of life. No job description can do justice to their dedication.

Just last month at Shenandoah National Park, a search team of four Park Service employees found a 10-year-old boy who was lost.

Today, the Park Service is reviewing their jobs, trying to determine whether they ought to be turned over to private contractors. Trying telling that little boy's parents that it isn't important to have workers who are familiar with our parks and forests.

These are some of the reasons that these organizations are opposed to privatization. There is another reason, which ought to concern every Member of this Senate. That is the unauthorized expenditure of public funds. It is our job as legislators to direct public funds to agencies and projects that will serve a public need. Congress has never authorized funds for outsourcing studies.

The Forest Service spent $10 million just last year on its outsourcing studies, 10 million that Congress had designated for preserving and protecting our national treasures. The Park Service has estimated that it could spend $3 million just to hire consultants. President Bush made a campaign promise to eliminate the $4.9 billion maintenance backlog that existed in the Park Service when he took office. That backlog is now estimated at $6.1 billion. Meanwhile, the Park Service has diverted funds from maintenance projects to conduct studies about outsourcing.

In the Pacific West region, several projects are being put off to pay for security measures and outsourcing, including: removing asbestos from old buildings in Yellowstone National Park, seismic safety rehabilitation for 18 buildings in Golden Gate National Recreation Area, and upgrading the sewage lagoon at Crater Lake National Park. These projects would protect our parks and visitors. That's why Congress set aside money for them.

Just because a private contractor knows how to run a business doesn't mean he knows how to take care of our public parks. A few years ago, one park needed five new courtesy docks on a lake. The lowest bidding contractor designed metal docks for an area where temperatures in the summer reach 115 to 120 degrees. Metal docks would have burned visitors, so the design had to be thrown out. That wasted $21,000, and only two docks could be built with the remaining funds.

In another incident, public workers used to handle their own garbage collection, at a cost of about $150,000 a year. Then they contracted it out. Six years later, the cost is about $500,000 a year. It is no wonder that environmentalists, park visitors, and public employees are so concerned about the effect this policy is having on our public resources. The Bureau of Land Management just wasted $60,000 to study 26 positions in two States. The BLM employees won their competitions.

In all, BLM will spend almost $2 million this year to show the administration that its employees are the most capable and efficient to do their jobs. The public servants at BLM don't need an expensive consultant to prove their commitment to preserving our public resources; they prove it every day. Congress doesn't need that, either. That is why we never voted for it

Ten million dollars in the Forest Service, $3 million in the Park Service, $12 million in BLM, and next year it will be more—unless we stop it.

Article I of the Constitution requires Congress, not the President, to authorize and appropriate funds. The administration is bypassing Congress to implement its own agenda and is using unauthorized funds to do it. We work hard to make sure we fund projects that are in the best interest of the taxpayers. The administration wants to take away that role. Mr. President, I hope my colleagues will join me in doing our duty as United States Senators.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL PARKS CONSERVATION ASSOCIATION,
*Washington, DC, September 17, 2003.*

DEAR SENATOR: On behalf of the more than 300,000 members of the National Parks Conservation Association (NPCA), we urge you to support the Reid amendment to the FY 2004 Interior Appropriations Act, which forestalls the Administration's effort that could privatize more than half of the National Park Service workforce.

The House passed a bipartisan provision sponsored by Interior appropriations chairman Charles Taylor (R–NC) that slows the initiative that is already harming one of the most beloved institutions of American government—the National Park Service. The Park Service, comprised of some of the most dedicated and underpaid public servants in our nation, is the guardian of our most precious natural and cultural treasures. Our collective American heritage should not be placed at risk by a politically driven, inside-the-beltway top-down strategy that places the guardianship of our parks in the hands of the lowest bidder without regard for the impact on the values embodied by our national parks.

Outsourcing is an appropriate tool when appropriately used. But that's not what the administration is doing. Although Clay Johnson III, OMB's deputy director for management, argued recently that the administration is interested in allowing contracting on work that is ''really, really commercial,'' such as food service, check processing, and other similar functions, the thousands of Park Service positions the administration has defined as commercial include archaeologists, biologists, museum curators, masons, and other workers who serve park visitors, educate school groups, and protect the parks for future generations.

A few points to consider: The Park Service is spending millions of dollars to fund, competitive sourcing efforts without authorization from the appropriations committee, and at the expense of the enormous pressing fiscal needs of the parks; No study has been undertaken about the extensive outsourcing that has already occurred in the National Park Service, to determine the cumulative impact of the administration's proposals. Privatization could adversely impact the diversity of the Park Service as well as the quality of local jobs available in many areas; Protection of our national parks is a way of life for the National Park Service, not just a job. The esprit-de-corps of the Park Service is something businesses try to emulate, not something that should be easily discarded or put at risk; The Reid amendment does not prevent the Department of the Interior from contracting out services or existing outsourcing studies. Interior agencies retain the ability to hire contractors to supplement the existing federal employee workforce.

A vote for the Reid amendment is a vote to protect our national parks, and we will consider using this significant vote in our biennial ''Friend of the National Parks'' scorecard for the 108th Congress.

Sincerely,

THOMAS C. KIERNAN,
*President.*

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THE WILDERNESS SOCIETY—SUPPORT THE REID AMENDMENT TO PROTECT JOBS IN THE NATIONAL PARK SERVICE

Senator Harry Reid (D–NV) has filed an amendment to the FY04 Interior Appropriations bill that provides protection for National Park Service employees' jobs. The language in the Park Service section of the bill reads . . .

''None of the funds in this act can be used to initiate any new competitive sourcing studies.''

This is the exact language that the House Subcommittee on Interior Appropriations added as a bipartisan provision earlier this summer. The provision protects the National Park Service (NPS) from losing some of its most skilled employees. The Office of Management and Budget has imposed an onerous quota on all agencies to review for privatization 15% of their ''commercial'' activities by the end of this year. This assault on dedicated park employees applies regardless of its impact on the agency.

The Park Service has the potential to lose irreplaceable institutional knowledge of dedicated park scientists, archeologists, architects, curators, engineers, fire fighters, and laborers . . . jobs considered to be ''commercial'' in nature.

The Reid amendment limits the use of funds for competitive sourcing studies to those already initiated in fiscal years 2002 and 2003. At this point the Park Service has already expended $2 to $3 million on privatization studies at the expense of funding daily operations within the parks!

An internal memo penned by NPS Director Mainella as reported in an April 19 Los Angeles Times article says this policy could reduce visitor services and cause unexpected layoffs, as well as undermine the agency's efforts to create a more ethnically diverse work force.

For further information contact: Sue Gunn, Director, National Park Program, (202) 429–2676.

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NATIONAL TRUST FOR HISTORIC PRESERVATION,
*Washington, DC, September 17, 2003.*

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

DEAR SENATOR FRIST: Congress chartered the National Trust for Historic Preservation more than 50 years ago to protect America's irreplaceable historic and cultural treasures including those that are part of the country's great inventory of federal lands. As a private nonprofit organization with more than a quarter million members, the National Trust is the leader of a vigorous preservation movement that is having the best of our past for the future. Because of our concern for the welfare of the nation's historic and cultural resources, we urge you to support Senator Reid's amendment to the Interior appropriations bill that would place a temporary hold on the large-scale privatization effort already underway at the Department of Interior and related agencies—especially within the National Park Service and the Forest Service. This privatization effort would outsource many of the professional and expert responsibilities now performed by federal employees.

The National Trust supports a similar bipartisan provision that is now part of the House version of the bill. It would withhold FY'04 funds from the rampant privatization program so that Congress can make a comprehensive assessment of outsourcing's effects on the important work performed by scientists, archeologists, architects, curators, engineers, fire fighters, and laborers. Before advancing headlong into this initiative, Congress would have an ''in-depth report'' on the results of pending privatization efforts including information related to ''specific schedules, plans, and cost estimates for implementing [the privatization initiative].'' The Department's FY'02 and FY'03 privatization work in progress would be unaffected by the provision.

The Interior Department and related agencies have been under intense pressure to privatize key programs because of an Office of Management and Budget (OMB) government-wide quota that requires all agencies to review 15 percent of their ''commercial'' activities for privatization by the close of this fiscal year. OMB is applying this quota regardless of the effect on the government's responsibility to all Americans who depend on efficient and reliable service. Last year Congress was so concerned about OMB proceeding too hastily that it included a reporting requirement in the FY'03 Omnibus Appropriations Bill. So far, however, OMB has not provided any research or analysis to justify the quota as it quickly progresses on outsourcing positions and imposes sanctions on agencies that fail to fulfill the quota. Those penalties are severe, ranging from arbitrary reductions in staff to punitive budget cuts.

The National Trust, like many Republican and Democratic lawmakers on Capitol Hill, is concerned by the scale, lack of methodology, and expense associated with this initiative, which comes at a time when federal budgets are declining and resources are thin. Congress and the public need more time to assess the process adequately, and fully understand the costs and implications of the decisions being made before outsourcing diverts governmental staff from high-priority assignments, consumes funding that is directed towards mission-essential requirements, and undermines efforts to ensure that the federal workforce reflects the American people in its diversity.

Services provided by the federal government should always include a mix of public and private sector resources where appropriate. Contractors can play a valuable role in an agency's mission to service the American public. OMB's privatization quota, however, is forcing the Interior Department and other agencies to privatize services without heed to the full effects on safeguarding the nation's historic and cultural treasures. The National Trust asks you to support Senator Reid's amendment to the Interior appropriations bill and take a more measured approach to outsourcing those federal responsibilities best performed by governmental staff.

Sincerely,

RICHARD MOE.

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AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL–CIO,
*Washington, DC, September 17, 2003.*

DEAR SENATOR: On behalf of the American federation of Government Employees, which represents more than 600,000 federal employees who serve the American people across the nation and around the world, I urge you to supoprt the Reid Amendment to the Interior Appropriations Bill that would temporarily suspend new privatization studies in the Department of Interior and related agencies. These privatization studies have been ordered by the Office of Management and Budget (OMB), regardless of need or impact on those agencies' services, in order to fulfill a wholly political privatization quota.

The Reid Amendment is identical to language that was earlier included in the House Interior Appropriations Bill by Chairman Charles Taylor (R–NC). The Taylor provision was inspired by the diversion of staff and resources to conduct costly privatization reviews instead of fulfilling agencies' missions, even if that meant not eliminating long-standing maintenance backlogs in the National Park Service or protecting Forest Service lands from the scourge of fire.

We appreciate the leadership of Senate Interior Appropriations Committee Chairman Conrad Burns (R–Mt) in defunding all new and ongoing privatization studies in the Forest Service without Congressional approval. However, the same problems caused by OMB's wholesale privatization effort in the Forest Service are adversely affecting all agencies funded under the Interior Appropriations Bill. Moreover, the Reid Amendment strikes a fair balance in that it allows ongoing privatization reviews to continue but suspends new ones until the Congress has a better understanding of OMB's extremely controversial wholesale privatization initiative.

That the recently revised OMB Circular A–76, which governs the rules for privatization, has been tilted dangerously in favor of contractors, is no longer subject to dispute. In fact, the House of Representatives, in bipartisan fashion, recently passed an amendment to the Transportation and Treasury Appropriations Bill that would completely defund the new A–76 and force OMB to craft a more fair and balanced process, one that exalts the interests of taxpayers and every American who depends on the federal government for important services, not contractors.

Among the many flaws, the new privatization process denies federal employees opportunities to submit their best bids in most competitions, fails to require contractors to at least promise appreciable savings before taking work from federal employees, and doesn't ensure that a subjective and unprecedented privatization process is first tested and evaluated in the limited context of information technology before it is used across-the-board on all services, as was required by Senate Armed Services Committee Chairman John Warner in this year's defense authorization bill, instead of using it across-the-board on all services, as would be allowed by the new A–76.

Despite OMB's professed determination to ensure competition, the new circular requires federal employees to be subject to public-private competitions to perform new work, to be recompeted in the event of failure to perform, and be automatically recompeted every five years except in isolated circumstances. In those same circumstances, no such competition or recompetition requirements apply to contractors. And although OMB is determined to review for outsourcing at least 416,000 federal employee jobs, no contractor jobs are scheduled to be reviewed for insourcing.

At the same time, the new circular appears to give the interests of taxpayers short shrift. The rewritten A–76 makes no changes of any significance with respect to the administration of contracts. Moreover, despite the imposition of the privatization quota, OMB provides already overwhelmed agencies with no new resources to conduct fair competitions and satisfactorily administer resulting contracts. In addition, the new A–76 does little to encourage the use of alternatives to A–76 that can generate superior savings—but without the significant costs and wrenching controversies associated with privatization reviews. And despite the documented disproportionately adverse impact on women and minorities who are part of the civil service, a particular problem in the National Parks Service, according to the Director, the new circular does nothing to ensure that the OMB privatizaiton initiative does not force federal agencies to turn the clock back on diversity and inclusiveness in the civil service.

Finally, we note that the new A–76 does not discourage contracting out from being undertaken in order to undercut the pay and benefits of those who work for the federal government. The Senate recently passed, without opposition, an amendment to the defense appropriations bill that would exclude health care costs from the cost comparison process if a contractor provides inferior health care benefits. The new A–76 fails to take that approach.

Again, AFGE, standing proudly with many different environmental groups, urges Senators to support the Reid Amendment to the Interior Appropriations Bill and prevent privatization from polluting the agencies that the American people have entrusted to safeguard our nation's most valuable natural treasurers. Please contact John Threlkeld in AFGE's Legislative Department at (202) 639–6413 if you have any questions about our position on this important matter.

Sincerely yours,

BETH MOTEN,

*Director, Legislation & Political Action Department.*

Mr. REID. Mr. President, before the Senator from Washington leaves the floor, I would like to say it was only recently that I had the opportunity to see some of the natural beauty of the State of Washington. I, of course, had been to Seattle a number of times—the airport, went into town, and left. But I had the opportunity, within the past couple of months, to see various parts of Washington.

I will never forget the drive from Pasco, WA, to Seattle over the great Cascades. Those mountains and trees, the forests are so much different than the forests of Nevada. We are very proud of the great treasures we have around Lake Tahoe and other forests we have in Nevada. But the Cascades are in a different class, with totally different kinds of trees, different forests.

That is what the Forest Service is all about, having these people, who sign on to the Forest Service for life, to be the guardians and protectors of these great national treasures such as those around Lake Tahoe and those beautiful Cascades that I drove through.

To think we are considering putting these great national treasures out for profit rather than posterity frightens me. I appreciate very much the Senator from Washington standing up for the great Cascades. I am sure there are other beautiful parks in the State of Washington that you have described here that are as beautiful as I can imagine. But I want the Senator from Washington to know—and everyone within the sound of my voice—I was so impressed driving through those Cascades.

I repeat, I hope—and I know there is going to be efforts made to second degree this amendment because the majority is afraid of an up-or-down vote because we will win an up-or-down vote because people of both parties do not want to put these national treasures up for bid. What they are going to do is offer some kind of an amendment saying: Well, we have studied them. Let's get a report. And we will go ahead and continue doing the studies around Lake Mead, around the areas the Senator from Washington pointed out.

The reason this is such a calculated effort to hurt our parks is that they are taking money, as I outlined earlier, that has been set aside by congressional votes to take away the asbestos we have in some of our park facilities, to do work on sewers, and a lot of other things. They are taking money from that and studying whether it is a good idea to privatize. That is wrong. If they were going to do it the right way, they would come before Congress and say: We want to study what is going on in our national parks. Appropriate money for us.

They are doing indirectly what they know they can't do directly.

I hope everyone understands that this second-degree amendment, which will be offered shortly, is only an effort to help those who want to defeat this amendment to, in effect, get well by saying: Well, we voted for a study and the President has to report on these studies.

I want everyone to know a vote for this second-degree amendment—it may be a side-by-side amendment—is a vote to allow the outsourcing, the privatizing of the workforce of our national parks.

Mrs. MURRAY. Will the Senator from Nevada yield for a question?

Mr. REID. I am happy to yield for a question.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mrs. MURRAY. Mr. President, if I heard the Senator from Nevada correctly, am I to understand there is going to be a second-degree amendment to his amendment that I just spoke about that will essentially allow the outsourcing to continue while we move forward in the appropriations process this year? If that is the case, I ask the Senator from Nevada, if you are a park employee in one of our beautiful parks—and you referenced the Cascades; we have Olympia National Park, Mt. Rainier. I invite all of our colleagues to come and see—if you were an employee and you knew Congress was going to continue to move forward with this proposal or some type of variation, would you not be worried that you would not continue to do the same good job that our employees do right now because really your future is up in the air and you would be looking for something else?

Mr. REID. Mr. President, I respond to my friend from Washington that this second-degree amendment, which I haven't seen but I have been told what is in it, would basically allow the outsourcing studies to go on. And they have no money to do that so they are robbing other programs to do it. So the answer to the Senator's question is, yes, they would continue doing the outsourcing studies, as they call them, in an effort to privatize the workforce in the national parks.

There is a handout that has been distributed. When you can't defeat a measure on its face, what you resort to is name-calling. Here is what they have written:

> Now is not the time to promote inefficiency. The Reid amendment would support the Federal employees union agenda to grow the size of the Federal workforce and avoid competition of any kind.

That is so mean spirited and so wrong. When you can't defeat an issue on its face, what you do is resort to name-calling. What they have done here is say, this is all a big ploy of the unions. I offered into the RECORD earlier today groups that support this amendment that is sponsored by the Senator from Washington and the Senator from Nevada. There wasn't a single union I put forward as favoring this. I am sure they do, but I haven't talked to them. But we have resorted to name-calling, saying this is bad because the unions like it. I am sure the unions do like it if, in fact, there are unions there. I don't really know. But this has nothing to do with unions.

It has everything to do with protecting a dedicated workforce and to not put these employees out to minimum wage. That is in effect what it is. I know what we will do as we do in all of these privatizing methods: We will come in with a low-ball figure. We can do it so much cheaper. And then as soon as the contract is entered, it balloons. I gave an example this morning. One of the parks was picking up garbage. It cost $150,000. They put it out for private bid. And now within 3 years time it is a half a million dollars for the same work Government employees were doing.

I appreciate very much the support of my friend from Washington. Again, I recognize her ability to support working men and women and not corporate America. I do know the Senator from Washington has done a great job of protecting the corporations in her State. But here is an issue that deals directly with working men and women. And, of course, the Senator from Washington has sided with the working men and women of our country.

AMENDMENT NO. 1754 TO AMENDMENT NO. 1731

(Purpose: To substitute a requirement for an annual report on competitive sourcing activities on lists required under the Federal Activities Inventory Reform Act of 1998 that are performed for the Department of the Interior by Federal Government sources)

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I call for the regular order with respect to amendment 1731. I have an amendment to send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Amendment 1731 is now pending.

The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself and Mr. THOMAS, proposes an amendment numbered 1754 to amendment No. 1731:

Strike lines 3 through 6, and insert the following:

SEC. ____. Not later than December 31 of each year, the Secretary of the Interior shall submit to Congress a report on the competitive sourcing activities on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) that were performed for the Department of the Interior during the previous fiscal year by Federal Government sources. The report shall include—

(1) the total number of competitions completed;

(2) the total number of competitions announced, together with a list of the activities covered by such competitions;

(3) the total number of full-time equivalent Federal employees studied under completed competitions;

(4) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(5) the incremental cost directly attributable to conducting the competitions identified under paragraphs (1) and (2), including

costs attributable to paying outside consultants and contractors;

(6) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(7) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions completed after May 29, 2003;

(8) the total projected number of full time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year covered by the next report required under this section; and

(9) a general description of how the competitive sourcing decisionmaking processes of the Department of the Interior are aligned with the strategic workforce plan of that department.

Mr. VOINOVICH. Mr. President, I rise to offer a second-degree amendment to the Reid amendment to the Interior appropriations bill. Before I speak to the specifics of the underlying Reid amendment, I will first describe my examination of the administration's competitive sourcing initiative which I have spent a great deal of time on.

Competitive sourcing is one of the five management initiatives included in the President's management agenda. As I said, I paid close attention to this initiative because it is closely related to the Federal Government's strategic human capital management. It is fair to say I have spent more time on this issue than anyone in the Senate during the last 5 years.

It is important to note that competitive sourcing is not privatization, nor is it outsourcing. It is public-private competition, a methodical process for evaluating the most efficient and cost-effective manner of providing a service that is commercial in nature and not inherently governmental.

I would like to make clear to my colleagues that the total Government workforce is about 1.609 million. And inherently governmental is about 751,000; commercial, about 858,000; and of the 858,000 that are commercial, only about 416,000 are available for competition. That is 26 percent of the Federal workforce. The Department of Interior positions being evaluated, which we are talking about today, under U.S. Fish and Wildlife Service, clerical support and appraisers; National Park Service, maintenance of vehicle, lawn, bathroom, and air conditioner, archeological support; Bureau of Reclamation, Job Corps Centers; Bureau of Land Management, maintenance of lawn, vehicle, bathroom, and air conditioner, geographic information services, and photography.

These are positions that are being evaluated. It doesn't necessarily mean they are going to be put out for competitive outsourcing. Contrary to what has been said on the floor of the Senate, I want to quote from the Government Executive, which talks about:

April 25, 2003.

Feds Win Job Competition at Park Service Agriculture Department.

Federal employees have won several small public-private job competitions in land management agencies, including a competition at the National Park Service Office that had run into opposition on Capitol Hill.

A team of 45 archaeologists at the Southeastern Archeological Center in Tallahassee, Florida, defeated private contractors earlier this month, according to Park Service officials. The in-house team re-organized itself into the ''most efficient organization,'' eliminating 17 seasonal jobs and trimming $850,000 in annual personnel costs, according to Donna Calvels, coordinator of the Park Service's competitive sourcing program.

''Not one permanent employee lost their job.''

Hear me?

''Not one permanent employee lost their job, and the competition will save $4.2 million over the next five years,'' Calvels said Thursday.

Federal workers have prevailed in other small competitions decided recently. In the Forest Service, civil servants won competitions at six Job Corps centers across the country, according to Thomas Mills, the agency's deputy director for business operations. The Forest Service operates 18 Job Corps centers as part of a job training program for young adults, which dates back to the New Deal programs of the 1930s. Employees at every center—940 workers in all—are now competing for their jobs.

So far, roughly 300 civil servants at Job Corps centers in Anaconda and Darby, Montana; Franklin, North Carolina; Estacada, Oregon, and Pine Knot and Mariba, Kentucky, have won their competitions. At each center, the Forest Service is using the ''streamlined'' competition method, which compares the cost of the in-house team with the going rate in the private sector. The agency received a waiver from the Office of Management and Budget that allows it to give incumbent workers a 10 percent cost advantage in the competitions, according to Mills. The cost advantage is prohibited under the revised OMB Circular A–76, issued in late May.

Federal workers have also fared well in several streamlined competitions held by the Agriculture Department's Natural Resources Conservation Service.

So the point is what we are talking about here is evaluating positions in various Federal agencies to determine whether those positions can be competitively bid and, in most of the cases, the in-house people win those competitions. In most cases, it is found after it is done that those people have been given an opportunity to get together and figure out how they can do a better job in order to save their job and compete with the private sector. That is what this is about. This is not like, well, if we don't pass this amendment, everything is going to be farmed out in the Interior Department.

Historically, Government employees at the Department of Defense, the agency with by far the most experience in conducting competitions, have won more than two-thirds of public-private competitions since 1997 and in the process have saved taxpayers billions of dollars. Furthermore, from 1997 to 2001, Federal employees won 98 percent of the streamlined competitions conducted at the Defense Department.

This demonstrates that Federal employees can compete and win. During the competition process, Federal employees form a most efficient organization—an MEO—to develop the most competitive bid possible. Through this process, employees make substantive changes to their organization in a collaborative process involving both managers and line employees.

What I like is that is quality management—going to the employees and asking them how they can do their job better than they are now doing it. The result is, regardless of who wins the competition, performance is improved and savings are realized. Isn't that what we want, better performance and savings? Ultimately, MEOs allow agencies to work harder and smarter and do more with less. The teamwork and collaboration that characterize most efficient organizations should be present at all Federal agencies, not just those that are undergoing competition.

The original goal of competitive sourcing was to compete a percentage of the Federal commercial functions with the private sector to cut costs and improve performance. This policy has merit. As a former mayor and Governor, I know from experience there are times when it is appropriate to compete government functions to obtain the best value for the taxpayers. At the same time, I know what motivated and well-trained public employees can accomplish.

The original sourcing goals of this administration—and I had real problems with it—were to compete 5 percent of commercial functions in the first year, an additional 10 percent in the second year, and eventually 50 percent of eligible commercial activities. I have been very concerned with these goals since they were announced. My chief concern was that the governmentwide goals for competitive sourcing had not been based on comprehensive analysis of the Federal workforce on an agency-by-agency basis. The amendment I offer today requires that be done and reported on.

In that regard, these goals reminded me of the workforce downsizing of the Clinton administration. The U.S. General Accounting Office has documented that little or no strategic workforce planning was conducted in Federal agencies before downsizing took place. It was a mindless downsizing, without looking at the jobs agencies had to perform. What this administration is trying to do right now is reshape their workforce to be able to do the job they have been asked to do.

Therefore, I have endeavored to learn more about the initiative. I attended a Governmental Affairs Committee oversight hearing on sourcing in March 2002 and criticized—that was Chairman Durbin—the manner in which the administration was pursuing this program. Over the last 2 years, I have pressed this point in meetings with various officials from the OMB and the White House, urging them to modify the goals of the program. To its credit, the Bush administration has agreed. Clay Johnson was in my office last week. He gets it.

At a Governmental Affairs subcommittee hearing I held on July 24, 2003, Angela Styles, who was, until recently, the administrator of Federal procurement policy, announced the administration would drop its governmentwide goals for competitive sourcing.

I was pleased to learn that each Federal agency will decide the way in which competitive sourcing will proceed. Furthermore, the administration will release a report later this month that will outline the manner in which they have conducted this initiative over the last 3 years.

The administration has demonstrated flexibility and a willingness to make significant modifications to this program. This is a significant step in the right direction and demonstrates that congressional oversight can yield positive results.

However, Congress is considering several amendments that undermine the administration's progress on competitive sourcing. The amendment offered by Senator REID would prohibit competitive sourcing studies and activities at the Department of the Interior. This is, in my opinion, misguided, for several reasons.

First and foremost, since the Eisenhower administration decreed that the public sector should not compete with the private sector, the decision of whether or not to initiate competitions and the rules governing these competitions has been the purview of the executive branch of Government. We are stepping on the prerogatives of the executive branch of Government. There is another way we can do that, and that is what our amendment does—in a way that I think is appropriate. This authority has been exercised in the past by both Democratic and Republican administrations.

Legislatively exempting the Department of the Interior from competitive sourcing circumvents longstanding executive branch prerogative. It is not surprising the administration would strenuously resist efforts to diminish this authority, which is why OMB has said it will recommend a veto of any bill that abolishes or weakens existing management prerogatives.

Second, this amendment is one of a variety of different restrictions on competitive sourcing that have been placed on 5 appropriations bills that, if enacted, would constitute an incoherent set of restrictions. I agree Congress needs additional information on the implementation of this initiative. However, any reporting requirements, which I support and will discuss in the context of my second-degree amendment with Senator THOMAS, should be uniform across the executive branch, not willy-nilly from one department to another department.

Third, I consider this issue the jurisdiction of the Governmental Affairs Committee. That committee has held hearings on this initiative under both Republican and Democratic leadership.

Any Senator seeking to make changes to this initiative should introduce a bill, have it referred to the Governmental Affairs Committee, and advance it through the normal committee process. It should not be addressed through a series of disjointed amendments to appropriations bills.

Fourth, as I noted a moment ago, the administration announced a major change to its sourcing initiative at my subcommittee July 24 hearing. It dropped its governmentwide goals and plans and will now do this on an agency-by-agency basis. It is reasonable for us to monitor how this change is implemented. Therefore, I strongly urge my colleagues to support the amendment being offered by Senator THOMAS and me.

Our amendment would require the Interior Department to provide Congress with detailed information on how it is implementing public-private competitions. This includes a description of how the Department's competitive sourcing decisionmaking process is aligned with the Department's strategic workforce plan. It also requires the Department to report the projected number of full-time equivalent employees covered by competitions scheduled to be announced in the next fiscal year.

If this amendment is adopted, it will not affect the Interior Department's consideration this year, but if they want to do them next year, in this report they are going to be required to say which ones next year they are going to be putting out for competition and why they are putting them out for competition. This is not some arbitrary type of activity as some people would like to characterize it.

Imposing rigorous reporting requirements is the right approach. It has been the prerogative of every administration since the 1950s to decide when to conduct public-private competitions and the manner in which these competitions would be conducted. Congress, in its oversight role, has a right and responsibility to know what the executive branch is doing. The amendment would require the Bush administration to provide exactly that information.

Mr. President, I ask unanimous consent that this report from Government Executive magazine be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Government Executive Magazine, Aug. 25, 2003]

FEDS WIN JOB COMPETITIONS AT PARK SERVICE, AGRICULTURE DEPARTMENT

(By Jason Peckenpaugh)

Federal employees have won several small public-private job competitions in land management agencies, including a competition at a National Park Service office that had run into opposition on Capitol Hill.

A team of 45 archaeologists at the Southeastern Archaeological Center in Tallahassee, Fla., defeated private contractors earlier this month, according to Park Service officials. The in-house team reorganized itself into a ''most efficient organization,'' eliminating 17 seasonal jobs and trimming $850,000 in annual personnel costs, according to Donna Kalvels, coordinator of the Park Service's competitive sourcing program.

''Not one permanent employee lost their job, and the competition will save $4.2 million over the next five years,'' Kalvels said Thursday.

Last month, the House voted overwhelmingly to cut off funds for job competitions at the Southeastern Center and at the Midwest Archaeological Center in Lincoln, Neb., where the competition still is ongoing. The funding freeze would not take effect until fiscal 2004, meaning it would not apply to competitions finished during this fiscal year.

But John Ehrenhard, director of the Southeastern Center, said the legislation is still needed to protect other Park Service archaeologists from the Bush administration's competitive sourcing push. ''Even though we won our competition, I'd like to see some [legislation] saying that no more money could be put toward . . . competitive sourcing,'' he said. ''It's just another layer of protection.''

Ehrenhard added that four employees left the center during the competition because they didn't want to risk losing their jobs. ''Most were in their late 20s and early 30s, and they were looking forward to having a career in the National Park Service, and they felt they were denied that,'' he said.

Federal workers have prevailed in other small competitions decided recently. In the Forest Service, civil servants won competitions at six job corps centers across the country, according to Thomas Mills, the agency's deputy director for business operations. The Forest Service operates 18 job corps centers as part of a job-training program for young adults, which dates back to the New Deal programs of the 1930s. Employees at every center—940 workers in all—are now competing for their jobs.

So far, roughly 300 civil servants at job corps centers in Anaconda and Darby, Mont.; Franklin, N.C., Estacada, Ore.; and Pine Knot and Mariba, Ky., have won their competitions. At each center, the Forest Service is using the ''streamlined'' competition method, which compares the cost of the in-house team with the going rate in the private sector. The agency received a waiver from the Office of Management and Budget that allows it to give incumbent workers a 10 percent cost advantage in the competitions, according to Mills. The cost advantage is prohibited under the revised OMB Circular A–76, issued in late May.

Federal workers have also fared well in several streamlined competitions held by the Agriculture Department's Natural Resource Conservation Service (NRCS). In Columbus, Ohio, NRCS workers won three competitions involving mail, clerical and soil-mapping work because procurement officials did not receive valid private sector offers, according to Michelle Lohstroh, state administrative officer with NRCS. Seven and one-half full-time equivalent positions (FTEs) were involved in these competitions.

In Annapolis, Md., four NRCS employees triumphed in a competition, according to Debra Hepburn, a contracting specialist with the agency. ''We have a pretty small office out here in Annapolis,'' she said.

Competitions involving a single NRCS employee in Auburn, Ala., and Lake City, Fla., respectively, also went to federal employees. In Lake City, officials put a vacant position up for competition, to minimize the possible impact on workers, according to Lynn Merrill, an NRCS contract specialist.

Meanwhile, in Michigan, four soil-mapping specialists edged out companies in a competition for their jobs, and in Oklahoma, 17

soil conservation technicians successfully defended their jobs, according to Luann Lillie, an NRCS contracting officer in Stillwater, Okla. And in California, in-house workers triumphed in competitions involving 12 and one-half FTEs, according to Ray Miller, a contract specialist in Davis, Calif.

The NRCS is competing roughly 800 soil conservation technician positions on a state-by-state basis, according to Patty Brown, competitive sourcing coordinator with the agency. These technicians help farmers and ranchers apply conservation techniques to their land, she said in an interview last month.

Mr. VOINOVICH. Mr. President, this report contradicts some of the arguments that have been made for the Reid amendment this afternoon.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I have a unanimous consent request to propound. I ask unanimous consent that prior to a series of stacked votes, which will begin at 4:45 p.m., there be 10 minutes of debate equally divided in relation to the Bingaman amendment No. 1740; further, that there be a total of 50 minutes equally divided in the usual form in relation to the Voinovich and Reid amendments on competitive sourcing.

I further ask unanimous consent that at the hour of 4:45 p.m., the Senate proceed to a vote in relation to the Bingaman amendment No. 1740, to be followed by a vote in relation to the Boxer amendment No. 1753, to be followed by a vote in relation to the Voinovich amendment which is to be modified to be a first-degree amendment, to be followed by a vote in relation to the Reid amendment No. 1731; provided, further, that no second-degree amendments be in order to the amendments prior to the vote, with 2 minutes equally divided prior to each vote.

Mr. REID. Mr. President, it is my understanding that the time consumed by the distinguished Senator from Ohio, Mr. VOINOVICH, will be counted toward the 25 minutes; is that right?

Mr. BURNS. Is that agreeable?

The PRESIDING OFFICER. The unanimous consent request is related to the next hour.

Mr. REID. The unanimous consent request has 50 minutes divided—actually 60 minutes. That time is equally divided. It is my understanding that the 50 minutes between Senator VOINOVICH and myself is to be equally divided. I simply ask that the time he already consumed should be counted against the 25 minutes. That is my statement in the form of a question.

The PRESIDING OFFICER. The Chair does not interpret the unanimous consent request that way. Would the Senator like to amend the unanimous consent request?

Mr. REID. I ask for that modification.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Reserving the right to object, we have some statements on our side we would like to give. That is why we wanted 25 minutes. If we take Senator VOINOVICH's time out of it—I am not sure how long he spoke—it will not give time for Senator THOMAS and me.

Mr. REID. I object.

The PRESIDING OFFICER (Mr. CHAFEE). Objection is heard.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, in my day-to-day life, I have worn many hats. In my life, I have been a small business owner, a mayor, a parent, and a consumer, just to name a few of the roles I have played over the years. I mention them because with each of them, whenever there was a job that had to be done, I always knew the best way to ensure I got the best deal on a project or product was to put it up for bid and place the job in competition. It is a simple philosophy, and it just makes sense to apply the same logic even to Government.

President Bush has said Government should be market based; we should not be afraid of competition, innovation, and choice. Why is the administration so enthusiastic about competitive sourcing? Because it saves money while holding quality standards high. In other words, we get the same quality at less cost. Who wouldn't like a deal like that?

We do not need to look far to find the results of competitive sourcing. The Department of Defense, NASA, and the Coast Guard have a fair amount of experience in the field. In fact, the Department of Defense reports that it will have saved $6 billion from 2000 to 2003 through A–76 reviews.

Another telling example cited by this study was OMB's decision to take a job usually given to the Government Printing Office and put it up for bid. The job was the printing of the 2004 Federal budget. When forced to compete, the Government Printing Office turned in a bid for the project that was 24 percent lower than the previous year.

I do not think there can be any doubt that competitive sourcing saves money. But it does more than that by allowing Government to more actively engage in contracts with the private sector. Government can increase its access to the skills, technologies, and innovations of the small business communities throughout the country.

This spring, I had an opportunity to visit the Mint in Philadelphia, and the employees there told me what a good job they were doing. I observed them doing a good job. They let me know they were doing that so their jobs would not be outsourced. It was a good attitude. They were doing quality work. They were improving. I saw an article in last week's USA Today that talked about the improvement at the Mint since the new director, a business person, was put in charge.

We have before us an amendment to slow the process and prohibit the continuation of funding for competitive sourcing in the Department of the Interior. Adopting this amendment would turn back the clock and head us in the wrong direction. At a time when budget deficits must be controlled, we should be taking full advantage of tried and true methods to cut spending and control costs, not trying to remove the option.

One concern that has been raised about competitive sourcing is that it might have a seriously negative impact on the Federal workforce. This is not true. Competitive sourcing is about increasing efficiency, not eliminating workers.

As Senator VOINOVICH said, it is about asking the employees how it can be done best. The person actually doing the job usually knows how and best. As a case in point, the Department of the Interior has reported that of more than 2,500 full-time employees whose jobs have been analyzed under A–76, none have been involuntarily dismissed from their jobs. Those who claim we are out to toss out the Federal workforce are missing the point about this program.

Simply stated, competitive sourcing is better for taxpayers and the Federal Government. It makes Federal dollars go further, and it forces Federal agencies to perform more like businesses where the highest level of efficiency is the only acceptable level, and it is working.

If we allow passage of the Reid amendment, we are in fact taking away the one tool a Federal agency has to ensure it is getting maximum efficiency and quality. As a member of the Small Business and Entrepreneurship Committee, I have a responsibility to oppose legislation that may harm our small business community. I cannot support the Reid amendment because it would have a negative impact on the small businesses of our Nation by refusing to allow them to compete. I have been holding some procurement conferences in Wyoming for small business so they could learn how to compete, how to combine if the job is too big for one small business. It has been working. It hasn't kicked Federal employees out of their jobs, but it has produced some lower prices and some employment for small businesspeople.

Studies have shown that when the private sector does win public/private competitions through Circular A–76, a small business, a woman-owned business, or a minority-owned business wins that competition 60 percent of the time. By cutting funding for competitive sourcing in the Department of the Interior, we would be blocking off one of the few entryways that small businesses have available to gain access to jobs in the Federal Government.

With more than 50 percent of the Federal workforce eligible for retirement within the next 5 years—let me repeat that—with more than 50 percent of the Federal workforce eligible for retirement within the next 5 years, it is essential to ensure we have the right people in the right positions.

Competitive sourcing creates an atmosphere in which the Government is not forced to deflect its valuable Federal employees to tasks that are not inherently governmental. It allows Federal agencies to more effectively manage their personnel.

That kind of management was clearly in evidence when a number of national parks on the eastern seaboard used temporary employees during the summer as lifeguards. Through competitive sourcing, the National Park Service contracted this work to private lifeguard companies. These companies then hired the Park Service's temporary employees, giving them full-time year-round jobs. The local communities benefited through the enhanced opportunities for local businesses and the former Park Service employees benefited by getting better pay and more work.

Circular A–76 is important because it represents a win-win situation for small businesses; also for the Government; also for the taxpayer; and for all those who need and perform the work.

We are all familiar with the old adage, if it isn't broke, don't fix it. Circular A–76 is working well and will only get better as we fine-tune the process. It is a process that isn't broke and it deserves to keep doing what it does best, saving the Government money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I will wait for the floor manager here.

Mr. BURNS. Mr. President, thanking my good friend from Wyoming for allowing me to interrupt here, I renew the unanimous consent request with regard to the votes.

I ask unanimous consent that prior to a series of stacked votes, which will begin at 4:45, there will be 10 minutes of debate equally divided in relation to the Bingaman amendment No. 1740; further, that there be a total of 50 minutes equally divided in the usual form in relation to the Voinovich and Reid amendments on competitive sourcing.

I further ask that at the hour of 4:45, the Senate proceed to a vote in relation to the Bingaman amendment No. 1740, to be followed by a vote in relation to the Boxer amendment No. 1753, to be followed by a vote in relation to the Voinovich amendment, which is to be modified to be a first-degree amendment, to be followed by a vote in relation to the Reid amendment No. 1731; provided further that no second-degree amendments be in order to the amendments prior to the vote, with 2 minutes equally divided prior to each vote.

Mr. REID. Mr. President, we will try this again. Is the time for Senator ENZI going to be counted toward the 25 minutes that the majority has?

Mr. BURNS. I would advise that that is acceptable, that the Enzi statement would be part of that 25 minutes.

Mr. REID. Will the Chair inform me how long the Senator from Wyoming spoke?

The PRESIDING OFFICER (Mr. CHAFEE). Seven minutes.

Is there objection? Without objection, it is so ordered.

Mr. BURNS. I yield the floor to the Senator from Wyoming.

Mr. THOMAS. I am sorry, Mr. President, how much time is there?

The PRESIDING OFFICER. Eighteen minutes.

AMENDMENT NO. 1731

Mr. THOMAS. Thank you very much, I say to the Senator from Montana.

It is interesting to be talking about this issue. The fact is, I suspect all of us are looking for the most efficient way to operate the Government. I guess that is what we spend a lot of time doing. We spend a lot of time looking for ways to make it less costly to get the job done. We spend a lot of time providing opportunities for small businesses. These are the very things that are involved here. Yet we seem to be trying to keep that from happening. It is a bit of a surprise.

Competitive sourcing seeks to streamline Federal agencies. This has been going on, by the way, for a long time. In 1996 we passed the FAIR Act and began to do something with it. There were different kinds of reactions to it. There were some efforts made in the Clinton administration that did not go very far to utilize this.

Then 2 years ago we started to revamp the thing a little bit and make it work. That is what this administration has done—to make the Government more accountable to the taxpayers, to reduce the Government's direct competition in the private sector. These are the purposes of this competitive sourcing.

The President's competitive sourcing initiative is designed to improve performance and efficiency. That is really the bottom line. When the Government competes with the private sector, we erode the local tax base, we drive up prices, decrease performance of Federal agencies because there is no competition, and we know that is a key to our whole effort within the sector.

Regarding cost savings, both the General Accounting Office and the Center for Naval Analysis, two independent groups, have found through extensive research that competitive sourcing reduces costs by 30 percent—regardless of who wins. Keep in mind, this is competitive sourcing. When this particular job or this particular task is set up for competitive sourcing, the Federal employees have a chance to compete for it as well as the outside. In most cases, over half the cases in the past, Federal employees have won.

Nevertheless, because of that, because of looking for ways to do it more efficiently, there has been a 30-percent reduction in costs. So the Government can save billions of dollars by allowing the private/public competition to occur. Stopping this competition only wastes taxpayer dollars, increases the inefficiency of a Government monopoly, and prevents us from improving upon services the taxpayers receive.

One of the troublesome things has been that the image of that kind of action has not often been clear. I have here an article by Fran Mainella, who is the Director of the National Park Service.

> Over the past several months, a number of media reports have mischaracterized the scope, purpose and effects of the National Park Service competitive sourcing efforts.

She goes on:

> Our competitive sourcing initiative challenges us to put our finger on our own pulse. It provides a framework by which we examine whether we have the right skills, the right techniques, organizational structures to provide Americans the best possible service—service that is effective and efficient.

So we have had a great deal of success in doing that. Actually, the competitive sourcing idea is not a new one. It has been talked about for a good long time. In fact, I point out here—this is a statement made in 1996 by the unions publicly supporting competition. It says:

> Over the years, the OMB Circular A–76 competitive process has benefited taxpayers with billions of dollars in savings. I am proud of the fact that these competitions have shown Federal workers to be just as competitive as their private-sector counterparts in terms of their cost, efficiency and overall quality of performance.
>
> Mr. Chairman, you have often heard me say that Federal employees are not afraid of competition. If we cannot provide the services better, faster and cheaper than our private-sector competition, then we do not deserve to perform the work in the first place. We ask you and the members of this committee not to deny us the opportunity and dignity of competing.

This is the national president of the American Federation of Government Employees. This is, of course, some time back.

So what we are dealing with here, of course, is an amendment that prevents the improvement of the Department of the Interior's commercial activity competitive sourcing. This is something we have dealt with for a good amount of time.

We talked about the Printing Office and the money that has been saved there. We talk a lot about parks. Of course, I come from a State with parks, such as the Grand Tetons.

There is an idea that we are going to replace the park rangers. That isn't true at all. This has nothing to do with park rangers and people who have those kinds of professional jobs. We are talking about people who do maintenance work and people who do other kinds of activities. That is the case.

We agree parks are special. It is one of the things we hear about a great deal. We hear about it incorrectly from time to time. That, I guess, is what is happening here.

Secretary Norton noted that 2,500 positions have been reviewed under competitive sourcing since 2001. Not one full-time Federal employee has been involuntarily separated. These are things that change. We have a great deal of retirement coming up, and there will be some opportunity to do

some things here that will give us a chance to make our Federal Government more effective and more efficient.

Over the past several years it has been our Government policy not to compete with the private sector. However, the Federal Government currently has about 416,000 positions that are characterized as commercial in nature. Seeing that Congress has done a poor job with sourcing policy, President Bush initiated competitive sourcing to improve the way it functions. We are now in the process of seeing that improvement take place.

My colleagues on the other side of the aisle are always concerned about economic developments. They should support this opportunity to improve competitive sourcing. Keep in mind that Government competition in the private sector erodes the local tax base and creates a Government monopoly.

Here we are. I think we have an opportunity to continue to strengthen that. The amendment before us is certainly not one that helps that. It precludes going forward with this very useful thing. The amendment we will be voting on is a first second-degree amendment.

This reporting requirement addresses a number of the concerns many Senators had about competitive sourcing. This second-degree amendment does the following:

It requires the Secretary of the Interior to report annually on its competitive sourcing efforts, including listing the total number of competitions completed; list the total number of competitions announced; the activity covering the total number of full-time equivalent Federal employees studied under the completed competitions; total number of full-time equivalent Federal employees being studied but not completed; the incremental costs directly attributable to conducting the competition, including costs attributable to paying outside consultants; estimate of the total and completed savings; description of the improvements in services and performance derived from the competition actually reported; and total number of full-time equivalent employees covered by competition rescheduling for next fiscal year.

That is the kind of reporting we will have.

We have a number of letters. I ask unanimous consent to have them printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICANS FOR TAX REFORM,
*Washington, DC.*

LEGISLATIVE ALERT—SUPPORT COMPETITION AMONG THE FEDERAL GOVERNMENT AND PRIVATE BUSINESSES

The Senate will likely debate and vote on an amendment offered by Senator Harry Reid (D–NV) to H.R. 2961, the Department of the Interior (DoI) and Related Agencies Appropriations Act for fiscal year 2004, which is currently being debated by the Senate. The amendment prohibits the initiation or continuation of any competitive sourcing studies until the House and Senate Committees on Appropriations have been given a detailed competitive sourcing proposal and have approved in writing such proposal.

Because the amendment significantly limits the DoI's management flexibility and prevents the agency's ability to identify and access the best and most efficient sources for the performance of its commercial activities, Americans for Tax Reform (ATR) strongly opposes Senator Reid's amendment.

In his two years in office, President Bush has worked to make government more efficient by streamlining federal regulations and holding government bureaucracies accountable to the American taxpayer who funds their departments. The president constructed a strong Management Agenda, focusing on public-private competition to create a performance-based management initiative designed to improve performance and efficiency.

Public-private competition, or competitive sourcing, is the process for determining if the government's commercial jobs, like computer services, food services, or maintenance, should be performed by federal agencies or by private sector companies. However, President Bush's plan to subject federal workers to competition has come under constant attack from labor unions and liberal lawmakers on Capital Hill.

While Senator Reid claims that the bill will eliminate thousands of federal jobs, it is simply not true. For example, of the 1,600 full-time employees the Department has already analyzed for competitive sourcing, not one federal employee has been involuntarily dismissed from his job. In addition, DoI employees have won roughly 50% of the sourcing competitions and not a single DoI employee has been involuntarily separated as a result of competition.

Competition among public and private entities drives down costs and ratchets up performance. According to the General Accounting Office and the Center of the Naval Analysis, two independent and objective groups that have conducted the most thorough research on competitive sourcing, the cost of a function goes down 30 percent regardless of whether the in-house government employees or a private contractor win the competition. These efficiencies translate into savings of billions of dollars that can be used for much needed tax relief for all Americans.

More competition leads to huge savings. Absent competition, inefficient government monopolies will continue to waste tax dollars while failing to provide even a reasonable level of service. Therefore, the taxpayer is the ultimate loser when competitive sourcing is stymied.

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NATIONAL TAXPAYERS UNION,
*Alexandria, VA, July 28, 2003.*

AN OPEN LETTER TO CONGRESS: COMPETITIVE CONTRACTING SAVES TAXPAYERS DOLLARS

DEAR MEMBER OF CONGRESS: The undersigned organizations strongly support implementation of President Bush's competitive contracting program and oppose Congressional schemes to make implementation of this vital initiative more difficult or impossible. According to official government estimates, there are 850,000 jobs in the federal government that qualify as ''commercial positions.'' These jobs include everything from writing software to mowing lawns and are done every day by private firms. President Bush's Management Agenda set the goal of having half of the commercial activities performed by federal agencies face competition over the next four years.

The potential benefits of increased outsourcing are clear. For example, in 2002, the Office of Management and Budget decided to use competition in response to poor performance by the Government Printing Office (GPO) and opened the job of printing the fiscal 2004 federal budget to competitive bidding. GPO turned in a bid that was almost 24 percent lower than its price from the previous year in order to keep its job. That was $100,000 a year that GPO could have saved taxpayers any time it chose, but didn't until it faced competition.

Contrary to popular belief, competitive bidding does not achieve cost savings by simply reducing the ranks of federal employees. Research by the General Accounting Office and other agencies has shown that federal workers win competitive sourcing bids against private firms about half the time, and when they do lose, the majority go to work for the contractor or shift to other jobs in the federal government. Typically, less than 7 percent of them are laid off.

In spite of the obvious benefits of competition in other areas of the economy, several efforts are underway in Congress that would kill competition at the federal level. Legislative proposals have been introduced to prohibit competitive outsourcing in the Departments of Agriculture and Interior, and attempts to prevent reform of air traffic control are proliferating.

Competition and choice are important marketplace forces. Harnessing them to provide commercial activities within the federal government will save taxpayer money and allow federal agencies to do their jobs more effectively and offer better service. Congress should be embracing competitive contracting rather than undermining it.

Sincerely,

PAUL J. GESSING,
*Director of Government Affairs, National Taxpayers Union.*
DR. ADRIAN T. MOORE,
*Vice President, Research, Reason Foundation.*
RANDALL W. HATCHER,
*President, MAU, Inc.*
GROVER NORQUIST,
*President, Americans for Tax Reform.*

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AMERICAN COUNCIL OF ENGINEERING COMPANIES,
*September 22, 2003.*

TO MEMBERS OF THE UNITED STATES SENATE: On behalf of the 6,000 member companies of the American Council of Engineering Companies, I urge you to vote against an amendment offered by Senator Harry Reid (D–NV) to the Fiscal Year 2004 Interior Appropriations bill. The amendment would block funding for all future public-private competitions, thereby sacrificing government efficiency, innovation and cost savings.

The competitive sourcing program is a centerpiece of the President's Management Agenda. The Bush Administration's plan to open non-inherently governmental functions to competition from the private market will ensure that taxpayers receive the best services for their tax dollars. If passed, the Reid Amendment would prevent Interior from realizing cost savings that result from public-private competitions. A report from the General Accounting Office states that public-private competitions typically result in savings of over 30%.

Private engineering companies provide a range of highly technical services to the Federal government, including the Forest Service and the U.S. Geological Survey. Over the past several years, our member firms have grown increasingly frustrated over the practice of some Interior agencies that actively market their services to state and local governments in direct competition with the private sector. This practice hits our smaller firms particularly hard. The Bush plan would help to correct this problem and as such, any

attempt to derail this process is strongly opposed by the engineering industry.

ACEC respectfully urges you to place the interests of the taxpayers first, and support effectiveness and efficiency in government. Again, we urge you to vote against the Reid Amendment to the F.Y. 2004 Interior Appropriations bill as well as any other amendment that may be attached during the remainder of the 108th Congress.

Sincerely,

CAMILLE FLEENOR,
*Director, Federal Procurement Policy.*

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CITIZENS AGAINST GOVERNMENT WASTE,
*Washington, DC, September 22, 2003.*

DEAR SENATOR: On behalf of the more than one million members and supporters of the Council of Citizens Against Government Waste (CCAGW), we urge you to vote against an amendment being offered by Sen. Harry Reid (D–Nev.) to H.R. 2691, the Interior Appropriations Bill for FY 2004, which would defund competitive sourcing studies provided for under OMB Circular A–76.

OMB Circular A–76 is the federal process of obtaining commercial services at the best price through open and fair competition. This practice is also known as competitive sourcing, and is the cornerstone of President Bush's Management Agenda reforms. Competition between the private sector and government employees performing commercial work ensures accountability, efficiency, and budget savings.

An inventory of government services conducted during the Clinton administration identified more than 850,000 of the 1.8 million jobs in the federal government as commercial in nature. Opening up these services to competition promotes the principles of government reform and service to the taxpayers. Numerous studies demonstrate that public-private competition improves service delivery and decreases costs to taxpayers by anywhere from 10–40 percent on average.

Opponents of A–76 contend that staging job competitions is cost prohibitive. This argument is a political smoke screen meant to derail the administration's management reforms. The President's commonsense proposals would follow private sector management practices, such as linking budgets with performance targets, improving general agency performance through development and implementation of strategic plans, and improving service while providing the best value to the taxpayer.

We urge you to vote ''No'' on Sen. Reid's amendment to H.R. 2691 and allow the continuation of public-private competition. CCAGW will consider rating this amendment, and any votes related to competitive sourcing, in our annual 2003 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ,
*President.*

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CONGRESSIONAL & PUBLIC AFFAIRS,
U.S. CHAMBER OF COMMERCE,
*Washington, DC, September 22, 2003.*

TO MEMBERS OF THE UNITED STATES SENATE: On behalf of the U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations every size, sector and region, I urge you to vote against an amendment offered by Senator Harry Reid (D–NV) to the Fiscal Year 2004 Interior Appropriations bill. This amendment would prohibit the Department of Interior (DOI) from conducting competitive sourcing studies, thereby sacrificing government efficiency, innovation and significant cost savings.

Prohibiting competition within DOI strikes at the heart of the President's Management Agenda, particularly the Competitive Sourcing Initiative, which aims to increase government efficiency, improve government performance and save taxpayer dollars through competition. On average, a 30% cost savings is realized when a competition between the public and private sector is held on commercial government functions, regardless of who wins. In this era of sharply constrained resources it seems particularly irresponsible to arbitrarily limit an agency's ability to identify and access the best and most efficient sources for the performance of its commercial activities. Senior Administration officials have recommended that the President veto the FY04 Interior Appropriations bill if such language is included.

Contrary to common rhetoric, competitive sourcing does not achieve cost savings by simply reducing the ranks of federal employees. In fact, of the 2,500 positions that have been reviewed under competitive sourcing since 2001 in DOI, not one full-time federal employee has been involuntarily separated. Federal workers win competitive sourcing bids against private firms over half the time, and when they do lose, the majority go to work for the competitive or shift to other jobs in the federal government.

We respectfully urge you to place the interests of the taxpayers first, and support effectiveness and efficiency in government by voting against any anti-outsourcing provisions in the Fiscal Year 2004 Interior Appropriations bill. The Chamber may consider votes on or in relation to this matter in our annual ''How They Voted'' scorecard.

Sincerely,

R. BRUCE JOSTEN.

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NATIONAL FEDERATION
OF INDEPENDENT BUSINESS,
*September 22, 2003.*

STAND UP FOR MAIN STREET AND SMALL BUSINESS

DEAR SENATOR: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I urge you to oppose the Reid competitive sourcing amendment to the Fiscal Year 2004 Interior Appropriations Bill. The amendment would prohibit the Department from conducting any competitive sourcing studies and deny small businesses the opportunity to compete for Interior's commercial activities.

Competitive sourcing is not only an opportunity for federal agencies to improve the efficiency of their operations, but it also saves taxpayer dollars. Independent studies by the General Accounting Administration, among others, contend that competition will save taxpayers an average of 30 percent. Congress should not limit the management flexibility of the Department to study ways to optimize their delivery of services to the taxpayer. We believe, for example, that allowing small businesses to bid on services they already successfully provide in the commercial marketplace will lead to improving government efficiency and decreasing costs.

We strongly urge a ''no'' vote on any amendment that would prevent the Interior Department from moving forward on this important initiative.

This vote will be recorded as a NFIB ''Key Vote'' for the 108th Congress.

Sincerely,

DAN DANNER,
*Sr. Vice President, Public Policy.*

Mr. THOMAS. Here is one in behalf of the U.S. Chamber of Commerce favoring the competitive sourcing and opposing the amendment.

Here is the NFIB, the National Federation of Independent Businesses, which opposes the amendment.

Citizens Against Government Waste is also in support of this.

American Council of Engineering Companies, the National Taxpayers Union, and Americans for Tax Reform—all of these are in strong support of continuing to give the private sector an opportunity in these areas.

I also finally would like to tell you there is a statement of administration policy here in which the administration indicates they will veto a bill that includes this kind of program. They say the administration understands the amendment will be offered on the Senate floor which would effectively shut down the administration's competitive sourcing initiative to fundamentally improve the performance of government in many commercial activities. The administration seeks to improve performance of Government services based on the comprehensive principle of competition, a proven way of protecting taxpayer dollars while providing better services and performance. Now is the wrong time to short circuit the implementation of this principle, especially since numerous agencies are starting to make real progress in providing public/private competition. If the final version of the bill contains such a provision, the President's senior advisers would recommend he veto the bill.

I urge we get support for this amendment so we can continue the competitive notion.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, everyone should understand a vote for the Enzi-Craig-Voinovich amendment is a vote to allow further outsourcing studies to go on. That is wrong.

What is this amendment about? It is about the Park Service spending millions of dollars in outsourcing studies which would siphon off funds critical to the needs within the parks.

The amendment that has been offered by a significant number of Senators—and I ask unanimous consent to add Senator KERRY and Senator CLINTON as cosponsors—allows current studies to move forward on the implications to be evaluated. Current studies can go forward. A short pause is not too much to ask, for the protection of our national heritage is at stake.

The House included the same reasonable language in its bill. According to the House report, the Appropriations Committee was ''concerned about the massive scale of seemingly arbitrary targets and considerable costs of initiatives which are on such vast tracts that Congress and the public are neither able to participate nor understand the costs and implications of the decisions being made.''

That is the end of the quote. That is from the Republican House of Representatives report language in their appropriations bill.

The administration's own Park Service director has indicated the current

plan will reduce services to the public, will negatively impact the diversity of the Park Service, and will not save resources. That is from the administration's own Park Service director.

I would like to read from a letter sent to me by a Park Service employee. Remember, this applies to more than just the Park Service. The Forest Service, the BLM, and other Interior agencies are affected. This man even signed his name, and, of course, it jeopardizes his job. But he is a substantial man, I am sure. His name is Chuck Luttrell. It is a long letter. I will not read all of it.

Among other things, he said:

. . . will the public be tolerant of the selling of the care and operation of our national treasures to a profit corporation? Will our parks get the same care, will our culture and natural heritage be safe in the hands of companies that could turn out to be Enrons, Worldcoms?

He further states:

The United States of America owes and has pledged a commitment to our military veterans. We have preferential hiring regulations for veterans. A private contractor has no such obligation. The Federal Government has the strongest commitment to diversity and equality there is.

He says if it is put out to the private sector, veterans will have no further preference, and diversity will go out the window.

In recent years the Congress wrestled with the issues of health care and insurance. Federal employees have excellent health insurance options. Again contractors have far different priorities and as we all know millions of people working in private industry have no insurance.

Years ago Congress passed the Davis Bacon Act to ensure that some workers earned a fair, liveable, negotiated wage. We employees of Lake Mead's Maintenance Division are an example of Congress' will. But any contractor that would replace us has no such obligation.

The Park Service, in my 22 years of service, has never been sufficiently funded. As an agency, we have always been on starvation rations, and I can assure you that at my level, Lake Mead N.R.A., there is absolutely no fat in the system. For years our managers have been required to do more with less.

The National Park System he talks about has 10 million visitors a year. Lake Mead is the second busiest park in the whole United States.

He goes on to say:

When it comes to saving the taxpayer's dollars nothing is more efficient than having the work done for free. Nationwide the National Park Service receives hundreds of thousands of hours of donated labor. At Lake Mead N.R.A. alone last year the public volunteered over 92,000 hours of which nearly 21,000 hours were in performing maintenance work. People will volunteer to work for the National Park Service because they recognize it is a noble and worthy gift to the country. People do not, as we all know, volunteer to work for private contractors.

He goes on to say:

Beyond being a workforce for our respective Parks, we employees of the National Park Service are a national work force. Lake Mead N.R.A. has sent people out over the years to help with everything from oil spill cleanups to hurricane relief. Every year Lake Mead employees are fighting this Nation's wildland fires. This year, as always, we are on the line protecting places like Denver, Colorado, and Show Low, Arizona. But who will serve and man the fire camps when we are gone?

It sounds cliche, but for the large majority of the National Park Service's employees their work is more than just a job. It is commonplace for people in my outfit to do much more than just what is written in their position descriptions. I am a carpenter. I also teach all of our Rangers how to conduct water search and rescues. I'm not special. The maintenance employees of Lake Mead N.R.A. serve on the SCUBA team, on District fire engine companies, and with search and rescue teams. We serve on Park committees and often volunteer for special details. We are trained in first-aid and are first responders. We direct traffic at accident sites, we help land medical evacuation helicopters, and we help handle victims and patients. We are also the eyes and ears for our Rangers. We often are the ones who discover trouble and report it. I don't think that it is too far of a stretch to say that in some small way we are even part of homeland security . . . let me say that we are essentially ambassadors for the National Park Service. We are uniformed employees constantly in the public eye. We are often the first and sometimes the only ''official'' contact visitors have with the Service. We answer questions, give directions, and not all that uncommonly change a tire or two. We do all these things and more, yet they are not in our job descriptions and a contractor replacing us would not be obligated to perform any of them.

I ask unanimous consent the full text of this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 5, 2002.

Hon. HARRY REID,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR REID: My name is Chuck Luttrell and I am an employee of Lake Mead National Recreation Area. I am writing to you on behalf of my fellow employees of the Maintenance Division. The reason I am writing is because we believe a process is taking place that is detrimental to the National Park Service in general and Lake Mead in particular. It is my hope that I can adequately articulate our concerns and enlist your support and the power of your office to stop a bureaucratic train before it becomes a train wreck.

As you know the Federal Activities Inventory Reform (FAIR) Act, along with the President's Management Agenda has required Federal agencies to start implementing the requirements of the Office of Management and Budget's Circular A–76. The Department of the Interior and the National Park Service have begun this ''Competitive Sourcing'' process. The Lake Mead N.R.A. Maintenance Division is part of the first round of studies and will begin its evaluation in June of 2003.

The stated purpose and goals of Competitive Sourcing are efficiency and cost savings. The dedicated people I work with welcome ways to improve and do our jobs better. However, we are very concerned that the Competitive Sourcing or A–76 process is flawed when applied to the National Park Service. We suspect that no only will it fail in its basic objectives, but worse it will betray public trust and threaten the very resources the Service was created to protect. Our ranks provide services that will be ignored by the Competitive Sourcing process and therefore lost to the visitor. Private contractors simply can never completely replace our own work force. Much of what we do and represent isn't even on the bid sheet.

It is my understanding that in dozens and dozens of A–76 conversions from the public to the private sector, no real and tangible cost savings can be shown. Rather, substantial cost such as employee severance packages, contract change orders, contract disputes, litigation, etc. more than eliminate any anticipated savings. But more importantly, will the public be tolerant of the selling of the care and operation of our National treasures to a for profit corporation? Will our Parks get the same care, will our cultural and natural heritage be safe in the hands of companies that could turn out to be ENRON's or WORLDCOM's?

I realize that what I have written so far could be dismissed as the ravings of a man fighting to save his job. Indeed it would be easy for irrational fear to drive my pen. But Sir, that is not it at all. If only you could speak to the real managers and leaders of the Park Service. The career professionals who actually run this outfit and who are the ones responsible for getting the job done day to day, I have confidence that you would hear that our concerns are valid.

The United States of America owes and has pledged a commitment to our military veterans. We have preferential hiring regulations for veterans. A private contractor has no such obligation. The Federal Government has the strongest commitment to diversity and equality there is. While all contractors are required by law to provide equal opportunity, as we see in courts all across this land not all live up fully to those requirements. We've all heard it, ''Social Security is not a retirement plan.'' Yet while the Federal work force is provided a fair retirement package, contractors have very different priorities and their employees may or may not have some type of retirement future. In recent years Congress has wrestled with the issues of health care and insurance. Federal employees have excellent health insurance options. Again contractors have far different priorities, and as we all know millions of people working in private industry have no insurance. Federal employees that have been ''competitively sourced'' out of their jobs may add to those uninsured rolls. Years ago Congress passed the Davis Bacon Act to ensure that some workers earned a fair, liveable, negotiated wage. We employees of Lake Mead's Maintenance Division are an example of Congress's will. But any contractor that would replace us has no such obligation.

However, rather than focus on issues we believe are important but can be viewed as self serving, let me now turn to why we are the best option for the public and this country. The Park Service, in my 22 years of service, has never been sufficiently funded. As an agency we have always been on starvation rations and I can assure you that at my level, Lake Mead N.R.A., there is absolutely no fat in the system. For years our managers have been required to do more with less. Being efficient is how we get the job done. Long ago we made decisions to contract out certain maintenance functions, namely garbage collection, lawn services, and certain custodial work, because those things could be done cost effectively by contractors. Unfortunately the Competitive Sourcing study we now face gives us no credit for this forward thinking.

When it comes to saving the taxpayer's dollars nothing is more efficient than having the work done for free. Nationwide the National Park Service receives hundreds of thousands of hours of donated labor. At Lake Mead N.R.A. alone last year the public volunteered over 92,000 hours of which nearly

21,000 hours were in performing maintenance work. People will volunteer to work for the National Park Service because they recognize that it is a noble and worthy gift to this country. People do not, as we all know, volunteer to work for private contractors. Despite this reality, the A–76 process prohibits us from counting volunteers as part of our efficiency/cost savings model.

When it comes to getting the job done the National Park Service's proud tradition of employees being ''generalists'' make us extremely efficient. Here at Lake Mead N.R.A. even though our maintenance employees are classified as electricians, mechanics, operators, or whatever, the bottom line is we get the work done by using all of our people in the most efficient combinations. For example on a day when there are no pressing plumbing issues we might use our plumbers to help our carpenters pour concrete, rather than hire day labor. Our Maintenance Division has the flexibility and capacity to respond to any situation. Whether it be to repair storm damage or to prepare for an unscheduled event like the recent visit of the Secretary of the Interior to our area, our work force is agile and immediately responsive. With contractors however, if it isn't in the contract it doesn't happen without delays, change orders, and renegotiated fees.

Beyond being a work force for our respective Parks, we employees of the National Park Service are a national work force. Lake Meed N.R.A. has sent people out over the years to help with everything from oil spill clean ups to hurricane relief. Every year Lake Meed employees are out there fighting this Nation's wildland fires. This year, as always, we are on the line protecting places like Denver, Colorado and Show Low, Arizona. But who will serve and man the fire camps when we are gone?

It sounds cliche, but for the large majority of the National Park Service's employees their work is more than just a job. It is common place for people in my outfit to do much more than just what is written in their position descriptions. I am a carpenter. I also teach all of our Rangers how to conduct water search and rescues. I'm not special. The maintenance employees of Lake Meed N.R.A. serve on the SCUBA team, on District fire engine companies, and with search and rescue teams. We serve on Park committees and often volunteer for special details. Because our maintenance staff is slightly larger than the Ranger force, and we are in the field all day, everyday, we effectively bolster their ranks. We are often the first on the scene or the first person contacted when incidents occur. We are trained in first-aid and are first responders. We direct traffic at accident sites, we help land medical evacuation helicopters, and we help handle victims and patients. We are also the years and ears for our Rangers. We often are the first ones to discover trouble and report it. I don't think that it is too far of a stretch to say that in some small way we are even part of our homeland security. After all it could well turn out the some maintenances worker at the Statue of Liberty or Mount Rushmore and could see something that would make a difference. But without speculating what could be, let me say that we are essentially ambassadors for the National Park Service. We are uniformed employees that are constantly in the public eye. We are often the first and sometimes only ''official'' contact visitors have with the Service. We answer questions, give directions, are not all that uncommonly change a tire or two. We do all of these things and more, yet they are not in our job descriptions and a contractor replacing us would not be obligated to perform any of them.

Up until now I have been talking about things that in some way could be counted or measured. There is however one more point I wish to make. Something that is there but can't be bought or sold at any price. Every organization has a culture, an ethic, and a personality. Employees of the National Park Service are no different. We believe what we do is special and important beyond merely just doing a good job. We see ourselves as partners in the stewardship of this Country's heritage. Virtually all embrace our over riding mission from the 1916 act creating the National Park Service: ''which purpose is to conserve the scenery and natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.'' Our motivation is much different than those who would replace us. The goal of commercial industry is efficiency in pursuit of profit. That objective could not be more different than our goal of preserving and protecting our National treasures. I would strongly argue that no matter how conscientious a contractor is, he could never match the service and dedication we give to this Nation and our Parks. The public instinctively recognizes that motivation counts. As we saw with the issue of airport security, the public wanted a Federal work force because they knew quality and profit margins are opposing forces in the private sector.

As a Statesman I know any action you take is taken in light of the greater good of the Nation and Nevada. In this letter I have tried to persuade you that Competitive Sourcing, while it sounds good on paper, is not good for the National Park Service or Lake Mead National Recreation Area. I have tried to describe why we believe we are the best value for the public, but most importantly I hope I have been able to convey to you that we are a fundamental part of the National Park Service's mission. It is our sweat and toil that keeps this Park open. We are central in the 1916 act creating us. We help preserve and protect this special place with our tools and our skills.

It is my understanding that the A–76 and Competitive Sourcing processes have provisions to exclude certain work because it is either inherently governmental or represents a core function of the agency. It is also my understanding the decision as to whether an activity should be retained in-house rests with the director of that agency. We hope that you agree with us that the work we do is so closely related to the public interest that it would be a mistake to put it on the auction block. If you are sympathetic with our cause I would like to most respectfully ask that we be removed from further consideration in the Competitive Sourcing process. I know not where your authority rests in matters concerning the Executive Branch's internal business, but I do know right is might.

Finally, Sir, my apology for the length of this letter. I know your time is extremely valuable and we the proud and dedicated people of the Maintenance Division are most grateful for your time and consideration in this matter.

Sincerely,

CHUCK LUTTRELL,
*Carpenter, Lake Mead N.R.A.*

Also signed by 40 members of the Maintenance Staff of Lake Mead National Recreation Area.

Mr. REID. But it is just not employees trying to protect their jobs. They are people of good will who enjoy our parks. This is not a statement from an employee of the Park Service or BLM or the Forest Service. This is a letter from a person who cares about what is going on.

This letter is intended to voice my outrage at President Bush's plans for privatizing our Nation's National Park System.

The President's planned study and outsourcing of our Nation's most valuable and symbolic resource should create indignation in the heart of any American. Our parks have been on the short end of the funding stick for years, but this recent maneuver goes too far. As you know, private contracted companies are only interested in generating the maximum profit, no matter what corners and services get cut in the process.

Will you allow our National Parks to become another victim of the ''Wal-Mart Syndrome''? Are we going to allow a system that services our nation's last natural treasures with a network of uninsured low wage caretakers from the lowest contract bidder?

The other factor that you should consider is the loss of thousands of annual volunteer hours that our parks receive from the American public. Hundreds of men and women give on themselves each year to support our parks. However, no one will wish to denote their personal time to maintain the thousands of miles of roads and trails in our parks to the benefit of some private company.

The President has gotten his war and desired tax cuts, but I urge you as my representative to put your foot down and stop this plan from proceeding.

Mr. President, from another citizen:

As a resident of Nevada I find the proposed outsourcing of National Park Service personnel to be outrageous and almost offensive.

Employees of the Park Service are driven by a respect for the parks and love of what they do. Nevadans visiting our national parks want members of the Park Service, not profit-minded corporations, enriching their experiences. I oppose privatizing the Park Service because it would hurt Nevadans, endanger our national parks, and waste taxpayer money.

Too many private firms have gone this route, costing jobs in local communities, opening doors for big business, while causing the local economies to falter.

We live, work, and play in this State. Many of the Park personnel are our neighbors and friends. They care deeply about what they do.

I do not think a commercial corporation can do this—I have visions of an HMO system for our National Lands and shudder. Who gets the profit from this private enterprise? We've seen enough of the favoritism the current administration employs, and frankly, this seems another opportunity for more of the same.

I would certainly no longer volunteer for the Forest Stewardship activities in the Lake Tahoe basin. I doubt that many would. Volunteering time for a profitmaking concern is not logical—why help a corporation that doesn't care diddly about the land, the lakes, or the environment increase their profits and not be paid for the ''contribution?''

I'm one small voice but I am convinced that privatization of our national park system would be another step to demolishing what little resources we have now and what we can hope to gain in the future to hold and treasure for future generations.

I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

As a resident of Nevada I find the proposed outsourcing of National Park Service personnel and resources to be outrageous and almost offensive.

Senator Reid is so ''right on'' with the statement, ''Employees of the Park Service are driven by a respect for the parks and a love of what they do. Nevadans visiting our National Parks want members of the Park Service, not profit-minded corporations, enriching their experiences.'' I oppose privatizing the Park Service because it would hurt Nevadans, endanger our National Parks and waste taxpayer money.

Too many private firms have gone this route, costing jobs in local communities opening doors for big business while causing the local economies to falter (GE in San Jose, CA, outsourced their printing to a national company to save money. It ultimately led to layoffs in the local community and an increase in their operating expenses). We're having enough trouble with the local and Nevada budget without adding additional unemployment which will ultimately mean increased tax burdens via supplemental income, job retraining, and money for employees in Nevada going outside the State to bigger business. This is not simply an issue to be addressed for our own State, but for the Nation as a whole.

We live, work and play in this State. Many of the Park personnel are our neighbors and friends. They care deeply about what they do. (Their pay is relatively low for the expertise they must have—they do it because they know the value of protecting our parks, wildlife habitats, and the environment.)

I do NOT think a commercial corporation can do this.—I have visions of an HMO system for our National Lands and shudder. Who gets the profit from this private enterprise? We've seen enough of the favoritism the current administration employs, and frankly, this seems another opportunity for more of the same. This aspect of what the administration is proposing bears watching closely.

What about the numbers of people and hours required to maintain our Parks as best we can? With dollar to cost averaging, they cannot factor in the vast number of hours spent by volunteers to assist the Park Service. I would certainly no longer volunteer for the Forest Stewardship activities in the Lake Tahoe Basin. I doubt that many would. Volunteering time for a profit making concern is not logical—why help a corporation that doesn't care diddly about the land, the lakes or the environment increase their profits and not be paid for your ''contribution?''

I'm one small voice but I am convinced that privatization of our National Park system would be another step to demolishing what little resources we have now and what we can hope to gain in the future to hold and treasure for future generations.

What can we do to help see this does not happen and ensure that our Parks Service maintains its integrity?

Thank you.

LIN YEAZELL.

Mr. REID. We read editorial comments from all over America opposing what is happening here. I have one editorial from the Las Vegas Sun newspaper, written by Michael O'Callaghan: ''These Are Your Parks.''

Among other things, he says:

Americans who love and use our nation's parks have been wondering when former secretaries of the Interior were going to speak. Two of them just did that Tuesday when Bruce Babbitt and Stewart Udall challenged the attempt to privatize the positions servicing the parks and the public visitors . . . They both see the turning over of 70 percent of the jobs to the private sector as both ''radical'' and ''reckless.''

Among other things, O'Callaghan states:

Privatization of services forces within our park system would be but the first deadly step to turning them away from public recreation into a big business. Next they could have neon signs at park gates leading to Yellowstone Enron, RCA Zion, U.S. Cellular, Crater Lake, or Death Valley Coors. How about Basin Bank One? They already have signs in big city ballparks and this could be their next big step.

I ask unanimous consent the full context of the O'Callaghan editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Las Vegas Sun, Aug. 1, 2003]

WHERE I STAND—MIKE O'CALLAGHAN: THESE ARE YOUR PARKS

Americans who love and use our nation's parks have been wondering when former secretaries of the Interior were going to speak. Two of them did just that Tuesday when Bruce Babbitt and Stewart Udall challenged the attempt to privatize the positions servicing the parks and their public visitors. Both challenged the present secretary's attempt to have almost all of the loyal public servants replaced by private sector employees. They both see the turning over of 70 percent of these jobs to the private sector as both ''radical'' and ''reckless.''

This situation has outdoor enthusiasts recalling when Interior Secretary Gale Norton's mentor, then-Interior boss James Watt, had his own agenda that threatened public lands and parks. That's when a former assistant secretary from the Ford and Nixon years, Nathaniel Reed, recommended that President Ronald Reagan fire Watt.

It was in May 1981, during a speech, when Reed reminded his fellow Republicans of their party's role in protecting public lands. He started by telling them it was President Abraham Lincoln who first withdrew Yosemite Valley for protection, U.S. Grant's signing of a bill to create Yellowstone, and Theodore Roosevelt's creation of the Forest Service and the first national wildlife refuge. Yes, and it was Dwight D. Eisenhower who created the Arctic Game Refuge that Norton now wants to drill for oil.

The Reed went to work on Watt saying, ''But two of Watt's actions have convinced me that he is already a disaster as secretary. One of these is his butchery of the Land and Water Conservation Fund. The other is the talk that he delivered to the Conference of National Park Concessioners on March 9 of this year—surely one of the most fawning, disgusting performances ever given by a Secretary of the Interior. He was so eager to please that he all but gave away the park system.''

Privatization of the service forces within our park system would be but the first deadly step to turning them away from public recreation into a big business. Next they could have neon signs at park gates leading to Yellowstone Enron, RCA Zion, U.S. Cellular Crater Lake or Death Valley Coors. How about Basin Bank One? They already have signs in big city ballparks and this could be their next big step.

If Nevada Sen. Harry Reid has his way this won't happen. Reid's Park Professionals Protection Act, if passed, will take care of this challenge. It is designed to ''prohibit the study or implementation of any plan to privatize, divest, or transfer any part of the mission, function, or responsibility of the National Park Service.''

In support of his bill, Reid gave some insight to the work of park professionals when writing: ''Many of these Park Service jobs have direct contact with visitors to our parks. They not only collect fees and maintain parks but also give directions, fight wildfires when necessary, and provide emergency medical assistance to injured park visitors. They are not required to do these things; they are driven by a love for the parks and commitment to public service that contractors lack.

''Privatizing the Park Service would jeopardize our national parks. Members of the Park Service have a career-long interest in maintaining the parks and perform their jobs because they are dedicated to serving the public. They often go beyond the call of duty to fix a problem in the middle of the night or change a tire for an unlucky park visitor. Can we be sure that a contractor would do the same? No.''

Friends of our national parks have suddenly awakened and the gloves are off. Let's hope it's not too late. How about Basin Bank One?

Mr. REID. How much of my 25 minutes remains?

The PRESIDING OFFICER. Thirteen and a half minutes.

Mr. REID. I repeat, anyone who supports the amendment of my friends, the distinguished Senator from Ohio and the two Senators from Wyoming, is voting to allow privatization of our national treasures to continue. Muddle it up—and that is what this amendment does—muddle it all you want, that is what it is. Some people think you can privatize everything. You cannot do that. You cannot do that. There are certain things that should be off limits. Our national treasures should be one of them.

I repeat for the third time, anyone who votes for the amendment of my friends from Ohio and Wyoming is voting to privatize. Say it however you want, but Udall and Babbitt, former Secretaries of the Interior, recognize what is taking place. We have been told by my friends that there is no such privatization plan underway. If that is true, I point out there should be no objection to my amendment.

Why study a plan, a privatization plan that will never be put into effect? My amendment puts a hold on the administration's privatization plans for this coming fiscal year.

I am getting more concerned each day. This Constitution I carry around with me sets forth the separation of powers doctrine, executive branch of government, legislative branch of government, judicial branch of government, separate but equal. One is not superior to the other. I see more and more coming from this administration that the Congress is not relevant.

If the President of the United States and his people want to study the privatization of our national treasures, let them come to Congress and get the money to do it. What are they doing? They are scavenging the money from present programs. I listed today a number not being done because they were using this money for studies.

We have already learned from the Park Service director who works under George Bush that the current plan will reduce service to the public, negatively impact the diversity of the Park Service workforce, and will not save resources. This is something that should

be under the prerogative of the legislative branch.

Let us provide money if it is such a good idea. Do not just steal it from other programs within the agencies. That is what they are doing. Therefore, we cannot do things to remove asbestos, to repair sewer systems, to take care of water systems, and to provide renovation in the parks.

President Bush said when he took office that he wanted to reduce the backlog of renovation, repair, and maintenance that needed to be done in our parks. Well, that was doublespeak, I guess. That is ''1984'' revisited—Orwell's book—because, in fact, it has gone up. The backlog has gone up from 4.9 billion to 6.1 billion. Let's do it the right way. Let's protect our constitutional prerogatives.

In 2002 and 2003 the agencies under the jurisdiction of this bill reprogrammed funds to study privatization. I repeat what the House committee report on the Interior bill noted: The massive privatization initiative appears to be ''on such a fast track that the Congress and the public are neither able to participate nor understand the costs and implications of the decisions being made'' by the administration. The committee's required programming guidelines are not being followed by the administration.

That is report language from the Republican-controlled House of Representatives. Shouldn't we go along with them? The answer is yes. This was in the Republican committee report. That is why, in part, the House Interior Appropriations Subcommittee prohibited the expenditure of funds for more studies in 2004. That is precisely what my amendment does. We agree with the House.

Others have argued privatization will save money. The General Accounting Office estimated this may or may not be true. Studies of outsourcing at the Department of Defense, by contrast, where outsourcing is common, have been unable to demonstrate a single penny of cost saving. What we do know is that private companies will take care of our parks under their agenda.

We should be very proud that since World War II veterans get a preference. If you served in the military, you apply for a job, you take a test, and we give you a few extra bonus points because you served our country. The private sector will not have to do that. They do not have to follow the same rules and regulations we have dealing with hiring the handicapped. They have all kinds of ways to cut corners in the private sector. It is not going to save money.

What I believe, and lots of other people believe, is private companies will not take care of our parks and forests and other public lands with the same motivation the people who are now working there do. This has nothing to do with labor unions. I know there is a letter circulating saying this is an effort by the minority to protect labor unions. As I said earlier today, I read into the RECORD different entities which support this amendment: the Wilderness Society, the National Trust for Historic Preservation, the National Parks Conservation Association, the American Federation of Government Employees. There is one union and three public service groups. This has nothing to do with unions. It has everything to do with protecting our national treasures.

I talked about one contractor who wasted $21,000 on a workable design to build courtesy docks on a lake in a park. Of course, the Park Service employees would have known that in a second. I talked about garbage collection. When the garbage was collected by Federal employees, it cost $150,000. Now it is done in the private sector, and it costs over $500,000.

I talked about public employees at Shenandoah National Park who rescued a lost boy. An official at Glacier National Park, who contracted out their janitorial services, said: ''We didn't really save anything from a dollars and cents perspective. The costs came in the above and beyond things the Park Service janitors regularly did that were outside their regular job descriptions.''

Privatization does not always work. It has not worked in Nevada at our two military bases. Privatization can affect the experience visitors have at our parks, as the Director of the Park Service has said. And I quoted that on two separate occasions just in the last few minutes.

I urge my colleagues to support this amendment. Although my friend from Ohio and the two Senators from Wyoming have said privatization saves money for maintenance projects at our parks, in every instance that has proven to be false. These agencies have reprogrammed millions of dollars in 2002 and 2003 from maintenance projects to perform these unauthorized maintenance studies. These funds were diverted from maintenance projects in our parks.

I personally think privatization is a bad idea, but my amendment does not stop current studies. It prevents new ones from starting until Congress has more information about the administration's initiative and the effects it is having on our national parks and forests. They have already wasted all that money studying what goes on. Why don't they issue a report on that and stop, have a slowdown, a pause, a timeout on going forward with more study? That is what I have asked for in my amendment.

Mr. DORGAN. Mr. President, will the Senator from Nevada yield?

Mr. REID. Mr. President, I am happy to yield to my friend, the manager of this bill.

Mr. DORGAN. I support the amendment offered by the Senator from Nevada. I must point out I think there are wonderful public servants in this country serving, day and night, the public interest, the public need. I think this simple, easy notion that you can just contract everything out and things will be better is really pretty much wrong-headed.

Oh, there may be some circumstances where it is appropriate, but I will tell you, you take a look at firefighters, the police officers, go back to 9/11 and talk to the folks who responded to the calls on 9/11 when that terrible tragedy occurred in New York City, the devastating attack on this country—and, yes, those were public employees who were rushing up those stairs—firefighters, law enforcement men and women, rushing up those stairs—losing their lives, as the building was collapsing, trying to save lives. These were public employees. There are so many serving in so many different ways—the archaeologists and biologists working in the Park Service and in so many different areas.

In this piece of legislation, one of the agencies had spent money they should not have spent studying contracting out when, in fact, they did not have the money for the kind of basic repairs and maintenance necessary to be done in the parks. So instead of doing what they should have done to keep the parks in the kind of shape they should be, they were using money to study: How can we contract these jobs out?

Well, there are plenty of examples—my colleague from Nevada has used some of them—where you completely lose control with respect to contracting out. I just think it is important sometimes to stop and take a look at the workforce that belongs to the public sector, and to say that, in many instances—most instances—they do a wonderful job to serve this country very well, and there is no substitute—no, not contracting out, and no other substitute I know of—that could replace that group of dedicated public workers who serve this country day after day after day. That is why I am happy to support this amendment.

Mr. REID. Mr. President, I want the RECORD to reflect—I have been somewhat impersonal, and I do not want to do that—the Park Service Director now is a woman by the name of Fran Mainella. I want the RECORD to reflect she is the one who has indicated the current plan would reduce services to the public, negatively impact the diversity of the Park Service workforce, and will not save resources.

I reserve the remainder of my time.

Mr. CANTWELL. Mr. President, I rise today to voice my support for the amendment offered by my colleague, Senator REID. This amendment is important and it's fitting that we discuss this measure this week, just days after the 10th anniversary of National Public Lands Day.

On Saturday, thousands of Americans around the country contributed their time and labor to help improve our shared national lands. In my home State of Washington, volunteers restored trails, planted trees, and improved oyster habitat, to name a few

projects. I commend everyone who was involved in this effort for their commitment to protecting and preserving our public lands.

Today's debate is about the many thousands of federal employees who dedicate themselves to this important cause every day. In our national parks, national forests, national wildlife refuges, and other public lands, these men and women work every day of the year to protect and preserve these national treasures.

An article by Seattle Post-Intelligencer columnist, Joel Connelly, quoted Stewart Udall, the Interior Department boss under Presidents Kennedy and Johnson as saying ''These are the best people in the government . . . It's extraordinary they would pick on this Teddy Roosevelt agency.''

Unfortunately, the Bush administration has proposed a rule change that would radically alter the management of our public lands. The President has proposed ''outsourcing'' important stewardship roles to for-profit contractors. Under his proposal, private contractors could fill more than 800,000 jobs, including posts in the National Park Service like at Olympic National Park, U.S. Fish and Wildlife Service, and U.S. Geological Survey, among other agencies. In my home State of Washington, this proposal could affect 10,000 government-wide jobs, including 348 national park biologists, educators, and maintenance staff.

I believe this is the wrong approach. When it comes to our public lands, our first concern should be protecting our national treasures by ensuring the highest level of natural resource stewardship.

There are many legitimate questions as to whether this outsourcing scheme would even save any money. In June, the General Accounting Office concluded a comprehensive 2-year study on outsourcing and found that ''competitions took longer than projects, costs and resources required for competitions were underestimated, [and] determining and maintaining reliable estimates of savings was difficult.''

Even though the long term ''savings'' are suspect, we know for sure that outsourcing is hurting our national parks. Park Service Director Mainella estimated that the first round of competitive sourcing would cost $3 million, much of which will have to come out of maintenance. Even though Mount Rainier was taken off the list of parks subject to outsourcing this year, Park Superintendent Dave Uberuaga had to set aside $335,000 of badly needed money for park maintenance to pay for a privatization study. The cost of simply studying these Park Service positions is estimated to begin at $3,000 and go up from there.

The Federal workers entrusted with the preservation of our public lands can't simply be replaced by private workers. They are dedicated professionals who know the parks and public lands better than anyone, and they are not beholden to private interests who seek to exploit our public lands.

Don't just take my word for it. Listen to what 145 former National Park Service employees—including four former directors—said in a recent letter to President Bush decrying his proposal:

While publicizing glossy reports to convince the public that your Administration cares about this country's national treasures, you are strangling the very core of park stewardship, sidestepping the important issues that are facing the parks and ignoring the operational budgets of the parks. We are seeing evidence at every turn that when private for-profit interests vie with resources of the park, the private interests, and not principle, governs.

Even the current Director of the National Park Service, Fran Mainella, disagrees with the administration's approach. Earlier this year, in an intradepartmental memo, she expressed her concerns about the President's initiative. She noted that because the administration did not seek funding to cover the costs of the thousands of competitive sourcing studies it has mandated, those costs must be absorbed by reductions in park operations and other worthy activities, which will result in reduced visitor services and the deferment of essential park maintenance.

Losing current National Park Service employees will also cause our national parks to lose a great deal of institutional knowledge to individuals who may not have training in these fields. National Park Service employees, who often live in rural communities surrounding the parks, are dedicated public servants committed to preserving our parks for all Americans' enjoyment and benefit now and in the future. They are also versatile and provide irreplaceable services during emergencies. The same employee that helps maintain park infrastructure, is also one of the first firefighters on the scene, providing invaluable information about the parks' terrain.

Without this amendment, the Park Service could also lose tens of thousands of volunteers. These are dedicated citizens who contribute their time to help out in some of the most beautiful parts of the country. I have heard from a number of my constituents that they volunteer because they feel they are sharing their love of the outdoors with others and maintaining our public lands for future generations. But they warned me they would feel very different about giving their time to help support some for-profit contractor.

Conservation and protection of our public lands is not a partisan issue. The majestic herd of Roosevelt Elk in my home State's Olympic National Park is a fitting reminder that throughout the past century, Republicans and Democrats have been able to come together to preserve our Nation's public lands.

In that spirit, I encourage my colleagues on both sides of the aisle to support this amendment, and vote to prevent the ''outsourcing'' of the stewardship of our natural treasures.

I ask unanimous consent to print the above-referenced article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Seattle Post-Intelligencer, July 30, 2003]

IN THE NORTHWEST: 'OUTSOURCING' A SWEEPING ATTACK ON NATIONAL PARKS

(By Joel Connelly)

National parks are ''the best idea America ever had,'' wrote author Wallace Stegner, an idea that has spread around the globe since Yellowstone became the world's first national park 130 years ago.

Lately, the Bush administration has come up with what it believes is a better idea: ''outsourcing'' key work performed by the National Park Service to private contractors.

It appears to be an initial step toward privatizing management at the crown jewels of America's natural beauty and historic sites where our country's freedom was won and the Union sustained.

A hundred park employees recently signed a protest letter to the president. Mount Rainier National Park has been a center of resistance, so much so that Park Service Director Fran Mainella just visited.

Yesterday, two Arizona outdoorsmen and long-serving Interior secretaries, who supervised the park system, broke their silence in a telephone interview with a half-dozen reporters around the country.

''What we are talking about is an attempt to dismantle the National Park Service as we know it today. It turns its back on 100 years, and a national park system that is the envy of the world,'' said Bruce Babbitt, Interior secretary from 1993 to 2001.

Added Stewart Udall, Interior's boss under Presidents Kennedy and Johnson, ''These are the best people in the government . . . It's extraordinary they would pick on this Teddy Roosevelt agency.''

In an April 4 memo, Mainella disclosed that 900 park jobs across the nation are marked for ''direct conversion'' to private contractors and that an additional 1,323 jobs are to be bid out in the next few months. The first phase of ''outsourcing'' will privatize about 13 percent of the Park Service's permanent work force.

The administration is not talking just about big road repairs, or lodging and food services, jobs already performed by private contractors.

Quite the contrary. The initial privatization list includes hundreds of park archaeologists, biologists and historians—the very people whose professional judgment is needed to safeguard park resources.

As a Mount Rainier climbing ranger, and later superintendent of Virginia's much-visited Shenandoah National Park, Bill Wade learned care in where to put his feet and his choice of words.

At a recent U.S. Senate hearing, however, the now-retired second-generation Park Service employee cut loose with a scathing critique.

''Never before have we seen so many simultaneous assaults on the purposes for which the national park system exists,'' said Wade. ''Such assaults are undermining the role of the National Park Service professionals who steward our great natural and cultural legacy. Such assaults are contributing to the failure of the Park Service to carry out its

intended mission on behalf of America's public.''

Why is the administration doing this?

After all, candidate George W. Bush spoke at Haskel Slough near Monroe in 2000, pledging a major drive to complete urgently needed maintenance at the national parks. First lady Laura Bush has spent this week hiking with old school friends in Olympic National Park.

Due to ''outsourcing'' studies, moreover, the Park Service has warned supervisors in the West that their maintenance-repair budget would be scaled back by more than 25 percent—largely to pay for consultants. Mount Rainier, with a $100 million backlog, has been forced to put off urgently needed projects.

An administration management agenda for fiscal year 2002 gives the rationale: ''Competition promotes innovation, efficiency and greater effectiveness. For many activities, citizens do not care whether the private or public sector provides the service or administers the program.''

One wonders whether the right-wing ideologue who wrote this has ever visited a national park. He or she would discover:

The National Park Service is an agency of legendary esprit de corps, in which people move around the country, frequently work extra hours and endure low pay for love of the job.

Park jobs are not compartmentalized and suitable for ''outsourcing.'' Rangers do a range of jobs for rescue to firefighting to interpretation. At Shenandoah, for instance, park maintenance staff—trained as emergency medical technicians—are frequently first to the scene of traffic accidents on the Blue Ridge Parkway.

The public trusts rangers, flocks to interpretive programs and expects park resources to be maintained. National parks are not amusement parks.

Efficiency is not the end-all of park management. Sure, it would have been more efficient to cut a wide swath of trees to widen state Route 410 in Mount Rainier National Park. It would also have created an eyesore in the midst of a scenic treasure.

The protest against ''outsourcing'' has made an impact.

While slashing worthy programs such as AmeriCorps and the Land and Water Conservation Fund, the House of Representatives has voted to block new privatizing studies.

The administration has responded with a hard line: ''If the final version of the (appropriations) bill were to contain such a provision, the president's senior advisers would recommend that he veto the bill,'' the Office of Management and Budget said in a statement.

Curiously, however, Mainella showered Mount Rainier with reassurances on the eve of her visit, saying that no jobs at the park would be reviewed for private-sector replacement for two years.

Can we trust these people? About as far as I can hand-roll a snowplow.

Looking at similar moves with the U.S. Forest Service and Bureau of Land Management, what's likely unfolding is a sweeping, below-the-radar-screen attack on public lands and public land managers.

As Babbitt put it yesterday, ''The only thing that will stop this radical, reckless effort to take things apart is public opinion.''

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. THOMAS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seven and a half minutes.

Mr. THOMAS. Mr. President, I will take just a portion of that. I think we have covered this issue fairly well. I would like to comment on a couple things that were said on the other side of the aisle. The Senator said we are going to contract everything out. That is part of the problem here, making statements like that which are absolutely untrue. It makes it kind of tough to understand what is going on. No one is talking about contracting everything out. No one is even talking about privatizing. We are talking about competitive competition. So I think we ought to be just a little more careful about that.

This idea that this is being done entirely by the executive branch, remember, we passed a law in 1998 called the FAIR Act. You know what that was. It authorized what we are doing here now. Circular A–76 has been on the books from Congress since 1976. Congress passed that. Surprising as it may seem, a lot of people in Congress think the private sector is a good thing, that it does a pretty good job. That is kind of what this country is about, the private sector. This idea that somehow you hire people and take away all their benefits—the Service Acquisition Act, passed by Congress, ensures that health benefits and pay are not reduced in Government contracts to the private sector. Those are things that are done there.

We are not talking about contracting everything. Here are the positions being evaluated to give you some idea. From U.S. Fish and Wildlife Service, clerical support and appraisers; National Park Service, maintenance vehicles, lawns, bathrooms, air-conditioners—is that going to change the emotions in the park? I don't think so—Bureau of Reclamation, Job Corps centers; Bureau of Land Management, maintenance vehicles, bathrooms, air-conditioners, geographic information services. These are the kinds of jobs that are done all the time in the private sector, the professionals, many of them in the private sector.

It is too bad we continue to say some of these things that just aren't the case. I hope we continue to provide, as the Congress has said, an opportunity to have competition for some of the activities within Government, and those that can be done better in the private sector can be done. Those savings then will go to offset some of the backlog of the Park Service that has existed without any competition. This is kind of where we are.

I certainly encourage my fellow Senators to support our second-degree amendment when it comes to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I urge my colleagues to vote for the second-degree amendment.

I certainly understand some of Senator REID's concerns about the competitive sourcing initiative.

For one, most of the agencies funded in this bill failed to budget adequately for the costs of the competitive sourcing studies. As a result, funds that would have been available for other purposes—such as maintenance projects or grazing management—were diverted. Ultimately, I regard this as a failure of the Office of Management and Budget as much as anything.

Yes, competitive sourcing in some cases may result in actual savings. But those savings are likely to be over the long term, and the fact that there may be savings doesn't relieve agencies of the need to budget for the implementation costs up front.

It is for that very reason that we included language in this bill that made further competitive sourcing work by the Forest Service contingent on approval of a detailed reprogramming request. The Forest Service is slated to spend more than any other agency in this bill on this initiative.

But the question before us now is whether to shut down any and all competitive sourcing studies by agencies in this bill. This strikes me as overkill. Has the administration flawlessly implemented its initiative? Certainly not. We have already discussed its failure to adequately budget for the initiative.

I would also note that the administration initially proposed quotas of positions that each agency was to competitively source. I think this was inappropriate. Competitive sourcing makes more sense in some agencies than it does in others. And some agencies have already used forms of competitive sourcing to great advantage. There should be some recognition what these agencies have done previously.

Finally, I know there is much concern among my colleagues on this side of the aisle about the potential impact of competitive sourcing on rural areas. I absolutely understand and share this concern. In such areas the potential loss of a handful of well-paying Government jobs is not a trivial thing. This is particularly true if there is no guarantee that any jobs that are outsourced will remain in the community. I don't think the administration has fully appreciated this fact. But the root of the question raised by this amendment is whether competitive sourcing is, in all cases, a bad thing. The answer is clearly no.

Competitive sourcing experts can cite numerous examples—and they have been cited in the Chamber—of success in the Department of Defense. But even within the Department of the Interior, careful use of outsourcing has resulted in both dollar savings and improved performance. The construction program of the National Park Service is one such example. I have one of those in Great Falls, MT.

Proponents of this amendment can certainly cite examples of poor performance or malfeasance by contractors. Without question, there are cases of this. But we know well enough that there are at least as many instances of

poor performance by Federal employees. This argument simply doesn't fly. Finally, I note that the pending amendment is identical to language included in the House bill. The Statement of Administration Policy states that the President's senior advisers will recommend a veto of the Interior bill if such language is included. While I am not generally one to back down in the face of such a threat, I do think we should consider whether we want to take that trip. Wouldn't it be better to see if we can't go to conference and produce language that further improves the quality of the competitive sourcing initiative, rather than simply throwing what amounts to a legislative tantrum?

I vow to my colleagues that I will work hard with the administration to see that their concerns are addressed. But do we put an absolute stop to a management practice that has been available to agencies in this bill for many years? Or do we instead try to improve the product, and increase congressional oversight of competitive sourcing efforts? I simply find it hard to accept that in all cases competitive sourcing is a bad thing. And I am guessing Federal employees will win more of the competitions than people think if they're well structured. I urge my colleagues to vote against the Reid amendment, and to work with me as we go to conference to produce a better solution.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have the greatest respect for my friend, Senator THOMAS, from Wyoming. He has always been so cordial and polite to me, as I am sure he is to everyone. He is a real advocate. My point is, he is absolutely wrong on this issue. His argument makes our point. He says: We are not privatizing. But that is what they are doing. They are studying all these different programs, and the purpose is to privatize.

The FAIR legislation: Of course, I understand what that bill was, but it also took into consideration that the money was to be appropriated to do the studies, not to be scavenged from other operations.

I read only one editorial from the Las Vegas Sun newspaper, but there are others. Here is one from the Los Angeles Times: ''Keep Pros Who Love Parks.''

The first paragraph reads:

In a memo to her bosses at the Department of the Interior, National Park Service Director Fran Mainella said the administrative costs of a plan to contract out some Park Service jobs to private companies could seriously cut the already rock-bottom level of visitor services and seasonal operations. Unfortunately, that would only be one piece of the damage.

They go on to say that this is a wrongheaded idea and bad for our national treasures:

The nation's most important natural and historic sites deserve to be protected by workers with expertise, experience and dedication to the parks. They are there now, and in the proud green uniform of the National Park Service.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Apr. 26, 2003]

KEEP PROS WHO LOVE PARKS

Jobs targeted for possible outsourcing—as many as 4 percent of the Park Service total—include firefighters, with 40 positions at risk in California alone. Others such as fee collectors and maintenance workers don't sound so bad as candidates for contracting out, through visitors do turn to the collectors for advice as they enter the park.

However, the list also covers Park Service scientists and specialists such as archaeologists, museum curators, historians and cartographers. Where will they find competent private experts who will work for the salaries of the current Park Service employees, or less?

These scientists are passionate about protecting park resources from the effects of development, whereas the Bush administration often has sided with economic interests.

High-level Interior Department officials—up to and including Secretary Gale A. Norton—repeatedly have trashed the scientific work underlying such sound decisions as the 2000 Park Service ban on snowmobiles in Yellowstone National Park. The ban is being reversed in response to objections from tourist businesses in the region.

Similarly, Yosemite-area businesses are campaigning for more parking and reconstruction of campgrounds along the Merced River in Yosemite Valley that were flooded out in 1997. They want to sell the additional campers beer, groceries and gasoline. Naturalists correctly argue that the campsites should not be there—that the riverbank should be restored to its natural beauty. The region's congressman, siding with business, is pushing for their return.

The nation's most important natural and historic sites deserve to be protected by workers with expertise, experience and dedication to the parks. They are there now, in the proud green uniform of the National Park Service. There they should stay.

Mr. REID. A small newspaper, smaller than the Las Vegas Sun, one from Missoula—of course, Missoula, MT—also talks about how wrong it is. They are so specific, and they know because they live in Glacier National Park. They say outsourcing simply is not good.

There are editorials from all over the country that talk about how bad an idea this is. Remember, anyone voting for the amendment offered by my friend from Ohio, Senator VOINOVICH, is voting to outsource, to privatize our national treasures. You can say: I really didn't mean to do that; all I did was want studies to be completed.

That isn't what we have here. We have agreed that they can complete the studies they have already engaged in, even though they stole the money from other things that needed to be done within the entities. But to vote for the Voinovich amendment is to vote for privatization. To vote for the Reid amendment is to vote for a time-out, a pause.

AMENDMENT NO. 1740

The PRESIDING OFFICER. There are now 10 minutes equally divided on the Bingaman amendment.

Mr. BINGAMAN. Mr. President, I yield myself the first 3 minutes of my 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, amendment No. 1740 is straightforward. It would prohibit the Secretary of the Interior, working through the Park Service, from issuing any permit allowing a special event on The National Mall unless the permit expressly prohibited the use of structures or signs bearing commercial advertising.

The amendment does provide that there can be sponsor recognition of special events, but it makes clear we intend to have the Park Service interpret that in a way that is consistent with the special nature of The National Mall.

We would also require that the lettering or design that identifies the sponsor not be more than a third the size of the lettering identifying what the special event is.

I have shown this photograph before. I will show it again so people have an idea of what prompted my amendment. This is a special event that the Park Service approved and issued a permit for a couple of weeks ago on The National Mall. This event was a football and music festival entitled ''NFL Kickoff Live From The National Mall Presented by Pepsi Vanilla''.

This photograph is from the Washington Post. This is an enlarged photograph that was in the Washington Post. You can see that there are a whole series of banners up and down The Mall. There is one for Verizon, and this one is for Pepsi Vanilla, and here is a giant football with NFL signs on it.

It seemed clear to me that this was commercial advertising any way you look at it. The Park Service, unfortunately, takes the position that this was entirely appropriate. No commercial advertising here. This is sponsor recognition. We were giving some recognition to those that were underwriting this important event for a public purpose. You may say, what was the public purpose? Well, it was to take pride in America—you can find that phrase way down here—and this is the idea that there is voluntarism, and that was the reason we opened this up with the NFL. It gave them a permit for 17 days, during which time they could block off The Mall, prepare for the festival, have the festival, and break down the equipment after the festival and so on.

I will show the other photograph. This is another photograph that shows the fence that was put around The Mall, with advertisements for AOL, Pepsi Vanilla, Coors, and Verizon. This, of course, was blocking access to The Mall for the public. If you wanted to walk or jog on The Mall, or do anything else, you were prohibited from doing so during this period.

We need to clarify what the law is. My amendment will do that. It says we don't want commercial advertisement on The Mall. I always thought that was the policy, and, up until now, I think it has generally been the policy. But it is clearly not recognized that way by the current Secretary of the Interior and the head of the Park Service. We need to clarify that.

I hope my colleagues will support the amendment. It puts into law a prohibition of commercial advertising on The National Mall for the first time.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I rise to comment on the amendment that is before us. I was concerned when I first talked to the Senator about it. I was concerned that it would be difficult to differentiate between commercial signs, advertising, on the one hand, and sponsors, for instance, the Race for the Cure, on the other. However, we talked together about that. We talked with the Park Service about that, and I believe the wording of the amendment is such that that kind of emotion, that kind of recognition of the sponsors for voluntary events would be allowable.

I am chairman of the National Parks Subcommittee and we deal with The Mall, and we have had several hearings and considerable consideration about what we do on The Mall and how many buildings there are and how it is used. So I think it is important to set standards for the use of something that is very unique and in the national interest.

I think the Senator has a worthwhile amendment, and I support it.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Montana has 3 minutes 40 seconds. The Senator from New Mexico has 41 seconds.

Mr. BURNS. Mr. President, I yield part of my time to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I support and cosponsored the amendment offered by the Senator from New Mexico. I think it is not only written appropriately at this point and has proper safeguards, but I think it is also a necessary amendment for the reasons that my colleague from New Mexico has described.

I understand my colleague from Wyoming, who is chairman of the subcommittee on these issues, and his statement as well. If we pass this amendment with this particular wording, I think it accomplishes something important, and I am happy to cosponsor it and support it.

Mr. BURNS. Mr. President, I ask my colleagues to support this amendment. A long time ago, I wanted to go much further than this. But I think the Senator from New Mexico has hit the nail on the head. So I support it, and I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. Mr. President, let me first thank Senator THOMAS and Senator BURNS for their support and, of course, Senator DORGAN, who is a cosponsor.

I ask unanimous consent that Senator AKAKA, who is the ranking member on the National Parks Subcommittee in our Energy and Natural Resources Committee, be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I appreciate the broad support we are receiving for the amendment, and I hope all Senators will vote in favor.

I yield the floor.

The PRESIDING OFFICER. The question is upon agreeing to the amendment.

The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and 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 ''yea.''

The PRESIDING OFFICER (Mrs. DOLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 358 Leg.]

YEAS—92

| | | |
|---|---|---|
| Akaka | Dole | Levin |
| Alexander | Domenici | Lincoln |
| Baucus | Dorgan | Lott |
| Bayh | Durbin | Lugar |
| Bennett | Ensign | McCain |
| Biden | Enzi | McConnell |
| Bingaman | Feingold | Mikulski |
| Boxer | Feinstein | Miller |
| Breaux | Fitzgerald | Murkowski |
| Brownback | Frist | Murray |
| Bunning | Graham (FL) | Nelson (FL) |
| Burns | Graham (SC) | Nelson (NE) |
| Byrd | Grassley | Nickles |
| Cantwell | Gregg | Pryor |
| Carper | Hagel | Reed |
| Chafee | Harkin | Reid |
| Chambliss | Hatch | Roberts |
| Clinton | Hollings | Rockefeller |
| Cochran | Hutchison | Santorum |
| Coleman | Inhofe | Sarbanes |
| Collins | Inouye | Schumer |
| Conrad | Jeffords | Sessions |
| Cornyn | Johnson | Shelby |
| Corzine | Kennedy | Smith |
| Craig | Kohl | Snowe |
| Crapo | Kyl | Specter |
| Daschle | Landrieu | Stabenow |
| Dayton | Lautenberg | Stevens |
| DeWine | Leahy | |
| Sununu | Thomas | Warner |
| Talent | Voinovich | Wyden |

NAYS—4

| | |
|---|---|
| Allard | Bond |
| Allen | Campbell |

NOT VOTING—4

| | |
|---|---|
| Dodd | Kerry |
| Edwards | Lieberman |

The amendment (No. 1740) was agreed to.

AMENDMENT NO. 1753

The PRESIDING OFFICER. There are now 2 minutes evenly divided prior to a vote on a motion to table the Boxer amendment No. 1753.

Mrs. BOXER. Madam President, colleagues, I hope Members will vote against the motion to table my amendment. I am simply trying to strike section 333, which is an anti-environmental rider that singles out 39 timber sales in the Tongass Forest and only allows a 30-day appeals process for citizens, small businesses, and community groups to act. It also says a judge must act in 180 days, pushing this ahead of other pending cases.

Now, why is it important to all of us? If you can change the rules in the largest temperate rain forest in the world, think about what would happen to you in your States. We have not had any hearings on this issue. I don't think this is the right way to legislate.

If it is a question of jobs, there are 300 million board feet of timber in the Tongass that could be cut today. There are no lawsuits pending on those.

This is a process question. I hope colleagues would not take away the rights of their constituents.

Ms. MURKOWSKI. Mr. President, the Senator from California, Ms. BOXER, has offered an amendment seeking to strike expedited judicial review of timber sales from U.S. Forest Service Regional X, covering the Tongass National Forest in Alaska.

While some use flowery terms to characterized the Tongass National Forest as the ''last intact temperate rain forest'' or the ''crown jewel of our national forest system,'' they merely gloss over the realities of our forest. The Sierra Club, the National Wildlife Federation, and others use overstated hyperbole meant to shift the focus of the debate from what we truly ought to be looking; that is, creating more jobs in America.

For months now Senators from the other party have come to floor to decry job losses in the United States—lost jobs that they somehow blame on President Bush.

Yet they need only look at the pursuit of their own policies that have led to our increased reliance on foreign natural resources and lost economic opportunity.

Alaska has the highest unemployment rate in the country, and every time I go back home to see my constituents—which is quite frequently—they ask me how we can create more jobs.

In Alaska we used to have thousands of timber and timber-related jobs. Now

we have less than one thousand. That is criminal in a State that boasts the largest single national forest in the country.

The Tongass Forest is large enough to set aside land for future generations while also providing valuable timber for American manufacturing and U.S. jobs. Allow me to put it in perspective. In 2002 there were 110,000 people employed by the timber industry in California. In Alaska just 650 people were employed in the timber industry in 2002—again, in a State with the largest national forest. These are statistics from the American Forest and Paper Association.

In 2002, California produced 2.63 billion board feet of timber. During the same time in Alaska just 30 million board feet were produced. That figure makes California the fourth largest wood producer in the U.S. That means during FY 2002 Region X (the largest region in the Forest Service system) produced the least amount of timber—(Source: U.S. Forest Service).

While the Senator is offering an amendment that she thinks is the right thing to do to protect the environment, she must realize that this issue has been debated for literally decades, going back to when Alaska was a territory. Just as timber harvests take place in other national forests the Government saw fit to allow some limited, but sustainable, timber harvests to take place in the Tongass. Unfortunately some misguided and illegal policy changes under the Clinton administration set back timber jobs in Alaska during the 1990s. Fortunately the courts and the current administration have seen fit to reverse those rulings to follow the law. Unfortunately there are those who want to continue filing lawsuit after lawsuit, clogging up an already overpacked docket to keep Alaskans out of work.

I would say to those who continue to criticize job losses in the United States that one way to overcome them is to allow people to get back to work.

The problem is we can't get people back to work with the continued threat of frivolous litigation. The Senator's amendment seeks to allow people to further burden our courts under false pretenses of saving Alaska from Alaskans. It is an insult to me and my constituents to hear people attack our State.

We have a right to good jobs—just like those in California. We have a right to send our kids to good schools, just like in California. We have a right to have parks and hospitals and all the other infrastructure that is in the towns and cities in California, but our towns in Alaska needs jobs and industry to make them a reality.

As a State in this Union we entered to become an equal among equals. But that does not mean that we don't know what is in our best interest as a State and as individuals. The amendment my colleague offers seeks to provide more opportunities for litigation after we have already undergone lawsuit after lawsuit and lengthy administrative processes.

The language in the current bill does not cut off access to the courts. It merely requires that any application for judicial review be filed within 30 days after exhaustion of the Forest Service appeals process. Currently I am told the time limit is 6 years. The language applies for Record of Decisions for any timber sales in Region X of the Forest Service that had a Notice of Intent prepared on or before January 1, 2003.

The language does not restrict the right of the public to litigate timber sales; it simply speeds up the process by encouraging the court to render a decision within 180 days of the application.

Since 1990, at least nine timber sales on the Tongass have been litigated. Individual sales have been held up sometimes for years during the litigation process. What the families and the people who depend on the timber industry seek is simply some finality and a reasonable time for decisions.

According the Alaska Forest Association, my State has lost over 1,400 jobs in the recent years and the timber industry has ground down to a virtual standstill. Only 650 people remain employed in an industry that was once year round and spread throughout the region. Whole communities have vanished.

These people are not threatening the last remaining temperate rain forest in the United States, but their ability to provide for their families and for their families to have a future is threatened by lawyers and protracted litigation. The protracted litigation and the time to resolve that litigation could cost them their livelihoods and their family owned businesses. The ripple effect extends way beyond the individuals and the employees—it rips into the fabric of the communities in southeast Alaska. These are the things that the language of the appropriations bill seeks to address.

I support that language in the bill because I have seen firsthand what the endless litigation has done to my communities. I oppose the Boxer amendment because it seeks to empower more frivolous law suits and more delays. I urge my colleagues to oppose this amendment and to support more jobs in Alaska and America.

Mr. STEVENS. Madam President, this amendment has nothing to do with environmental concerns. This is a judicial process amendment. These contracts for timber go through a review process involving an EIS, then public hearings, then an opportunity to appeal to the Forest Service, and then an opportunity to file, administratively, appeals within the Forest Service.

After a final record of decision, they have 6 years to take it to the district court. All we are asking is that be shortened to the normal process of 30 days and the process for appeal from the administrative court be 30 days and the court take no longer than 180 days to review that appeal. It does not limit the time for the appeal to the circuit court but is strictly a judicial process shortening the time.

It now takes 3 to 4 years for every contract before we can possibly try to use those contracts to harvest the trees, within 676,000 acres out of 17 million acres. We need this amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. DORGAN. I ask unanimous consent the vote be a 10-minute vote and all succeeding votes be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 359 Leg.]

YEAS—52

| | | |
|---|---|---|
| Alexander | Domenici | McConnell |
| Allard | Dorgan | Miller |
| Allen | Ensign | Murkowski |
| Bennett | Enzi | Nelson (NE) |
| Bond | Frist | Nickles |
| Breaux | Graham (SC) | Roberts |
| Brownback | Grassley | Santorum |
| Bunning | Gregg | Sessions |
| Burns | Hagel | Shelby |
| Campbell | Hatch | Smith |
| Chambliss | Hutchison | Stevens |
| Cochran | Inhofe | Sununu |
| Coleman | Inouye | Talent |
| Cornyn | Kyl | Thomas |
| Craig | Landrieu | Voinovich |
| Crapo | Lott | Warner |
| DeWine | Lugar | |
| Dole | McCain | |

NAYS—44

| | | |
|---|---|---|
| Akaka | Dayton | Lincoln |
| Baucus | Durbin | Mikulski |
| Bayh | Feingold | Murray |
| Biden | Feinstein | Nelson (FL) |
| Bingaman | Fitzgerald | Pryor |
| Boxer | Graham (FL) | Reed |
| Byrd | Harkin | Reid |
| Cantwell | Hollings | Rockefeller |
| Carper | Jeffords | Sarbanes |
| Chafee | Johnson | Schumer |
| Clinton | Kennedy | Snowe |
| Collins | Kohl | Specter |
| Conrad | Lautenberg | Stabenow |
| Corzine | Leahy | Wyden |
| Daschle | Levin | |

NOT VOTING—4

| | |
|---|---|
| Dodd | Kerry |
| Edwards | Lieberman |

The motion was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1754, AS MODIFIED

The PRESIDING OFFICER. There are now 2 minutes evenly divided prior to a vote on the Voinovich amendment No. 1754.

The Senator from Montana.

Mr. BURNS. Madam President, I yield to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, this second-degree amendment on which we will be voting, the reporting requirement, addresses a number of concerns various Senators have had with competitive sourcing.

The second-degree amendment does the following: It requires the Secretary of the Interior to annually report on its competitive sourcing efforts—including a list of the total number of competitions completed, a list of the total number of competitions announced and the activities covered, and a list of the total number of full-time equivalent Federal employees studied under completed competitions.

The second-degree amendment is a responsible measure that will bring additional accountability and transparency to public-private competitions.

Two weeks ago, the House overwhelmingly adopted a similar reporting requirement during consideration of the Treasury/Transportation appropriations bill.

The Thomas-Voinovich amendment will give Congress additional oversight of competitive sourcing, unlike the Reid amendment that stops it altogether. Competitive sourcing allows tax dollars to be used more efficiently, more effectively. It will improve agency efficiency. I urge my colleagues to support the second-degree amendment.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, anyone who supports this amendment is supporting contracting out. All you have to do is read their amendment and that is what it says. They say the President will issue reports. He has not done that. That is the only thing it does. It allows contracting out to go forward without authorization of Congress and without any appropriation for the studies to be taken. Remember what they are doing now is scavenging the money from other work that needs to be done within the various public land entities. It is unfair. It is wrong. Anyone who supports the Voinovich amendment supports contracting out, without question. I urge a ''nay'' vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1754.

Mr. BURNS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and 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 ''no.''

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 360 Leg.]

YEAS—53

| | | |
|---|---|---|
| Alexander | DeWine | McConnell |
| Allard | Dole | Miller |
| Allen | Domenici | Murkowski |
| Baucus | Ensign | Nelson (NE) |
| Bennett | Enzi | Nickles |
| Bond | Fitzgerald | Roberts |
| Breaux | Frist | Santorum |
| Brownback | Graham (SC) | Sessions |
| Bunning | Grassley | Shelby |
| Burns | Gregg | Smith |
| Campbell | Hagel | Specter |
| Chambliss | Hatch | Stevens |
| Cochran | Hutchison | Sununu |
| Coleman | Inhofe | Talent |
| Collins | Kyl | Thomas |
| Cornyn | Lott | Voinovich |
| Craig | Lugar | Warner |
| Crapo | McCain | |

NAYS—43

| | | |
|---|---|---|
| Akaka | Durbin | Lincoln |
| Bayh | Feingold | Mikulski |
| Biden | Feinstein | Murray |
| Bingaman | Graham (FL) | Nelson (FL) |
| Boxer | Harkin | Pryor |
| Byrd | Hollings | Reed |
| Cantwell | Inouye | Reid |
| Carper | Jeffords | Rockefeller |
| Chafee | Johnson | Sarbanes |
| Clinton | Kennedy | Schumer |
| Conrad | Kohl | Snowe |
| Corzine | Landrieu | Stabenow |
| Daschle | Lautenberg | Wyden |
| Dayton | Leahy | |
| Dorgan | Levin | |

NOT VOTING—4

| | |
|---|---|
| Dodd | Kerry |
| Edwards | Lieberman |

The amendment (No. 1754), as modified, was agreed to, as follows:

At the appropriate place insert the following:

SEC. ____. Not later than December 31 of each year, the Secretary of the Interior shall submit to Congress a report on the competitive sourcing activities on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) that were performed for the Department of the Interior during the previous fiscal year by Federal Government sources. The report shall include—

(1) the total number of competitions completed;

(2) the total number of competitions announced, together with a list of the activities covered by such competitions;

(3) the total number of full-time equivalent Federal employees studied under completed competitions;

(4) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(5) the incremental cost directly attributable to conducting the competitions identified under paragraphs (1) and (2), including costs attributable to paying outside consultants and contractors;

(6) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(7) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions completed after May 29, 2003;

(8) the total projected number of full time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year covered by the next report required under this section; and

(9) a general description of how the competitive sourcing decisionmaking processes of the Department of the Interior are aligned with the strategic workforce plan of that department.

AMENDMENT NO. 1731

The PRESIDING OFFICER. There will now be 2 minutes of debate evenly divided on the Reid amendment.

Mr. REID. Mr. President, everyone should understand that what has just taken place is to allow privatization to continue in our public land agencies. Clearly, that is what happened. I hope the Members of this body will approve the Reid amendment and allow this matter to go to conference. It appears this last vote was a cover-your-rear-end vote. So we probably will lose on this amendment. I think it is a shame.

I read into the RECORD how people who work at the agencies feel, editorial comments from all over the country, and comments from private people who know how important the parks are. Veterans preference would not be there; disabilities act would not apply. There are so many things that are unfair to the dedicated people working for our public land agencies.

I hope there will be a ''yea'' vote for this amendment.

The PRESIDING OFFICER. Who seeks time? The Senator from Ohio.

Mr. VOINOVICH. Mr. President, the amendment that was just adopted makes sense out of competitive sourcing, makes the agencies accountable for competitive sourcing, and makes it part of the shaping of their workforce. It is long overdue.

The Reid amendment completely eliminates competitive sourcing period. It leaves it out. If you look at other Federal agencies that have competitively sourced, for example at the Department of Defense, in about 98 percent of streamlined competitions—and these all have to be commercial functions—98 percent of the time, the Federal workers win the competition. They win because they come together, use quality management, and figure out a way to do the job better than they were doing it before.

Anyone who supported our amendment should vote no on this amendment which just eliminates competitive sourcing altogether and is not good public policy.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 1731.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and 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 ''yea.''

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 361 Leg.]

YEAS—44

| | | |
|---|---|---|
| Akaka | Durbin | Mikulski |
| Bayh | Feingold | Murkowski |
| Biden | Feinstein | Murray |
| Bingaman | Harkin | Nelson (FL) |
| Boxer | Hollings | Pryor |
| Byrd | Inouye | Reed |
| Cantwell | Jeffords | Reid |
| Carper | Johnson | Rockefeller |
| Chafee | Kennedy | Sarbanes |
| Clinton | Kohl | Schumer |
| Conrad | Landrieu | Snowe |
| Corzine | Lautenberg | Specter |
| Daschle | Leahy | Stabenow |
| Dayton | Levin | Wyden |
| Dorgan | Lincoln | |

NAYS—51

| | | |
|---|---|---|
| Alexander | Crapo | Lugar |
| Allard | DeWine | McCain |
| Allen | Dole | McConnell |
| Baucus | Domenici | Miller |
| Bennett | Ensign | Nelson (NE) |
| Bond | Enzi | Nickles |
| Breaux | Fitzgerald | Roberts |
| Brownback | Frist | Santorum |
| Bunning | Graham (SC) | Sessions |
| Burns | Grassley | Shelby |
| Campbell | Gregg | Smith |
| Chambliss | Hagel | Stevens |
| Cochran | Hatch | Sununu |
| Coleman | Hutchison | Talent |
| Collins | Inhofe | Thomas |
| Cornyn | Kyl | Voinovich |
| Craig | Lott | Warner |

NOT VOTING—5

| | | |
|---|---|---|
| Dodd | Graham (FL) | Lieberman |
| Edwards | Kerry | |

The amendment (No. 1731) was rejected.

Mr. BURNS. 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. BURNS. Mr. President, we are working on the managers' package. It will be done momentarily. Then there is a package that has been agreed to on both sides. Both of those packages have been agreed to so far. There is one more vote tonight, and that is the Daschle amendment regarding Indian Health Service. Then we are also, probably—if no one shows up, why, we would go to final passage on a voice vote, and we could be out of here pretty early, in time to make it home for supper.

As soon as the minority leader comes to the floor, why, we would have the closing arguments on his amendment and our colloquy.

I yield the floor to my good friend from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1750

Mr. LEVIN. Mr. President, I call up amendment No. 1750 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Ms. COLLINS, proposes an amendment numbered 1750.

Mr. LEVIN. 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:

On page 85, line 21, insert after ''until expended'' the following:

: *Provided*, That the Department of Energy shall develop, with an opportunity for public comment, procedures to obtain oil for the Strategic Petroleum Reserve in a manner that maximizes the overall domestic supply of crude oil (including amounts stored in private sector inventories) and minimizes the costs to the Department of Interior and the Department of Energy of acquiring such oil (including foregone revenues to the Treasury when oil for the Reserve is obtained through the Royalty-in-Kind program), consistent with national security. Such procedures shall include procedures and criteria for the review of requests for the deferrals of scheduled deliveries. No later than 120 days following the enactment of this Act of Department shall propose and no later than 180 days following the enactment of this Act the Department shall publish and follow such procedures when acquiring oil for the Reserve.

Mr. LEVIN. This amendment establishes a cost-effective program to fill the Strategic Petroleum Reserve. I understand it has been cleared by both of the managers.

Since late 2001 the Department of Energy—DOE—has been steadily adding oil to the U.S. Strategic Petroleum Reserve, SPR, in order to fill the reserve to its maximum capacity of 700 million barrels. In late 2001, the reserve held about 560 million barrels of oil; today holds nearly 620 million barrels. DOE anticipates that at the current fill rate it will reach its goal of 700 million barrels sometime in 2005.

Since early 2002, DOE has been acquiring oil for the SPR without regard to the price of oil. Prior to that time, DOE sought to acquire more oil when the price of oil was low, and less oil when the price of oil was high. In early 2002, however, DOE abandoned this cost-based approach and instead adopted the current approach, which does not consider cost when buying oil for the SPR. Since over this period the price of oil has been very high—often over $30 per barrel—and the oil markets have been tight, this cost-blind approach has increased the costs of the program to the taxpayer and, of great significance, put further pressure on tight oil markets, thereby helping boost oil and gasoline prices to American consumers and businesses.

The bipartisan amendment Senator COLLINS and I are offering today is simple. It would encourage DOE to consider the price and supply of oil when buying oil for the SPR. It would direct DOE to minimize the program's cost to the taxpayer while maximizing our energy security.

The Permanent Subcommittee on Investigations spend a year and a half looking at oil markets and the SPR. In March of this year my staff on the subcommittee published the repot of the investigation. In summary our investigation found:

In 2002, DOE began to fill the SPR without regard to the price of oil.

Filling the SPR in tight market increased U.S. oil prices and hurt U.S. consumers.

Filling the SPR regardless of oil prices increased taxpayer costs.

Despite its high cost, filling the SPR [in 2002] did not increase overall U.S. oil supplies.

The March report also warned that the deliveries that were then scheduled for later in 2003 would drive oil prices higher because prices were high and inventories were low. Unfortunately, this prediction turned out to be accurate.

Our Report recommended:

DOE should defer all SPR deliveries . . . until near-term crude oil prices fall and U.S. commercial inventories increase.

DOE should conduct a cost-benefit analysis of the previous SPR fill policy compared to the current policy.

DOE should restore its SPR business procedures allowing deferrals of oil deliveries to the SPR when crude oil prices are high or commercial crude oil supplies are tight.

Both Houses of Congress support the goal of filling the SPR to its capacity. I support this goal, too. This amendment seeks to further this goal and our national energy security at least cost to the taxpayers. For many years the SPR program followed the types of procedures that DOE has recently abandoned. The SPR program office itself has recommended the DOE return to using these market-based procedures. Under the amendment DOE would continue to have the discretion to determine when to buy oil for the SPR, and under which procedures, but DOE would be encouraged to use that discretion in a way to minimize costs while maximizing national energy security.

Any successful businessperson knows the saying, ''Buy low, sell high.'' This is as true for oil as it is for pork bellies and stocks. It is as true for the Strategic Petroleum Reserve as it is for any business involving a commodity. Indeed, in a recent presentation to other countries on how to create and manage a strategic reserve, DOE itself states: ''The Key To A Successful Strategic Reserve Is Cost Control.'' DOE identifies the major cost elements of a strategic reserve as capital costs, maintenance costs, and oil acquisition costs. Once constructed, the capital costs and the maintenance costs are largely fixed. The main variable cost, therefore, is the cost of acquiring oil

for the SPR. DOE itself identifies for other countries the ''Lessons Learned to Control Oil Acquisition Costs'' as follows:

Let the markets determine your buying pattern.
Buy in weak markets.
Delay deliveries during strong markets.
Use your acquisition strategy to stabilize markets.

Prior to early 2002 DOE followed this sensible strategy when acquiring oil for the SPR. Mr. President, I ask unanimous consent that excerpts from this DOE presentation to other countries be entered into the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Part of this strategy—allowing deliveries to be deferred when prices were high and supplies tight—was spelled out in the ''Business Procedures'' for the SPR program issued by DOE in January 2002. The Business Procedures spell out how scheduled deliveries of oil to the SPR can be deferred. Generally, companies will ask for a deferral when the market is tight so they can meet their supply commitments to refiners who have an immediate need for the oil. DOE's procedures provided that a company could be granted a deferral in return for additional barrels of oil to be delivered at the later date. DOE calculated the amount of additional oil that would be delivered by comparing the market prices at the time of delivery was originally scheduled and at the time of the deferred delivery.

DOE's own documents state that deferrals of oil scheduled to be delivered in 2001 provided an additional 3½ million barrels of oil for the SPR at no additional cost to the Government. Deferrals of deliveries scheduled for 1999 and 2000 had added another 3½ million barrels. At an average cost of $25 per barrel, these deferrals added a total of 7 million barrels of oil to the Reserve, worth about $175 million, for no cost to the taxpayer. The SPR program projected:

The potential for savings to the Treasury if we continue to follow this business model until the Reserve is full is additional hundreds of millions of dollars.

But in April 2002, DOE stopped allowing deferrals of scheduled deliveries. Instead, DOE began to buy oil for the SPR without regard to the cost of oil or the supply of oil, and refused requests for deferrals. DOE has not explained the reason for abandoning its previous policy.

In addition to losing the benefits from deferrals, both in terms of oil gained and dollars saved, the abandonment of the previous policy is costing taxpayers because DOE has been paying top dollar for the oil placed into the SPR. Oil acquired for the SPR at $35 per barrel costs the taxpayers $10 more per barrel than oil acquired at $25 per barrel. Even more modest savings per barrel add up to large savings over the course of the program. In 2002, DOE's SPR program calculated:

If the SPR can average down the price of oil it injects in the Reserve by $1 per barrel between now and 2005, the U.S. Treasury will be better off by $125 million, a direct benefit.

But in these times of high gas prices, the DOE shift has another highly negative effect.

Filling up the SPR affects the price of oil and gasoline. In a tight market, filling the SPR reduces the amount of oil in private sector inventories, which, because it reduces available supply, will then lead to increases in the price of oil and petroleum products, such as gasoline, diesel fuel, jet fuel, and home heating oil. When prices are high and the market is tight, refiners will use up the oil in their inventories rather than purchase new oil in an expensive market, and wait for prices to fall before buying more oil. In a tight market, therefore, the additional demand for oil created by the SPR program will lead companies to take even more oil out of their own inventories to fill Government needs. In a tight market, the net result of the SPR program will not be any overall increase in domestic oil supplies, since the amounts of oil added to the SPR will come at the expense of oil in private sector inventories. These private commercial inventories are thereby reduced as a result of filling the SPR.

Oil prices are directly related to the supply of oil. When supplies are plentiful, prices fall. When supplies are scarce, prices rise. The supply of oil is determined by the amount of oil produced in oil wells around the world and the amount of oil in storage. As either the amount of oil produced or the amount of oil in storage decreases, prices will increase. In a tight market, therefore, when supplies are scarce, filling the SPR will lead both to a decrease in private sector inventories and a corresponding increase in the price of oil.

The Department of Energy's own documents explain this effect as follows:

If we look at the SPR from the perspective of daily supply and demand, the SPR fill rates are inconsequential. The fill rate is 100–170,000 barrels per day compared to world production and consumption of 75 million barrels per day. However, when OPEC countries are determined to maintain discipline in their export quotas, the cumulative impact of filling the SPR becomes more significant when compared to U.S. and Atlantic basin inventories. Essentially, if the SPR inventory grows, the OPEC does not accommodate that growth by exporting more oil, the increase comes at the expense of commercial inventories. Most analysts agree that oil prices are directly correlated with inventories, and a drop of 20 million barrels over a 6-month period can substantially increase prices.

Oil companies doing business with the SPR program supported DOE's business procedures in place prior to the spring of last year. These procedures afforded the contractors the flexibility to re-schedule deliveries to the SPR in accordance with market conditions. In exchange for providing the oil companies with this flexibility, the U.S. government was able to obtain additional barrels of oil for the SPR at no additional cost to the taxpayer. This enabled the Reserve to be filled faster and at less cost than if contractors were not allowed to reschedule their deliveries. These procedures were a win-win for taxpayers and the SPR.

And, of course, any increase in the price of oil will soon lead to an increase in the price of the various petroleum products, including gasoline, diesel fuel, home heating oil, and jet fuel. Hence, the SPR program affects price of basic oil products for a wide variety of American consumers and businesses.

The amendment I am offering today would encourage DOE to reinstate these ''win-win'' procedures for filling the SPR.

Mr. President, I ask unanimous consent to have printed in the RECORD a recent editorial critical of DOE's cost-blind approach to filling the SPR.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. LEVIN. The editorial, in the Omaha World Herald, dated August 14, reads:

In general, we are strong supporters of keeping the nation's Strategic Petroleum Reserve at or near capacity in case of a national emergency. However, there is such a thing as bad timing. We believe the administration has been making a mistake by refilling the reserve to the tune of about 11 million barrels since the start of May. Commercial U.S. oil stocks have been low for months. Filling the reserve just now puts upward pressure on prices. . . . Washington should back off until oil prices fall somewhat. Doing otherwise is costing the Treasury unnecessarily and is punishing motorists during summer vacation driving time.

Under our amendment DOE would retain the complete discretion to determine the pace and schedule for filling the SPR. However, DOE would be required to issue procedures to guide this discretion, and would be required to consider how to maximize our national energy security and minimize costs to the taxpayers while filling the SPR. If implemented properly, such procedures can promote our national energy security, save taxpayers money, and lower oil and gasoline prices for consumers.

EXHIBIT 1

PROCEEDINGS OF APEC ENERGY SECURITY INITIATIVE WORKSHOP ON ELEMENTS OF ENERGY SECURITY POLICY IN THE CONTEXT OF PETROLEUM, AMARI WATERGATE HOTEL, BANGKOK, THAILAND, SEPTEMBER 14–15, 2001

ASIA-PACIFIC ECONOMIC COOPERATION, ENERGY WORKING GROUP, CLEAN FOSSIL ENERGY EXPERTS' GROUP

Jointly Organized by: Department of Industry, Science and Resource (ISR), Australia; The Institute of Energy Economics, Japan (IEEJ), Japan; Ministry of Commerce, Industry & Energy (MOCIE), Republic of Korea; Ministry of Energy, Mexico; National Energy Policy Office (NEPO), Thailand; and Department of Energy (DOE), United States.

Supported by: Asia Pacific Economic Cooperation (APEC) and Ministry of Economy, Trade and Industry (METI), Japan

STRATEGIC PETROLEUM RESERVE

APEC Workshop on Energy Security Policy: John Shages.

UNITED STATES POLICY ON RESPONDING TO OIL SUPPLY DISRUPTIONS

The policy of the United States regarding oil supply disruptions is to rely on market forces to allocate supply, and to ordinarily supplement supply by the early drawdown of the Strategic Petroleum Reserve in large volumes and in coordination with our allies and trading partners.

CRITICAL ELEMENTS TO JUSTIFY A DRAWDOWN

A Disruption Event.
Evidence of Supply Stress.
A Price Spike.

THE KEY TO A SUCCESSFUL STRATEGIC RESERVE IS COST CONTROL

The benefits come with a drawdown—but the number and extent of futures disruptions is unknown.

Measuring the degree of damage from a disruption, and the consequent benefits of a petroleum reserve, to an individual economy is an uncertain science.

Cost is the easiest aspect to control and has the highest probability of making the Reserve cost beneficial.

MAJOR COST ELEMENTS

Capital Costs—Including land, facilities, and logistics systems.
Maintenance Costs.
Oil Acquisition Costs.

CAPITAL COSTS

Dependent on location.
Technology and type of storage facilities.
Refer to the 1999 APERC Study supported by conceptual designs and cost estimates from PBKBB, Inc.

LESSONS LEARNED TO CONTROL OIL ACQUISITION COSTS

Let the markets determine your buying pattern.
Buy in weak markets.
Delay deliveries during strong markets.
Use your acquisition strategy to stabilize markets.

EXHIBIT 2

[From the Omaha World Herald, Aug. 14, 2003]

OIL'S NOT WELL—FILLING THE STRATEGIC RESERVE IS A GOOD IDEA—BUT NOT RIGHT NOW.

In general, we are strong supporters of keeping the nation's Strategic Petroleum Reserve at or near capacity in case of a national emergency. However, there is such a thing as bad timing. We believe the administration has been making a mistake by refilling the reserve to the tune of about 11 million barrels since the start of May.

Commercial U.S. oil stocks have been low for months. Filling the reserve just now puts upwards pressure on prices. Every motorists sees this at the gasoline pump, where regular-grade gas is hovering around $1.60.

Oil has again begun to flow from Iraq's vast fields, which will help somewhat—weeks from now. Meanwhile, the strategic reserve is at 84 percent of capacity. This seems to us a comfortable level.

Washington should back off until oil prices fall somewhat. Doing otherwise is costing the Treasury unnecessarily and is punishing motorists during summer vacation driving time.

Ms. COLLINS. Mr. President, I rise today to join the ranking member of the Senate Permanent Subcommittee on Investigations, Senator LEVIN, in offering an amendment that would require the U.S. Department of Energy to develop and maintain cost-effective procedures to fill the nation's Strategic Petroleum Reserve. The amendment simply requires the Department of Energy to publish procedures for obtaining oil for the Strategic Petroleum Reserve in a manner that maximizes supplies, minimizes costs, and is consistent with national security. The amendment would give the Department of Energy 180 days to publish these procedures and would allow an opportunity for public comment prior to final publication.

Two years ago, Senator CARL LEVIN, who at the time was chairman of the Senate Permanent Subcommittee on Investigations, initiated an investigation into gas prices in the United States. Part-way through this effort he expanded the investigation to include analysis of Department of Energy policies with respect to the Strategic Petroleum Reserve. Last year, I joined Senator LEVIN in requesting information from the Department of Energy on the impacts of filling the Strategic Petroleum Reserve on crude oil prices.

In March of this year, the Permanent Subcommittee on Investigations released a report which described the findings of the investigation. Among other things, the Committee found that inconsistent Department of Energy policies had led to filling the reserve during tight market conditions. The Committee found that this action had increased oil prices, hurt U.S. consumers, and increased the cost to taxpayers.

The Department of Energy should adopt procedures to ensure that oil purchases for the SPR minimize the economic impact on consumers. The Department of Energy needs to take full advantage of techniques such as deferred payments, use of the futures market, and careful cost-benefit analysis in order to lessen the impact of oil purchases on consumers. Although the Department has used all of these policies on occasion, it should do so consistently.

The United States has the ability to partially mitigate dramatic spikes in gas prices, if we properly use and maintain our domestic reserve. In fact, it is our duty to do so, to ease the economic impact that drastically rising gas prices have on Americans who need to fill their tanks in order to do their jobs, buy their groceries, and drive their kids to school.

Our amendment would ensure that price and market impact are top considerations in managing this vital domestic emergency oil supply. It would give the Department of Energy an opportunity to focus increased attention on its policies and procedures for filling the Strategic Petroleum Reserve, with particular regard to the effect of its policies on gas prices and oil markets. I ask my colleagues to join Senator LEVIN and me in supporting this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1750) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. 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. MCCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I come to the floor to talk, as I do quite frequently, about the number of unrequested, unauthorized, and locality-specific earmarks contained in this bill. Fortunately, this year's Interior appropriations bill does not contain as many pork projects as the bill the Senate passed last year. This year's bill has over $403 million in porkbarrel projects. Last year's had $429 million, so I guess there is a $26 million improvement. I guess I should be grateful for this apparent savings, but I do not see this as evidence of tremendous fiscal restraint.

Citizens Against Government Waste, a nationally recognized, well-respected, nonpartisan government watchdog organization found that in fiscal year 2003, the Appropriations Committee stuck 9,362 projects into the 13 annual appropriations bills, an increase of over 12 percent from the previous year's total of 8,341. A further note: in the last 2 years the total number of projects has increased by some 48 percent.

I have compiled a 21-page list of 332 objectionable provisions contained within this bill, totaling $423 million. I will post the full list on my official Senate Web site.

Let me just highlight some of the more egregious projects in this bill: An earmark for $4 million for the construction, renovation, and furnishing and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, WV, and Pittsburg, PA; $15 million for alcohol control enforcement, prevention, treatment, sobriety and wellness, and education in Alaska, distributed in lump sum payments to various entities; one of our old favorites, $1 million above the request to continue work at the National Center for Ecologically-Based Noxious Weed Management at Montana State University—they got an extra $1 million; $500,000 for continued funding of the Idaho Sage Grouse Management Plan through the Idaho Office of Species Conservation; $2 million above the budget request of the President for Atlantic salmon recovery activities; $900,000 above the budget request for Eider Duck recovery work by the Alaska SeaLife Center; $1.2 million above the budget request for the Wolf Recovery Program in the State of

Idaho; $1.4 million for the Washington State Regional Salmon Enhancement; $200,000 for bald eagle restoration work performed in cooperation with the Vermont National Heritage Partners Program; $500,000 for the Native Roadside Vegetation Center at the University of Northern Idaho; $700,000 for invasive species control in Hawaii; $500,000 for the Delaware Bay Oyster Revitalization Project in the States of Delaware and New Jersey; $500,000 for salmon restoration work in Puget Sound in cooperation with the Seattle Art Museum—the Seattle Art Museum is going to work in cooperation with Puget Sound for salmon restoration—$750,000 for ferret reintroduction in the Rosebud Sioux tribal lands; $1.5 million for the Bitter Lake, NM, Visitors Center—that is sweet—$1 million for Kenai, AK, for cabins, trails, and campgrounds; $3 million for the Kodiak, AK, Visitors Center—I can tell you that Alaska is doing very well by doing good—$2.1 million for the Ohio River Islands, WV, Visitors Center and miscellaneous improvements; $525,000 for the Okefenokee Concession Facility in Georgia; $300,000 for the Garrison Dam, ND, fishpond improvements; $850,000 for the Savannah, GA, Visitors Center—we are big on visitors centers in this particular bill—$2 million for the World Birding Center in Texas; $3 million for the Abraham Lincoln Library in Illinois; $500,000 to design a visitors center on Assateague Island in Maryland; $1.1 million to rehabilitate off-road vehicle trails in Big Cypress National Park in Florida; $1.7 million to rehabilitate General Grant's tomb in New York—I wonder if we should ascertain whether General Grant is actually there before we rehabilitate his tomb—$3 million for a visitors center in the Grand Teton National Park; $7.4 million for rehabilitation of the Horace Albright Training Center in Arizona. I am told that the Horace Albright Training Center in Arizona is a place near the bottom of the Grand Canyon where park personnel are trained.

The committee report directs 26 separate unrequested land acquisitions under the Fish and Wildlife Service totaling nearly $35 million.

It is the process that I have a problem with. The committee effectively usurps the power of the authorizing committee and acts as one all-powerful funding machine. Projects are often funded with little or no background study and are approved simply after being requested by a fellow Member.

As all my colleagues know, the Congressional Budget Office recently projected a potentially debilitating $480 billion deficit for 2004 and the President has asked for additional appropriations of $87 billion for the military operations in Iraq and Afghanistan, and everybody is asking: Where is the money coming from? After years of unchecked and questionable spending, we are in the unfortunate position of facing critical budget constraints that will hamper our ability to fully fund necessary programs. Instead, we are cutting deep into the taxpayers' pockets once again by expecting them to shell out more than $403 million in porkbarrel spending included in this bill.

I think at some point the President of the United States is going to have to veto one of these bills and demand that this unnecessary, unwarranted, unauthorized, and unrequested spending be removed because we really are talking about real money.

I understand we are going to have a voice vote on final passage of this bill. I would be recorded as voting no if there were a recorded vote.

I yield the floor.

AMENDMENT NO. 1739

Mr. DASCHLE. Mr. President, I call for the regular order, and I believe my amendment is pending.

The PRESIDING OFFICER. That is correct.

Mr. DASCHLE. Mr. President, I had the opportunity to speak to this amendment a couple of times, so I will not belabor it. I know we are getting close to the end of the debate.

I compliment the distinguished manager of the bill and ranking member for a job well done on the bill.

This amendment recognizes two things. It recognizes, first, when it comes to trust responsibility and the very vexing problems we have had in carrying out trust responsibility with all Indian tribes, that we are a long way from any implementation of that responsibility today. What efforts have been made in trying to establish some mechanism for carrying out those responsibilities in a fair and meaningful way are yet to be found. In fact, if anything, we are mired more than we have been in a long time.

There is a need to create a better partnership with all tribal governments, and, as a result of that need for greater partnership, a recognition that until we have meaningful trust responsibility in policy and in law, to put an infrastructure in place which is supposedly designed to implement a policy that doesn't exist is premature. In fact, it sends all the wrong messages about what the intention of the BIA, the Congress, or this administration is with regard to that responsibility in the first place.

The National Congress of American Indians has written to Congress asking Congress not to fund the implementation of the policy today because it is premature. Virtually every national Indian organization has pleaded with the Congress to recognize the importance of tribal sovereignty and tribal partnership with their government and has asked us not to implement the policy.

That is the first point I would make with this amendment. The second point is equally as important.

We have, as I said this morning, an extraordinary deficiency in health care. We are underfunded by about $2.9 billion in health care funding on reservations today, with regard to IHS clinical services alone. As a result of that underfunding, the per capita commitment to Indian health care today is about $1,900. That is half of what our per capita commitment is today for Federal prisoners' health care. In other words, an Indian child on a reservation gets half the commitment through the Federal Government that a prisoner does regardless of that prisoner's crime in the Federal system today.

What I simply am proposing with this amendment is that we take part of the money allocated for the implementation of this trust responsibility effort that is now underway in the BIA and shift it over to where it can do the most good; that is, in health care. We need every dollar we can get in health care, and $79 million—which is what this amendment provides—will go at least a little ways.

Since we weren't able to pass the amendment offering $292 million for IHS clinical services, $79 million transferred to Indian health care from the trust fund budget that is within the BIA would at least send the right message to NCAI and to all of the Native American organizations that we listen, that we understand, and that this is important to us as well.

Some will argue that to do so would actually prevent us from cutting checks to allottees. If this bill were enacted today, the Office of Special Trustee would receive $143 million, the same as last year. So we would have the same amount of money for allottees through the Office of Special Trustee that we had in the last fiscal year. The system that cuts the checks—the Trust Fund Accounting System—would not be affected. That costs approximately $14 million. According to the President's budget request, my amendment would still allow $32 million in the Operation and Support Account. In the Operation and Support Account we strike $20 million. We leave $32 million.

There is a $6 million reduction in the trust accountability account. We leave $51 million. We take $15 million from field operations and still leave $24 million. We take $38 million from the historical accounting fund and we still leave $27 million. The total amount available for the Office of Special Trustee under this amendment is $143 million.

This is our last opportunity on this bill to do something worthwhile, to recognize we have failed to meet our obligations in addressing the crisis we have in health care on reservations in the country today and to recognize, as well, the Office of the Special Trustee, as we consider our challenges as well as our responsibilities in carrying out the intent and the spirit of the treaty obligations we have not met and that will not be met under this bill.

Let's use this money where it can do the most good. Let's shift it out of the Office of Special Trustee and into health care. I hope my colleagues on

both sides of the aisle could support this amendment.

Mr. President, the United States of America has been struggling to strike the correct Indian policy for literally 200 years. Since the days of the Louisiana Purchase and the Lewis and Clark exploration, we have attempted to find a policy that was both fair to Native people and yet, at the same time, allowed for the expansion and progress of the United States. That search continues today.

From the treaties of the mid-1800s, to the Dawes Act of 1887, which sought to break up tribal land, to the Indian Reorganization Act of 1934, which sought to undo the damage of the Dawes Act, the United States has vacillated on Indian policy. From a policy of termination to the Indian Self Determination and Education Assistance Act of 1975, we have struggled. In more recent times, through several administrations of both parties, the United States has been committed to honoring its treaty obligations and interacting with Indian tribes on a government-to-government basis.

Through a government-to-government policy, our goal is to respect the integrity of tribal governments and allow them to function with greater autonomy. Tribal governments are administering more and more programs and are being looked to for the provision of local services.

President Bush, discussing his administration's policy on Indian affairs had this to say:

> To enhance our efforts to help Indian nations be self-governing, self-supporting, and self-reliant, my Administration will continue to honor tribal sovereignty by working on a government-to-government basis with American Indians and Alaska Natives. We will honor the rights of Indian tribes and work to protect and enhance tribal resources.

With that background in mind, the question before the Senate is whether or not we should appropriate money to reorganize the Bureau of Indian Affairs when the reorganization plan put forward by the Department of Interior is opposed by Indian tribes all across the country. I think that the answer is clearly ''no.''

What does the phrase ''government-to-government'' mean if we are going to ignore the opinion of tribal leaders on a question of unique importance to Indian people? What does it say if we pay no heed to tribal leaders on how to organize the Bureau of Indian Affairs? I ask my colleagues who have an Indian reservation in their State, how many of you have said you are committed to government-to-government relations between the United States and Indian tribes?

The tribal Chairs in South Dakota are against the proposed BIA reorganization plan. The senior Chairman in South Dakota, Chairman Mike Jandreau of the Lower Brule Sioux Tribe, has been a national leader on this subject. The National Congress of American Indians has written to Congress asking us not to fund the reorganization. If a government-to-government policy means anything, then Congress should respect these tribal leaders, not fund the reorganization, and transfer the proposed funding to higher priorities, health care first and foremost.

I am therefore proposing that we transfer $79 million from accounts that would fund a reorganization of the Department of Interior, Bureau of Indian Affairs, to increase funding for Indian health programs.

The health care statistics on the reservations of South Dakota, and throughout the country, are closer to the statistics of the developing Third World than they are to the national statistics for the United States. Infant mortality and diabetes rates on the reservations far exceed that of the rest of the Nation; every health barometer calls out for prompt intervention and assistance.

There is little disagreement that the Department's stewardship of Indian trust funds has been a colossal and longstanding failure. For over 100 years, the Department of Interior has served as the trustee for the proceeds from the leasing of oil, gas, land and mineral rights on Indian land. Many billions of dollars are at stake. Money that is desperately needed to address basic human needs cannot be accounted for and distributed.

But rather than get directly at the underlying problem, the Department continues to focus on reorganization in order to demonstrate to the tribes, Congress, and the Court that something is happening and that progress is being made. The money in the trust fund belongs to the tribes and its enrolled members.

Congress should not appropriate one more dollar for reorganization of the BIA until the tribes tell us they support the reorganization plan and, most importantly, that the reorganization plan will adequately address the mismanagement of the trust fund.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, we pretty much laid out the facts in this debate. There is no question about the Indian Health Service. I completely agree with my friend from South Dakota.

There are a couple of points I make. If his amendment is successful, it has great ramifications regarding the amount of money going to individual Native Americans, to the tribes, and to trust accounts this year. This transfer of funds shuts down the operation of this historical accounting procedure. This is a problem that has been building for the last 10 or 15 years. In fact, it got so bad under the last administration, the court finally held the Department of Interior in contempt because they were not forthcoming with the figures. Why? Because there was no way to do it. There was no way to present the court with any actual figures to settle the litigation.

The ramifications, if we shut this down: South Dakota alone has 35,714 open accounts. Their annual disbursement to those accounts now under present conditions is over $84 million; Oklahoma, $90 million; my home State, $87 million; $101 million, the State of Washington. That money will not be mailed this year.

On this old reorganization—and we have heard a lot of talk about where is it going, what policy shall we have—the policy is being dictated by the courts. Maybe the policy is we should be on historical accounting so we know accurately what is owed and what is not.

Prior to implementing a major restructuring of the Department's Indian trust functions, Interior engaged in the most extensive consultation in history by senior Department officials with the Indian tribes. Before the new organization was developed, the Department officials held over 45 meetings with tribal leaders throughout the United States, testified at several congressional hearings during the consultation process, and obtained the approval of the House and concurrence of the Senate Appropriations Committee.

What we are talking about is a problem being caused mainly because we stuck our head in the sand and would not face reality when dealing with this. It could be huge. Some plaintiffs say it could go as high as $176 billion. I don't think we are ready to do that just now.

Even if you disagree with the accounting procedure, the Department, regardless of those procedures, the court findings, will be required to implement the court decision should it be made. This amendment will ensure no money is there for implementation.

Now I will focus on IHS for a moment. We have already been down that particular road. We have added money to IHS the last 5 years. We continue to do so. Under the leadership of Senator DOMENICI and also Senator DASCHLE of South Dakota and a lot of Members who live in Indian country, we have worked very hard to pump up those accounts, understanding that we have situations on Indian reservations that are characteristic of their problems.

This amendment should not pass. It should not pass. It should allow the process to go forward and settle this problem that has been completely ignored over the past 10 or 15 years.

I hope the Senators will take a look at this. This is the first administration that has stepped up and said we have to do something about it; we have to address it. Not only are we under the cloud of litigation but it is the right thing to do. It is the right thing to do for our individuals. It is the right thing to do for our tribal governments, tribes, and for their trust funds. It is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I have great admiration and respect for the

Senator from Montana. I ask him, if it is the right thing to do, why did we exempt the tribes from Montana from this very provision, this very requirement? Section 134 of the bill exempts certain tribes. All of those tribes in Montana are exempt.

We are simply saying, if the exemption is good enough for Montana, it ought to be good enough for the rest of the country, as well. I start with that. It cannot be too good or we would include Montana. But we do not. That is an issue that ought to be clarified.

I also simply say, if it is true these allottees are not going to receive income as a result of the passage of this amendment, how is it possible that virtually every tribal leader in the country, virtually every Indian organization in the country, has expressed support for the amendment? Would they not be concerned for the allottees? Would they not be concerned about the economic impact this would have? The fact is, they support the amendment. The fact is, they know we have money in this bill with this amendment that allows at least some of these responsibilities to be carried forward.

Why would we ever implement a bureaucratic response to a policy that is yet to be written, that is yet to be confirmed and acknowledged and authorized by the courts? Why would we put the organization in place before we know what the responsibilities are? That is what we ask with this amendment.

We have debated it now on several occasions. I am not going to convince the Senator from Montana, even though he looks out for his State, and I don't blame him for doing so. I want the same opportunity to look out for the rest of the country and my State, as well.

I yield the floor.

Mr. BURNS. Mr. President, the exemption he was talking about for Montana, the exemption is the tribes are self-governance tribes. They all have clean audits. They are ready. It is those here in Washington who are not. And we cannot stop the process if we are to be fair to everybody in Indian country.

We have made our points. I am ready to vote if the distinguished minority leader is ready to vote. I know one thing, nobody has greater passion for this issue and for his State than my good friend from South Dakota. But I feel we have kept our head in the sand too long. There has to be some finality to it. We cannot short-circuit the system before it is completed.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. TALENT). Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY) and 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 ''Yea.''

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 362 Leg.]

YEAS—43

| | | |
|---|---|---|
| Akaka | Dorgan | McCain |
| Baucus | Durbin | Mikulski |
| Bayh | Feingold | Murray |
| Biden | Feinstein | Nelson (FL) |
| Bingaman | Harkin | Nelson (NE) |
| Boxer | Hollings | Pryor |
| Breaux | Jeffords | Reed |
| Byrd | Johnson | Reid |
| Cantwell | Kennedy | Rockefeller |
| Carper | Kohl | Sarbanes |
| Clinton | Landrieu | Schumer |
| Conrad | Lautenberg | Stabenow |
| Corzine | Leahy | Wyden |
| Daschle | Levin | |
| Dayton | Lincoln | |

NAYS—52

| | | |
|---|---|---|
| Alexander | Dole | Miller |
| Allard | Domenici | Murkowski |
| Allen | Ensign | Nickles |
| Bennett | Enzi | Roberts |
| Bond | Fitzgerald | Santorum |
| Brownback | Frist | Sessions |
| Bunning | Graham (SC) | Shelby |
| Burns | Grassley | Smith |
| Campbell | Gregg | Snowe |
| Chafee | Hagel | Specter |
| Chambliss | Hatch | Stevens |
| Cochran | Hutchison | Sununu |
| Coleman | Inhofe | Talent |
| Collins | Inouye | Thomas |
| Cornyn | Kyl | Voinovich |
| Craig | Lott | Warner |
| Crapo | Lugar | |
| DeWine | McConnell | |

NOT VOTING—5

| | | |
|---|---|---|
| Dodd | Graham (FL) | Lieberman |
| Edwards | Kerry | |

The amendment (No. 1739), as further modified, was rejected.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, we will have our two managers' packages and then final passage. We will have the packages ready in about 5 or 10 minutes. That is the last vote of the evening, I assume. The leader will be here soon. He will make that announcement.

In the meantime, I thank my good friend from North Dakota, Senator DORGAN, for working on this bill because I think we did it in record time this year. We had some issues that had to be dealt with and we dealt with them. We had a good, spirited debate. I thank all Senators for their cooperation on this piece of legislation.

I yield the floor to my friend from North Dakota.

Mr. DORGAN. Mr. President, let me, too, thank my colleague, Senator BURNS. This is a very significant piece of legislation. We have had excellent cooperation. I also thank the staff, if I might: Peter Kiefhaber, Brooke Livingston, and, of course, the majority staff: Bruce Evans, Ginny James, Steve Fonnesbeck, and also Ryan Thomas.

The Interior bill has, on occasion, been a bill that has taken a long time to move through the floor in some years. Other years, it has moved rather quickly. I think we have had a good discussion on some very important issues. I appreciate the work of my colleague from Montana. I believe we have a couple of managers' packages, and then I think we will have an opportunity to voice vote final. There is one additional amendment as well.

I yield the floor.

Mr. BURNS. 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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. First of all, I congratulate the managers. The bill has been handled perfectly. It allows us to continue on in the appropriations process in an orderly manner. It allows adequate and good time for debate and discussion. I congratulate them.

As the managers just said, there are a couple of packages being worked on now. Then we will have final passage by voice vote. Tonight there will be no more rollcall votes. The exact times will be announced later tonight, but we plan on going to DC appropriations at 10:30 tomorrow morning. The specific times in terms of morning business and all will be announced later. I congratulate the managers and all our colleagues on making tremendous progress in the overall appropriations process. I appreciate everybody's cooperation and patience on these very important bills.

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. 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, we have the first package of amendments. They have been agreed to on both sides of the aisle. This is in package No. 1, for identification for my good friend from North Dakota. There are two other packages to come, and we are working on those.

AMENDMENT NOS. 1757; 1758; 1752, AS MODIFIED; 1759; 1760; 1761; 1762; 1728, AS MODIFIED; 1763, 1726, 1764, 1765, AND 1766, EN BLOC

Mr. BURNS. Mr. President, I ask unanimous consent that the amendments in package No. 1 be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are considered en bloc and are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 1757

(Purpose: To provide funds for trail construction on the Wasatch-Cache National Forest)

On page 70, line 18, immediately following the number ''205'' insert the following:

'', of which $500,000 may be for improvements at Fernwood Park on the Wasatch-Cache National Forest''

AMENDMENT NO. 1758

(Purpose: To provide funds to facilitate a land exchange between the State of Montana and the Lolo National Forest)

On page 64, line 21, immediately following number ''6a(i))'' insert the following:

'', of which $200,000 may be for necessary expenses related to a land exchange between the State of Montana and the Lolo National Forest''

AMENDMENT NO. 1752, AS MODIFIED

On page 20, line 16, after ''$1,636,299,000'' insert the following: '', of which, in accordance with the cooperative agreement entered into between the National Park Service and the Oklahoma City National Memorial Trust and numbered 1443CA125002001, $600,000 may be available for activities of the National Park Service at the Oklahoma City National Memorial and $1,600,000 may be available to the Oklahoma City National Memorial Trust''.

AMENDMENT NO. 1759

(Purpose: To set aside funds for the Wildlife Enhancement and Economic Development Program in Starkville, Mississippi)

On page 11, line 24, after ''2005'' insert the following: '', of which $1,000,000 may be available for the Wildlife Enhancement and Economic Development Program in Starkville, Mississippi''.

AMENDMENT NO. 1760

(Purpose: To improve seismic monitoring and hazard assessment in the Jackson Hole-Yellowstone area of Wyoming)

On page 27, line 17, immediately following ''industries;'' insert:

and of which $250,000 may be available to improve seismic monitoring and hazard assessment in the Jackson Hole-Yellowstone area of Wyoming.

AMENDMENT NO. 1761

(Purpose: To allow fiscal year 2004 funds for futuregen)

On page 82, line 7, insert before the period ''; *Provided Further,* That notwithstanding any other provision of law, within fiscal year 2004 up to $9,000,000 of the funds made available under this heading for obligation in prior years, of funds not obligated or committed to existing Clean Coal Technology projects, and funds committed or obligated to a project that is or may be terminated, may be used for the development of technologies and research facilities that support the production of electricity and hydrogen from coal including sequestration of associated carbon dioxide; provided that, the Secretary may enter into a lease or other agreement, not subject to the conditions or requirements established for Clean Coal Technology projects under any prior law, for a cost-shared public-private partnership with a non-Federal entity representing the coal industry and coal-fueled utilities; and provided further, that the Secretary shall ensure that the entity provides opportunities for participation by technology vendors, States, universities, and other stakeholders''.

AMENDMENT NO. 1762

(Purpose: To provide funding for DES applications integration)

On page 85, on line 4 beginning after ''expended'' insert '', of which $1,500,000 is for DES applications integration''.

AMENDMENT NO. 1728, AS MODIFIED

On page 21, line 21, after ''$60,154,000'' insert the following: '', of which $175,000 may be available for activities to commemorate the Louisiana Purchase at the Jean Lafitte National Historical Park and Preserve in the State of Louisiana''.

AMENDMENT NO. 1763

On page 36, line 4, insert before the period '': *Provided further,* That $48,115,000 shall be operating grants for Tribally Controlled Community Colleges, and $34,710,000 shall be for Information Resources Technology''

AMENDMENT NO. 1726

(Purpose: To provide for a payment of $11,750 to the Harriet Tubman Home in Auburn, New York)

At the end of title I, add the following:

SEC. (a) PAYMENT TO THE HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of $11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use amounts paid under subsection (a) for the purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

AMENDMENT NO. 1764

(Purpose: To include electric thermal storage technology as a weatherization material under the Energy Conservation in Existing Buildings Act of 1976)

On page 137, between lines 23 and 24, insert the following:

**SEC. 3___. ELECTRIC THERMAL STORAGE TECHNOLOGY.**

Section 412(9) of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6862(9)) is amended—

(1) in subparagraph (I), by striking ''and'' at the end;

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following:

''(J) electric thermal storage technology; and''.

AMENDMENT NO. 1765

(Purpose: To provide funds for the Mesa Verde Cultural Center in the State of Colorado, with an offset)

On page 23, beginning on line 12, strike ''$341,531,000'' and all that follows through line 17 and insert ''$342,131,000, to remain available until expended, of which $300,000 for the L.Q.C. Lamar House National Historic Landmark and $375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a and of which $600,000 shall be available for the planning and design of the Mesa Verde Cultural Center in the State of Colorado: *Provided,* That none of the funds''.

On page 71, beginning on line 9, strike ''$77,040,000'' and all that follows through line 11 and insert ''$76,440,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $5,400,000 shall be available for the Beaver Brook Watershed in the State of Colorado: *Provided,* That''.

AMENDMENT NO. 1766

(Purpose: To provide funding for the construction of a statue of Harry S Truman in Kansas City, Missouri, with an offset)

On page, 23, line 17, insert before the '':'' the following: '', and of which $50,000 shall be available for the construction of a statue of Harry S Truman in Union Station in Kansas City, Missouri, and of which $4,289,000 shall be available for the construction of a security fence for the Jefferson National Expansion Memorial in the State of Missouri''.

Mr. BURNS. 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. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. DORGAN. Mr. President, we should momentarily come to the floor with the final managers' package and wrap up this bill and I think we will have a voice vote at the end. I did want to make a couple of comments while we were waiting for the final pieces of this appropriations bill.

Earlier today I visited just a bit about the issue of reconstruction in the country of Iraq. Today we were visited in our Democratic caucus by Ambassador Bremer who just returned from Iraq. He appeared before the Senate Appropriations Committee yesterday, before our caucus today. He talked about the request of $87 billion, both for military appropriations for our defense establishment—that is appropriations of about $60 billion necessary for the efforts we are making in the country of Iraq—and, in addition to that, there is about slightly more than $20 billion for reconstruction in Iraq.

I want to make the point that first I think every dollar requested for the military could, should, and I believe will be appropriated quickly to support the efforts of our troops. This Congress has to understand when we ask our sons and daughters to go to war and to commit themselves for the mission this country asks of them, we must support them with appropriations.

The second issue, the reconstruction in Iraq that is necessary, is a different and an interesting problem. Should the American taxpayer pay for the reconstruction of Iraq? First of all, we did not target Iraq infrastructure. Shock and Awe was a campaign that began with smart bombs and smart weapons. It did not target their electric grid. It did not target their dams. It did not target their roads. It did not target the infrastructure of Iraq. The destruction of the infrastructure of Iraq has come from a guerrilla insurgent movement inside Iraq, but it has not come from American military force. So the question is, who should provide the $20-plus billion for reconstruction of Iraq?

Let me make a point about that. Iraq is a country of 24 million people sitting

on sandy soil that contains the second largest reserves of oil in the world, the second largest reserves in the world next to Saudi Arabia. It is estimated that by next July the Iraqi oil wells will be producing around 3 million barrels per day. It is also estimated at that level the net export value of Iraqi oil will be about $16 billion a year. So over the next 10 years the Iraqi oil revenues should produce about $160 billion.

In addition to that, I asked Ambassador Bremer what do you intend to do with respect to the Iraqi oil revenue and what do you intend to do with respect to debts that are owed to other countries from the country of Iraq? The reason I ask that question is, I said: Why don't you use Iraqi oil to reconstruct Iraq? It seems to me logical you would do that.

He said, We can't do that because Iraq owes a great deal of money. It has great debt.

I said, Who holds the debt?

Yesterday during the Appropriations Committee hearing, he said Russia—Iraq owes Russia money, it owes France money, and Germany money.

Since yesterday I have gotten more information about that. It turns out the largest holders of Iraq debt are Saudi Arabia and Kuwait. It is very interesting to me: Saudi Arabia and Kuwait, the largest holders of debt, according to published reports, from the Iraqi government.

So the Iraqi government owes Kuwait and the Saudis perhaps $50 billion. Who is the Iraqi government? Saddam Hussein. Saddam Hussein obligated the Iraqi government, the Iraqi people, to pay certain moneys to other countries for the debts incurred. But Saddam Hussein does not exist; his government is gone. So who should repay that debt? Ambassador Bremer says the American taxpayer should repay that debt. I don't think so. I think what ought to happen is you ought to collateralize or securitize the next 10 years of Iraqi oil. You can easily provide the resources for the reconstruction in Iraq from the oil that will be pumped from the sands of Iraq in the next 10 years. Iraqi oil ought to be used to pay for the reconstruction in the country of Iraq.

With respect to the debt Ambassador Bremer says under international obligations is owed by the country of Iraq to other countries, it seems to me there is a term called debt forgiveness. I don't know how you say to the Saudis and the Kuwaitis: You were owed money by Iraq. Go find Saddam Hussein and collect it. I don't know quite how you say that, but there must be a way of saying that. Go find Saddam Hussein and try to collect that debt. That is who obligated that debt on behalf of the Iraqi people.

It seems to me, the first thing we ought to do is say this debt that overhangs the people of Iraq ought to be negotiated down, first and foremost. Second, it seems to me we ought to say we will provide all the money that is requested, first for the military side of the request for the appropriations the President asked for, and second, we will provide the money, because we should, with respect to reconstruction. But it will not be American taxpayers' money. We will provide the mechanism by which we monetize or rather collateralize or securitize the oil revenues that we pump from under the sands of Iraq over the next 10 years.

Ambassador Bremer says that will be up to 3 million barrels per day by next July. At 3 million barrels per day you produce about $20 billion a year, about $4 billion of which is going to be needed for Iraqi oil needs, the rest of which is available for export. That is $16 billion of export earnings. That is the way you reinvest in Iraq. Invest in Iraq infrastructure with oil revenue from Iraq.

Ambassador Bremer said one other thing that was interesting to me. He said, by the way, we have just put together a tax structure in Iraq. I might point out that a nonoil state, that is a nation that doesn't have oil reserves, and that's a good many nations around the world, they put together a revenue structure, a tax system by which they raise the money to build the schools, to build the roads, to maintain the electric grid. They put together a tax system to do that.

They have just put together a new tax system in the country of Iraq and Ambassador Bremer pointed out yesterday we have a new tax system. Apparently that is designed to produce the revenue to run the Government of Iraq. He said the top income tax rate is 15 percent.

I am thinking to myself, so those at the highest income levels in Iraq—and there are some very high income-earners in Iraq—will pay a 15 percent tax and then American taxpayers at the highest level will pay a 39 percent tax and we should pay a 39 percent tax so we can send money to the Government of Iraq so the Government of Iraq can send money to the Saudis and the Kuwaitis to satisfy past debt obligations while the Iraqi citizens at the top of the income level are paying 15 percent income tax. I don't think so. That is not a construct that makes much sense to me.

I am not saying by all of this that we don't have obligations—we do—or that we don't have a priority interest in dealing with the military and the nonmilitary needs in Iraq. We do. The question is not whether; it is how.

My hope is we will bifurcate this request for appropriations of $87 million, and take the military side first and pass that. I support all of that. We ought to move that through this Congress quickly.

Second, we ought to work with Ambassador Bremer and others and describe to those folks how we want to reconstruct Iraq to rebuild the infrastructure.

Let me describe what they are talking about. It is restoring marshland, building seven communities with 3,500 new homes, rehabilitating 1,000 schools, developing a telecommunications system. Need I go on?

Is the reconstruction of Iraq necessary in which to build a market system and a healthy economy? Perhaps. Should it be done? Sure. With whose money? Who pays the bill?

In this case, it makes no sense to me for us to say the American taxpayer should foot that bill for reconstruction. It makes eminent good sense, in my judgment, for us to say we will help, as we already have, to develop the central banking system of Iraq, develop the economy that is now emerging in Iraq, and through that process securitize future Iraqi oil revenues. As I see it, that is $320 billion in revenues over the next 20 years. It just seems to me that $320 billion in 20 years provides the collateral to easily provide the upfront funds—not a grant from the American taxpayer, but a loan in the form of a security document securitizing or collateralizing future oil production in Iraq.

We will have a lot of discussion about this. I suspect some will say if you do not believe in every single sentence or every punctuation mark in the President's request that somehow you are not thinking squarely. I really believe the piece we ought to describe in some great detail here and the piece we ought to debate is the issue of who should pay for the reconstruction of Iraq—not the issue of security. We need to do that. Not the issue of military needs; we need to do that, and now. But we need to have a good, strong debate here in this Congress about how to provide the funds for the reconstruction that is being proposed in Iraq. I for one come down on the side of saying let us have Iraqi oil produce the revenues to invest in Iraq. That is what makes good sense to me.

For the record, let me describe the circumstances with Iraqi debt. The reason I do this is because Ambassador Bremer says that is why they propose the American taxpayer pay the money for Iraqi reconstruction rather than have Iraqi oil do it. The World Bank Debtor Reporting System is where you find the evidence of which countries have how much debt. Saddam Hussein's Iraq was one of the few countries that did not report its debt statistics to the World Bank Debtor Reporting System. So you have to rely on other pieces of information.

The best we can determine, the biggest lenders to Saddam Hussein were France, Germany, Gulf states, Japan, Kuwait, Russia, and Saudi Arabia. Of those, the largest was Saudi Arabia, then Kuwait, and Russia a close third. All the other Gulf states together were substantial—close to $30 billion, France and Germany in the $6 billion range.

I think it is really important to ask the question. If you are saying we can't use Iraqi oil to reconstruct Iraq because Iraq has all of these debts Saddam Hussein apparently incurred, then

how do you tell countries such as Saudi Arabia and Kuwait, and how do you tell them quickly, by the way, that the debt you have, that paper you hold, is the debt you incurred in negotiations with Saddam Hussein. We are sorry. He doesn't live here anymore. You might want to put that piece of paper somewhere where you have other things to collect which have very little worth, then start over understanding that Iraqi oil can be used to reconstruct the urgent needs that exist in the country of Iraq.

I will have more to say about this at some future point. Because Ambassador Bremer is here, I wanted to make that point. Let me also say that I said to Ambassador Bremer we pray for his safety. He has a very difficult job and dangerous job, as do the men and women who wear our country's uniform and who are in Iraq today and stationed in other parts of the world as well. We pray for their safety and thank them for their services to our country.

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. 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.

AMENDMENT NO. 1768

Mr. BURNS. Mr. President, I send an amendment to the desk which has been agreed to by both sides. This happens to be an amendment that covers almost the core of the debate during this piece of legislation. This has moneys which replace the moneys that were borrowed from all the funds to fight fires.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself and Mr. DORGAN, proposes an amendment numbered 1768.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds to repay accounts from which funds were borrowed for wildfire suppression)

Immediately following Title III of the bill insert the following new Title:

''TITLE IV—WILDLAND FIRE EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay advances from other appropriations transferred in fiscal year 2003 for emergency rehabilitation and wildfire suppression activities of the Department of the Interior, $75,000,000 to remain available until expended: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: *Providing further,* That the $75,000,000, that includes designation of the entire amount of $75,000,000 as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay advances from other appropriations transferred in fiscal year 2003 for wildfire suppression and emergency rehabilitation activities of the Forest Service, $325,000,000 to remain available until expended: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: *Provided further,* That the entire amount shall be available only to the extent that an official budget request for $325,000,000, that includes designation of the entire amount of $325,000,000 as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.''

Mr. BURNS. Mr. President, this amendment provides for $400 million under consequential emergency conditions. It is not offset. We want to thank the administration and the folks down at OMB. We have been working very hard with them. As this moves, we are asking that the Forest Service and the Department of the Interior get out their pencils and give us the number. This number could go up slightly. It could go down by the time the conference is over because that is where it will be settled.

I urge its adoption.

Mr. DORGAN. Mr. President, I support this amendment. We have reviewed it. I am a cosponsor. I asked Senator BURNS to include me as a cosponsor.

This really needs to be done. In fact, we need to do more than this. This is what we can do at this moment and we will continue to work on this in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1768) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, if I might, while we are waiting, on this issue of fire and fire suppression, I know Senator BURNS has spoken on this floor at some length, and we have had a discussion in the committee. We have to really stop this process of underfunding these accounts at the start of the year. It is not a great surprise that we are going to have forest fires. I come from a State that doesn't have a lot of trees. But my colleague, Senator BURNS, comes from a State that is full of trees.

In a good many States in this country, we have seen the devastation by massive forest fires. They cause a substantial amount of damage. The amount of money that is required to deal with the issue of forest firefighting and forest fire suppression is a very substantial amount of money. We know at the start of the year and in recent years that the money has not been requested which is going to be necessary. Then we come later on in the year acting wide-eyed and surprised—not my colleague from Montana. He never acts wide-eyed and surprised. But there are some who walk around here acting like they have just been hit with this huge surprise. It is not a surprise to us.

At the start of the year we need to ask OMB to request the money that is necessary, and we need the Congress to appropriate the money necessary so we are not in this bind every single year.

The amendment we have just agreed to, the Burns amendment, is an amendment that moves us in the direction of restoring the funding that has been taken from other accounts. But it doesn't provide all the money necessary for that. We have much more to do in conference.

Senator BURNS has done a remarkably good job in trying to fight with those with whom you have to fight to get the resources. We will continue this fight in conference.

Mr. BURNS. Mr. President, you do not do anything by yourself. They say you always like to be like a turtle; a turtle never gets anywhere unless he sticks his neck out. Some folks are proud of that. But if you find one on the top of a fence post, he did not get there by himself.

I appreciate the support we have had from Senator DORGAN and his side of the aisle. It is something that needed doing. We are getting a different fire nowadays. It has a different characteristic. It is hotter and more damaging. We have to deal with it and we have to pay for it.

It is the people's land. It is the people's timber. It is the people's place where they recreate, hunt, and fish. There is a lumber industry that depends on the forest lands. This is a vital resource for this country.

AMENDMENTS NOS. 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1725 AS MODIFIED, 1777, 1737, 1732 AS MODIFIED, 1778, 1779, 1743 AS MODIFIED, 1733, 1780, 1749, 1781 AND 1782, EN BLOC

Mr. BURNS. I ask unanimous consent to send to the desk the managers' amendments to this bill and ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments will be considered en bloc.

Mr. DORGAN. The amendments have been cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1769

(Purpose: To cancel certain unobligated balances in the Department of the Interior's foreign currency account)

On page 44, insert the following after line 23:

''Of the unobligated balances in the Special Foreign Currency account, $1,400,000 are hereby canceled.''

AMENDMENT NO. 1770

(Purpose: To provide authority for the Forest Service to reimburse cooperators who assist with emergency response)

On page 66, line 20, immediately following the '':'' insert the following:

''Provided further, That such funds may be available to reimburse state and other cooperating entities for services provided in response to wildfire and other emergencies or disasters:''

AMENDMENT NO. 1771

(Purpose: To provide authority for the Forest Service to sell certain excess facilities on the Wasatch-Cache National Forest)

On page 81 immediately following line 16, insert the following new paragraph:

''The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Wasatch-Cache National Forest, the revenues of which may be retained by the Forest Service and available to the Secretary without further appropriation and until expended for acquisition and construction of administrative sites on the Wasatch-Cache National Forest.''

AMENDMENT NO. 1772

(Purpose: To facilitate rehabilitation efforts on the Kootenai and Flathead National Forests)

Immediately following Title III of the bill insert the following new Title:

''Title IV—The Flathead and Kootenai National Forest Rehabilitation Act

**SECTION 1. SHORT TITLE.**

This act may be cited as the ''Flathead and Kootenai National Forest Rehabilitation Act of 2003''.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) The Robert and Wedge Fire of 2003 caused extensive resource damage to the Flathead National Forest;

(2) The fires of 2000 caused extensive resource damage on the Kootenai National Forest and implementation of rehabilitation and recovery projects developed by the agency for the Forest is critical;

(3) The environmental planning and analysis to restore areas affected by the Robert and Wedge Fire will be completed through a collaborative community process;

(4) The rehabilitation of burned areas needs to be completed in a timely manner in order to reduce the long-term environmental impacts; and

(5) Wildlife and watershed resource values will be maintained in areas affected by the Robert and Wedge Fire while exempting the rehabilitation effort from certain applications of the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA).

(b) The purpose of this Act is to accomplish in a collaborative environment, the planning and rehabilitation of the Robert and Wedge Fire and to ensure timely implementation of recovery and rehabilitation projects on the Kootenai National Forest.

**SEC. 3. REHABILITATION PROJECTS.**

(a) IN GENERAL.—The Secretary of Agriculture (in this Act referred to as the ''Secretary'') may conduct projects that the Secretary determines are necessary to rehabilitate and restore, and may conduct salvage harvests on, National Forest System lands in the North Fork drainage on the Flathead National Forest, as generally depicted on a map entitled ''North Fork Drainage'' which shall be on file and available for public inspection in the Office of Chief Forest Service, Washington, D.C.

(b) PROCEDURE.—

(1) IN GENERAL.—Except as otherwise provided by this Act, the Secretary shall conduct projects under this Act in accordance with—

(A) the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(B) other applicable laws.

(2) ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT.—If an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act (42 U.S.C. 4332(2)) is required for a project under this Act, the Secretary shall not be required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or the environmental impact statement.

(3) PUBLIC COLLABORATION.—To encourage meaningful participation during preparation of a project under this Act, the Secretary shall facilitate collaboration among the State of Montana, local governments, and Indian tribes, and participation of interested persons, during the preparation of each project in a manner consistent with the Implementation Plan for the 10-year Comprehensive Strategy of a Collaborative Approach for Reducing Wildlife Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

(4) COMPLIANCE WITH CLEAN WATER ACT.—Consistent with the Clean Water Act (33 U.S.C. 1251 et seq.) and Montana Code 75–5–703(10)(b), the Secretary is not prohibited from implementing projects under this Act due to the lack of a Total Maximum Daily Load as provided for under section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)), except that the Secretary shall comply with any best management practices required by the State of Montana.

(5) ENDANGERED SPECIES ACT CONSULTATION.—If a consultation is required under section 7 of the Endangered Species Act (16 U.S.C. 1536) for a project under this Act, the Secretary of the Interior shall expedite and give precedence to such consultation over any similar requests for consultation by the Secretary.

(6) ADMINISTRATIVE APPEALS.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note) and section 215 of title 36, Code of Federal Regulations shall apply to projects under this Act, except that—

(A) to be eligible to file an appeal, an individual or organization shall submit specific and substantive written comments during the comment period; and

(B) a determination that an emergency situation exists pursuant to section 215.10 of title 36, Federal Regulations, shall be made where it is determined that implementation of all or part of a decision for a project under this Act is necessary for relief from—

(i) adverse affects on soil stability and water quality resulting from vegetation loss; or

(ii) loss of fish and wildlife habitat.

**SEC. 4. CONTRACTING AND COOPERATIVE AGREEMENTS.**

(a) IN GENERAL.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into contract or cooperative agreements to carry out a project under this Act.

(b) EXEMPTION.—Notwithstanding any other provisions of law, the Secretary may limit competition for a contract or a cooperative agreement under subsection (a).

**SEC. 5. MONITORING REQUIREMENTS.**

(a) IN GENERAL.—The Secretary shall establish a multi-party monitoring group consisting of a representative number of interested parties, as determined by the Secretary, to monitor the performance and effectiveness of projects conducted under this Act.

(b) REPORTING REQUIREMENTS.—The multi-party monitoring group shall prepare annually a report to the Secretary on the progress of the projects conducted under this act in rehabilitating and restoring the North Fork drainage. The Secretary shall submit the report to the Senate Subcommittee on Interior Appropriations of the Senate Committee on Appropriations.

**SEC. 6. SUNSET.**

The authority for the Secretary to issue a decision to carryout a project under this Act shall expire 5 years from the date of enactment.

**SEC. 7. IMPLEMENTATION OF RECORDS OF DECISION.**

The Secretary of Agriculture shall publish new information regarding forest wide estimates of old growth from volume 103 of the administrative record in the case captioned Ecology Center v. Castaneda, CV–02–200–M–DWM (D. Mont.) for public comment for a 30 day period. The Secretary shall review any comments received during the comment period and decide whether to modify the Records of Decision (hereinafter referred to as the ''ROD's'') for the Pinkham, White Pine, Kelsey-Beaver, Gold/Boulder/Sullivan, and Pink Stone projects on the Kootenai National Forest. The ROD's, whether modified or not, shall not be deemed arbitrary and capricious under the NFMA, NEPA or other applicable law as long as each project area retains 10% designated old growth in the project area.

AMENDMENT NO. 1773

(Purpose: To ensure the perpetual operation of water treatment centers at the Zortman/Landusky mine reclamation site.)

At the end of Title III of the bill insert the following:

**SEC. . ZORTMAN/LANDUSKY MINE RECLAMATION TRUST FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Zortman/Landusky Mine Reclamation Trust Fund'' (referred to in this section as the ''Fund'').

(b) For the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Fund under this subsection is equal to at least $22,500,000, the Secretary of the Treasury shall deposit $2,250,000 in the Fund.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) may be available, without fiscal year limitation, to the State of Montana for use in accordance with paragraph (3) after the Fund has been fully capitalized.

(2) Withdrawal and transfer of funds.—The Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of Montana for use as State funds in

accordance with paragraph (3) after the Fund has been fully capitalized.

(3) Use of transferred funds.—The State of Montana shall use the amounts transferred under paragraph (2) only to supplement funding available from the State Administered ''Zortman/Landusky Long-Term Water Treatment Trust Fund'' to fund annual operation and maintenance costs for water treatment related to the Zortman/Landusky mine site and reclamation areas.

(e) TRANSFERS AND WITHDRAWALS.—The Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

AMENDMENT NO. 1774

(Purpose: To facilitate renewal of grazing permits managed by the Bureau of Land Management's Jarbridge office)

At the end of Title I, insert the following:

SEC. . Nonrenewable grazing permits authorized in the Jarbridge Field Office, Bureau of Land Management within the past seven years shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) and under section 3 of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315b). The terms and conditions contained in the most recently expired nonrenewable grazing permit shall continue in effect under the renewed permit. Upon completion of any required analysis or documentation, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard one-year term.

REPORT LANGUAGE

SEC. . Allows for the renewal of grazing permits in the Jarbridge Field Office and makes the completion of the required NEPA analysis a high priority while ensuring completion of the necessary documents as soon as possible.

AMENDMENT NO. 1775

(Purpose: To modify a provision relating to interim compensation payments for Glacier Bay, Alaska)

On page 63, between lines 2 and 3, insert the following:

**SEC. 1___. INTERIM COMPENSATION PAYMENTS.**

Section 2303(b) of Public Law 106–246 (114 Stat. 549) is amended by inserting before the period at the end the following: '', unless the amount of the interim compensation exceeds the amount of the final compensation''.

AMENDMENT NO. 1776

(Purpose: To modify a provision relating to applications for waivers of certain maintenance fees)

On page 63, between lines 2 and 3, insert the following:

**SEC. 1___. APPLICATIONS FOR WAIVERS OF MAINTENANCE FEES.**

Section 10101f(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3)) is amended by inserting after ''reason'' the following: ''(including, with respect to any application filed on or after January 1, 1999, the filing of the application after the statutory deadline)''.

AMENDMENT NO. 1725, AS MODIFIED

On page 44, line 23, strike the period at the end and insert '': *Provided,* 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.''.

AMENDMENT NO. 1777

(Purpose: To amend Sec. 301 of Title III of the Energy Policy Act of 1992 (42 U.S.C. 13211) to include neighborhood electric vehicles in the definition of alternative fueled vehicle)

On page 24, line 5, immediately following the colon, insert ''Provided further, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations:''

AMENDMENT NO. 1737

(Purpose: To authorize the use of proceeds from land sales in the State of Nevada for Lake Tahoe restoration projects)

On page 137, between lines 23 and 24, insert the following:

**SEC. 3___. LAKE TAHOE RESTORATION PROJECTS.**

Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is amended—

(1) in clause (v), by striking ''and'' at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

''(vi) environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354) and environmental improvement payments under section 2(g) of Public Law 96–586 (94 Stat. 3382), in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts and in accordance with a revision to the Southern Nevada Public Land Management Act of 1998 Implementation Agreement to implement this section, which shall include a mechanism to ensure appropriate stakeholders from the States of California and Nevada participate in the process to recommend projects for funding; and''.

AMENDMENT NO. 1732, AS MODIFIED

On page 137, between lines 23 and 24, insert the following:

**SEC. ___. ACQUISITION OF LAND IN NYE COUNTY, NEVADA.**

(a) IN GENERAL.—Subject to subsection (c), the Secretary of the Interior (referred to in this section as the ''Secretary'') may acquire by donation all right, title, and interest in and to the parcel of land (including improvements to the land) described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the parcel of land in Nye County, Nevada—

(1) consisting of not more than 15 acres;

(2) comprising a portion of Tract 37 located north of the center line of Nevada State Highway 374; and

(3) located in the E½NW¼, NW¼NE¼ sec. 22, T. 12 S., R. 46 E., Mount Diablo Base and Meridian.

(c) CONDITIONS.—

(1) IN GENERAL.—The Secretary shall not accept for donation under subsection (a) any land or structure if the Secretary determines that the land or structure, or a portion of the land or structure, has or or may be contaminated with—

(A) hazardous substances, pollutants, or contaminants, as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601); or

(B) any petroleum substance, fraction, or derivative.

(2) CERTIFICATION.—Before accepting a donation of land under subsection (a), the Secretary shall certify that any structures on the land to be donated—

(A) meet all applicable building code requirements, as determined by an independent contractor; and

(B) are in good condition, as determined by the Director of the National Park Service.

(d) USE OF LAND.—The parcel of land acquired under subsection (a) shall be used by the Secretary for the development, operation, and maintenance of administrative and visitor facilities for Death Valley National Park.

AMENDMENT NO. 1778

(Purpose: To amend Sec. 301 of Title III of the Energy Policy Act of 1992 (42 U.S.C. 13211) to include neighborhood electric vehicles in the definition of alternative fueled vehicle)

On page 137, between lines 23 and 24, insert the following:

SEC. 3 . Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) by striking ''or a dual fueled vehicle'' at the end of subparagraph (3) and inserting '', a dual fueled vehicle, or a neighborhood electric vehicle'';

(2) by striking ''and'' at the end of subparagraph (13);

(3) by striking the period at the end of subparagraph (14) and inserting ''; and''; and

(4) by adding at the end the following:

''(15) the term 'neighborhood electric vehicle' means a motor vehicle that qualifies as both—

''(A) a low-speed vehicle, as such term is defined in section 571.3(b) of title 49, Code of Federal Regulations; and

''(B) a zero-emission vehicle, as such term is defined in Section 86.1702–99 of title 40, Code of Federal Regulations''.

AMENDMENT NO. 1779

(Purpose: To facilitate renewal of grazing permits)

On page 122, strike Section 324 and insert:

SEC. 324. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal years 2004–2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which

time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided,* That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. *Provided further,* Beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and every year thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding levels requested in the Secretaries' budget proposals; *Provided further,* Notwithstanding Section 504 of the Rescissions Act (109 Stat 212), the Secretaries in their sole discretion determine the priority and timing for completing required environmental analysis of grazing allotments based on the environmental significance of the allotments and funding available to the Secretaries for this purpose.

AMENDMENT NO. 1743, AS MODIFIED

(Purpose: To authorize the Secretary to use funds for the Blueberry Lake project)

At the appropriate place, insert the following:

Funds appropriated for the Green Mountain National Forest previously or in this Act may be used for the acquisition of lands in the Blueberry Lake area.

AMENDMENT NO. 1733

(Purpose: To provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors)

On page 137, between lines 23 and 24, insert the following:

**SEC. 3___. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.**

Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by striking ''parcels of land'' and all that follows through the period at the end and inserting the following: ''parcel of land identified as 'Tract C' on the map and the approximately 10 acres of land in Clark County, Nevada, described as follows: in the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian.''.

AMENDMENT NO. 1780

(Purpose: To direct the Secretary of Energy to submit to Congress a report on the use of the Northeast Home Heating Oil Reserve)

On page 137, between lines 23 and 24, insert the following:

**SEC. 3___. NORTHEAST HOME HEATING OIL RESERVE REPORT.**

Not later than December 1, 2003, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that—

(1) describes—

(A) the various scenarios under which the Northeast Home Heating Oil Reserve may be used; and

(B) the underlying assumptions for each of the scenarios; and

(2) includes recommendations for alternative formulas to determine supply disruption.

AMENDMENT NO. 1749

(Purpose: To exempt the rural business enterprise grants awarded to Oakridge, OR from the business size restrictions)

At the appropriate place, insert the following: ''The business size restrictions for the rural business enterprise grants for Oakridge, OR do not apply.''

AMENDMENT NO. 1781

(Purpose: To ensure that funds allocated to the Indian Health Service are not redirected to programs and projects that have not been fully justified in the agency's annual budget request and concurred in by the House and Senate Appropriations Committees)

On page 95, at the end of line 17, insert the following new paragraph:

None of the funds made available to the Indian Health Service in this Act shall be used for any Department of Health and Human Services-wide consolidation, restructuring or realignment of functions or for any assessments or charges associated with any such consolidation, restructuring or realignment, except for purposes for which funds are specifically provided in this Act.

AMENDMENT NO. 1782

(Purpose: To make technical modification to the Marine Mammal Protection Act)

At the appropriate place at the end of Title III, insert the following new section:

SEC. . Section 104 (16 U.S.C. 1374) is amended—(1) in subsection (c)(5)(D) by striking ''the date of the enactment of the Marine Mammal Protection Act Amendments of 1994'' and inserting ''February 18, 1997''.

FUNDING FOR DOWNEAST LAKES FORESTRY PARTNERSHIP, MAINE

Ms. COLLINS. I congratulate the distinguished chairman of the Interior Appropriations subcommittee for the fine work he has done putting together this bill. The bill includes substantial funding for programs to conserve our Nation's treasured lands and resources, including $85 million for the forest legacy program; a program that means so much to my home State of Maine.

There is one Maine conservation project, however, that does not receive funds through the Senate bill. It is the Downeast Lakes Forestry Partnership, the goal of which is the sustainable conservation of 342,000 acres in Maine, including 78,800 acres of pristine lakes, 54,000 acres of productive wetlands, 445 miles of unspoiled shoreline, and 342,000 acres of remote forestland. This important project, which enjoys widespread support in my State, including the support of the Governor, is at a critical stage. But it requires Federal support in the coming fiscal year to help bring the project to fruition.

I would therefore ask the chairman whether he will commit to doing all he can to consider funding the Downeast Lakes Forestry Partnership when this bill goes to conference?

Mr. BURNS. I thank the Senator from Maine for her comments and do pledge to help find funds in conference for the Downeast Lakes Forestry Partnership. The Senator from Maine has been a tireless advocate for this worthy project, and I know that she has suggested that it receive funds from the Forest Service's National Forest System account, or the U.S. Fish and Wildlife Service's Resource Management account. I will use my best efforts to consider funding the Downeast Lakes project as the Senator suggests.

Ms. COLLINS. Thank you, Mr. Chairman, for your pledge of support, and for the leadership you consistently demonstrate on conservation issues.

LAND REMOTE SENSING

Mr. DASCHLE. Mr. President, the Interior Appropriations bill includes funding for the United States Geological Survey, USGS, to conduct land remote sensing. I would like to enter into a colloquy with my colleagues from Montana and North Dakota regarding this funding in the Interior Appropriations bill.

It is my understanding that a significant portion of the USGS mapping program budget comes from the sale of data collected from the Landsat 7 satellite. Over the past several months, that satellite has been experiencing problems that will severely hamper its ability to collect scientifically-useful data. Just last week, USGS determined that the problem affecting the Landsat 7 satellite is permanent. While the USGS is working to develop a long-term solution to address this situation, it is clear that USGS will not be collecting the full amount of income from data sales originally planned for when the Senate Appropriations Committee reported out the Interior Appropriations bill. As a result, USGS will not be able to operate in accordance with the budget on which this will is based.

Mr. President, I ask the Senator from Montana and the Senator from North Dakota if the Interior Subcommittee is aware of this problem and willing to work with the United States Geological Survey to address this issue during the conference with the House?

Mr. BURNS. Mr. President, I would respond that, yes, the subcommittee is aware of the problem affecting the Landsat 7 satellite, and we are willing to work with USGS and our friend from South Dakota to address this situation in conference.

Mr. DORGAN. Mr. President, I concur. The chairman is correct, and I, too, want to help ensure this situation is addressed in conference.

Mr. DASCHLE. Mr. President, I thank the Senator from Montana and the Senator from North Dakota for their cooperation and their clarification regarding this matter.

NATIONAL ZOO

Mr. FRIST. Mr. President I want to enter into a colloquy with the distinguished chairman of the Interior Subcommittee concerning the funding in this bill for our National Zoo.

I know that the chairman is very aware of the problems that have plagued our National Zoo over this last year. Many of these problems simply relate to deteriorating physical conditions of the zoo. Buildings and other animal habitats are literally falling apart.

This crown jewel of the Smithsonian is actually at risk of losing its accreditation from the American Zoo and Aquarian Association. What a terrible message this would send to the American public that its national zoo cannot even meet accreditation standards. We owe it to the American people, the thousands of children who visit the zoo annually, to visitors from all over the world, and most importantly to the safety and protection of these wonderful animals to do all we can to restore the conditions there to a safe and healthy environment.

I ask the chairman of the subcommittee, in conference with the House on this bill will you work to provide a level of funding that will once again restore this wonderful institution to the level befitting of being a ''national'' zoo and to help maintain its accreditation?

Mr. BURNS. Yes, I can assure the leader that I am very aware of the physical problems that are now plaguing our National Zoo, and I commit to him that I will work in conference to help address the funding needs of that institution to help maintain its accreditation. I agree that our National Zoo is a symbol of this Capitol City, and more importantly of this country, and we must not let it lose that accreditation.

LITTLE ROCK AUDUBON NATURE CENTER

Mr. PRYOR. I come to the floor today to ask my colleagues to join me in supporting Federal funding for the Little Rock Audubon Nature Center. The Little Rock Audubon Nature Center is a collaborative private-public effort to provide tools and services to historically underserved children. Using the prestige of the Audubon Society's reputation, this project will pull together all stakeholders to promote national science and math goals, environmental education, and wildlife observation.

This isn't the nature center we grew up with. This is a new concept that creates a place to learn math, science, and other academic subjects in a nurturing environment reinforced by a hands-on, out-of-doors experiences. This is a chance to support what our children learn in the classroom and in the textbooks with stimulating reality. This model of learning will stoke our children's curiosity and provoke them to start asking the questions all great thinkers pose: Why does this work? How can that happen? What makes this possible?

Mrs. LINCOLN. I join my friend and colleague in supporting this project. I believe this will be a place that junior high and high school kids will truly enjoy and where they can be engaged. According to the Pew Foundation, academic achievement, student engagement, and teacher satisfaction all improve significantly when schools link academics with hands-on study of the surrounding environment and community and that is exactly what the Little Rock Audubon Nature Center will do.

The Nature Center site is just a 15-minute school bus ride from 50 schools in southeast Little Rock, giving it the ability to serve as an outdoor classroom for thousands of school children.

In short, this is a kid-friendly, cost-effective approach to reaching the underserved and teaching science and math. This is the kind of project this body must support to help our kids meet the challenges of the future.

Mr. PRYOR. Given current budget constraints, it is more important than even to use scarce resources wisely and I rise today to provide my colleagues with not only the numerous benefits associated with this innovative approach to educating our children, but also the costs. Specifically, I am seeking an appropriation of $1.2 million for the project but $1.2 million that will be leveraged by private funding on a better than 2 to 1 match. As Senator LINCOLN pointed out, this Center will serve thousands of children and I believe that federal investment in the Little Rock Audubon Nature Center will produce broad returns that deserve the attention of this body.

Mr. DORGAN. Will the Senator yield for a question?

Mr. PRYOR. I would be delighted to yield to the Senator from North Dakota and our ranking member.

Mr. DORGAN. I am aware of the Senator's interest in the Little Rock Audubon Nature Center, but did the Senator say that the Center will support national science and math goals?

Mr. PRYOR. I did. The Little Rock Audubon Nature Center will assist schools in teaching the sciences of ornithology, ecology, biology, botany and environmental health, to name a few; to excite young people's minds and prepare them for careers in the sciences; and to help improve state science scores. Senator DORGAN, are you aware that our childrens' math and science scores in America are continuing to decline throughout the country? As compared to 38 countries around the world the United States ranks 19th in Mathematics Achievement Scores, according to a 1999 Trends in International Mathematics and Science Study. I am particularly concerned about this decline in our students' performance in my home state of Arkansas. We need fresh ideas and new approaches to turn this situation around. So, I was very interested to learn of a recent study in Northwest Arkansas showed that nature education can be a very powerful tool for helping to address this problem.

Mrs. LINCOLN. What we are talking about here is stimulating the minds of children and fostering their aspirations to become our next great scientists and engineers. The education investments we make now can lead our country to the discovery of the next vital scientific finding, invention or cure. This is an opportunity to inspire our children to strive for greatness in science and mathematics and to harvest their creativity, curiosity and knowledge so they may one day help their fellow man and society at large.

Mr. BURNS. I am aware of the serious problem regarding the decline in our children's math and science scores and I am intrigued by the idea that we might address this problem through nature education.

Mr. DORGAN. Let me add to the chairman's remarks that I, too, am interested in investing in programs that support math and science.

Mr. PRYOR. I appreciate the comments from the distinguished Chairman and Ranking Member and I would like to call to their attention other benefits associated with the Little Rock Audubon Nature Center which would benefit underserved minority communities. In fact, the nature center is located in a former federal housing site for African American veterans from World War II, which has been closed for years. The center is located in the Granite Mountain community in my home state of Arkansas that lies within the boundary of a Federal empowerment zone and would serve, in particular, the minority community and school children of southeast Little Rock.

Mr. DORGAN. So this project would not only help to improve math and science scores for all children but in particular help to assist underserved communities? What other benefits would it provide?

Mr. PRYOR. The Nature Center also would provide access to a beautiful 450 acre park that is currently unavailable to the citizens of Arkansas due to inadequate city funds. This park represents one of the most unique natural areas in Southeast Arkansas because of its incredible biodiversity and a globally significant geological formation, making this site both ecologically important and of great educational value.

Mr. DORGAN. I agree that this sounds like a very worthwhile project. What Federal appropriation would be necessary to begin work on it?

Mr. PRYOR. I am seeking $1.2 million which could be phased in over a multi-year programming plan with a private fund match. I want to point out the Audubon Society's great success in my home state of Arkansas in leveraging private funding to match federal outlays for conservation projects. For example, the Audubon Society successfully restored thousands of acres of Fourche Creek by leveraging private funds to match federal dollars at a ratio of more than 2-to-1. The track record has been established and the private community has made its pledge to allow this Federal

appropriation to be a catalyst for private additional investment in this worthwhile project.

Mr. DORGAN. I appreciate this thorough report about the benefits of the Little Rock Audubon Nature Center.

Mr. BURNS. Yes, I thank the Senators for the clarification. There is more to this project than suggested by its name and I hope that we might give your request every possible consideration.

Mr. PRYOR. I appreciate those remarks. I am making a personal request that the Senate give this project the initial funding needed to help it become a reality for the children of Arkansas. I thank the Senators for assistance in this matter.

FOSSIL ENERGY RESEARCH

Mr. SPECTER. Mr. President, I seek recognition to engage in a short colloquy with the distinguished Chairman of the Appropriations Subcommittee on the Interior, Senator BURNS. The matter is of great importance to my constituent, Air Products and Chemicals of Allentown, PA, and involves two programs in the Fossil Energy Research and Development section of the Interior Appropriations bill.

Mr. BURNS. I am glad to discuss this with my colleague.

Mr. SPECTER. Air Products and its partners, including the Department of Energy, are developing a unique, oxygen-producing technology to use in producing oxygen and electric power for the utility, iron/steel, nonferrous metals, glass, pulp and paper, cogeneration, and chemicals and refining industries. This project, ITM Oxygen, is a cornerstone project in the Department of Energy's Vision-21 Program that has the potential to significantly reduce the cost of tonnage oxygen plants for Integrated Gasification Combined Cycle, IGCC, systems. The ITM Oxygen program is entering its final three funding years during which Air Products and its partners plan to demonstrate and test this unique technology with a pilot unit at a suitable field site. Air Products and the Department of Energy are sharing the cost of this program together with each party responsible for 50 percent. Underfunding this program in FY04 will result in slowing the technical process and schedule of this important project, will halt crucial expansion of test platforms for the final demonstration unit, and in the end will add approximately $10 million more to the total program cost.

Mr. BURNS. I understand the Senator's concerns about the ITM Oxygen program. For this reason I included language in the Committee Report encouraging the Department of Energy to fund ITM Oxygen at a level higher than identified in the budget request in order to keep the program on track for completion. I hope the Department heeds this report language and responds appropriately to avoid unnecessary program costs for the completion of the project.

Mr. SPECTER. I thank the distinguished Chairman for recognizing the importance of the ITM Oxygen program and look forward to working with him and his staff to see that the Department of Energy follows the Committee's intentions.

Another project Air Products is involved in with the Department of Energy is the ITM Syngas project, the purpose of which is to develop and demonstrate a ceramic membrane reactor able to separate oxygen from air in a way that produces hydrogen for use in centralized power generation or with regional distribution for fuel cell applications. This technology also captures the carbon dioxide in the process leading to reduced greenhouse gas emissions, a goal we should all support. The bill includes increases in the Transportation fuels section for syngas membrane technology. I would like to ask the Chairman if part of this increase is intended to be used to fully fund the Air Products ITM Syngas project.

Mr. BURNS. In drafting the Senate Interior Appropriations bill, my staff and I consulted with the Department of Energy to ensure the amount provided in the bill would fully support the fiscal year needs of the ITM syngas membrane technology the Senator just described.

Mr. SPECTER. I appreciate the opportunity to discuss these important items with the Chairman today and thank him for his attention to these crucial fossil energy research and development projects.

FETAL ALCOHOL SYNDROME

Mrs. MURRAY. I would like to enter into a coloquy with Chairman BURNS and Senator DORGAN. The Indian Health Service and the University of Washington have been conducting research into Fetal Alcohol Syndrome with funds provided in the Interior Appropriations bill. I want to thank the Chairman and Senator DORGAN for the Subcommittee's continued support for these research efforts. I hope to work with the Senators in conference related to this on-going research.

Mr. BURNS. I appreciate my colleague's interest in the fetal alcohol syndrome research being conducted by the Indian Health Service and the University of Washington. I look forward to working with my colleague on the continued funding for these research efforts.

Mr. DORGAN. Fetal Alcohol Syndrome is one of the most pressing health issues facing Native Americans and I am committed to helping advance our research efforts in this field.

Mrs. MURRAY. I thank Chairman BURNS and Senator DORGAN.

USGS BINATIONAL GROUNDWATER STUDY

Mr. BINGAMAN. Mr. President, I have filed an amendment to S. 1391 that would allocate $950,000 from the United States Geological Survey's, USGS, Ground-Water Resources Program to initiate a United States-Mexico binational groundwater study of transboundary aquifers. The parameters of this study have been developed by the USGS in cooperation with the Water Resources Research Institutes in Texas, New Mexico, Arizona, and California, and other interested parties. It is very important that the USGS receive funding to implement its plan. During the past decade, the United States-Mexico border region experienced significant economic expansion that was accompanied by rapid population growth and urban development. It is now anticipated that water quantity and water quality will most likely be the limiting factors that ultimately control future economic development, population growth, and human health in the border region. The binational program funded by this request will be a scientific partnership between the USGS, the border states, and several key Universities in the region. It will systematically assess priority transboundary aquifers, and will provide a scientific foundation and create sophisticated tools for State and local water resource managers to address the challenges facing them in the border region.

I have discussed the need for this amendment with the distinguished chairman, and he has been very helpful in discussing various options to secure funding to initiate this study. The President's budget requested $1.0 million for USGS to begin work on a closely related United States-Mexico Border Human Health Initiative. The House of Representatives has provided the full amount in its version of the Interior appropriations bill, but the Senate has only been able to provide $500,000 for this effort. In conference, I have requested that the chairman agree to the higher amount that the House has provided for the Border health initiative but to direct the USGS to use the additional $500,000 to begin the binational groundwater study. I believe this work will address the critical need I just described while also providing valuable data and information that is consistent with the border health initiative.

Mr. BURNS. I appreciate that my colleague, Senator BINGAMAN, is willing to forego offering his amendment and that he will work with me to address the issue of funding the USGS to conduct the binational groundwater study. I think this is a worthy program, and I will work closely with my colleagues in the Senate and House of Representatives to attempt to fully fund the border health initiative at the House level and to specify that the increased funding above the Senate mark, $500,000, be used to initiate the groundwater study consistent with Senator BINGAMAN's suggestion.

Mr. BINGAMAN. I thank the distinguished chairman for his consideration and his work on this important matter. I look forward to continue working with him as the Interior appropriations bill goes to conference.

E85 INFRASTRUCTURE

Mr. DORGAN. Mr. President, I thank the Senator from Montana, the distinguished chairman of the Interior Appropriations Subcommittee, for the committee's recognition of the important environmental and energy security benefits of expanding our nation's E85 Infrastructure.

E85 is a form of alternative transportation fuel consisting of 85 percent Ethanol and 15 percent gasoline developed to address America's air quality needs and dependence on foreign oil. Currently, there are over 3 million E85-capable vehicles in the National Vehicle Fleet. The use of E85 in these vehicles has the potential to reduce foreign oil imports by 34 million barrels a year, while adding $3 billion to total farm income and reduce greenhouse gas emissions.

In the fiscal year 2003 Interior bill, in the committee report for the transportation sector, the committee recommended a $2 million increase in technology deployment for the Clean Cities Program. The report language further recognizes the work being done by the National Ethanol Vehicle Coalition to increase E85 fueling capacity and urges the Department of Energy to give careful consideration to proposals that might be submitted to further this goal. My understanding, is that the Department, consistent with this language, has awarded funds to the NEVC and others for the continued development of E85 Infrastructure and E85 promotion.

On page 69 of the fiscal year 2004 Interior Subcommittee report, under weatherization and intergovernmental activities, it states:

> Within the amount provided for clean cities, the department should continue efforts to expand E85 fueling capacity.

I ask the distinguished Chairman whether I am correct in my understanding that the committee intends that a portion of these funds be used by the Department to continue the existing E85 Infrastructure development initiatives that were funded in fiscal year 2003.

Mr. BURNS. That is my understanding.

Mr. DORGAN. I thank the Chairman.

AIR PRODUCTS AND CHEMICALS

Mr. SPECTER. Mr. President, I seek recognition to engage in a short colloquy with the distinguished chairman of the Appropriations Subcommittee on the Interior, Senator CONRAD BURNS. The matter is of great importance to my constituent, Air Products and Chemicals of Allentown, PA and involves two programs in the Fossil Energy Research and Development section of the Interior Appropriations bill.

Mr. BURNS. I am glad to discuss this with my colleague.

Mr. SPECTER. Air Products and its partners, including the Department of Energy, are developing a unique, oxygen-producing technology to use in producing oxygen and electric power for the utility, iron/steel, nonferrous metals, glass, pulp and paper, cogeneration, and chemicals and refining industries. This project, ITM Oxygen, is a cornerstone project in the Department of Energy's Vision-21 Program that has the potential to significantly reduce the cost of tonnage oxygen plants for Integrated Gasification Combined Cycle, IGCC, systems. The ITM Oxygen program is entering its final three funding years during which Air Products and its partners plan to demonstrate and test this unique technology with a pilot unit at a suitable field site. Air Products and the Department of Energy are sharing the cost of this program together with each party responsible for 50 percent. Underfunding this program in Fiscal Year 2004 will result in slowing the technical process and schedule of this important project, will halt crucial expansion of test platforms for the final demonstration unit, and in the end will add approximately $10 million more to the total program cost.

Mr. BURNS. I understand your concerns about the ITM Oxygen program. For this reason I included language in the committee report encouraging the Department of Energy to fund ITM Oxygen at a level higher than identified in the budget request in order to keep the program on track for completion. I hope the Department heeds this report language and responds appropriately to avoid unnecessary program costs for the completion of the project.

Mr. SPECTER. I thank the distinguished chairman for recognizing the importance of the ITM Oxygen program and look forward to working with him and his staff to see that the Department of Energy follows the committee's intentions.

Another project Air Products is involved in with the Department of Energy is the ITM Syngas project, the purpose of which is to develop and demonstrate a ceramic membrane reactor able to separate oxygen from air in a way that produces hydrogen for use in centralized power generation or with regional distribution for fuel cell applications. This technology also captures the carbon dioxide in the process leading to reduced greenhouse gas emissions, a goal we should all support. The bill includes increases in the Transportation fuels section for syngas membrane technology. I would like to ask the chairman if part of this increase is intended to be used to fully fund the Air Products ITM Syngas project.

Mr. BURNS. In drafting the Senate Interior Appropriations bill, my staff and I consulted with the Department of Energy to ensure the amount provided in the bill would fully support the fiscal year needs of the ITM syngas membrane technology you just described.

Mr. SPECTER. I appreciate the opportunity to discuss these important items with the chairman today, and thank him for his attention to these crucial fossil energy research and development projects.

WIND RIVER IRRIGATION PROJECT

Mr. ENZI. Mr. President, today, I rise to talk about a promise the Federal Government made to Wyoming's Eastern Shoshone and Northern Arapaho Tribes nearly 100 years ago. A promise my colleague from Wyoming and I tried to fulfill this year through the appropriations process. Unfortunately, due to confusion about the project, we came up short-handed. As a result, I would like to take a few minutes to set the record straight.

In 1905, the Federal Government entered into an agreement with the Wind River Tribes to initiate and complete an irrigation project in exchange for the opening of 1.4 million acres of land to the United States. The Tribes lived up to their end of the bargain. The United States, on the other hand, has not. Since 1905, the project, known as the Wind River Irrigation Project has continually battled budgetary shortfalls, inadequate maintenance, and bureaucratic red tape.

The history of the Project's funding is long and complex. Construction began in the early 1900s and was funded under the Public Works Administration Project's budget. Significant improvements were made to the Project under this funding scheme and the Project grew to 13 main canals, 94 main laterals, 268 sub-laterals, two feeder canals and a couple of drainage canals. However, in the 1950s, new construction essentially stopped as Congress changed the way it funded Indian irrigation projects. When Congress began making lump sum appropriations to the Bureau of Indian Affairs for the Construction of Indian Irrigation Projects in 1951, funding became even more sporadic and unpredictable. Sometimes the system was in fair condition, but most of the time it was in poor condition. Finally, in the 1980s, Congress stopped appropriating all together for the construction of Indian Irrigation projects. As a result, the only significant Federal funds the Wind River Irrigation Project has received in nearly 20 years has been for the rehabilitation of the Washakie Dam, which was funded using money from the Safety in Dams program within the BIA.

Mr. BURNS. Will the Senator yield for a question?

Mr. ENZI. Yes.

Mr. BURNS. When my Subcomittee on Interior Appropriations reviewed your request for $3.4 million for the Wind River Irrigation Project, there was some question as to whether or not the BIA is ''legally obligated'' to maintain this system. Has the Senator been able to find out what the BIA's responsibilities are?

Mr. ENZI. It is my understanding that the BIA owns and operates this system and has been responsible for the collection of the operation and management fees since the project was authorized in 1905.

Mr. THOMAS. Would my fellow Senator from Wyoming yield?

Mr. ENZI. Yes.

Mr. THOMAS. It is also my understanding that the BIA assessed the need for repairs on several occasions, including a 1968 Completion Report that found 74 percent of the irrigation structures and 61 percent of the canals needed serious rehabilitation at a cost of $6.6 million in 1968 dollars or approximately $26.0 million in 1993 dollars.

Furthermore, since the BIA's 1968 Completion Report, several additional studies have been conducted, specifically one in 1988 which indicates that $50 million would be needed to completely rehabilitate the Wind River Irrigation system. The most recent study completed in 1994 cited that over 60 percent, or 1200 structures need repair or replacement, and 45 percent, or 190 miles of canals and laterals need repair or reconstruction. Due to the Project's current configuration, it has only 66 acres of irrigated land per mile of canal. In comparison, Midvale Irrigation District, which lies adjacent to the Wind River Reservation, has over 160 acres per mile of canal.

Mr. ENZI. Is the Senator aware that as a general guideline, the Bureau of Reclamation suggests that irrigation projects in the region need at least 140 acres of irrigated land per mile of canal to be economically self sufficient? No wonder the Wind River Irrigation Project has been forced into a state of disrepair. It is pretty difficult to collect enough user fees to maintain a system when it is only serving 55 acres of irrigated land per mile of canal.

Mr. THOMAS. My colleague is exactly right. This situation has resulted in a critical shortage of financial resources to maintain Project facilities, causing less efficient use of water, progressively deteriorating crop quality, and an increase in the proportion of income water users' pay in fee assessments.

This lack of resources should not continue in the Wind River Basin, or catastrophic events like major floods from dam failure and/or severe droughts could occur. The Wind River Irrigation Project needs rehabilitation. The water users in the area—folks who have been hit hard by region's drought—cannot continue to operate their ranches and farms without addressing the root of the problem. The Wind River Irrigation Project is the source of water problems on the Reservation. It affects Indians and non-Indians, and it is recognized by the State of Wyoming as the most critical agricultural and economic issue facing residents on and near the Reservation.

Mr. ENZI. We are both from the great State of Wyoming and I am extremely encouraged by the leadership our State government has shown in helping to address the water problems on the Reservation. We both received letters from our Governor, the Director of the Wyoming Water Development Commission, county commissioners from that area and three State legislators in full support of the project. We have also heard from the Mayor of Riverton, which sits adjacent to the Wind River Reservation, and the three surrounding irrigation districts. While the vocal support is helpful, I am even more encouraged by the State's willingness to put its money where its mouth is.

Mr. THOMAS. My colleague is correct. I would also like to add that during Wyoming's last legislative session, the Wyoming legislature and the Wyoming Water Development Commission worked closely with the Wind River Tribes to develop and pass legislation that will enable the Tribes to act as sponsors of water development projects through the Wyoming Water Development Program. According to the Director of the Wyoming Water Commission, funding for the Wyoming Water Development Program is appropriated annually by the legislature for specific projects, like rehabilitating certain parts of the Wind River Irrigation Project. Unfortunately, the State does not have the financial means or the desire to fund a federally owned and operated system by itself. However, this cooperation highlights that Federal dollars spent on the Wind River Irrigation Project would go a long way towards not only its rehabilitation, but would also encourage the State of Wyoming to become more involved in addressing the water needs of that area.

Mr. BURNS. Senator, we included language in the Interior Subcommittee Report that required the BIA, if legally responsible, to formulate a plan to address the rehabilitation cost no later than 120 days after the Interior Appropriations bill is enacted. Do you believe the BIA has clarified its legal obligation?

Mr. ENZI. I thank the Senator for the question and yes, according to information provided by the Department of the Interior, the Bureau of Indian Affairs owns the system. Although a portion is managed by the Tribes under a 638 contract, the BIA clearly owns and operates the Wind River Irrigation Project.

That is why it is so critical that the Federal Government step up and help fulfill this promise to the Tribes on the Wind River Reservation. Rehabilitating the Wind River Irrigation Project is the only way farmers, ranchers and other land users can produce their commodities. Furthermore, unless we improve the system so that it is a reliable water source, the Tribes cannot attract new and diverse businesses. Without funds to fix this problem, the Reservation cannot move into the 21st century successfully.

Mr. BURNS. I appreciate the interest my colleagues have shown in the Bureau of Indian Affairs' irrigation program. As I have discussed with them in the past, I have similar problems in my own home state of Montana and hope to address them in the near future. Insufficient fee collections and mismanagement have taken their toll on the irrigation systems and both tribal and non-tribal members are now having their livelihoods placed at risk. Unfortunately, within the current Subcommittee allocation we can not even begin to tackle the problem with the current funding levels. I invite my colleagues to work with me in next year's budget process to reform this program and work to provide additional funding specifically for Bureau of Indian Affairs irrigation projects so the Subcommittee on Interior Appropriations has the opportunity to begin addressing the problem.

Mr. ENZI. We will have to find a way to fund the Wind River Irrigation Project and other similar Indian Irrigation projects in the future. I hope we can work with our colleagues on the Budget Committee and Appropriations Committee next year to address the critical shortfall in funding and the lack of planning to address these problems within the BIA.

PRIVATE LANDOWNER'S INCENTIVE PROGRAM

Mr. ENZI. Mr. President, I thank my colleague from Montana, the distinguished chairman of the Senate Interior appropriations subcommittee, for his leadership in bringing this important spending bill to the floor and for helping us establish the spending priorities for our Nation's public lands. Wyoming is greatly impacted by this bill and Senator BURNS' leadership is very much appreciated. Because of this tremendous impact on Wyoming, I would like to ask my colleague if he would join me in a colloquy to discuss one of the programs that is funded in his bill. Specifically, I would like to discuss the Department of the Interior's Private Landowner's Incentive Program and its potential impact on land management planning on private lands within the U.S. Forest Service's Thunder Basin National Grasslands.

Mr. BURNS. I would be glad to join my colleague from Wyoming in a discussion about this program. The Senate Interior appropriations bill is proposing to fund this program at $40 million and should provide States and private landowners some of the dollars they need to protect and restore habitats on private lands, to benefit federally listed, proposed or candidate species or other species determined to be at-risk, and it provides technical and financial assistance to private landowners for habitat protection and restoration. I agree with my colleague from Wyoming that this is an important program for the West, and, if it is implemented properly, it should help States like Wyoming and Montana to maximize local habitat restoration efforts by allowing them to target dollars where they are needed most.

Mr. ENZI. I would like to share one example of an effort in Wyoming that has already benefited from this program and which I feel could greatly benefit in the future from its continued participation. Three years ago I met with officials from the Thunder Basin National Grasslands Landowners Association, the Department of the Interior and the U.S. Department of Agriculture to discuss the role that private

landowners could play in developing land management plans on western national grasslands. The Landowners Association presented a revolutionary proposal to combine the talent and resources of all local landowners to develop an ecosystem assessment and to enter into a series of ecosystem management strategy and conservation agreements with the Forest Service and the U.S. Fish and Wildlife Service that would integrate a comprehensive, multi-species land management proposal for more than 260,000 acres of Federal and private lands within the U.S. Forest Service's Thunder Basin National Grasslands. Their proposal was to first establish a scientific baseline where they catalogued what was on the land and what species existed. Then they proposed to use that baseline to make ecosystem-wide management decisions that would make the land as a whole more vibrant and more sustainable for a number of species including the black-tailed prairie dog, the black footed ferret, and the sage grouse. What they would not do was make management plans based on the presence or absence of any one specific species or to pit different species' habitat requirements against each other. Their goal was to make the land healthier as a whole so that all species would be better off.

As a result of their efforts the Department of the Interior was able to provide an initial grant to the association through the Landowner's Incentive Program of $150,000 that allowed them to assemble an advisory committee made up of national grasslands experts that has helped them develop scientific research and monitoring protocols that are now being used to establish baseline information on area wildlife and ecosystem concerns. In fiscal year 2003, we funded this program at $175,000 which allowed the association to continue its monitoring efforts and to host a symposium in Wyoming on cooperative land use efforts. I would like to see this group funded again in fiscal year 2004 at a minimum of $175,000 to ensure that their efforts have not been wasted.

I would like to ask my colleague if he has any thoughts on whether or not we should continue funding this program.

Mr. BURNS. I agree with my colleague that this appears to be a worthy project whose goals of habitat protection and species restoration are consistent with the expressed goals of the Private Landowner's Incentive Program. I believe this is the kind of innovative effort that should be considered for funding by the Department of the Interior and I encourage them to apply for a competitive grant through the LIP program.

Mr. ENZI. I thank my colleague for his thoughts and once again express my appreciation for his leadership in these important issues. I thank the Chair for the opportunity to discuss this program.

REBUILD AMERICA

Mr. LEAHY. Mr. President, I rise to engage the chairman and Senator DORGAN in a colloquy concerning the Rebuild America Program at the Department of Energy. The events of August have dramatically shown all of us that we need to take immediate steps to increase the reliability of our electricity grid. In Vermont, we came very close to being swept up in the blackout cascade. Our transmission grid is under increasing demand pressure. Although there are several proposals to upgrade the transmission grid, everyone recognizes that the only action we can take immediately is energy conservation. This is why I strongly support the Rebuild America Program to help bring emerging technologies to our States to improve energy efficiency in buildings. I would like to work with the chairman and Senator DORGAN to increase funding for this program to bring it closer to the Fiscal Year 2003 level.

Mr. BURNS. I thank the Senator from Vermont and also recognize that Rebuild America can help alleviate the pressure on our transmission grid in the near term. The Department's budget request indicates that every dollar the taxpayer invests in this program gets a return of about $10 in benefits. The program focuses on our schools, hospitals, small communities, and small businesses. It successfully enables the upgrading of millions of square feet per year. I will work with Senators LEAHY and DORGAN to improve funding for this program in conference with the House.

Mr. LEAHY. I thank the chairman and Senator DORGAN. With the events of last month, Vermonters and people across the country need the information and outreach that this program provides. I strongly urge the chairman to use the conference to return this program to a level approaching its Fiscal Year 2003 funding of $12.7 million.

ZERO ENERGY BUILDINGS

Mr. REID. Mr. President, as the ranking member of the Energy and Water Development Committee and a member of the Interior Committee, I rise to express my support for the Zero Energy Buildings program. As a result of the administration's reorganization of the Energy Efficiency and Renewable Energy account, this program was shifted from the solar technologies account to the buildings account. Yet, the administration requested $4 million to fund this program from the Energy and Water Bill—a position that both the House and Senate subcommittees did not support.

This awkward funding situation, if not fixed, will cause us to lose momentum on this important program. Solar initiatives are generally funded from the Energy and Water development bill. Building initiatives are generally funded from Interior. It is my intention to work to restore funding for this program in a manner acceptable to both subcommittees.

ZEB boasts some major achievements given its relative youth. The United States Department of Energy, teaming with homebuilders, energy efficiency professionals, and the renewables industry—primarily the solar industry—are responsible for the creation of the next generation of homes. These homes are more energy efficient than ever and self-generate to the point where their progeny are expected to reach net zero energy consumption. We need these homes to proliferate so that we can enjoy increased national security through a reduction in imported fuels; a cleaner environment; a more reliable grid; and as important as any element, cheaper and more predictable energy costs for American homeowners and small businesses.

Several of the largest homebuilders in the United States now participate in this program, including: Pulte Homes, Centex Homes, Shea Homes, Pardee/Weyerhauser, Morrison Homes, and Mercedes Homes. Many of these have sent letters of support for the program, and it is my understanding that about one dozen additional homebuilders are planning to join with DOE on this program.

The Solar Decathlon held on the Mall in Washington, DC last year, which attracted over 100,000 visitors, featured Zero Energy Homes constructed by university teams from across the United States.

I am proud to say that a Zero Energy Home is now under construction in Las Vegas and will serve as the ''show home'' for next year's International Builders Show hosted by NAHB, which is expected to be attended by more than 90,000 building industry representatives.

In a strong endorsement letter of the program, Michael Luzier, president of the NAHB Research Center, states:

> I urge you to find funds within DOE's budget so the Zero Energy Home program continuity will not be lost. To lose the momentum toward energy independence that this program has created within the home building industry would be a shame. I fear that without funding in FY '04, we will lose the interest of builders we have been working with and the progress in home energy efficiency we all support.

For all of the above reasons, I request the chairman's assistance in working with the Energy and Water Development Subcommittee to find funding for this program in a way that compliments and does not harm other worthy efforts.

Mr. BURNS. I agree that the Zero Energy Buildings program is worthy of support, and I pledge to assist in efforts to provide appropriate funding.

AMENDMENT NO. 1725, AS MODIFIED

Mr. FEINGOLD. Mr. President, the amendment that I am offering today would provide sufficient funding from the underlying bill to enable the Secretary of the Interior to submit to Congress a report on the amount of goods acquired by that Department in fiscal year 2004 that were made overseas.

I want to thank the chairman and the ranking member of the subcommittee for working with me to include this important provision in the bill.

My amendment requires that this report include the following information: (a) the dollar value of any articles, materials, or supplies purchased that are manufactured outside of the United States; (b) an itemized list of all waivers of the Buy American Act granted with respect to such articles, materials, or supplies, and (c) 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 amendment also requires that these reports should be made publicly available on the Internet.

Current law requires that only the Department of Defense report annually on its use of waivers of domestic procurement laws. Earlier this year, I introduced legislation to strengthen the Buy American Act of 1933, the statute that governs procurement by the Federal Government. The name of the act accurately and succinctly describes its purpose: to ensure that the Federal Government supports domestic companies and domestic workers by buying American-made goods. One part of my bill would require that all Federal Departments and Agencies submit the annual reports that are currently required only of the Pentagon. The amendment that I am offering today is based on that provision in my bill. Recently, the Senate adopted a similar amendment that I offered to the fiscal year 2004 Labor-HHS-Education and energy and water appropriations bills.

The Buy American Act requires that the Federal Government support domestic businesses and domestic workers by buying American-made goods. The underlying bill expresses the sense of the Senate that goods and equipment purchased with the funds included in this bill should be American-made.

It only makes sense that Federal Departments and Agencies be required to report to Congress on their compliance with Federal law and with congressional intent regarding this important matter.

The Department of Labor reported recently that the United States economy lost 93,000 jobs in the month of August, including 44,000 manufacturing jobs. The stagnant economy and continued loss of high-paying manufacturing jobs underscore the need for the Federal Government to support American workers and businesses by buying American-made goods.

Again, I thank the chairman and ranking member of the subcommittee for agreeing to accept my amendment.

Mr. LAUTENBERG. Mr. President, I rise today to speak about a disturbing shift in our country's historic support for programs that protect our wildlife refuges, forests and other open spaces. Particularly, the Land and Water Conservation Fund, LWCF.

The Bush administration's 2004 funding request represents a significant decrease in support for land acquisition.

Yet this direction is the opposite of what then Governor Bush promised during his 2000 campaign.

Governor Bush issued a campaign paper on September 13, 2000, that promised to fully fund the Land and Water Conservation Fund at $900 million.

The fund has been enormously effective over the years and is funded, not by taxpayers but from a portion of fees from oil and gas receipts which Congress committed in 1965.

Yet despite the President's pledge, 1 year later the Administration diverted $456 million of that fund to other purposes.

According to the Congressional Research Service, for Fiscal Year 2004, the administration has proposed to decrease Federal land acquisition funding to $128 million below the FY2003 funding level, which will more than offset proposed increases in State grants.

I want to commend by colleagues on the Interior Appropriations Subcommittee who have worked very hard under difficult budgetary conditions to develop the best bill they could.

But the President is playing a funding ''shell game.'' While he claims to support conservation funding, he once again proposes to use $246 million of the LWCF to pay for non-conservation programs.

Only by counting as many as 15 other programs in its annual budget request programs NOT authorized for LWCF funding under the original 1965 law does the President's budget make it appear that the LWCF is well-funded.

Turning his back on campaign promises aside, the President's budget would actually cut the fund's core Federal land acquisition programs by 40 percent from FY03 levels, and fully 60 percent below the authorized level of $900 million for both the Federal and stateside portions!

This direction reverses years of progress in increasing the funding we need to protect our dwindling natural resources. And unfortunately, the funding levels approved by the House are even more abysmal.

Today, there is a $10 billion backlog in needed Federal acquisitions, and billions of dollars in unmet needs at the State and local levels.

This is certainly contrary to the spirit of another Republican president, Theodore Roosevelt, who during his time in the White House had the vision to protect 230 million acres of land.

Today, those lands are enjoyed by hikers, vacationing families, hunters, and many others.

Between 1999 and 2000, the Clinton administration increased funding for the LWCF by 35 percent. President Clinton understood how vital these programs are to preserving our American heritage.

This year the U.S. Forest Service reported that even with all of our land conservation programs, in one decade between 1990 and 2000—our Nation's urban and suburban areas grew in size by an astonishing 25 percent!

This growth has been at the cost of lost forest and farmland all across the Nation and it poses a significant threat to the integrity of these valuable lands.

Forest lands that are intact supply timber products, wildlife habitat, soil and watershed protection, and recreation. But when these areas fragment and disappear, so do the benefits they provide.

Many local governments work hard to guide development away from the most sensitive areas through zoning and other measures.

But in New Jersey, and many other States, these measures are simply not enough to fully protect our forests and open spaces.

New Jersey is the most densely populated State in the Nation and we understand that over-development endangers our water supplies and places severe pressure on all our environmental amenities.

Forest Legacy and the Land to Parks Program are examples of the Federal Government at its best—working in partnership with States and local governments to protect environmentally sensitive lands.

These programs are entirely voluntary. No landowner is required or pressured to participate.

Forest Legacy encourages the protection of privately owned forest lands and helps States develop and carry out their own forest conservation plans.

Aldo Leopold said, ''Our remnants of wilderness will yield bigger values to the Nation's character and health than they will to its pocketbook, and to destroy them will be to admit that the latter are the only values that interest us.''

I don't believe that is true for Americans, and I don't believe that is true for my colleagues in this body.

I urge my colleagues in the Senate and especially those who will represent this body in the conference committee to support the highest levels possible for our land acquisition programs.

Mr. NICKLES. Mr. President, I rise in support of S. 1391, the FY 2004 Interior and Related Agencies 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 $19.6 billion in discretionary budget authority and $19.4 billion in discretionary outlays in FY 2004 for the Department of the Interior, the Forest Service, Energy conservation and research, the Smithsonian and the National Endowment for the Arts, and National Endowment for Humanities.

The bill is at the Subcommittee's 302(b) allocation for budget authority

and $4 million in outlays below the 302(b) allocation. The bill provides $155 million or .8 percent more in discretionary budget authority and $1.0 billion or 5.6 percent more in discretionary outlays than last year's bill. The bill provides $72 million more in discretionary budget authority and $93 million more in discretionary outlays than the President's budget request.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be inserted in the RECORD. I urge the adoption of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1391, INTERIOR APPROPRIATIONS, 2004—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2004, $ millions]

| | General purpose | Mandatory | Total |
|---|---|---|---|
| Senate-reported bill: | | | |
| Budget authority | 19,627 | 64 | 19,691 |
| Outlays | 19,359 | 70 | 19,429 |
| Senate Committee allocation: | | | |
| Budget authority | 19,627 | 64 | 19,691 |
| Outlays | 19,363 | 70 | 19,433 |
| 2003 level: | | | |
| Budget authority | 19,472 | 64 | 19,536 |
| Outlays | 18,340 | 73 | 18,413 |
| President's request: | | | |
| Budget authority | 19,555 | 64 | 19,619 |
| Outlays | 19,266 | 70 | 19,336 |
| House-passed bill: | | | |
| Budget authority | 19,627 | 64 | 19,691 |
| Outlays | 19,393 | 70 | 19,463 |
| Senate Reported bill compared to: | | | |
| Senate 302(b) allocation: | | | |
| Budget authority | ..... | ..... | ..... |
| Outlays | (4) | ..... | (4) |
| 2003 level: | | | |
| Budget authority | 155 | ..... | 155 |
| Outlays | 1,019 | (3) | 1,016 |
| President's request: | | | |
| Budget authority | 72 | ..... | 72 |
| Outlays | 93 | ..... | 93 |
| House-passed bill: | | | |
| Budget authority | ..... | ..... | ..... |
| Outlays | (34) | ..... | (34) |

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. BURNS. I ask unanimous consent that the Interior appropriations bill move to third reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there are no further amendments, 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.

Mr. BURNS. I ask unanimous consent that the bill be considered and agreed to.

The PRESIDING OFFICER. The question is on agreeing to the passage of the bill, as amended.

The bill (H.R. 2691), as amended, was agreed to.

Mr. BURNS. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Again, I thank my good friend from North Dakota. We worked very closely on this bill. I think we set a record. Actually, we started last Thursday and everyone shuffled out of town for some reason or other—Isabel or something. But we actually have only worked on this bill—this is Tuesday—we did not have votes yesterday and we got some work done.

I appreciate the Senator's contribution to this bill. His staff has been very good.

I ask unanimous consent that the Senate insist on the amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. TALENT) appointed Mr. BURNS, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BROWNBACK, Mr. DORGAN, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mrs. FEINSTEIN, and Ms. MIKULSKI conferees on the part of the Senate.

Mr. BURNS. 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.

## MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## IRAQ

Mr. DORGAN. Mr. President, yesterday we had a hearing in the Senate Appropriations Committee with Ambassador Bremer, who has just returned from Iraq and is here for the week to talk about the needs in the country of Iraq, especially to talk about the requested $87 billion that is the part of the President's request he says is necessary for both the military needs in Iraq, to support the troops stationed in Iraq and now completing their mission in Iraq, and also $20 billion for the reconstruction of Iraq. I want to make a couple of comments about that because, since our hearing yesterday, I have been doing some research.

At the hearing yesterday I said to the Ambassador: It is quite clear to me the Congress will respond affirmatively. First of all, it is unthinkable to send America's sons and daughters wearing our military uniform to war anywhere in the world and not provide all the support that is necessary and that is requested. The military portion of that request, in my judgment, will be granted, should be granted completely and quickly.

Second, on the question of reconstructing Iraq, the $20 billion necessary for the reconstruction of this country, I asked Ambassador Bremer a number of questions. I want to make a comment about that and some of the research I have done since that time.

It is the case that the campaign that was called ''Shock and Awe,'' which we all saw on the television, of bombing and the ensuing military action with smart bombs, smart weapons—that campaign did not target Iraq's infrastructure. It did not target the electric facilities, did not target the power facilities or dams or roads or bridges. It targeted military targets, palaces, and other items of strategic value, but it specifically did not target infrastructure in Iraq. So the damage to the infrastructure in Iraq is not damage caused by America's military action in Iraq. It is caused now, increasingly, by the insurgent movement in Iraq, the terrorists and others who are engaged in destruction in Iraq.

But the question I was asking the Ambassador about reconstructing Iraq is, If we did not destroy Iraq's infrastructure, then why should the American taxpayer be paying money to reconstruct the infrastructure? I suggested the infrastructure obviously needs to be dealt with, but should not the oil reserves in Iraq be used to pump the oil and produce the revenue for the reconstruction of this country? Iraq has the second largest oil reserves in the world. Those oil reserves, it seems to me, ought to be used for the reconstruction of Iraq. Let Iraqi oil pay for the reconstruction of Iraq.

Ambassador Bremer said to me: One of the problems with that approach is Iraq has a substantial amount of accumulated debt.

Since yesterday I began to research what is this debt that Iraq owes the rest of the world. My guess is it is the Saddam Hussein government that owes the rest of the world. That government does not exist. He is in hiding somewhere. The government doesn't exist any longer.

Here are the countries that Saddam Hussein presumably owes money to: Kuwait, probably somewhere around $20 billion; Saudi Arabia, $25 billion; the other gulf states, probably $25 billion; Russia, $10 billion; France, $6 billion. These are not specific amounts that are tied down very well because the World Bank Debtor Reporter System tells us there are no collated figures available from Iraq because Iraq is one of the few countries which did not report its debt statistics.

So no documents exist in the Iraqi Ministry of Finance. None of it has yet emerged. They may well have been lost in the chaos. But would it be ironic if the American taxpayer is told that they must use their money to reconstruct Iraq and the Iraqi oil wells will pump oil, the proceeds of which will be used to pay Saudi Arabia and Kuwait for debts incurred while Saddam Hussein ran the Iraqi Government? You talk about a Byzantine result, that is it.

I believe reconstruction is necessary. But I also believe that reconstruction

ought to be paid for with Iraqi oil. The Ambassador will say, Well, there is not enough money left for the operation of the Iraqi Government, but the Ambassador also said yesterday with some satisfaction that they just put a new tax system in the country of Iraq. He said with some satisfaction that the top income tax rate is 15 percent.

So we are going to ask the Americans who will pay a top rate of 39-percent income tax to send reconstruction money to Iraq whose economy is generating an income tax against that with respect to its wealthiest citizens at a rate of a 15-percent tax rate. I don't think that makes much sense.

My only point is this: Of the $20 billion, $5 billion is for security. So there is $15 billion for security and reconstruction above the military needs. I believe that what we ought to do is have the Ambassador and the administration work very hard to resolve these debts. It seems to me one might well tell the Saudis and the Kuwaitis: You loaned the money to the Saddam Hussein regime. You know that debt is owed to you by Saddam Hussein. Go find him and go collect it. If you think you can find him, tell us where he is. But go find him and collect it. That ought not be a burden on the country of Iraq. The government with which you engaged in this credit transaction no longer exists.

Following that, it seems to me that it would be reasonable to securitize or collateralize Iraqi oil. We know they will by next June or July be pumping 3 million barrels per day. The amount that is not needed in Iraq but that is available for export will yield revenues of about $16 billion a year. That is $160 billion in 10 years, or $320 billion in 20 years, this for a country of 24 million people. If you can't securitize or collateralize $320 billion over 10 years to pay for a $20 billion reconstruction of Iraq, then there is something wrong with all the financiers and all the tall thinkers who are working on this.

I believe the money requested is necessary. But I believe the construct of the reconstruction in Iraq and the payment for that reconstruction should not be a burden on the shoulders of the American taxpayer—not taxpayers who are paying more than double the rate the top taxpayers in Iraq will be asked to bear and not taxpayers who should pay taxes so Iraqi oil wells can pump oil to send money to Saudi Arabia and Kuwait. What a perverse result that would be.

We are going to have a lot of discussion about that, and we should have. The President has made a request and said the money is necessary. He is right. The money is necessary. The question is not whether it is necessary on the military side because we ought to appropriate that money. We ought to do it now, and we ought not delay.

On the reconstruction side, let us understand the money is necessary but it ought to come from the resources from Iraqi oil. By my calculation, those resources would be $320 billion conservatively in the next 20 years. It is easy to collateralize or securitize that with the private sector. Or, for that matter, if you do not want the private sector with the IMF or the World Bank in order not to impose this burden on the American taxpayer but instead rely on Iraqi oil, once again the second largest reserves of oil in the world under the sands of Iraq, a country with 24 million people, they surely can afford to construct a plan—that is, the Iraqi council, and also the allies that are involved, including this country—can surely construct a plan by which we use that resource to reconstruct and reinvest in that country. It is Iraq's resource. It is Iraq's oil. It ought not be an obligation of the American taxpayer to pay for that portion of the emergency request.

My hope is, as we begin these discussions in the coming days, that two things will emerge: No. 1, the President and others will understand that Congress is going to respond and respond affirmatively to the needs that exist, especially for our soldiers but also with respect to reconstruction, and, No. 2, that Congress does not, should not, and will not respond by imposing a burden on the taxpayers of this country for the reconstruction needs that should be financed with Iraqi oil. That is a debate that we must have.

I hope the result will be positive for the American taxpayer and positive for the people of Iraq, for that matter, because they have substantial resources with which to reconstruct the infrastructure of Iraq, which, by the way, was not destroyed by this country. That infrastructure in Iraq was not destroyed by this country's military campaign. This country's military campaign removed a brutal dictator. We are now opening football-field-size graves containing 10,000 and 12,000 skeletons.

That campaign, however, while removing the Saddam Hussein government, did not destroy their country's infrastructure, and there are plenty of resources under the sands of Iraq to produce oil with which to produce revenue to reinvest in that infrastructure and in the future without having the American people bear that burden.

## NOMINATION OF GOVERNOR MIKE LEAVITT TO HEAD THE EPA

Mr. ALEXANDER. Mr. President, I rise to commend President Bush for nominating Gov. Mike Leavitt to be head of the Environmental Protection Agency. Governor Leavitt's hearing was this morning and, from all accounts, he performed admirably, as I would expect. He is a distinguished public servant who has worked diligently to address the environmental problems in Utah and the Western States.

I believe the President has found the right person for the job of leading the EPA. The EPA Administrator must establish realistic regulations that often require compromise and balance. In my experience, almost all of the issues that deal with our environment require a good sense of balance because there are so many competing interests. Governor Leavitt has demonstrated his ability to work with all groups affected by environmental regulation. He pulled together, for example, Governors, tribal leaders, industrial leaders, and environmental activists to get behind a comprehensive plan to clear the haze obscuring the scenic views in the West, including the Grand Canyon.

For nearly 11 years, Governor Leavitt managed to bring together a diverse group of State and tribal officials, industrial leaders, and environmental activists who focused on developing a plan which led to action that is clearing the air in the West.

I hope that a similar plan can be developed to clear the haze in the great Smoky Mountain National Park, which is about 2 miles from where I live. It is the Nation's most visited national park, and it also has earned the unwelcome distinction of becoming the most polluted national park in America.

We welcome the help of Governor Leavitt as head of the EPA in coming up and working with our Governor and Federal delegation and our communities in Tennessee, who are very concerned about this, to help get on a long-term path that would clear the haze in the Smokies and restore its natural beauty.

This will require cooperation among local, State, and Federal Governments and industry and environmental activists. I believe Governor Leavitt is the right person to help lead that effort. He has demonstrated he can do this by getting collaboration among groups instead of polarization.

As Governor, Mike Leavitt has encouraged results-oriented environmental action. I strongly support his views that policy should encourage outside-the-box thinking in solving problems rather than just complying with Federal programs.

Our environmental problems are complex. They require examination of many strategies to achieve our Nation's goals. The EPA Administrator plays a crucial role in balancing our desire to protect the environment and our desire for jobs and prosperity.

I believe we can have good jobs and strong industry and clean air and clean energy. The solutions are not easy, and in most cases—many cases—require new technology. However, with Governor Leavitt's leadership, I believe we will be able to develop the solutions and partnership to meet realistic environmental goals.

The job of protecting the environment is a difficult one, one in which I take a great personal interest. The President of the United States—this President—has distinguished himself by making a number of superb appointments. He has made another such nomination, and I look forward to the

chance to vote for Mike Leavitt as EPA Administrator.

May I add just a personal note, Mr. President? I was elected Governor first in 1978 in Tennessee. Since then, I have known more than 200 Governors, probably served with 80 or 100. Only a handful of those Governors, some on each side of the aisle—Democratic and Republican—have really understood the job, have used that office to set a clear agenda to develop a strategy to meet the agenda, and then persuade at least half the people they are right. All three of those elements are being part of being a good Governor. Those Governors have transformed their States.

Mike Leavitt is one of those Governors. Because of that, he was elected to be the chair of the National Governors' Association. He would not have been elected, and he would not have succeeded in the job if he had not been able to work with both Democratic and Republican Governors. He has earned and shares the respect of all who have known and worked with him. He is one of the outstanding State leaders of the last quarter of a century. He has a great sense of balance. He has an imaginative sense of what is possible, and he has an excellent ability to persuade half that he is right, which is a very important part of doing that job.

I am very pleased to see him coming to Washington, and I am delighted with President Bush's appointment. I wanted to be among the first to welcome him here. I thank the Chair.

## CEASAR SALICCHI

Mr. REID. Mr. President, in 1970, a young man in Elko, NV spent $365 to run for the position of Elko County Treasurer.

That was the last time Ceasar Salicchi ever had to spend a dime in a political campaign . . . and the last time he had an opponent.

Since then, Salicchi has won eight additional terms as county treasurer. Overall, his career in public service to the people of Elko County has spanned five different decades . . . almost 42 years.

For those who have never had the fortune of visiting northeast Nevada, it is in the opinion of many the most beautiful part of the Silver State. Elko County boasts majestic mountains, and unlike most other parts of our state, gets enough rain to provide good range for livestock. So Elko is a prime area for ranching—a place, it would seem, where many beautiful scenes in cowboy movies could have been filmed.

Salicchi is the son of local ranchers Cesare and Nella Salicchi, Italian immigrants who are now deceased. Ceasar served in the Army in 1945 and '46, and returned home to start ranching with his father and his brother, Alfred. He married his first wife, Jeanine, in 1950, and they started a family and settled into life on the ranch.

I am sure Ceasar expected to spend his life as a rancher, as so many in that part of the country do. But on December 15, 1952, at age 25, he was stricken with polio. After his recovery, he faced living with disabilities that required him to walk with crutches.

Salicchi vowed that he wouldn't let his disabilities keep him down . . . and they certainly did not. Since ranching was no longer a viable way for him to support a young family, he went to the Reno Business College, earned a degree in business administration, and set out to forge a new career.

His exceptional skills in organization and fiscal management not only allowed him to succeed in that endeavor, but also benefited the people of Elko County.

In 1962, Ceasar was working in the local hardware store on Commercial Street in downtown Elko. A man named Al Haber, the accountant for the county-owned Elko General Hospital, offered him a job as the hospital's business manager.

Ceasar immediately started making positive changes in the hospital's operations. For example, he is credited with bringing the first computer to the hospital, an IBM Model 3. As he continued to look for ways to make things run better, he developed a reputation as a good steward of the public's money.

He decided to run for county treasurer in 1970, promising to modernize operations in the same way he had done at the hospital. The people of Elko County had faith in him, and he won the election. Since then, he has been re-elected eight times without opposition.

Salicchi is a life-long Democrat, and he reminisces with razor-sharp clarity about voting for President Harry Truman after he returned home from his Army tour in 1948.

But the secret to his political success is a personal approach to the job, not ideology.

''I enjoy this job,'' he says. ''Serving the public and friends provides me with personal satisfaction, and service is my main objective.''

He has provided tremendous service. At the time Ceasar took office, all of the financial operations at the Elko courthouse were still performed by hand. About 9,000 tax bills were processed by hand, and kept on the treasurer's office counter for people to walk in and pay.

Salicchi's efforts to modernize the office began in 1976 with the installation of the first computer system, and modernization has continued to this day. Earlier this year, following approval from the county commission, the treasurer's office successfully began auctioning delinquent property on the Internet.

Today, Ceasar's office processes more than 37,000 tax bills each year. He also oversees the management and investment of public money. The portfolio for Elko County runs from $19 million to $23 million, and the interest and dividends are distributed to the local school district and other public funds.

In the 1970s, when national efforts to protect the rights of persons with disabilities were just beginning, Salicchi served on several Governor-appointed committees to implement those policies in Nevada. That was around the same time I first met Ceasar, when I was running for Lieutenant Governor.

Since then, it has always been a delight to visit Elko and see Ceasar. I was there just a few weeks ago, and I asked him if he was planning to retire anytime soon.

He responded with that familiar twinkle in his eye and sly grin: ''Maybe.''

But his wife Darlene, who is also his biggest supporter, said, ''We'll see about that.''

While Ceasar has faithfully served the people of Elko County, his first love has always been his family.

His first wife, Jeanine, passed away on October 23, 1969. In 1984 he married Darlene, whom he had met when they both worked at the county hospital. Their children include Judy Trotter and Chet Gilbert, both of Elko; Tina Snow of Anchorage, Alaska; Dee Dee Kelsey of Aldrich, Minnesota; and Paul Gilbert of Los Angeles. Two sons, Ceasar Raymond Salicchi and Doug Shatto, are deceased.

Ceasar Salicchi has been a fixture in the public life of Elko, NV since 1962. The city of Elko, Elko County, and the State of Nevada are all better places because of a man who doesn't know the meaning of defeat—Ceasar Salicchi.

## TRIBUTE TO GREG MADDUX

Mr. REID. Mr. President, I rise today to salute a great Nevadan, a great human being and a great athlete . . . my friend, Greg Maddux.

Mr. Maddux pitches for the Atlanta Braves baseball club. Since he went to Atlanta almost 11 years ago,the Braves have won their division every single season.

This is no coincidence. Greg Maddux has been the heart and soul of the Atlanta Braves and the key to their remarkable string of success.

From 1992 through 1995, he won the Cy Young award as the best pitcher in baseball—4 years in a row. No other pitcher has ever accomplished that—and I doubt anyone else ever will.

He finished the 1990s with a 2.54 earned run average for the decade. Only two pitchers had posted a better ERA over a decade since 1910—Hoyt Wilhelm and Sandy Koufax. That's pretty good company. And in 1995, Maddux became the first pitcher to log back-to-back seasons with an ERA under 1.80.

From 1990 through 2001—12 consecutive years—Greg won the National League Gold Glove as the league's best-fielding pitcher.

He pitched nine scoreless innings in game one of the 1995 World Series, leading the Braves over the Cleveland Indians.

Greg could have retired years ago, and he would still be assured of entering the Baseball Hall of Fame on the first day he is eligible.

But he keeps pitching, and he keeps setting a new standard of excellence.

Sunday, he broke a record that had been held by the great Cy Young himself, winning at least 15 games for the 16th consecutive season.

For a major league pitcher, winning 15 games in a season is a feat that only the best will ever accomplish. To do it for 16 straight years is almost unthinkable.

They say records are made to be broken. Well, I think this one will stand for a long, long time.

The success of Greg Maddux is even more amazing when you consider that he doesn't have overwhelming speed. In an era of 100 mph fastballs, his clock in the mid-80s. He doesn't try to overpower hitters . . . he just outsmarts them.

Maddux is an unsurpassed student of the game who relies on his pinpoint control and his unyielding determination. He never gives in to hitters. He makes them swing at his pitches.

After he defeated the Florida Marlins to break Cy Young's record, 72-year-old Florida manager Jack McKeon said, ''He doesn't get you out—he makes you get yourself out.''

Anybod who is a baseball fan, as I am, would be proud to know Greg Maddux. But he is more than a great athlete . . . he's a great person.

He is a devoted family man, married to a wonderful wife Kathy. They have a daughter Amanda Paige and a son Chase Alan.

Obviously, the Maddux family could live anywhere they want to. I am proud that they have chosen to live in Las Vegas, where Greg grew up and graduated from Valley High School.

Greg doesn't endorse commercial products, and he has no interest in the glamorous life of a celebrity. Instead, he and his family live quietly, giving generously of their time and money for causes that benefit our community.

Kathy and Greg lead the Maddux Foundation, which is involved in several charitable activities in Las Vegas and Atlanta. The Foundation supports children's homes, domestic crisis shelters, and boys and girls clubs.

In recent years, the Madduxes have expanded their philanthropic efforts, and his brother Mike also has a foundation that helps children.

Baseball fans all over America know Greg Maddux as one of the greatest pitchers in the history of the game.

In southern Nevada, we know him as a devoted family man, a positive role model for kids, and a great neighbor.

## LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on August 30, 2003, in New Orleans, LA. There, a 53-year old gay man from Pennsylvania was stabbed in the back. Upon arrest, his attacker confessed that he ''wanted to kill a gay man.''

I believe that our Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## HONORING OUR ARMED FORCES

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Hagerstown, IN. Staff Sergeant Frederick L. Miller, Jr., 27 years old, was killed in Ar Ramadi on September 20, 2003 when an explosive device hit his vehicle while he was on security patrol. Frederick joined the Army with his entire life before him. He chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Frederick was the sixteenth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He leaves behind his parents, Ann and Frederick Miller, his wife, Jamie, and two daughters, Haley and Sierra. Jamie is pregnant with the couple's third child, a boy. Today, I join Frederick's family, his friends, and the entire Hagerstown community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is this courage and strength of character that people will remember when they think of Frederick, a memory that will burn brightly during these continuing days of conflict and grief.

Frederick L. Miller, Jr., joined the Army after graduating from Richmond High School in 1994 and would have marked his eighth year of military service next month. He commanded a Bradley Fighting Vehicle in Troop K in the 3rd Squadron of the 3rd Armored Cavalry Regiment. Before Iraq, he served in combat zones in Kosovo, Yugoslavia and Bosnia. Frederick was discharged after his first tour of duty, but chose to re-enlist after the September 11 attacks. His family remembers him as a true American hero, who returned to the Army during our Nation's most trying time because he felt bound by duty, and today, we honor the sacrifice he made while serving his country.

As I search for words to do justice in honoring Frederick L. Miller, Jr.'s sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow his ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did there.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Frederick's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Frederick L. Miller, Jr. in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Frederick's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from all faces.''

May God grant strength and peace to those who mourn, and may God bless the United States of America.

## CONFIRMATION OF GLEN EDWARD CONRAD

Mr. HATCH. Mr. President, I am pleased today to speak in support of Glen Conrad, who has been confirmed for the United States District Court for the Western District of Virginia.

Judge Conrad is no stranger to the Western District or its Federal court: He has served there as a magistrate judge for 27 years. Following his graduation from the Marshall Wythe School of Law at the College of William and Mary in 1974, he clerked for district judge Ted Dalton of the Western District of Virginia—the same court to which Judge Conrad has been nominated. During the time of his clerkship, Judge Conrad also served as Federal probation officer.

Since the end of his clerkship in 1976, to the present day, Judge Conrad has served as Federal magistrate judge in various districts throughout Virginia. During his lengthy tenure on the bench, Judge Conrad has been recommended for reappointment by three separate Merit Selection Committees.

Judge Conrad has illustrated exemplary care and concern for the state of the law in his home district. He has contributed to continuing legal education efforts over the course of his career, helping to produce course materials for young lawyers starting their practice in the Western District of Virginia. He has also served as a member of the Civil Justice Reform Act Advisory Committee, where he has helped recommend measures to improve the efficiency of the Virginia court system and reduce the costs of civil litigation.

In addition to being a model citizen, Judge Conrad is an extremely qualified

judge. I thank my colleagues for supporting his confirmation.

## CONFIRMATION OF HENRY FRANKLIN FLOYD

Mr. HATCH. Mr. President, I am pleased today to speak in support of Henry Floyd, who has been confirmed for the United States District Court for the District of South Carolina.

Judge Floyd has had a stellar legal career on both sides of the bench. He served as a private practice litigator for 19 years before being elevated to the 13th Judicial Circuit of South Carolina in 1992, where he currently sits. He has also served as a 1st Lieutenant in the U.S. Army and as a member of the South Carolina House of Representatives.

During his tenure in private practice, Judge Floyd specialized in civil, criminal, and domestic relations litigation, with a general practice of deeds, wills, and estates, and real estate closings. He represented regulated utilities, including an electric cooperative, municipalities, and the County of Pickens.

Judge Floyd served on the Board of Commissioners on Grievances and Discipline, which was empowered to deal with complaints against members of the bar in the State and to make certain recommendations for disciplinary conduct.

Since his elevation to the bench, Judge Floyd has also been designated to sit as an Acting Justice on the South Carolina Supreme Court from time to time.

Judge Floyd is an extremely well-qualified nominee. He brings more than 30 years of legal experience to the Federal bench. I am confident that he will be a fine addition to the bench and thank my colleagues for supporting his confirmation.

# ADDITIONAL STATEMENTS

## AMERICAN ASSOCIATION ON MENTAL RETARDATION AWARD WINNERS

● Mr. DURBIN. Mr. President, I am pleased today to join the Illinois chapter of the American Association on Mental Retardation, AAMR, in recognizing the recipients of the 2003 Direct Service Professional Award. These individuals are being honored for their outstanding devotion to the effort to enrich the lives of people with developmental disabilities in Illinois.

These recipients have displayed a strong sense of humanity and professionalism in their work with persons with disabilities. Their efforts have inspired the lives of those for whom they care, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than 50 percent of their time at work in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers at the forefront of America's effort to care for people with special needs. They go to work every day with little recognition, providing much needed and greatly valued care and assistance.

It is my honor and privilege to recognize the Illinois recipients of AAMR's 2003 Direct Service Professional Award: Marsha Andrews, Abelardo Cabreros, Janice Davila, Linda Dunlap, Sylvia Eiland, Guy Evans, Liz Foose, Tanya Garrett, Emma Grebenick, Jenny Greiner, James Harden, Susan Jauch, Carolyn Jones, Greg LeRette, Luvinia Mayfield, Broderick Porter, and Ginny Seaworth.

I know my fellow Senators will join me in congratulating the winners of the 2003 Direct Service Professional Award. I applaud their dedication and thank them for their service.●

## TREEPEOPLE'S 30TH ANNIVERSARY

● Mrs. BOXER. Mr. President, on October 11, TreePeople will celebrate the 30th anniversary of its founding. Few organizations have had such an impact, have energized so many volunteers or have so transformed a community as has TreePeople. I applaud them and thank them for their wonderful work over the past 30 years.

TreePeople, much like the trees it plants, started as a tiny seed before blossoming into the powerful organization it is today. TreePeople was founded by a then-15-year-old summer camper, Andy Lipkis. Andy, like many foresters, understood that substantial tree die offs in the local mountains were the consequence of Los Angeles' smog, and wanted to do something about it. Andy organized his fellow campers, and together they ripped up a parking lot and planted a meadow. But he was not finished. Andy next obtained 8,000 seedlings from the California Department of Forestry's surplus stock and started the California Conservation Project, later renamed ''TreePeople.''

Since its founding, TreePeople has been committed to planting trees millions of trees. They began by planting 50,000 trees with 50,000 student volunteers in environmental programs at Coldwater Canyon Park. Several years later, after the City of Los Angeles estimated that it would take 20 years to plant a million trees in order to comply with the Clean Air Act, TreePeople took on the project and did it in three years. Later, TreePeople helped launch the Los Angeles Conservation Corps, and Kate and Andy Lipkis were elected to the United Nations Environmental Programme's Global 500 Honor Roll. TreePeople's work has extended across international boundaries with thousands of fruit trees being shipped to foreign lands to avert hunger and starvation.

TreePeople has also focused on environmental education programs and played an important part in getting 60,000 elementary school children to work toward the City's goal of mandatory recycling. In the 1990s, TreePeople launched the Campus Forestry Program, now boasting the participation of more than one million children and teenagers. TreePeople has also developed the Trans-Agency Resources for Environment and Economic Sustainability, or T.R.E.E.S., program to promote better watershed management practices.

Today, TreePeople continues to work tirelessly to make Los Angeles a better and healthier place to live. TreePeople started modestly as one person with a dream. With steadfast determination and passion, his dream became a reality. Andy Lipkis is living proof that one person, with a corps of countless volunteers, can make a big difference. I commend his vision, and I applaud him and all those who helped make his vision tangible. TreePeople's greatest strength is in its ability to attract volunteers who are willing to work for a better community. I thank them for their great work.

I extend my congratulations to everyone involved with TreePeople on this special anniversary and wish them all many more years of continued success.●

## RECOGNIZING ROBERT G. MACEACHRAN

● Mr. LEVIN. Mr. President, it is with great pride that I pay tribute to an exceptional educator from my home State of Michigan. On September 27th, Robert G. MacEachran will retire after 16 years as Superintendent of the Suttons Bay Public Schools. Mr. MacEachran's dedication to his students and lifelong commitment to maintaining a standard of excellence for the Suttons Bay Public Schools has made a great difference in the lives of many residents of northern Michigan.

Mr. MacEachran began his work in public education as a junior high school math teacher in the Battle Creek School District. He then moved to the East Grand Rapids School District and taught high school math for several years. With many years of teaching under his belt, he decided to pursue his longtime goal of becoming an educational administrator to ensure that schools maintained an environment that encouraged learning by stimulating the minds of all students. Mr. MacEachran moved to the Comstock Park Schools where he served as Assistant Principal, Athletic Director, and Director of Community Service.

After 22 years of service as an educator, Mr. MacEachran moved to northern Michigan and took the position of Superintendent for the Suttons Bay public school system. In this position, he has stressed the importance of using the newest technology to ensure that students have all the resources needed to enrich their learning experience. Mr. MacEachran has also made great

strides in developing new relationships between private and public schools. He developed a partnership between the local Montessori school and Suttons Bay Public Schools that incorporates the Montessori educators and their techniques into the public school curriculum. He was also pivotal in the construction of a new high school. This new building allowed all K–12 grades to be moved to new classrooms.

The dedication and innovation that Robert MacEachran has brought to the Suttons Bay Public Schools during his 16-year tenure as Superintendent and 38 years within the Michigan public school community is exceptional. He has demonstrated unwavering support for the education of Michigan's youth. The legacy that he has left within the Suttons Bay public school system will endure after his retirement. Future generations will greatly benefit from his commitment to the education and development of all children. I am confident my colleagues will join me in offering our heartfelt thanks and appreciation to Robert G. MacEachran and in wishing him well in his retirement.●

## RECOGNIZING TONY AUTORE

● Mr. LEVIN. Mr. President, it is my pleasure to recognize Tony Autore for his outstanding commitment to community service in my home State of Michigan. On September 26, 2003, the Chippewa-Luce-Mackinac Community Action Agency will honor Tony for his exemplary service to the Eastern Upper Peninsula and to the Community Action Agency.

Tony began his service to the community in 1952, when he entered the United States Army and served until he was honorably discharged in 1954. After his two years in the Army, Tony moved to Cedarville, MI, with his wife Ethel and began a successful local business. Tony's service continued as he became a member of the Les Cheneaux Chamber of Commerce. The Chamber recently hosted the Michigan Outdoor Writers' winter and summer conventions, bringing over 300 writers to the area to discuss and celebrate the conservation and preservation of the state of Michigan's natural resources.

Tony has also served his community on the Clark Township volunteer fire department and the Les Cheneaux Community Foundation Board and was instrumental in establishing a Boy Scout Troop in the area. Along with these activities, Tony has devoted his time and talent improving his community for others as a member of the planning commission, the Mackinac County Housing Commission, and the economic development corporation. Tony has also been involved with other local organizations. He is a member of the Lions Club, the Knights of Columbus, and the Christopher Columbus Association.

For the past 18 years, Tony has served on the Board of the Chippewa-Luce-Mackinac Community Action Agency. He is currently the treasurer of the group, which strives to address poverty by helping to enable people to become self-sufficient members of society. The counsel and advice he has given the Agency Director and staff have been invaluable. During his time with the agency he has helped provide a truck and driver free of charge to help with the periodic distribution of food commodities in the area. Additionally, through his ties to the local community, Tony helped the agency secure use of the town hall for senior congregate meals. Tony also assisted the Community Action Agency in the development of a Head Start Center in Cedarville. Appropriately, this center will be dedicated as the ''Autore Center, Community Action Agency Head Start''.

I am confident that my colleagues in the Senate will join with me in thanking Tony Autore for his outstanding service to his community and congratulate him on receiving this high honor from the Community Action Agency.●

## KEN FERGESON, CHAIRMAN OF THE ABA

● Mr. NICKLES. Mr. President, today I rise to honor an Oklahoman who has climbed to the top of his profession. Today, Ken Fergeson, from Altus, OK, is being installed as the American Bankers Association chairman. He is also the chairman of National Bank Commerce in Altus.

Ken has been active in the ABA for many years. He has chaired its Government Relations Council, Community Bankers Council, a joint trade association Credit Union Steering Committee and Minbanc Capital Corp., in addition to serving on the board of the Corporation for American Banking. He also served on the ABA Communications Council, Education Foundation and Professional Development Council, and chaired the Oklahoma Banker's Association.

After graduating from college Ken began his career at Liberty Bank in Oklahoma City. A native Texan, Ken had interviewed and considered a better job offer from a Houston Bank, but he decided to go with the Liberty job in part because, as he joked, it had cheaper parking.

It was at Liberty that Ken first became involved in the ABA and the Oklahoma Bankers Association as well as numerous charitable organizations, trade groups and civic organizations.

After leaving Liberty, Ken went on to purchase National Bank Commerce in Altus. At the time of the purchase the 38-year-old father of two didn't have the money to buy the bank, but he knew if he could somehow find it he could make the venture work. So he decided to take some risks that he admits were ''stupid'' in retrospect: he got the biggest loan he could get, sold his house, withdrew his kid's college funds, and issued debentures and subordinated notes. His risk was rewarded as he expanded the bank's markets and customer base.

Ken's success has grown over the decades, and for good reason. He conducts business with one concern in mind: What is best for the customer? He understands that a bank that conducts business in this manner will retain customers for life. Ken tells his employees not to ''sell anything you wouldn't sell your mother.'' Many today will see this mentality as old fashioned, but you can't argue with success.

When Ken was approached by his daughter about her desire to be a foreign missionary, his response was telling of his view of his business. He encouraged her to come to work for the bank. Ken noted that there is no greater mission field than the ''ministry of banking.'' In his own words he explains that the banking industry helps people ''plan for their children's education, or buy their first home, or plan for retirement, or expand a business. If those outcomes are not a ministry, I don't know what is.''

The next chairman of the ABA will bring this experience and worldview to bear upon his new post. He plans on making ethics a central theme of his chairmanship. Ken believes that in life and in business you need a set of ethics to live by so that when tough decisions come your way, you will have a moral reference point to help you reach a conclusion. I am excited about Ken's chairmanship and the ideas and values he will bring to the table.

I extend my sincere congratulations to Ken and his family and I wish him all the best as he takes his new post.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on September 18, 2003, by the President pro tempore (Mr. STEVENS):

S. 520. An act to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

S. 678. An act 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.

## 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. GRASSLEY (for himself and Mr. BINGAMAN):

S. 1641. A bill to amend title XIX of the Social Security Act to extend medicare cost-sharing for certain qualifying individuals (QI–1s); to the Committee on Finance.

By Mr. LEAHY:

S. 1642. A bill to extend the duration of the immigrant investor regional center pilot program for 5 additional years, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 1643. A bill to exempt certain coastal barrier property from financial assistance and flood insurance limitations under the Coastal Barriers Resources Act and the National Flood Act of 1968; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 1644. A bill to amend the Packers and Stockyards Act, 1921, to limit the number of packer-owned swine that certain packers may slaughter in any calendar year; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG (for himself, Mr. KENNEDY, Mr. SMITH, Mr. GRAHAM of Florida, Mr. COCHRAN, Mr. SCHUMER, Mr. GREGG, Mr. LIEBERMAN, Mr. MCCAIN, Mr. KERRY, Mr. HAGEL, Ms. CANTWELL, Mr. VOINOVICH, Mr. WYDEN, Mr. COLEMAN, Mrs. CLINTON, Mr. DEWINE, Mrs. BOXER, and Mrs. MURRAY):

S. 1645. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 1646. A bill to provide a 5-month extension of highway safety 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 Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida:

S. Res. 228. A resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. Res. 229. A resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; considered and agreed to.

By Mr. LUGAR (for himself, Mr. SARBANES, Mr. HAGEL, Mr. BIDEN, Mr. DODD, and Mr. BROWNBACK):

S. Res. 230. A resolution calling on the People's Republic of China immediately and unconditionally to release Rebiya Kadeer, and for other purposes; to the Committee on Foreign Relations.

By Mr. FEINGOLD (for himself and Mr. ALEXANDER):

S. Res. 231. A resolution commending the Government and people of Kenya; to the Committee on Foreign Relations.

By Mr. MILLER (for himself, Mr. BURNS, Mr. CHAMBLISS, and Mr. CORZINE):

S. Res. 232. A resolution expressing the condolences of the Senate upon the death on September 3, 2003, of the late General Raymond G. Davis (United States Marine Corps, retired) and expressing the appreciation and admiration of the Senate for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation; considered and agreed to.

By Mr. COLEMAN (for himself and Mr. DAYTON):

S. Res. 233. A resolution commending the Rochester, Minnesota A's American Legion baseball team for winning the 2003 National American Legion World Series; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 18

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S . 18, a bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes.

S. 242

At the request of Mr. DOMENICI, the name of the Senator from Pennsylvania (Mr. SANTORUM) 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. 300

At the request of Mr. KERRY, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 596

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 596, supra.

S. 606

At the request of Mr. GREGG, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 741

At the request of Mr. SESSIONS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1245

At the request of Ms. COLLINS, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1303

At the request of Mr. BROWNBACK, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1303, a bill to amend title XVIII of the Social Security Act and otherwise revise the Medicare Program to reform the method of paying for covered drugs, drug administration services, and chemotherapy support services.

S. 1396

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1396, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1404

At the request of Mr. MCCAIN, the name of the Senator from Colorado

(Mr. CAMPBELL) was added as a cosponsor of S. 1404, a bill to amend the Ted Stevens Olympic and Amateur Sports Act.

S. 1454

At the request of Mr. DOMENICI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1454, a bill to establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 1483

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1483, a bill to amend the Head Start Act to reauthorize that Act, and for other purposes.

S. 1531

At the request of Mr. HATCH, the names of the Senator from Connecticut (Mr. DODD), the Senator from Utah (Mr. BENNETT) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1557 , a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1558

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

S. 1559

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1559, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1568

At the request of Mr. HATCH, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1568, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts.

S. 1586

At the request of Mr. SCHUMER, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1586, a bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulations are not successful.

S. 1594

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1594, a bill to require a report on reconstruction efforts in Iraq.

S. 1618

At the request of Mr. ROCKEFELLER, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of 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.

S. 1622

At the request of Mr. GRAHAM of Florida, the names of the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of 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.

S. CON. RES. 61

At the request of Mr. LOTT, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Vermont (Mr. LEAHY), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Con. Res. 61, a concurrent resolution authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi.

S. CON. RES. 67

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Con. Res. 67, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and supporting the designation of a National Brain Injury Awareness Month.

S. RES. 202

At the request of Mr. CAMPBELL, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Delaware (Mr. BIDEN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

AMENDMENT NO. 1731

At the request of Mr. REID, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. AKAKA), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Mr. SARBANES), the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 1731 proposed to H.R. 2691, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1731

At the request of Mr. EDWARDS, his name was added as a cosponsor of amendment No. 1731 proposed to H.R. 2691, supra.

AMENDMENT NO. 1731

At the request of Mr. JEFFORDS, his name was added as a cosponsor of amendment No. 1731 proposed to H.R. 2691, supra.

AMENDMENT NO. 1734

At the request of Mr. DASCHLE, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 1734 proposed to H.R. 2691, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1740

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 1740 proposed to H.R. 2691, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. BINGAMAN):

S. 1641. A bill to amend title XIX of the Social Security Act to extend medicare cost-sharing for certain qualifying individuals (QI–1s); to the Committee on Finance.

Mr. GRASSLEY. Mr. President, 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. 1641

*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 ''QI–1s Medicare Cost-Sharing Extension Act of 2003''.

**SEC. 2. EXTENSION OF MEDICARE COST-SHARING FOR CERTAIN QUALIFYING INDIVIDUALS.**

(a) EXTENSION OF SUNSET.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended—

(1) by striking subclause (II);

(2) beginning in the matter preceding subclause (I), by striking ''ending with December 2002'' and all that follows through ''for medicare cost-sharing described'' in subclause (I) and inserting ''ending with March 2004) for medicare cost-sharing described''; and

(3) by striking '', and'' at the end and inserting a semicolon.

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(c) of the Social Security Act (42 U.S.C. 1396u–3(c)) is amended—

(1) in paragraph (1)(E), by striking ''fiscal year 2002'' and inserting ''each of fiscal years 2002 and 2003''; and

(2) in paragraph (2)(A), by striking ''the sum of'' and all that follows through ''1902(a)(10)(E)(iv)(II) in the State; to'' and inserting ''the total number of individuals described in section 1902(a)(10)(E)(iv) in the State; to''.

(c) SPECIAL RULE FOR FIRST QUARTER OF 2004.—Section 1933 of the Social Security Act (42 U.S.C. 1396u–3) is amended by adding at the end the following:

''(g) SPECIAL RULE.—With respect to the period that begins on January 1, 2004, and ends on March 31, 2004, a State shall select qualifying individuals, and provide such individuals with assistance, in accordance with the provisions of this section as in effect with respect to calendar year 2003, except that for such purpose—

''(1) references in the preceding subsections of this section to 'fiscal year' and 'calendar year' shall be deemed to be references to such period; and

''(2) the total allocation amount under subsection (c) for such period shall be $100,000,000.''.

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By Mr. GRASSLEY:

S. 1644. A bill to amend the Packers and Stockyards Act, 1921, to limit the number of packer-owned swine that certain packers may slaughter in any calendar year; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, today I am introducing legislation which will set a ceiling on vertical integration in the pork industry. Specifically, this bill will make it unlawful for any packer with an annual slaughter capacity of more than 20 million swine to slaughter more than 10 million packer-owned swine in any calendar year.

I am offering this because I believe the pork industry is at a critical juncture due to the impending sale of Farmland's pork division.

Either we stop the trend toward vertical integration, or we prepare for the inevitable ''chicken-ization'' of the pork industry.

It is vital that we sustain a place in the market for the independent pork producer. This legislation will at least limit the cancerous growth of vertical integration until we can pass a cure.

I ask unanimous consent 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. 1644

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

**SECTION 1. ANNUAL LIMITATION ON NUMBER OF PACKER-OWNED SWINE SLAUGHTERED BY CERTAIN PACKERS.**

(a) IN GENERAL.—Title II of the Packers and Stockyards Act, 1921 (7 U.S.C. 191 et seq.) is amended by adding at the end the following:

**''Subtitle C—Annual Limitation on Number of Packer-Owned Swine Slaughtered by Certain Packers**

**''SEC. 231. DEFINITIONS.**

''In this subtitle:

''(1) AFFILIATE.—The term 'affiliate' has the meaning given the term in section 231 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i).

''(2) PACKER.—The term 'packer' has the meaning given the term in section 231 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i).

''(3) PACKER-OWNED SWINE.—The term 'packer-owned swine' means swine that a packer (including a subsidiary or affiliate of the packer) owns for at least 7 days (excluding any Saturday or Sunday) before slaughter.

''(4) SLAUGHTER CAPACITY.—The term 'slaughter capacity' means the total number of swine that a packer (including a subsidiary or affiliate of the packer) could slaughter in a calendar year if all federally inspected swine processing plants operated by the packer were operated at full capacity for 260 days each calendar year.

''(5) SWINE.—The term 'swine' has the meaning given the term in section 231 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i).

**''SEC. 232. UNLAWFUL PRACTICE.**

''It shall be unlawful for any packer with an annual slaughter capacity of more than 20,000,000 swine to slaughter more than 10,000,000 packer-owned swine in any calendar year.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendment made by subsection (a) takes effect on the date of enactment of this Act.

(2) EXISTING PACKERS.—In the case of a packer that, on the date of enactment of this Act, would otherwise be in violation of section 232 of the Packers and Stockyards Act, 1921 (as added by subsection (a)), the amendment made by subsection (a) takes effect on the date that is 18 months after the date of enactment of this Act.

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By Mr. CRAIG (for himself, Mr. KENNEDY, Mr. SMITH, Mr. GRAHAM of Florida, Mr. COCHRAN, Mr. SCHUMER, Mr. GREGG, Mr. LIEBERMAN, Mr. MCCAIN, Mr. KERRY, Mr. HAGEL, Ms. CANTWELL, Mr. VOINOVICH, Mr. WYDEN, Mr. COLEMAN, Mrs. CLINTON, Mr. DEWINE, Mrs. BOXER, and Mrs. MURRAY):

S. 1645. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, I am pleased to announce today the introduction of bipartisan farmworker reform legislation with a bipartisan group of Members in both the Senate and the House of Representatives. Our leading sponsors include Senator TED KENNEDY, Congressman HOWARD BERMAN, and Congressman CHRIS CANNON.

The name of the bill says it all—''AgJOBS.'' That stands for the ''Agricultural Job Opportunity, Benefits, and Security Act of 2003.'' We are introducing this bill today because Members of Congress realize our Nation is facing a growing crisis—for farm workers, growers, and the wider public. We want and need a stable, predictable, legal work force in American agriculture.

Willing American workers deserve a system that puts them first in line for available jobs with fair market wages. We want all workers to receive decent treatment and protection of fundamental legal rights. Consumers deserve a safe, stable, domestic food supply. American citizens and taxpayers deserve secure borders and a government that works.

Yet Americans are being threatened on all these counts, because agriculture, more than any other sector of the economy, has become dependent for its existence on the labor of immigrants who are here without legal documentation. The only program currently in place to respond to a lack of legal domestic workers, the H–2A Guest Workers Program, is profoundly broken. Outside of H–2A, farm employers have no effective, reliable assurance that their employees are legal. Our own government has estimated that half of the total 1.6 million agricultural work force are not legally authorized to work in this country, based, astoundingly, on self-disclosure in worker surveys. Responsible private estimates run to 85 percent.

Several more times in recent months, we have read of the senseless and inhuman deaths of farmworkers being smuggled illegally into the United States. Those who survive to work in the fields are among the most vulnerable persons in this country, unable to assert the most basic legal rights and protections. This situation never was acceptable. It has become intolerable. Immigrants not legally authorized to work in this country know they must work in hiding. They have been known to pay ''coyotes''—labor smugglers—thousands of dollars to be smuggled into this country. They cannot even claim basic legal rights and protections. They are vulnerable to predation and exploitation. They sometimes have been stuffed inhumanly into dangerously enclosed truck trailers and car trunks, in order to be transported, hidden from the view of the law. We heard with horror of the young girl who died this summer when a labor smuggler abandoned her entire family in the desert in the Southwest.

In contrast, legal workers have legal protections. They can assert wage, safety, and other legal protections. They can bargain openly and join unions. H–2A workers, in fact, are guaranteed housing and transportation. Time is running out for American agriculture, farmworkers, and consumers. What was a problem years ago is a crisis today and will be a catastrophe if we do not act immediately. A growing number of family farms simply are going out of business as growers try to, but cannot, secure a legal work force. All Americans face the danger of losing more and more of our safe, domestic food supply to imports.

Many farmers have seen recently hired workers scattered unpredictably by a government letter or random raid. As enforcement of our immigration and employment documentation laws has been stepped up—sporadically and haphazardly—workers are rarely deported,

but the workplace is frequently and widely disrupted. Between computerized checking by the Social Security Administration and audits and raids by the Immigration and Naturalization Service, more and more employers have discovered they have undocumented employees. More and more workers here illegally are being discovered and evicted from their jobs. The larger the so-called ''underground economy,'' the harder it is to knowledgeably and effectively provide for our homeland security needs.

The H–2A status quo is complicated and legalistic. The Department of Labor's compliance manual alone is more than 300 pages long. A General Accounting Office study found that DOL missed deadlines in processing H–2A applications 40 percent of the time. For workers and growers alike, the H–2A status quo is slow, bureaucratic, and inflexible. It does nothing to recognize the uncertainties farmers face, from changes in the weather to global market demands. The current H–2A process is so hard to use, it will place only about 40,000 legal guest workers this year—2 to 3 percent of the total agricultural work force.

The answer is AgJOBS. This farmworker reform legislation builds upon some six years of discussion and ideas from among growers, farmworker advocates, Latino and immigration issue groups, Members of both parties in both Houses of Congress, and others. The coming together of all these diverse viewpoints and interests makes AgJOBS truly an historic piece of legislation. Our AgJOBS bill offers a thoughtful, two-step solution. On a one-time basis, experienced, trusted workers with a significant work history in American agriculture would be allowed to stay here legally and earn adjustment to legal status. For workers and growers using the H–2A legal guest worker program, that program would be overhauled and made more streamlined, practical, and secure. AgJOBS takes a win-win-win approach for our nation, workers, and farmers.

AgJOBS may be no one's idea of perfect labor and immigration legislation in an ideal world. However, for the imperfect world we live in, it is a balanced, practical, and achievable approach to resolving urgent problems that require immediate attention. The broad bipartism support for this approach is reflected already in the cosponsorship of a number of our colleagues. Among others, I am happy we are joined by Senators GORDON SMITH and BOB GRAHAM as original cosponsors, both of whom have invested years of work in this issue. Supporters of this legislation include the United Farm Workers of America, the National Council of La Raza, and the AFL–CIO, all of whom participated in a press conference the principal sponsors held earlier today, as well as the U.S. Chamber of Commerce. This bill has overwhelming support in the agriculture community, including the National Council of Agricultural Employers, the American Nursery and Landscape Association, and the American Farm Bureau Federation.

I ask unanimous consent to print in the RECORD a list from the Agriculture Coalition for Immigration Reform that includes a large number of agricultural groups around the country who support this bill. I also ask unanimous consent to print a technical summary of the bill; a side-by-side comparison with current law; an open letter to Congress from our former Secretary of Agriculture, Ambassador Clayton Yeutter; and the next of the AgJOBS bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AGRICULTURE COALITION FOR IMMIGRATION REFORM

NATIONAL CO-CHAIRS

American Nursery & Landscape Association; National Council of Agricultural Employers; New England Apple Council.

ASSOCIATION MEMBERS AND SUPPORTERS

Agricultural Affiliates; American Farm Bureau Federation; American Frozen Foods Institute; American Horse Council; American Mushroom Institute; CoBank-Northeast Farm Credit Regional Council; Council of Northeast Farmer Cooperatives; National Association of State Departments of Agriculture; National Cattleman's Beef Association; National Chicken Council; National Christmas Tree Association; National Cotton Council; National Council of Farmer Cooperatives; National Potato Council; National Watermelon Association, Inc.; Nisei Farmers League; Northeast Dairy Coops; Northern Christmas Tree Growers; Northern Ohio Growers Association; Northwest Horticultural Council.

Society of American Florists; United Egg Association; United Egg Producers; United Fresh Fruit & Vegetable Association; U.S. Apple Association; U.S. Custom Harvesters Association; Western Growers Association; Agricultural Council of California; Alabama Farmers Federation; Alabama Nursery Association; Arizona Nursery Associations; Arkansas Green Industry Association; Associated Landscape Contractors of Colorado; Associated Landscape Contractors of Massachusetts; California Association of Nurserymen; California Citrus Mutual; California Farm Bureau; California Grape and Tree Fruit League; Nursery Growers Association (CA); Colorado Nursery Association.

Connecticut Nursery & Landscape Association; Florida Citrus Mutual; Florida Farm Bureau Federation; Florida Nurserymen & Growers Association; Florida Fruit and Vegetable Association; Georgia Green Industry Association; Gulf Citrus Growers, Association; Idaho Nursery Association: Illinois Landscape Contractors Association; Illinois Nurserymen's Association; Illinois Specialty Growers Association; Indiana Nursery & Landscape Association; Iowa Nursery and Landscape Association; Kansas Nursery and Landscape Association; Kentucky Nursery & Landscape Association; Louisiana Nursery & Landscape Association; Massachusetts Nursery & Landscape Association; Michigan Nursery and Landscape Association; Minnesota Nursery & Landscape Association; Mississippi Nursery Association.

Missouri Landscape & Nursery Association; New England Nursery Association; New Jersey Nursery & Landscape Association; New York State Nursery & Landscape Association; New York State Vegetable Growers Association; North Carolina Association of Nurserymen; Northern California Growers Association; Nursery Growers of Lake County Ohio, Inc.; Ohio Nursery & Landscape Association; Oregon Association of Nurserymen; Oregon Farm Bureau Federation; Pacific Tomato Growers; Pennsylvania Landscape & Nursery Association; Rhode Island Nursery and Landscape Association; Senseny South Corporation; Snake River Farmers Association; South Carolina Nursery Association; Southern Nursery Association; State Horticultural Association of Pennsylvania; Tennessee Nursery & Landscape Association.

Texas Nursery & Landscape Association; Texas Produce Association; Turfgrass Producers International; Ventura County Agriculture Association; Virginia Agricultural Growers Association; Virginia Nursery and Landscape Association; Wasco County Fruit & Produce League; Washington Growers Clearing House Association, Inc.; Washington Growers League; Washington Potato & Onion Association; Washington State Nursery & Landscape Association; Western Grower Law Group; West Virginia Nursery and Landscape Association; Wisconsin Nursery Association; Wisconsin Landscape Federation; Wisconsin Christmas Tree Producers.

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AGRICULTURAL JOB OPPORTUNITY, BENEFITS, AND SECURITY ACT OF 2003—SUMMARY OF SIGNIFICANT PROVISIONS—SEPTEMBER 2003

TITLE I—ADJUSTMENT OF AGRICULTURAL WORKERS TO TEMPORARY AND PERMANENT RESIDENT STATUS

Title I establishes a program whereby agricultural workers in the United States who lack authorized immigration status but who can demonstrate that they have worked 100 or more days in a 12 consecutive month period during the 18-month period ending on August 31, 2003 can apply for adjustment of status. Eligible applicants would be granted temporary resident status. If the farmworker performs at least 360 work days of agricultural employment during the 6-year period ending on August 31, 2009, including at least 240 work days during the first 3 years following adjustment, and at least 75 days of agricultural work during each of three 12-month periods in the 6-years following adjustment to temporary resident status, the farmworker may apply for permanent resident status.

During the period of temporary resident status the farmworker is employment authorized, and can travel abroad and re-enter the United States. Workers adjusting to temporary resident status may work in non-agricultural occupations, as long as their agricultural work requirements are met. While in temporary resident status, workers may select their employers and may switch employers. During the period of temporary resident status, the farmworker's spouse and minor children who are residing in the United States may remain in the United States, but are not employment authorized. The spouse and minor children may adjust to permanent resident status once the farmworker adjusts to permanent resident status. Unauthorized workers who do not apply or are not qualified for adjustment to temporary resident status are subject to removal. Temporary residents under this program who do not fulfill the agricultural work requirement or are inadmissible under immigration law or commit a felony or three or more misdemeanors as temporary residents are denied adjustment to permanent resident status and are subject to removal. The adjustment program is funded through application fees.

TITLES II AND III—REFORM OF THE H–2A TEMPORARY AND SEASONAL AGRICULTURAL WORKER PROGRAM

This section modifies the existing H–2A temporary and seasonal foreign agricultural worker program. Employers desiring to employ H–2A foreign workers in seasonal jobs (10 months or less) will file an application and a job offer with the Secretary of Labor. If the application and job offer meets the requirements of the program and there are no obvious deficiencies the Secretary must approve the application. Employers must seek to employ qualified U.S. workers prior to the arrival of H–2A foreign workers by filing a job order with a local job service office at least 28 days prior to date of need and also authorizing the posting of the job on an electronic job registry.

All workers in job opportunities covered by an H–2A application must be provided with workers' compensation insurance, and no job may be filled by an H–2A worker that is vacant because the previous occupant is on strike or involved in a labor dispute. If the job is covered by a collective bargaining agreement, the employer must also notify the bargaining agent of the filing of the application. If the job opportunity is not covered by a collective bargaining agreement, the employer is required to provide additional benefits, as follows. The employer must provide housing at no cost, or a monetary housing allowance where the governor of a State has determined that there is sufficient migrant housing available, to workers whose place of residence is beyond normal commuting distance. The employer must also reimburse inbound and return transportation costs to workers who meet employment requirements and who travel more than 100 miles to come to work for the employer. The employer must also guarantee employment for at least three quarters of the period of employment, and assure at least the highest of the applicable statutory minimum wage, the prevailing wage in the occupation and area of intended employment, or a reformed Adverse Effect Wage Rate (AEWR). If the AEWR applies, it will not be higher than that existing on 1/01/03 and if Congress fails to enact a new wage rate within 3 years, the AEWR will be indexed to the change in the consumer price index, capped at 4 percent per year beginning December 1, 2006. Employers must meet specific motor vehicle safety standards.

H–2A foreign workers are admitted for the duration of the initial job, not to exceed 10 months, and may extend their stay if recruited for additional seasonal jobs, to a maximum continuous stay of 3 years, after which the H–2A foreign worker must depart the United States. H–2A foreign workers are authorized to be employed only in the job opportunity and by the employer for which they were admitted. Workers who abandon their employment or are terminated for cause must be reported by the employer, and are subject to removal. H–2A foreign workers are provided with a counterfeit resistant identity and employment authorization document.

The Secretary of Labor is required to provide a process for filing, investigating and disposing of complaints, and may order back wages and civil money penalties for program violators. The Secretary of Homeland Security may order debarment of violators for up to 2 years. H–2A workers are provided with a limited Federal private right of action to enforce the requirements of housing, transportation, wages, the employment guarantee, motor vehicle safety, retaliation and any other written promises in the employer's job offer. Either party may request mediation after the filing of the complaint. State contract claims seeking to enforce terms of the H–2A program are preempted by the limited Federal right of action. No other State law rights are preempted or restricted.

The administration of the H–2A program is funded through a user fee paid by agricultural employers.

**COMPARISON OF THE CURRENT H-2A AGRICULTURAL GUEST WORKER PROGRAM AND THE CRAIG / KENNEDY AGRICULTURAL JOB OPPORTUNITY, BENEFTIS, AND SECURITY ACT OF 2003**
**September 22, 2003**

# One-Time Adjustment to Legal Status (non-H-2A)

(Legislation would create a new program; therefore, this table contains no "Current Law" column)

| Issue | Bipartisan AgJOBS Reform Plan |
|---|---|
| Agricultural Work Required to Adjust to Legal Status | Workers must prove that they worked in agricultural employment in the U.S. the lesser of 575 hours or 100 work days, during any 12 consecutive months in the 18 month period ending on August 31, 2003. |
| Application Process to Qualify to Adjust to Legal Status | Application must be made beginning 7 months after enactment (after regulations are issued) and not later than 18 months thereafter. |
| Proof of Qualifying Employment | Workers applying for adjustment have the burden of proving by a preponderance of evidence the qualifying days or hours of agricultural employment through employment records from employers, unions, government agencies and other reliable documentation. |
| Status of Adjusted Workers | Adjusted workers obtain temporary resident status. They may remain in the U.S. year-round. To qualify for temporary and permanent resident status, applicants are subject to the same admissibility standards as any other alien, except that they are granted a one-time waiver of ineligibility for unlawful presence. |
| Right to Work and Travel of Adjusted Workers | Adjusted workers must satisfy an annual agricultural work requirement during the qualifying adjustment of status period. They are allowed to work in industries outside of agriculture during periods in which they are not working in agriculture. Workers have the right to travel within the U.S. and between the U.S. and their resident country and will be given a counterfeit-resistant document of authorization to enter or reenter the U.S. |
| Agricultural Work Requirements to Adjust to Permanent Resident Status | The adjusting worker must perform at least 2060 hours or 360 work days, whichever is less, of agricultural employment in the U.S. during the 6 year period ending on August 31, 2009. Adjusting workers must work at least 75 work days of agricultural employment in each of three 12 month periods ending on August 31, 2006 and at least 240 work days of agricultural employment during the first 3 of the 6 years following adjustment to temporary resident status. Upon completion of the work requirement, workers obtain permanent resident status. |

| Issue | Bipartisan AgJOBS Reform Plan |
|---|---|
| Status of Spouses and Dependents | Spouses and minor children of workers who adjust status may not be removed nor given employment authorization while the qualifying worker is in temporary resident status. Once a worker obtains permanent resident status through satisfaction of the agricultural work requirement, he/she may seek to adjust the status of a spouse and minor child |
| Proof of Agricultural Work During Qualifying Period After Enactment | Adjusting workers claiming that they are deprived of qualifying days of work in agriculture through termination without just cause are entitled to arbitration of their termination. A favorable arbitration decision for a worker can result only in a credit of work days or hours but cannot be used for any other purpose in any other litigation. Workers also can get credit for days lost through an inability to work due to injury or disease arising out of agricultural employment during the qualifying period, as long as proven through medical records. Secretary of the Department of Homeland Security (DHS) has limited authority to relax hours of agricultural work requirement during the first 3 years due to a natural disaster. |
| Confidentiality of Information | Information provided by workers and employers to the Secretary of DHS shall remain confidential and can only be used to determine whether a worker qualifies to adjust to legal status. |

# H-2A GUEST WORKER REFORMS

| Issue | Current Law | Bipartisan AgJOBS Reform Plan |
|---|---|---|
| **DOMESTIC WORKER RECRUITMENT AND SEC. OF LABOR CERTIFICATION OF EMPLOYERS TO EMPLOY H-2A *FOREIGN GUEST* WORKERS** | | |
| Limitation on Covered Job Opportufnities | Job opportunities must be "agricultural" and must be "temporary" or "seasonal". Maximum duration of temporary jobs 364 days; maximum practical duration of seasonal jobs 10 months. Agriculture defined as in FLSA and Internal Revenue Code. | Job opportunities must be "agricultural" and must be "temporary" or "seasonal". Maximum duration of jobs 10 months. Agriculture defined as in Fair Labor Standards Act and Internal Revenue Code. |
| Mechanics of Process | Labor Certification:<br>Application for temporary guest worker labor certification must be filed at least 45 days before date of need with local office and DOL regional office. DOL accepts or requests modification in 7 days. Certification 30 days before date of need. DOL has discretion to waive time frames in "emergency" situations. Requests for redetermination allowed. | Labor Condition Application:<br>Process similar to H-1B high-tech program. Application for H-2A workers is filed with Secretary of Labor (SOL). Application provides assurances that employer will comply with program requirements most of which are set forth in the following Labor Standards section. Unless the application is incomplete or contains obvious inaccuracies, SOL must approve it. |
| Domestic Recruitment | Local and interstate orders, filed with DOL 45 days before date of need for workers. Newspaper, radio advertising and other requirements imposed by Secretary of Labor (SOL). Emergency provisions allow SOL to waive recruitment requirements where there is insufficient time before date of need and need could not have reasonably been foreseen. | Employer must contact former workers and advertise jobs in local paper likely to be patronized by farmworkers no later than 14 days before date of need for workers. Employer must file job order with local job service office 28 days prior to date of need and authorize posting of job on an electronic job registry. Interstate recruitment of workers is not required. Emergency provisions allow SOL to waive recruitment requirements where there is insufficient time before date of need and need could not have reasonably been foreseen. |

| Issue | Current Law | Bipartisan AgJOBS Reform Plan |
|---|---|---|
| **LABOR STANDARDS** | | |
| In General | Open-ended, terms and conditions of employment may not adversely affect U.S. workers. | Limited to standards in statute unless higher wages, benefits or working conditions are offered or provided to H-2A workers. |
| Wages | Highest of Adverse Effect Wage Rate (AEWR) administratively established by DOL, prevailing wage, or federal or state minimum wage. AEWR methodology set by SOL by regulation. | Similar to existing H-2A, except AEWR may not be higher than the applicable AEWR on 1-1-03. If Congress fails to enact a new wage rate within 3 years of enactment, thereafter the existing AEWRs will be annually indexed by the % change in the CPI, with a maximum adjustment of 4% annually. During 3 year period after enactment, GAO and Congressional commission study wage rate and make recommendations to Congress. |
| Housing | Employer must offer housing to all non-local workers. H-2A application limited to capacity of available housing. May use public accommodation housing. Local workers not requiring housing not counted against H-2A request up to number of local workers usually employed. No charge for housing permitted. | Employer must provide housing or a housing allowance. From the date of enactment, the housing allowance may be offered only if the Governor of State certifies that housing is available in the area of intended employment. Housing allowance is based on HUD Section 8 statewide average fair market rental rates for existing housing. In non-metropolitan counties the allowance is the statewide average fair market rental for existing housing for non-metropolitan counties and for metropolitan counties it is the statewide average for metropolitan counties. |
| Transportation | Reimburse in-bound if worker completes 50% of period of employment; pay outbound if worker completes 100% of period of employment. Transportation must be advanced if it is prevailing practice. | Same as existing H-2A program except no reimbursement if worker travels less than 100 miles or does not reside in employer provided housing or housing obtained through an allowance. |
| Workers' Compensation | State coverage or equivalent. | State coverage or equivalent. |

| Issue | Current Law | Bipartisan AgJOBS Reform Plan |
|---|---|---|
| Employment Guarantee | Employer guarantees employment for 3/4 of work hours of anticipated period of employment. Guarantee terminated if an "Act of God" terminates need for workers. Guarantee waived for workers terminated for lawful job related reasons or who abandon employment. | Same as existing H-2A program except statute defines "Act of God" circumstances that cause termination of guarantee. |
| Collective Bargaining Agreement | No Provision. | If the job opportunity is covered by a collective bargaining agreement, the employer does not have to provide the wages and other benefits required of employers without such an agreement. |
| Preference for U.S. Workers | Must hire qualified U.S. worker who applies until 50% of period of employment has expired. Prohibits entities from withholding U.S. workers until H-2A workers arrive. | Must hire qualified U.S. worker who applies until 50% of period of employment has expired. Prohibits entities from withholding U.S. workers until H-2A workers arrive and requires SOL to place U.S. workers with other employers for which DOL has job orders for similar job opportunities in the area of intended employment prior to displacing H-2A workers. If a U.S. worker displaces an H-2A worker and then quits the job, the employer may obtain a replacement H-2A worker in an expedited manner. |
| Lawful Job-Related Requirements | Permitted at the discretion of SOL. Complicated scheme for regulating productivity standards. | Permitted. Employers may use legitimate selection criteria that are normal or customary to the job. |
| Application of MSPA to H-2A Workers | H-2A workers are exempt from the coverage of MSPA. | H-2A workers are exempt from the coverage of MSPA. H-2A workers are provided a federal private right of action to enforce the housing, transportation, wage, employment guarantee, motor vehicle safety and retaliation provisions and any other written promises in the employer's job offer. Either party may request mediation after the filing of the complaint. H-2A worker must elect between DOL enforcement of rights or right to sue. State contract claims based on H-2A program requirements are preempted by federal right of action. |

| Issue | Current Law | Bipartisan AgJOBS Reform Plan |
|---|---|---|
| Enforcement of Labor Standards | SOL has the authority to investigate compliance with H-2A requirements and assurances. SOL has authority to seek civil money penalties and backpay through an administrative hearing process for alleged violations of program requirements and has the authority to debar employers from the H-2A program for program violations. | Aggrieved persons or third parties can bring a complaint to SOL within 12 months of employer's alleged failure to comply with assurances, for misrepresentations in the labor condition application, and for displacement of U.S. workers. If, after investigation, SOL finds reasonable cause, the parties are entitled to a hearing and the SOL must make a finding not less than 60 days after the hearing. If a violation is found after a hearing, SOL may require backpay for wages and benefits not paid, as well as civil money penalties (CMPs) of up to $1,000 for non-willful violations, $5,000 for willful violations and $15,000 for displacement of U.S. workers. CMPs are capped for all types of violations at no more than $90,000. |
| Initial Waiver of Ineligibility for Unlawful Presence | Banned from admission up to 10 years for previous unlawful presence. Must show non-immigrant intent and meet other criteria for admissibility. | One time waiver of bar on admission for unlawful presence. Must show non-immigrant intent and meet other criteria for admissibility. |
| Strike and Lockout | Cannot hire an H-2A worker if the specific job opportunity for which the employer is requesting an H-2A worker is vacant because the former occupant is on strike or being out in the course of a labor dispute. | Same as current law. |
| **GUEST WORKER ADMISSION AND ELIGIBILITY PROVISIONS** | | |
| Procedures for Admission of H-2A guest workers | Governed by current INS statute and regulations. Employer petitions INS and, upon approval, workers apply for visas and admission. | Employer files petition with Secretary of the Dept. of Homeland Security (DHS), accompanied by valid labor certification covering petitioner. Secretary of DHS is required to adjudicate petitions on an expedited basis within 7 working days and send copies of approved petition to petitioning employer and consular office where worker will apply. |
| Issuance of Identity and Employment Eligibility Document | Subject to current INS regulations and law. Receives same documents as all other admissions. | Requires counterfeit–proof document. |

| Issue | Current Law | Bipartisan AgJOBS Reform Plan |
|---|---|---|
| Extension of Stay of H-2A worker | Worker may remain in U.S. for 14 days after period of employment ends to seek additional employment. Cannot work for employer who files an extension until extension approved. Continuous stay for period of labor certification up to 3 years with successive certified employers. | Worker may remain in U.S. for period of labor certification plus 14 additional days after period of employment ends to seek employment. Can work immediately for employer who has filed an extension of stay but must within 60 days obtain valid work authorization documents. Continuous stay up to 3 years with successive approved employers, but no more than ten months in each job opportunity. |
| **MISCELLANEOUS PROVISIONS** | | |
| Filing by Associations of Agricultural Employment | Permitted; association may be agent, joint employer or sole employer. Association must be joint employer for workers to transfer among members. | Similar to current law. Associations may file applications as actual employers or on behalf of members who have written agreements to comply with program requirements. |
| Public Notice and Access to Information | No provision. | Employers covered by a collective bargaining agreement must at the time of filing of the application give notice to the bargaining representative of the employees in the occupational classification at the place of employment for which H-2A workers are sought. Employers must keep copy of application at principal place of business for public inspection. SOL must keep a public list by employer of the applications filed under the H-2A program, including the wage rate, number of workers sought, period of intended employment and date of need. The list is available for examination at DOL in Washington, D.C. |
| Continuation of Obligation to Meet H-2A Standards Upon Withdraw from Program | May withdraw. Policy on applicability of program requirements not clear, but generally believed that H-2A obligations continue if any workers are recruited under H-2A terms. | May withdraw if no H-2A guest workers are employed. Any employer obligations incurred under other laws would continue. |
| Payment of Users' Fee | Employers pay fees set by SOL and INS. | Employers pay user's filing fee for filing labor condition application and for admission of H-2A guest workers. Fees established by federal standards. |
| Effective Date | Not applicable. | One year after enactment. |

| Issue | Current Law | Bipartisan AgJOBS Reform Plan |
|---|---|---|
| Regulations | Not applicable. | Secretaries of Labor and Agriculture and DHS consult regarding regulations, which must be issued 1 year after enactment. |

TEXT OF OPEN LETTER TO CONGRESS ON AGRICULTURAL LABOR REFORM, AUGUST, 2003

The recent tragic truck-trailer deaths of Mexican workers seeking illegal entry to the U.S. have raised once again the wisdom and feasibility of our immigration policies at the U.S./Mexico border. This is an issue that many of us in American agriculture have tried to address over the years, but few have listened. Perhaps our views can now be heard.

Many of the workers entering the U.S. from Mexico are hoping for jobs on farms or in nurseries. As you know, such jobs often await them, for thousands of American farmers wonder every year whether they'll have dependable help at harvest time. This is especially critical for our fruit and vegetable industries, where the ''open window'' for harvest can be very short-lived. But similar concerns are now emerging in many other farm enterprises, ranging from dairy to poultry to greenhouse crops to beef to Christmas trees. This has become a national problem, and a recurring nightmare for our agricultural employers nationwide.

Government statistics and other evidence suggest that at least 50% and perhaps 70% of the current agricultural workforce is not in this country legally. The immediate reaction of some is to say that these workers have broken the law and should be deported, and that U.S. farmers and other employers have brought this problem on themselves by not doing a better job of detecting fraudulent documents.

That ''easy'' answer ignores the reality that few Americans are drawn to highly seasonal and physically demanding work in agriculture. At chaotic harvest times, a stable, dependable workforce is essential. Instead, American farmers are in a ''damned if you do, damned if you don't'' situation where they're required by law to be policemen, immigration officials, and security experts while simultaneously trying to get their crops harvested before they spoil.

My experience over many years tells me that agricultural employers do not want to hire illegal immigrants. What they want is a stable, viable program with integrity that will meet their labor force needs in a timely, effective way. What they do not want is a program with major shortcomings, for which they will inevitably be blamed. Unfortunately, that is what our laws have imposed upon them.

As a nation, we can and must do better—for agricultural employers and for immigrant workers. Many of these workers have come to the U.S. on a regular basis. Many have lived here for years doing our toughest jobs, and some would like to earn the privilege of living here permanently. Why not permit them to do so, over a specified timeframe, thereby keeping the best workers here? That has the additional advantage of permitting our government to better focus its limited monitoring/enforcement resources, particularly where security may be a concern. Let's use entry/exit tracking, tamper proof documentation, biometric identification, etc. where it will truly pay security dividends, and let's stop painting all immigrants with the same brush.

A limited, earned legalization for agriculture is nothing like an amnesty program. It would apply only to immigrants who are at work, paying taxes, and are willing to earn their way to citizenship so that they can share in the American dream. These workers form the foundation of much of our nation's agricultural workforce. We need them!

Agricultural employers need an updated guest work program to replace the antiquated ''H2A'' temporary worker system, which is too expensive and too bureaucratic to be of practical use. Necessary reforms include fair and stronger security and identification measures, market-based wage rates, and comprehensive application procedures.

The reform program I have outlined already has broad bipartisan support, thanks to the good work and leadership of Sens. Larry Craig, Gordon Smith, Ted Kennedy, and Bob Graham, among others, and a bipartisan group of House colleagues. Their work product deserves immediate and serious consideration by the Congress. The status quo is simply unacceptable. It puts both American employers and immigrant workers in an untenable situation—with a high cost in economic efficiency, respect for the law, and sometimes even in human life. The reforms now being proposed are a practical solution to a serious problem that is evolving into a national crisis.

As President Bush has stated, we can and must do better to match a willing and hard-working immigrant worker with producers who are in desperate need of a lawful workforce. It is time, and in our great country's interest, to enact these reforms.

Sincerely,

CLAYTON YEUTTER
(Former Agriculture Secretary and U.S. Trade Representative).

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S. 1645

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Agricultural Job Opportunity, Benefits, and Security Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—ADJUSTMENT TO LAWFUL STATUS

Sec. 101. Agricultural workers.
Sec. 102. Correction of Social Security records.

TITLE II—REFORM OF H–2A WORKER PROGRAM

Sec. 201. Amendment to the Immigration and Nationality Act.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Determination and use of user fees.
Sec. 302. Regulations.
Sec. 303. Effective date.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) AGRICULTURAL EMPLOYMENT.—The term ''agricultural employment'' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) EMPLOYER.—The term ''employer'' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(3) JOB OPPORTUNITY.—The term ''job opportunity'' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(5) TEMPORARY.—A worker is employed on a ''temporary'' basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term ''United States worker'' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) WORK DAY.—The term ''work day'' means any day in which the individual is employed 1 or more hours in agriculture.

**TITLE I—ADJUSTMENT TO LAWFUL STATUS**

**SEC. 101. AGRICULTURAL WORKERS.**

(a) TEMPORARY RESIDENT STATUS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer upon an alien who qualifies under this subsection the status of an alien lawfully admitted for temporary residence if the Secretary determines that the following requirements are satisfied with respect to the alien:

(A) PERFORMANCE OF AGRICULTURAL EMPLOYMENT IN THE UNITED STATES.—The alien must establish that the alien has performed agricultural employment in the United States for at least 575 hours or 100 work days, whichever is less, during any 12 consecutive months during the 18-month period ending on August 31, 2003.

(B) APPLICATION PERIOD.—The alien must apply for such status during the 18-month application period beginning on the 1st day of the 7th month that begins after the date of enactment of this Act.

(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that the alien is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien shall be provided an ''employment authorized'' endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF TEMPORARY RESIDENT STATUS.—During the period of temporary resident status granted an alien under this subsection, the Secretary may terminate such status only upon a determination under this Act that the alien is deportable.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) terminates on August 31, 2009.

(b) RIGHTS OF ALIENS GRANTED TEMPORARY RESIDENT STATUS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (a), such status not having changed, shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted status under subsection (a) may be terminated from employment by any employer during the period of temporary resident status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition in accordance with this subparagraph of complaints by aliens granted temporary resident status under subsection (a) who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted temporary resident status under subsection (a) without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted temporary resident status under subsection (a) has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least 2,060 hours or 360 work days, whichever is less, of agricultural employment in the United States, during the period beginning on September 1, 2003, and ending on August 31, 2009.

(ii) QUALIFYING YEARS.—The alien has performed at least 430 hours or 75 work days, whichever is less, of agricultural employment in the United States in at least 3 nonoverlapping periods of 12 consecutive months during the period beginning on September 1, 2003, and ending on August 31, 2009. Qualifying periods under this clause may include nonconsecutive 12-month periods.

(iii) QUALIFYING WORK IN FIRST 3 YEARS.—The alien has performed at least 1,380 hours or 240 work days, whichever is less, of agricultural employment during the period beginning on September 1, 2003, and ending on August 31, 2006.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than August 31, 2010.

(v) PROOF.—In meeting the requirements of clauses (i), (ii), and (iii), an alien may submit the record of employment described in subsection (a)(5) or such documentation as may be submitted under subsection (d)(3).

(vi) DISABILITY.—In determining whether an alien has met the requirements of clauses (i), (ii), and (iii), the Secretary shall credit the alien with any work days lost because the alien was unable to work in agricultural employment due to injury or disease arising out of and in the course of the alien's agricultural employment, if the alien can establish such disabling injury or disease through medical records.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the temporary resident status granted such alien under subsection (a), if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to temporary resident status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2); or

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States.

(C) GROUNDS FOR REMOVAL.—Any alien granted temporary resident status under subsection (a) who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a). The Secretary shall issue regulations establishing grounds to waive subparagraph (A)(iii) with respect to an alien who has completed at least 200 days of the work requirement specified in such subparagraph in the event of a natural disaster which substantially limits the availability of agricultural employment or a personal emergency that prevents compliance with such subparagraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted temporary resident status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN PRIOR TO ADJUSTMENT OF STATUS.—A spouse and minor child of an alien granted temporary resident status under subsection (a) may not be—

(i) removed while such alien maintains such status; and

(ii) granted authorization to engage in employment in the United States or be provided an ''employment authorized'' endorsement or other work permit, unless such employment authorization is granted under another provision of law.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—

(A) WITHIN THE UNITED STATES.—The Secretary shall provide that—

(i) applications for temporary resident status under subsection (a) may be filed—

(I) with the Secretary, but only if the applicant is represented by an attorney; or

(II) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(ii) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(B) OUTSIDE THE UNITED STATES.—The Secretary, in cooperation with the Secretary of State, shall establish a procedure whereby an alien may apply for temporary resident status under subsection (a) at an appropriate consular office outside the United States.

(C) PRELIMINARY APPLICATIONS.—

(i) IN GENERAL.—During the application period described in subsection (a)(1)(B), the Secretary may grant admission to the United States as a temporary resident and provide an ''employment authorized'' endorsement or other appropriate work permit to any alien who presents a preliminary application for such status under subsection (a) at a designated port of entry on the southern

land border of the United States. An alien who does not enter through a port of entry is subject to deportation and removal as otherwise provided in this Act.

(ii) DEFINITION.—For purposes of clause (i), the term ''preliminary application'' means a fully completed and signed application which contains specific information concerning the performance of qualifying employment in the United States, together with the payment of the appropriate fee and the submission of photographs and the documentary evidence which the applicant intends to submit as proof of such employment.

(iii) ELIGIBILITY.—An applicant under clause (i) must be otherwise admissible to the United States under subsection (e)(2) and must establish to the satisfaction of the examining officer during an interview that the applicant's claim to eligibility for temporary resident status is credible.

(D) TRAVEL DOCUMENTATION.—The Secretary shall provide each alien granted status under this section with a counterfeit-resistant document of authorization to enter or reenter the United States that meets the requirements established by the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89–732, Public Law 95–145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this Act as ''qualified designated entities''.

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or subsection (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—(i) An alien applying for status under subsection (a)(1) or subsection (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or subsection (c)(1)(A)).

(ii) If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) An alien can meet such burden of proof if the alien establishes that the alien has in fact performed the work described in subsection (a)(1)(A) or subsection (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity must agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but not to forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department of Homeland Security, or bureau or agency thereof, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department of Homeland Security, or bureau or agency thereof, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) CRIME.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be fined not more than $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Whoever—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''Agricultural Worker Immigration Status Adjustment Account''. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the ''Agricultural Worker Immigration Status Adjustment Account'' shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of such section 212(a) may not be waived by the Secretary under clause (i):

(I) Subparagraphs (A) and (B) of paragraph (2) (relating to criminals).

(II) Paragraph (4) (relating to aliens likely to become public charges).

(III) Paragraph (2)(C) (relating to drug offenses).

(IV) Paragraph (3) (relating to security and related grounds).

(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for temporary resident status under subsection (a) (but for the fact that the alien may not apply for such status until the beginning of

such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for temporary resident status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for temporary resident status under subsection (a) during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the 1st day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the 1st day of the 7th month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) FUNDING.—There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, $40,000,000 for each of fiscal years 2004 through 2007 to the Secretary to carry out this section.

**SEC. 102. CORRECTION OF SOCIAL SECURITY RECORDS.**

(a) IN GENERAL.—Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted status as a lawful temporary resident under the Agricultural Job Opportunity, Benefits, and Security Act of 2003,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred prior to the date on which the alien was granted lawful temporary resident status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the 1st day of the 7th month that begins after the date of enactment of this Act.

## TITLE II—REFORM OF H–2A WORKER PROGRAM

**SEC. 201. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.**

(a) IN GENERAL.—The Immigration and Nationality Act is amended by striking section 218 (8 U.S.C. 1188) and inserting the following:

''H–2A EMPLOYER APPLICATIONS

''SEC. 218. (a) APPLICATIONS TO THE SECRETARY OF LABOR.—

''(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

''(A) the assurances described in subsection (b);

''(B) a description of the nature and location of the work to be performed;

''(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

''(D) the number of job opportunities in which the employer seeks to employ the workers.

''(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that must be possessed by a worker to be employed in the job opportunity in question.

''(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

''(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

''(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

''(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

''(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

''(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

''(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

''(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

''(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

''(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

''(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

''(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(H) EMPLOYMENT OF UNITED STATES WORKERS.—

''(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

''(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

''(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days prior to the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

''(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days prior to the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

''(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

''(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

''(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

''(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers prior to the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

''(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

''(III) PLACEMENT OF UNITED STATES WORKERS.—Prior to referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

''(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

''(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

''(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A through 218C.

''(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

''(d) WITHDRAWAL OF APPLICATIONS.—

''(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

''(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

''(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

''(e) REVIEW AND APPROVAL OF APPLICATIONS.—

''(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

''(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

''(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

''(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

''H–2A EMPLOYMENT REQUIREMENTS

''SEC. 218A. (a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

''(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which must accompany an application under section 218 shall include each of the following benefit, wage, and working condition provisions:

''(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

''(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

''(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(C) FAMILY HOUSING.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

''(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

''(F) CHARGES FOR HOUSING.—

''(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

''(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. However, an employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

''(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

''(i) IN GENERAL.—In lieu of offering housing pursuant to subparagraph (A), the employer may provide a reasonable housing allowance, but only if the requirement of clause (ii) is satisfied. Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. However, no housing allowance may be used for housing which is owned or controlled by the employer.

''(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

''(iii) AMOUNT OF ALLOWANCE.—

''(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(2) REIMBURSEMENT OF TRANSPORTATION.—

''(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(C) LIMITATION.—

''(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

''(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

''(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

''(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

''(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters (i.e., housing provided by the employer pursuant to paragraph (1), including housing provided through a housing allowance) and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

''(3) REQUIRED WAGES.—

''(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

''(B) LIMITATION.—Effective on the date of enactment of the Agricultural Job Opportunity, Benefits, and Security Act of 2003 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

''(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

''(i) FIRST ADJUSTMENT.—Unless Congress acts to set a new wage standard applicable to this section, effective on December 1, 2006, the adverse effect wage rate then in effect shall be adjusted by the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the preceding year and December of the second preceding year, except that such adjustment shall not exceed 4 percent.

''(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Effective on March 1, 2007, and each March 1 thereafter, the adverse effect wage rate then in effect shall be adjusted in accordance with the requirements of clause (i).

''(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

''(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

''(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in one or more written statements the following information:

''(i) The worker's total earnings for the pay period.

''(ii) The worker's hourly rate of pay, piece rate of pay, or both.

''(iii) The hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4)).

''(iv) The hours actually worked by the worker.

''(v) An itemization of the deductions made from the worker's wages.

''(vi) If piece rates of pay are used, the units produced daily.

''(G) REPORT ON WAGE PROTECTIONS.—Not later than June 1, 2007, the Resources, Community and Economic Development Division, and the Health, Education and Human Services Division, of the General Accounting Office shall jointly prepare and transmit to the Secretary of Labor and to the Committees on the Judiciary of the House of Representatives and the Senate a report which shall address—

''(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

''(v) recommendations for future wage protection under this section.

''(H) COMMISSION ON WAGE STANDARDS.—

''(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

''(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

''(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

''(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

''(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

''(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(V) recommendations for future wage protection under this section.

''(iv) FINAL REPORT.—Not later than June 1, 2007, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

''(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

''(4) GUARANTEE OF EMPLOYMENT.—

''(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

''(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 'three-fourths guarantee' described in subparagraph (A).

''(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including but not limited to a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

''(5) MOTOR VEHICLE SAFETY.—

''(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

''(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

''(ii) USES OR CAUSES TO BE USED.—(I) In this subsection, the term 'uses or causes to be used' applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer.

''(II) The term 'uses or causes to be used' does not apply to—

''(aa) transportation provided, or transportation arrangements made, by an H–2A worker himself or herself, unless the employer specifically requested or arranged such transportation; or

''(bb) carpooling arrangements made by H–2A workers themselves, using one of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

''(III) The mere providing of a job offer by an employer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

''(iii) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

''(iv) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

''(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

''(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

''(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

''(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

''(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

''(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

''(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

''(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

''(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

''(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

''(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

''(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section or sections 218 or 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

''PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS

''SEC. 218B. (a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

''(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

''(c) CRITERIA FOR ADMISSIBILITY.—

''(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if

the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

''(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

''(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

''(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

''(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

''(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

''(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

''(d) PERIOD OF ADMISSION.—

''(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of up to 1 week before the beginning of the period of employment (to be granted for the purpose of travel to the work site) and a period of 14 days following the period of employment (to be granted for the purpose of departure or extension based on a subsequent offer of employment), except that—

''(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

''(B) the total period of employment, including such 14-day period, may not exceed 10 months.

''(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

''(e) ABANDONMENT OF EMPLOYMENT.—

''(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(2) REPORT BY EMPLOYER.—The employer (or association acting as agent for the employer) shall notify the Secretary within 7 days of an H–2A worker's having prematurely abandoned employment.

''(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

''(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

''(f) REPLACEMENT OF ALIEN.—

''(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

''(A) who abandons or prematurely terminates employment; or

''(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

''(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

''(g) IDENTIFICATION DOCUMENT.—

''(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

''(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

''(A) The document shall be capable of reliably determining whether—

''(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

''(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

''(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

''(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

''(C) The document shall—

''(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

''(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

''(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

''(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

''(A) for a period of more than 10 months; or

''(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

''(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—In the case of an alien who is lawfully present in the United States, the alien is authorized to commence the employment described in a petition under paragraph (1) on the date on which the petition is filed. For purposes of the preceding sentence, the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition. The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States. Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

''(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

''(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

''(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

''(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

''(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

''(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

''(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS.—Notwithstanding any other provision of the Agricultural Job Opportunity, Benefits, and Security Act of 2003, aliens admitted under section 101(a)(15)(H)(ii)(a) for employment as sheepherders—

''(1) may be admitted for a period of 12 months;

''(2) may be extended for a continuous period of up to 3 years; and

''(3) shall not be subject to the requirements of subsection (h)(5) relating to periods of absence from the United States.

''WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT

''SEC. 218C. (a) ENFORCEMENT AUTHORITY.—

''(1) INVESTIGATION OF COMPLAINTS.—

''(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be

conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (H). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

''(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

''(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

''(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

''(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

''(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

''(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

''(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

''(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

''(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

''(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

''(2) The reimbursement of transportation as required under section 218A(b)(2).

''(3) The payment of wages required under section 218A(b)(3) when due.

''(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

''(5) The guarantee of employment required under section 218A(b)(4).

''(6) The motor vehicle safety requirements under section 218A(b)(5).

''(7) The prohibition of discrimination under subsection (d)(2).

''(c) PRIVATE RIGHT OF ACTION.—

''(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

''(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

''(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

''(C) AUTHORIZATION.—There is hereby authorized to be appropriated annually not to exceed $500,000 to the Federal Mediation and Conciliation Service to carry out this section, provided that, any contrary provision of law notwithstanding, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

''(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

''(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn prior to the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

''(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

''(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

''(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

''(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

''(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

''(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

''(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

''(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for

loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

''(i) a recovery under a State workers' compensation law; or

''(ii) rights conferred under a State workers' compensation law.

''(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

''(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and H–2A employer reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(d) DISCRIMINATION PROHIBITED.—

''(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

''(2) DISCRIMINATION AGAINST H-2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

''(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

''(f) ROLE OF ASSOCIATIONS.—

''(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

''(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

''DEFINITIONS

''SEC. 218D. For purposes of sections 218 through 218C:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

''(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

''(3) DISPLACE.—In the case of an application with respect to 1 or more H–2A workers by an employer, the employer is considered to 'displace' a United States worker from a job if the employer lays off the worker from a job for which the H–2A worker or workers is or are sought.

''(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A(h)(3)).

''(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

''(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

''(9) LAYS OFF.—

''(A) IN GENERAL.—The term 'lays off', with respect to a worker—

''(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

''(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

(B) from its nature, it may not be continuous or carried on throughout the year.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

''(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).''.

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

''Sec. 218. H–2A employer applications.
''Sec. 218A. H–2A employment requirements.
''Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
''Sec. 218C. Worker protections and labor standards enforcement.
''Sec. 218D. Definitions.''.

## TITLE III—MISCELLANEOUS PROVISIONS

### SEC. 301. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this Act, and a collection process for such fees from employers participating in the program provided under this Act. Such fees shall be the only fees chargeable to employers for services provided under this Act.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on

the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section 201 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this Act, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as added by section 201 of this Act, and the provisions of this Act.

**SEC. 302. REGULATIONS.**

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this Act.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this Act.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this Act.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, and 218C of the Immigration and Nationality Act, as added by section 201, shall take effect on the effective date of section 201 and shall be issued not later than 1 year after the date of enactment of this Act.

**SEC. 303. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as otherwise provided, sections 201 and 301 shall take effect on the date that is 1 year after the date of enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of the Congress a report that describes the measures being taken and the progress made in implementing this Act.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in introducing the Agricultural Jobs, Opportunity, Benefits, and Security Act.

The treatment of immigrant farm workers, dating back to the Bracero program, represents a shameful chapter in our history. The decades of exploitation these workers have endured continues to this day. Large numbers of men and women employed in agriculture today are indispensable workers who also happen to be undocumented. As a result, they are easily exploited by unscrupulous employers, who get away with paying them very low wages and forcing them to work in dangerous conditions. Inevitably, that means lower wages for legal farm workers.

We have been struggling for decades to find a solution to this emotional heart-wrenching problem. This legislation—a historic and far-reaching agreement between the United Farm Workers of America and the representatives of agricultural industries—provides a common sense solution to this longstanding problem. It will provide farm workers and their families with dignity and justice and give agricultural industries with a legal workforce.

We need an agriculture policy grounded in reality, a policy that recognizes their contributions and respects and rewards their work. This legislation will improve the wages and working conditions of all farm workers, and provide a way for foreign-born workers to become permanent residents.

Under this bill, 500,000 farm workers currently working the United States will be able to legalize their status. These changes will benefit both workers and growers. The legislation will improve the wages and working conditions of all farm workers, and provide a way for foreign-born workers to become permanent residents.

Agriculture is a unique industry. Growers must have an immediate and reliable workforce at harvest time. Everyone is harmed when crops rot in the field because the workers are not available. With these changes, growers will have greater access to dependable, hard-working employees, and a workforce that is no longer subject to sudden immigration raids.

I urge my colleagues to support this needed legislation. These reforms are long overdue, to improve the lives and working conditions of all farm workers, and it is long past time for Congress to act.

Mr. GRAHAM. Mr. President, I am pleased to join my colleagues, Senator KENNEDY of Massachusetts and Senator CRAIG of Idaho, in introducing the Agricultural Job Opportunity Benefits and Security Act of 2003. For the last six years, I have been working closely with several of my colleagues in the Senate and House of Representatives, including the Senators from Massachusetts and Idaho, to enact legislation that would provide a balanced approach to reforming our agricultural guest worker program.

There is one thing I believe we can all agree on—the status quo of agricultural guest workers in America is unacceptable. Under the status quo, we have created an underground society and pushed many of our Nation's hardest workers into the shadows. This is unfair treatment for workers who play such a vital part in our Nation's economic health.

Recently, the Miami Herald published a series documenting the horrible working and living conditions of agricultural workers in Florida. I have attached parts of that series for the RECORD. This series substantiates what we have all known anecdotally for years. Farm workers in our country—those who are legal citizens or residents of the United States as well as those who are undocumented—live in uninhabitable housing, are transported in vehicles that do not meet basic safety standards, and are subject to predatory lending practices that require payment of as much as 100 percent interest on accumulated debt.

Mr. President, I ask unanimous consent that the text of the series be printed in the RECORD.

There being no objection, the series was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Aug. 31, 2003]

FIELDS OF DESPAIR—FLORIDA FARMHANDS REAP A HARVEST OF POVERTY, PAIN AND EXPLOITATION

(By Ronnie Green)

First of three parts

JACKSONVILLE.—The recruiters come rolling through in roomy vans, searching for a fresh crop of farmworkers from the homeless shelters, haggard parks and soup kitchens dotting North Florida's urban hubs.

They target the addicted, the vulnerable, the desperate with promises of good pay, cash upfront, cold beer. Some talk of crack cocaine and ready sex.

Step inside that van, say those who have, and journey straight to hell.

Florida is America's second-richest agricultural state. But for the farmhands who labor along the lowest rung of the food chain, the riches are a mirage.

Their world is filled with sweatshop hours, slum housing, poverty pay and criminal abuse. At its extreme, it includes modern-day slavery in a state where oranges adorn license plates and tourists pull in for a free cup of juice when they cross the border.

The brutality in North Florida has an unusual, bitter twist, a Herald examination has found. While most farmworkers in Florida and nationwide are undocumented Mexicans who have trekked through the desert in search of fortune, the laborers who toil unnoticed in hamlets like East Palatka and Hastings are mostly poor black Americans.

They are recruited by crew-chief contractors who serve as middlemen between the farmers who grow crops and the laborers who pick, package and sort them. These bosses can control nearly every aspect of the workers' lives: their housing, their food, their transportation and even their paycheck.

In interviews with The Herald, farmworkers told harrowing stories of life in a hot stretch of North Florida farm country that welcomes passersby with signs saying ''Jesus is Lord, Welcome to Hastings'' and ''Florida's Potato Capital.''

Many were recruited from gathering spots for the homeless—soup kitchens, parks and shelters in Jacksonville, Orlando, Tampa. They say they were lured with vows of good pay, sprinkled with promises of partying and $15 in cash when they reached the farm.

What they didn't know: They would live in slum housing, work long hours for scant pay, and, in several cases, have to pay back $1 of interest for most every $1 loaned to them to buy food—including the $15 that first lured them into the van.

Poor, isolated, without transportation, these men said they became slaves to the

boss and their debts. One said he was beaten about the face this year when he couldn't repay his ''debt.'' Two nights later, he slipped away at midnight and walked for hours to escape.

CASES INVESTIGATED

*Focus is on recruitment by farm labor contractors*

Federal prosecutors are now examining cases in which North Florida farm labor contractors recruited from homeless shelters—only to exploit the laborers who stepped into those vans. Investigators confirmed the inquiry, but would not elaborate.

''We've been contacted about this situation,'' Douglas Molloy, managing assistant U.S. attorney in Fort Myers, said last week.

One former worker, Angelo Jennings, said a Hastings crew boss lured him from a scraggly lot across from the Clara White Mission in Jacksonville, a lot where birds snip at dirty bread and shopping carts and beer cans cover the grounds.

''This is when he catches you at your lowest point,'' said Jennings, a recovering drug addict working to reform his ways. ''If you have any good sense, he doesn't want you. He wants you where he can use you.

''If you're tired and hungry, they'll go out and buy some food and a six-pack, and put it on ice.''

Then, almost as an afterthought, he said: ''Just like a rat trying to get some cheese.''

The mission's chief executive officer, Ju'Coby Pittman, said: ''They go from shelter to shelter and prey on them''

Such tactics became so routine, and the promises so hollow, that Pittman once posted a sign: ''Do not get in the van.''

But the vans still roll through here, through Tampa, through Orlando, on the road to farm country.

A BIG FARM STATE

*Abuse is an unseen element in Florida's No. 2 industry*

Agriculture is a huge business in Florida. The state produces three-fourths of the citrus harvested across the United States each year, and it leads the world in production of grapefruit. In 2000, the top 10 vegetable growers in the Southeastern United States were based in Florida. Across the country, only California boasts a richer agricultural crop.

Yet behind the sunny image of Florida's No. 2 industry, abuse abounds, and it is not limited to one rough boss or one patch of hard-luck laborers.

''It's incredibly widespread,'' said prosecutor Molloy, who has previously sent bosses away for enslaving farmworkers. ''There is someone who has been making money off the misery—and off the hopes and dreams—of other people.''

At the bottom rung of the system are the 200,000 seasonal farmworkers who harvest crops from outside the State's urban hubs to its dusty corridors.

''You've made a job so bad that the only people who are going to do farm work are undocumented aliens or crack addicts,'' said Gregory S. Schell, a Lake Worth lawyer with the Migrant Farmworker Justice Project of Florida Legal Services. ''That's a tremendous indictment of the agricultural industry.''

His criticism is not of the workers who harvest Florida's bountiful crops, but of the industry enriched by their sweat labor.

Most pickers in Florida and nationwide are undocumented foreign workers, and many native farmhands have had run-ins with the law. There is a reason for that worker profile, advocates say: Crew bosses hire the vulnerable because they can exploit them. The laborers, hungry for a fresh start, are quick to take the job.

Florida is home to more crew-chief contractors than any State in the Nation, with more than one in three—3,027 of 8,832—based in the State. Florida also leads the Nation in the number of crew-chief contractors and assistants currently stripped of licenses to work because of labor violations, with 43 percent of the total, The Herald has found. They have relegated workers to shabby housing, cheated them of pay or otherwise skirted Federal migrant worker laws.

For a glimpse inside this world, follow Lisa Butler, a Florida Rural Legal Services attorney representing workers who fled their contractors' employ in far North Florida.

Butler does her legwork at night and in potentially dangerous environs, visiting housing camps to pass out fliers letting workers know their rights. More than once, she has been confronted by crew chiefs or their workers.

''There is a pattern up here of severe violations,'' Butler said as she wheeled through Hastings and Spuds and East Palatka, on her way to the next cramped housing camp. ''It's a function of how this industry lets crew leaders control the pay.''

The picture she sees evokes images of America's darkest days.

''I felt like being a slave, just working to support his family,'' farmworker Isiah Brown, 43, a native of South Carolina, said of the boss who controlled him.

That boss, Ronald M. Jones, is a six-foot-four, 250-pound homegrown son who spins through town in a muscular Cadillac Escalade and flashes cash he gets from Florida farmers to employ laborers at the lowest, dirtiest rung of the chain. He did not respond to multiple interview requests.

START OF A JOURNEY

*Promise of work and pay is irresistible—and elusive*

Brown's journey to Jones began on a Sunday in Orlando, when another farm recruiter approached him as he lounged in a park. There's work up north, the man said. Honest day, honest pay.

Brown hopped in, traveling 100 miles to Hastings and neighboring East Palatka, where he ultimately lived in a squalid, illegal hellhole for farmworkers operated by Jones and stood for long hours sorting potatoes for a few dollars' pay.

Brown came to the job poor and said boss Jones made him poorer, fronting him cash for food and supplies, but demand $1 in interest for most ever $1 loaned. With no car and little cash, he was captive to the debts—struggling to work enough hours to pay back the 100 percent interest.

Five former workers said in interviews that Jones forced the same arrangement on them.

''It was the only way I could eat,'' Brown said. ''This farm thing, you put in the work, but the money just don't match the work.''

In East Palatka, he slept in a decrepit trailer along with nine other farmworkers in a trashy compound that housed up to two dozen workers. His trailer had no running water and no air conditioning.

When workers returned to the camp after long days, area drug dealers and bootleggers showed up, Brown said, the bootleggers selling 65-cent beer for $1.25.

''Everybody makes money off farmworkers,'' he said at a nearby park days after fleeing. ''It seems like when farmworkers come to town, everything goes up 20 percent.''

HIRING OF FARMHANDS

*Homeless people in park described as ''easy targets''*

Crew leader Jones was employed by Bulls-Hit Ranch & Farm, maker of gourmet potato chips, to provide farm laborers like Brown.

William Oglesby, 50, a one-time truck driver, also worked at Bulls-Hit under Jones and lived in the same compound.

Like Brown, he had been recruited where the homeless congregate, at Confederate Park in Jacksonville. ''Most of them were easy targets,'' Oglesby said.

He said he wasn't homeless but needed work. ''They told me I could go with them today and work,'' he said ''And they said I could make some money. But money, I haven't seen.''

One week, Oglesby calculated, he should have earned $300 by sorting potatoes and packing them into trucks, rising at 5:30 a.m. and sometimes not returning to the camp until 10 p.m.

His pay stub from Jones showed $154.51. Bug Oglesby—like Brown—said even the pay stub did not reflect what actually went into his pocket. To understand how that could happen, follow the money.

Bulls-Hit President Thomas R. Lee said he would write Jones a check each week to cover the work completed. But then the boss, not the farmer, was responsible for paying workers from that bounty.

''He pays them, I don't,'' Lee said. ''He has a daily record of what he pays the crew.''

Lee said he told Jones not to make any loans at Bulls-Hit, since such transactions on farm property could reflect upon the farmer. ''I told him that whatever he did off my property was his business,'' Lee said.

Critics say this arrangement is ripe for abuse. When crew bosses control the cash, they are more apt to cheat the workers below them. Simply put, every $1 they skimp from workers is an extra $1 in their pocket. Jones' former workers say they were cheated of thousands.

Contrary to the figure on his pay stub, Oglesby said he got $35 in cash stuffed into an envelope at week's end. Brown said he pocketed $32.06 one week.

The men say Jones did not pay them for all the hours they worked. They say he also docked from their pay the loans and interest he charged them, and billed $30 a week to live in the slum complex.

''They've got a way to make sure you stay in their debt,'' Oglesby said. ''You don't think straight when you're tired and hungry.''

Jones, 40, is known in these parts as ''Too Tall.'' He did not reply to written questions delivered to his house in Hastings, nor did he respond to three requests for an interview placed with his wife, Sylvia.

Jennings, the Jacksonville man recruited near a homeless shelter, said he lived at another Jones compound in Palatka and also sorted potatoes at Bulls-Hit. He said Jones zeroed in on his weakness at that scraggly Jacksonville lot, luring him and four others.

''I've got a deal for you, and y'all can make a lot of money,'' he quoted Jones as saying. ''If you smoke crack, that's the place to be.''

Once he was in Palatka, Jennings said, prostitutes were ready visitors to the housing camp—at a cost. ''They would come there and smoke crack,'' he said.

Jennings is working to get straight at the Trinity Rescue Ministries in Jacksonville. The program supervisor, Cornell Robinson, said: ''They find your weakness and they force this on you.''

The city is a ready target for farm recruiters. The Jacksonville/Duval County hub is home to nearly 15,000 homeless people a year, according to a recent study by the Emergency Services and Homeless Coalition of Jacksonville.

For the homeless who turn to farm work, the cycle can become brutal. Many become fearful of talking publicly.

In late May, The Herald encountered a Jones worker at another of Jones' properties, a house in Hastings. With an elderly man sitting on a porch chair that day, the worker said he had no complaints.

Later that day, the worker was carrying a sack of potatoes back to the house, out of sight of the man in the chair. ''That housing is unfit,'' he said, saying he was billed $30 a week to live there.

Two months later, by chance, The Herald ran into the worker outside a Jacksonville feeding line. Now free of the boss, he said that ''Too Tall'' had recruited him at a soup kitchen with the same tired promises: good pay, nice housing, plentiful food.

''Nothing was true,'' he said. ''It's a death trap. You can't get out of there.''

He said that Jones loaned him money each day, and that a Jones associate loaned him cash each afternoon. Both demanded 100 percent interest. The debts got so heavy, he said, that one week he pocketed $1.08 for six days of work.

''It keeps you in a hole you can never get out of,'' said the worker, who asked that his name not be used.

He said the Jones associate beat him when he didn't have money to repay the debt, hitting him in the face two or three times and knocking him to the ground. ''He told me I better have his money or I'll be in trouble.'' Two days later, he made his midnight exit.

Misery in North Florida isn't limited to Jones' camps, and poverty pay and slum housing are not the only abuses. Many workers, struggling when they start their farm duty, quickly find themselves in dangerous conditions. Injuries, or worse, become part of the trade.

In January, a migrant worker at the nearby Uzzles Labor Camp in Elkton was stabbed to death with a butcher knife after a dispute with another laborer.

Three months later, attorney Butler went to the camp to hand out fliers letting workers know their rights. She was not well received, nor were journalists who accompanied her for this report.

Ron Uzzle, the burly crew boss, became angry when a photographer started snapping pictures. He had little patience for Butler either. ''Does anyone want to talk to these people?'' Uzzle bellowed.

''Hell no!'' came the reply. Some of his crew members refused to accept fliers from Butler as Uzzle watched. Uzzle refused a request for an interview.

Another nearby complex housed a catalog of pain. To one side of that squat blue building, Butler inspected farmworker William Durham, who pulled up his shirt to expose a stomach covered by an unsightly, itchy white rash.

Durham feared that the rash came from pesticides. ''It did happen on the job,'' he told Butler. She took his story and his picture.

Nearby, Richard Williams, 53, a picker for nine years, worked without a right forefinger.

Wearing a T-shirt that said ''Nature Can't Be Restocked,'' Williams said he thinks pesticides got under his fingernail as he picked winter cabbage in North Carolina in 2001.

''By the time I got here, it was too late,'' he said. The finger was amputated.

Butler took his information. Another potential case at a camp oozing booze and misery.

William Anderson said he heard the promises at a Tampa Salvation Army shelter and went to a camp run by Ronald Evans, a veteran East Palatka contractor. Evans did not reply to four interview requests, nor did he respond to written questions.

''A van rolled around,'' Anderson recounted. ''They said, 'Are you looking for work? . . . We've got a swimming pool,' When we got there, it was more like a slave camp. After he gets you there, he's got you.''

At night at the camp, next to the dinner line, more goods were for sale. ''You get your cigarettes, your beer and your drugs. Everything was there on the camp,'' Anderson said from an upstate shelter, to which he turned after leaving.

''A couple of guys said they owed $10,000. You might as well owe them your soul, because where can you go?

''I'm not going to sugarcoat it. We were doing what everyone else was doing. You do your beer, your cigarettes and your drugs.''

After four months of work, he left with $90 in his pocket, he said. ''I've been down and out. Right now, I'm sleeping wherever I can.''

Tammy Byrer, executive director of the St. Francis House shelter in St. Augustine, which provides a roof and job counseling for displaced workers like Anderson, said Florida's farmers surely know what's going on.

''Don't ask, don't tell,'' was how she described the prevailing attitude, as volunteers prepared 600 sandwiches delivered daily to area farmworkers.

''Somebody needs to come up to the plate.''

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FARM CAMP ''UNSAFE FOR HUMAN OCCUPANCY''

(By Ronnie Greene)

EAST PALATKA.—When inspectors showed up at Ronald Jones' farmworker housing camp here, they found a place unfit for humans.

Within a day in early May, the multicolored buildings were condemned, with bright red ''Danger'' signs on each door: ''This building is deemed unsafe for human occupancy.''

Inspectors found five open septic systems; bad plumbing; substandard floors, roofs and ceilings—and ''evidence of occupancy of the cabins'' even though the complex didn't have the proper permits to house migrant workers.

As dragonflies buzzed overhead one May day, an exposed septic tank was filled with sewage. A 32-ounce Schlitz Malt Liquor bottle lay nearby.

''It just was miserable living there. And I just wanted out of that filth,'' farmworker Earnest Louis Mitchell, 57, said in a telephone interview from a homeless shelter.

''The commode wouldn't flush, you smelled all through the house at night, and water was all on the floor. You could get electrocuted when you went into the bathroom.''

He doesn't intend to go back. ''I'm just going to bum the street—no more farm work.''

Mitchell had walked away from Jones' employ and called the number on a Legal Services flier. Lisa Butler, a Florida Rural Legal Services attorney, notified the state Department of Health, which investigated along with the Putnam County code enforcement division.

Jones, who owns several farm housing camps in the area, did not reply to written questions. But later that May day, his wife happened to stop by the housing camp.

''A lot of things we didn't know about,'' said Sylvia Jones, who said she co-owns the property with her husband. ''It was like this when we got it.''

The Jones camp is just one of many around the state where workers live in squalor. Yet little is done to help them—unless someone complains.

''Migrant workers aren't one to complain too much,'' said John Salmons, the Putnam County code enforcement supervisor, who examined the buildings with Code Officer Dina K. Trull.

''I think they're afraid for whatever reason. If they're illegal aliens or just happy to be working, we don't get a lot of calls on migrant labor camps.''

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THE FACE OF FLORIDA'S FARMWORKERS—DRIVEN BY HARSH CONDITIONS IN THEIR HOMELANDS, LABORERS TRAVEL FAR, ONLY TO SEE NEW HARDSHIPS HERE

(By Ronnie Greene)

IMMOKALEE.—At dawn, the migrant workers huddle around the red-and-blue buses that deliver them to Florida's rich farm fields. One by one, they pile into the rickety carriers, their fingers dirty with Florida soil, their faces weathered from sun-soaked labor.

This is farm country, Immokalee, Florida. Just 100 short miles from South Florida's urban shuffle, Immokalee feels a century away. The streets are dusty, the traffic slow—farmhands trudging or riding bikes, cars a luxury beyond the reach of most.

By day, they pluck the tomatoes and oranges that are the lifeblood of Florida's agriculture economy. By night, they return to their modest camps, where they turn on fans to shoo the heat and tally the earnings they will send back home.

In Immokalee, you will find the face of Florida's farmworkers. While some pockets of the Sunshine State include American men recruited from homeless camps to harvest crops, Immokalee's workforce, mirroring the farmworker profile across the nation, is largely Mexican-born.

The men, women and some children laboring here paid steep fees for the privilege. Many walked through the desert to touch U.S. soil in Arizona, then paid $1,000 or more to be smuggled to Florida on the back floor of furtive vans.

And, like farmworkers nationwide, they struggle. Certainly, the long hours under the sun provide more pay than most ever earned back home.

But this prosperity is relative. Most farmworkers nationwide earn less than poverty pay. And in Florida, some have been criminally abused. Immokalee and the farm beyond it have been home to three of the five farmworkers slavery prosecutions brought against Florida farm contractors and smugglers since 1996.

In 2000, the U.S. Department of Labor issued A Demographic and Employment Profile of U.S. Farmworkers, which was based on interviews with 4,199 farmworkers in 85 counties from 1996 to 1998.

The study found that:

61 percent of U.S. farmworkers had income below the poverty level.

The median income was less than $7,500 a year.

14 percent of farmworkers owned or were buying a home in 1997–98. Three years earlier, the ratio had been one in three.

77 percent of U.S. farmworkers were Mexican-born.

More than half of America's farmworkers—52 of every 100—were unauthorized workers.

In Immokalee, these numbers have faces.

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ADVOCATES DON'T FEEL LABOR DEPARTMENT IS ALLY

(By Ronnie Greene)

Farmworker advocates say the federal government does little to protect the laborers whose sweat brings fruit and vegetables to the state's tables.

Now they fear even less protection. The head of the agency overseeing farm work conditions recently told Florida growers that she wants to work with—not against—them.

''If you have an issue with an investigator [who cites you], you shouldn't just pay the money. Go up the chain of command and

complain. You will get fair treatment from us,'' Tammy McCutchen, the U.S. Department of Labor's wage and hour administrator, told growers in Orlando last year, according to an industry publication.

Her comments were viewed by many growers as ''the most encouraging they had heard from a Department of Labor administrator in years,'' Gempler's Alert newsletter said. Her remarks came at a time when the department faced dwindling investigative staffing.

In an interview with The Herald, McCutchen said critics are mistaken if they accuse her office of lax supervision.

She said her approach is to work with companies that act in ''good faith'' and if farmers don't work to fix flaws, ''we will hit them hard with enforcement.''

''If you can get employers to voluntarily comply early on, you can do a lot better job for the workers. Instead of waiting two or three years for litigation, you are able to fix the problem in a few weeks or a few months.''

Statistics from wage and hour show the division collected 30 percent more in back wages for agriculture workers last year than a year earlier.

In fiscal year 2002, it assessed $230,600 in civil penalties against growers and contractors in the Southeast.

''Defending one of our lawsuits cost [growers] that much,'' said Rob Williams, director of the Migrant Farmworker Justice Project of Florida Legal Services, which has tangled with growers over wage and other inequities.

He believes McCutchen's message means that enforcement will be rarer still.

McCutchen had also told growers that a checklist used to inspect migrant housing would be significantly pared down, to weed out minor items in order to focus on major housing concerns. She said her own inspectors would undergo ''professional conduct'' training to improve relations with growers they inspect.

Other numbers support critics' concerns. The wage and hour division had 945 investigators to examine agriculture and other industries at the end of fiscal year 2001, but 862 as of March. In Florida, the number dipped from 77 to 73 in January 2003. ''I'm very proud of our enforcement efforts, no matter what the raw numbers show,'' McCutchen said.

Last year, the Labor Department conducted an informal study to see how many growers and contractors were in compliance with the four main provisions of the Migrant and Seasonal Agricultural Worker Protection Act. It found:

Thirty-nine percent did not comply with the law's disclosure rules, which require employers to inform workers of their rights.

Twenty-six percent did not comply with housing safety and health rules.

Ten percent to 15 percent did not comply with various transportation requirements.

Nine percent did not comply with wage laws.

Although the federal agency is more apt to punish labor contractors, it sometimes goes after farmers.

In August 2002, it fined West Coast Tomato $3,650 for operating a Manatee County camp in squalid condition.

Former Manatee County Commissioner Daniel P. McClure is president of West Coast, the ninth-largest vegetable grower in the Southeast.

At 6747 Prospect Rd. in Bradenton, inspectors found the roof rotting and leaking. The garage was used as a sleeping room, four beds on the floor. Gas tanks had been installed without a permit.

McClure, who lives in a Bradenton mansion with a $1.6 million market value, had blamed the camp conditions on a former crew boss.

''That's past history, fella,'' McClure said, declining interview requests. ''Sounds like you're looking for some way to sensationalize the news. If you want to talk about the past, don't come.''

Mr. GRAHAM of Florida. Hard-working, law-abiding farmers and growers also suffer under the current system. They continue to be at legal risk for hiring undocumented workers who frequently present fraudulent documents that appear to be credible. The current agricultural guest worker program also fails to provide for unforeseen labor shortages.

The bill before us provides an essential balance. It establishes a legal system that ensures basic rights and protections for workers who make significant contributions to our nation's economy. It also ensures the development of an efficient agricultural guest worker program that improves farmer and grower access to legal agricultural workers.

Agricultural workers do extremely grueling work, work that puts fruits, vegetables and flowers on the tables of many American households. Dedicated, experienced farm workers deserve the dignity, empowerment and improved quality of life that come with earning legal status. Farmers that play by the rules should have a modern, streamlined program that provides easier access to legal agricultural workers.

Congress has not focused on farm worker issues since the mid-1980s. Reform of our agricultural guest worker program is long overdue, and I am hopeful that we will move beyond our status quo and address this important issue this year.

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By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 1646. A bill to provide a 5-month extension of highway safety 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 Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today, I am joined by Senator HOLLINGS in introducing legislation to provide a short-term extension of the safety programs administered by the Federal Motor Carrier Safety Administration (FMCSA), the National Highway Traffic Safety Administration (NHTSA), and the boating safety program administered by the Coast Guard. It is our expectation that this measure will be joined with broader legislation to extend the highway and transit programs for five months.

I take pride in the fact that the Senate Commerce Committee completed work last June on a 6-year reauthorization of the safety programs under its jurisdiction. The bipartisan bill is designed to meet the level of commitment to safety needed to achieve aggressive goals for reducing accidents and fatalities on the nation's roadways. This short-term extension is consistent with our Committee's longer-term reauthorization proposal. It is also consistent with the President's budget request for fiscal year 2004 and with the appropriations bill for fiscal year 2004 that has been reported by the Senate Appropriations Committee.

We look forward to working with our colleagues to approve the extension to ensure the continuity of these important safety programs.

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. 1646

*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 ''Transportation Safety Program Extension Act of 2003''.

**SEC. 2. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.**

(a) ADMINISTRATIVE EXPENSES.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation for administration of motor carrier safety programs, motor carrier safety research, and border enforcement activities, including the border enforcement program authorized under section 350 of the Department of Transportation and Related Agencies Appropriations Act, 2002, $119,125,000 for the period beginning on October 1, 2003, and ending on February 29, 2004, to carry out the functions and operations of the Federal Motor Carrier Safety Administration of which $19,583,000 shall be available for the construction of State border safety inspection facilities at the border between the United States and Mexico and at the border between the United States and Canada and of which $4,583,000 shall be used for regulatory development.

(b) MOTOR CARRIER SAFETY ACCOUNT.—Funds made available under subsection (a) shall be administered in the account established in the Treasury entitled ''Motor Carrier Safety 69–8055–0–7–401''.

(c) MAINTENANCE OF EXPENDITURES.—The Secretary of Transportation may make a grant under section 31107 of title 49, United States Code, to a State from funds made available under subsection (a) only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of United States Government amounts, will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years before October 1, 2003.

(d) CONTRACT AUTHORITY.—Funds made available under subsection (a) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

**SEC. 3. EXTENSION OF MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.**

(a) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a) of title 49, United States Code, is amended by adding at the end the following:

''(7) Not more than $77,125,000 for the period beginning on October 1, 2003, and ending on February 29, 2004.''.

(b) INFORMATION SYSTEMS.—Section 31107(a) of title 49, United States Code, is amended—

(1) by striking ''and'' after the semicolon in paragraph (2);

(2) by striking ''2002.'' in paragraph (3) and inserting ''2002;'';

(3) by striking ''2003.'' in paragraph (4) and inserting ''2003; and''; and

(4) by adding at the end the following:

''(5) $8,333,000 for the period beginning on October 1, 2003, and ending on February 29, 2004.''

(c) MAINTENANCE OF EXPENDITURES.—The Secretary of Transportation may make a grant to a State from funds made available under section 31104(a)(7) of title 49, United States Code, only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of United States Government amounts, will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years before October 1, 2003.

**SEC. 4. EXTENSION OF HIGHWAY SAFETY PROGRAMS.**

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act of the 21st Century (112 Stat. 337) is amended—

(1) by striking ''and''; and

(2) by striking ''2003.'' and inserting ''2003, and $68,640,000 for the period beginning on October 1, 2003, and ending on February 29, 2004.''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of that Act (112 Stat. 337) is amended by striking ''2003.'' and inserting ''2003, and $29,952,000 for the period beginning on October 1, 2003, and ending on February 29, 2004.''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of that Act (112 Stat. 337) is amended—

(1) by striking ''and''; and

(2) by striking ''2003.'' and inserting ''2003, and $8,320,000 for the period beginning on October 1, 2003, and ending on February 29, 2004.''.

(d) INCENTIVE GRANTS FOR ALCOHOL-IMPAIRED DRIVING COUNTER-MEASURES.—

(1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—

(A) by striking ''6'' in subsection (a)(3) and inserting ''7''; and

(B) by striking ''fifth and sixth'' in subsection (a)(4)(C) and inserting ''fifth, sixth, and seventh''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2009(a)(4) of the Transportation Equity Act of the 21st Century (112 Stat. 337) is amended—

(A) by striking ''and'' the last place it appears; and

(B) by striking ''2003.'' and inserting ''2003, and $16,640,000 for the period beginning on October 1, 2003, and ending on February 29, 2004.''.

(e) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of that Act (112 Stat. 338) is amended by striking ''2003.'' and inserting ''2003, and $1,498,000 for the period beginning on October 1, 2003, and ending on February 29, 2004.''.

(f) ALLOCATIONS.—Section 2009(b) of that Act (112 Stat. 338) is amended by striking ''2003,'' each place it appears and inserting ''2004,''.

(g) APPLICABILITY OF TITLE 23.—Section 2009(c) of that Act (112 Stat. 338) is amended by striking ''2003'' and inserting ''2004''.

**SEC. 5. EXTENSION OF SPORT FISHING AND BOATING SAFETY PROGRAM.**

Section 13106 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) BOATING SAFETY FUNDS.—

''(1) IN GENERAL.—Of the amount transferred to the Secretary of Homeland Security under paragraph (4) of section 4(b) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)), $2,083,333 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title, of which $833,333 shall be available to the Secretary only to ensure compliance with chapter 43 of this title.

''(2) USE OF FUNDS.—No funds available to the Secretary of Homeland Security under this sub-section may be used—

''(A) to replace funding traditionally provided through general appropriations; or

''(B) for any purposes except a purpose authorized by this section.

''(3) AVAILABILITY OF FUNDS.—Amounts made available by this subsection shall remain available until expended.

''(4) ACCOUNTING.—The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.''.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 228—RECOGNIZING THE TEAMS AND PLAYERS OF THE NEGRO BASEBALL LEAGUES FOR THEIR ACHIEVEMENTS, DEDICATION, SACRIFICES, AND CONTRIBUTIONS TO BASEBALL AND THE NATION

Mr. NELSON of Florida submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 228

Whereas even though African-Americans were excluded from playing in the major leagues of baseball with their Caucasian counterparts, the desire of some African-Americans to play baseball could not be repressed;

Whereas Major League Baseball was not fully integrated until July 1959;

Whereas African-Americans began organizing their own professional baseball teams in 1885;

Whereas 6 separate baseball leagues, known collectively as the Negro Baseball Leagues, were organized by African-Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players;

Whereas Jackie Robinson, whose career began in the Negro Baseball Leagues, was named Rookie of the Year in 1947 and subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship;

Whereas by achieving success on the baseball field, African-American baseball players helped break down color barriers and integrate African-Americans into all aspects of society in the United States;

Whereas during World War II, more than 50 Negro Baseball League players served in the Armed Forces of the United States;

Whereas during an era of sexism and gender barriers, 3 women played in the Negro Baseball Leagues;

Whereas the Negro Baseball Leagues helped teach the people of the United States that what matters most is not the color of a person's skin, but the content of that person's character and the measure of that person's skills and abilities;

Whereas only in recent years has the history of the Negro Baseball Leagues begun receiving the recognition that it deserves;

Whereas in 1997 Major League Baseball created a pension plan for former players of the Negro Baseball Leagues who went on to play in Major League Baseball; and

Whereas baseball is the national pastime and reflects the history of the Nation: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation; and

(2) encourages Major League Baseball to reach a fair compensation agreement with former players of the Negro Baseball Leagues who were excluded under Major League Baseball's 1997 pension plan.

### SENATE RESOLUTION 229—SUPPORTING THE GOALS AND IDEALS OF CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

Mr. CRAPO submitted the following resolution; which was considered and agreed to:

S. RES. 229

Whereas chronic obstructive pulmonary disease (''COPD'') is primarily associated with emphysema and chronic bronchitis;

Whereas an estimated 10,000,000 adults in the United States have been diagnosed by a physician with COPD;

Whereas an estimated 24,000,000 adults in the United States have symptoms of impaired lung function, indicating that COPD is underdiagnosed;

Whereas COPD is progressive and is not fully reversible;

Whereas as COPD progresses, the airways and alveoli in the lungs lose elasticity and the airway walls collapse, closing off smaller airways and narrowing larger ones;

Whereas symptoms of COPD include chronic coughing, shortness of breath, increased effort to breathe, increased mucus production, and frequent clearing of the throat;

Whereas risk factors for COPD include long-term smoking, a family history of COPD, exposure to air pollution or second-hand smoke, and a history of frequent childhood respiratory infections;

Whereas more than half of all adults who suffer from COPD report that their condition limits their ability to work, sleep, and participate in social and physical activities;

Whereas more than half of all adults who suffer from COPD feel they are not in control of their breathing, panic when they cannot catch their breath, and expect their condition to worsen;

Whereas nearly 119,000 adults died in the United States of COPD in 2000, making COPD the fourth leading cause of death in the United States;

Whereas COPD accounted for 8,000,000 office visits to doctors, 1,500,000 emergency department visits, and 726,000 hospitalizations by adults in the United States in 2000;

Whereas COPD cost the economy of the United States an estimated $32,100,000,000 in 2002;

Whereas too many people with COPD are not diagnosed or are not receiving adequate treatment; and

Whereas the establishment of a Chronic Obstructive Pulmonary Disease Awareness Month would raise public awareness about the prevalence of chronic obstructive pulmonary disease and the serious problems associated with the disease: Now, therefore, be it

*Resolved,* That the Senate supports the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

## SENATE RESOLUTION 230—CALLING ON THE PEOPLE'S REPUBLIC OF CHINA IMMEDIATELY AND UNCONDITIONALLY TO RELEASE REBIYA KADEER, AND FOR OTHER PURPOSES

Mr. LUGAR (for himself, Mr. SARBANES, Mr. HAGEL, Mr. BIDEN, Mr. DODD, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 230

Whereas Rebiya Kadeer, a prominent businesswoman from Xinjiang Uighur Autonomous Region of the People's Republic of China, was arrested in September 1999, while trying to meet United States Congressional staff;

Whereas the Congressional staff was on an official visit to China organized under the auspices of the Mutual Educational and Cultural Exchange Program of the United States Information Agency;

Whereas Rebiya Kadeer was convicted at a secret trial and sentenced on March 10, 2000, to 8 years in prison for ''illegally giving state information across the border'';

Whereas the newspapers she was carrying with her at the time of her arrest were all available to the public;

Whereas from 1993 to 1998, Rebiya Kadeer was elected as a member of the Provincial People's Political Consultative Conference in Xinjiang;

Whereas in 1995, Rebiya Kadeer was a delegate to the United Nations Fourth World Conference on Women in Beijing;

Whereas Rebiya Kadeer's health is deteriorating in prison and she is finding it difficult to perform her prison labor due to sickness;

Whereas Rebiya Kadeer is the mother of 10 children;

Whereas the United States Department of State has repeatedly expressed concerns about the continued imprisonment of Rebiya Kadeer;

Whereas United States Assistant Secretary of State for Democracy, Human Rights, and Labor, Lorne Craner, visited Xinjiang in December 2002 with the expectation that she would soon be released;

Whereas the day before Secretary Craner's visit to Xinjiang, 3 of Rebiya Kadeer's children were taken into custody and were released later with strict instructions not to talk to anyone about their mother's case;

Whereas Rebiya Kadeer's case was brought up before a hearing of the Senate Foreign Relations Committee on September 11, 2003, by T. Kumar of Amnesty International USA;

Whereas Chinese authorities are ignoring repeated requests from the United States Congress to release her; and

Whereas President Bush is planning to attend the APEC Conference in October 2003, in Thailand and is planning to have meetings with the Chinese President, Hu Jintao, at the Conference: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns and deplores the detention of Rebiya Kadeer and calls for her immediate and unconditional release;

(2) urges President Bush to take urgent steps to secure the release of Rebiya Kadeer as soon as possible; and

(3) urges President Bush to demand Rebiya Kadeer's immediate release when he meets with Chinese President Hu Jintao at the APEC Conference.

## SENATE RESOLUTION 231—COMMENDING THE GOVERNMENT AND PEOPLE OF KENYA

Mr. FEINGOLD (for himself and Mr. ALEXANDER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 231

Whereas on December 27, 2002, the Republic of Kenya successfully held presidential, parliamentary, and local elections;

Whereas the elections were widely praised by objective international observers as free and fair;

Whereas the elections signal a major step forward for democracy in Kenya, particularly when compared with other elections held in Kenya since Kenya became an independent state in 1963;

Whereas the transition of power started by the elections culminated on December 30, 2002, when former President Daniel Toroitich arap Moi peaceably transferred the Kenyan presidency to President Mwai Kibaki;

Whereas the people of Kenya have manifested a strong desire to combat the endemic corruption that has crippled Kenyan society for years; and

Whereas the Government of Kenya has responded to this desire with concrete initiatives aimed at fostering transparency and accountability in Kenya: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the people of the Republic of Kenya for conducting free and fair elections;

(2) commends the Government of Kenya for the successful completion of a peaceful and orderly transition of power;

(3) expresses its desire to see this new democracy in Kenya thrive;

(4) acknowledges the suffering inflicted on the people of Kenya as a result of terrorist activity and appreciates the assistance and cooperation of Kenya to the global fight against terrorism;

(5) reaffirms the friendship that exists between the people of the United States and the people of Kenya, as 2 nations bound together by the shared values of democracy;

(6) applauds the regional peacemaking efforts of Kenya and the contributions of Kenya to international peacekeeping;

(7) commends the commitment and concrete steps taken by the Government and people of Kenya—

(A) to strengthen democracy, human rights, and the rule of law;

(B) to combat corruption, including through the passage by the Kenyan Parliament of the Public Officer Ethics Bill and the Anti-Corruption and Economic Crimes Bill;

(C) to improve access to education; and

(D) to prevent the transmission of HIV/AIDS;

(8) commits to working with the people of Kenya to continue making progress in combating corruption, encouraging development, fighting HIV/AIDS, and fostering respect for the rule of law and a climate of transparency; and

(9) welcomes the October 2003 visit of Kenyan President Mwai Kibaki to the United States.

## SENATE RESOLUTION 232—EXPRESSING THE CONDOLENCES OF THE SENATE UPON THE DEATH ON SEPTEMBER 3, 2003, OF THE LATE GENERAL RAYMOND G. DAVIS (UNITED STATES MARINE CORPS, RETIRED) AND EXPRESSING THE APPRECIATION AND ADMIRATION OF THE SENATE FOR THE UNWAVERING COMMITMENT DEMONSTRATED BY GENERAL DAVIS TO HIS FAMILY, THE MARINE CORPS, AND THE NATION

Mr. MILLER (for himself, Mr. BURNS, Mr. CHAMBLISS, and Mr. CORZINE) submitted the following resolution; which was considered and agreed to:

S. RES. 232

Whereas General Raymond Gilbert Davis (United States Marine Corps, retired) of Stockbridge, Georgia, an American hero who represented the supreme ideals of an American and a Marine, died on Wednesday, September 3, 2003, at the age of 88;

Whereas Raymond Gilbert Davis, born on January 13, 1915, in Fitzgerald, Georgia, was commissioned as a second lieutenant in the United States Marine Corps in 1938 following graduation from the Georgia School of Technology;

Whereas during World War II, he participated in the Guadalcanal Tulagi landings, the capture and defense of Guadalcanal, the Eastern New Guinea and Cape Gloucester campaigns, and the Peleliu operation;

Whereas during the fighting on Peleliu, although wounded during the first hour of the landing, he refused evacuation to remain with his men and, on one occasion, when heavy Marine casualties and the enemy's point-blank cannon fire had enabled the Japanese to break through, he personally rallied and led his men in fighting to reestablish defense positions;

Whereas his actions while commanding the 1st Battalion of the 1st Marines at Peleliu in September 1944 earned him the Navy Cross and the Purple Heart and a promotion to lieutenant colonel;

Whereas returning to the United States in November 1944, Lieutenant Colonel Davis was assigned to the Quantico Marine Barracks, Quantico, Virginia, as Tactical Inspector, Marine Corps Schools, and was named chief of the Infantry Section, Marine Air-Infantry School, Quantico, in May 1945, and served in that post for two years before returning to the Pacific area in July 1947 to serve with the 1st Provisional Marine Brigade on Guam;

Whereas following other peace-time duties, in August 1950 he embarked for Korea to command the 1st Battalion, 7th Marines, 1st Marine Division, in the Korean conflict and, in that capacity, heroically enabled the historic breakout of the 1st Marine Division from an entrapment by overwhelming numbers of Chinese soldiers at the Chosin Reservoir in North Korea;

Whereas on the night before the breakout then Lieutenant Colonel Davis led his battalion in an epic across-country fight against vastly superior numbers of entrenched enemy soldiers, across ice- and snow-covered terrain, in subzero temperatures to save a beleaguered rifle company and seize a critical mountain pass that enabled the escape of two Marine regiments, arriving three days later at the port of Hagaru-ri with every one of his wounded Marines;

Whereas as a result of his actions in Korea, Lieutenant Colonel Davis was awarded the Medal of Honor for his actions in the Chosin Reservoir, twice earned the Silver Star Medal by exposing himself to heavy enemy

fire while leading and encouraging his men in the face of strong enemy opposition, received the Legion of Merit with Combat ''V'' for exceptionally meritorious conduct and professional skill in welding the 1st Battalion into a highly effective combat team, and earned the Bronze Star Medal with Combat ''V'' for his part in rebuilding the regiment after the Chosin Reservoir campaign;

Whereas following service in the Korean conflict, Lieutenant Colonel Davis served in a series of increasingly responsible staff and training positions, while being promoted to colonel in October 1953 and brigadier general in July 1963;

Whereas his first assignment as a general officer was in the Far East where he served as Assistant Division Commander, 3d Marine Division, on Okinawa, from October 1963 to November 1964;

Whereas he was assigned to Headquarters, Marine Corps, from December 1964 until March 1968 and during that service was awarded a second Legion of Merit and was promoted to major general;

Whereas when ordered to the Republic of Vietnam in March 1968, Major General Davis served briefly as Deputy Commanding General, Provisional Corps, and then became Commanding General, 3d Marine Division where he was awarded the Distinguished Service Medal and three personal decorations by the Vietnamese Government for service in the latter capacity from May 2, 1968 until April 14, 1969;

Whereas upon his return to the United States in May 1969, he was assigned duty as Deputy for Education with additional duty as Director, Education Center, Marine Corps Development and Education Command, Quantico, Virginia, and upon his promotion to lieutenant general on July 1, 1970, he was assigned as Commanding General, Marine Corps Development and Education Command;

Whereas on February 23, 1971, President Nixon nominated General Davis for appointment to the grade of general and assignment to the position of Assistant Commandant of the Marine Corps and, after confirmation by the Senate for service in that position, he received his fourth star upon assuming those duties on March 12, 1971;

Whereas upon his retirement on March 31,1972, after more than 33 years of active commissioned service, he ended his military career as Assistant Commandant of the Marine Corps, the second highest ranking Marine;

Whereas General Davis' decorations include the Medal of Honor, the Navy Cross, the Distinguished Service Medal with Gold Star in lieu of a second award, the Silver Star Medal with Gold Star in lieu of a second award, the Legion of Merit with Combat ''V'' and Gold Star in lieu of a second award, the Bronze Star Medal with Combat ''V'', the Purple Heart, the Presidential Unit Citation with four bronze stars indicative of second through fifth awards, the Navy Unit Commendation, numerous campaign and service medals, and numerous foreign decorations;

Whereas following retirement from his beloved Corps, General Davis directed the Georgia Chamber of Commerce for several years and later took on the challenge of design, funding, and dedication of the Korean War Veterans Memorial in Washington, DC;

Whereas General Davis continued to work in support of issues concerning the national interest, including a visit to North Korea in an effort to persuade that government to allow more travel and to become more active in identifying missing American soldiers; and

Whereas General Raymond G. Davis is survived by his wife of 61 years, Knox Heafner Davis, two sons Raymond Gil Davis Jr. of Covington, Georgia, and Gordon Miles Davis of Seminole, Alabama, a daughter Willa Kerr of Stockbridge, Georgia, seven grandchildren, and two great-grandchildren: Now, therefore, be it

*Resolved,*

**SECTION 1. CONDOLENCES AND RECOGNITION.**

The Senate—

(1) has learned with profound sorrow of the death of General Raymond G. Davis (United States Marine Corps, retired) on September 3, 2003, and extends its condolences to his family; and

(2) recognizes and expresses its appreciation and admiration for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation.

**SEC. 2. TRANSMITTAL OF RESOLUTION.**

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the family of General Raymond G. Davis.

## SENATE RESOLUTION 233—COMMENDING THE ROCHESTER, MINNESOTA A'S AMERICAN LEGION BASEBALL TEAM FOR WINNING THE 2003 NATIONAL AMERICAN LEGION WORLD SERIES

Mr. COLEMAN (for himself and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 233

Whereas on Wednesday, August 27, 2003, the Rochester, Minnesota A's won the National American Legion World Series by defeating Cherry Hill, North Carolina 5 to 2 in Bartlesville, Oklahoma;

Whereas the American Legion Baseball League is the oldest and most prestigious baseball league in the United States with over 5,200 teams competing nationwide, nearly 50 percent of major league baseball players having played American Legion baseball as teenagers, and nearly 70 percent of all college players having played American Legion baseball as teenagers;

Whereas the A's became only the fourth team from Minnesota to ever win the National American Legion World Series in the 77-year history of the Series;

Whereas the A's finished a stellar season with a record of 52 wins and 5 losses;

Whereas the A's displayed determination and resolve by battling back from a 2 to 0 deficit in the championship game to prove themselves the best high school age baseball team in the Nation;

Whereas the American Legions of America, including Rochester American Legion Post 92, should be commended for their service to the youth of the United States and to the entire Nation;

Whereas the players and coaches of the A's represented Rochester and the State of Minnesota in outstanding fashion with their masterful play, competitive spirit, and good sportsmanship on and off the field, despite 100 degree-plus heat; and

Whereas the players, coaches, managers, and their families exemplified the heart of Minnesota during a special season that has made all of Minnesota proud: Now, therefore, be it

*Resolved,* That the Senate—

(1) commends the Rochester, Minnesota A's for winning the 2003 National American Legion World Series;

(2) recognizes the achievements of all the players, coaches, and support staff of the team; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Rochester American Legion Post 92 for appropriate display; and

(B) each coach and member of the 2003 National American Legion World Series championship team.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1749. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 1750. Mr. LEVIN (for himself, Ms. COLLINS, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra.

SA 1751. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1752. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra.

SA 1753. Mrs. BOXER proposed an amendment to the bill H.R. 2691, supra.

SA 1754. Mr. VOINOVICH (for himself and Mr. THOMAS) proposed an amendment to the bill H.R. 2691, supra.

SA 1755. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1756. Mr. GRAHAM, of Florida (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1757. Mr. BURNS (for himself and Mr. BENNETT) proposed an amendment to the bill H.R. 2691, supra.

SA 1758. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

SA 1759. Mr. BURNS (for Mr. COCHRAN) proposed an amendment to the bill H.R. 2691, supra.

SA 1760. Mr. BURNS (for Mr. ENZI (for himself and Mr. THOMAS)) proposed an amendment to the bill H.R. 2691, supra .

SA 1761. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

SA 1762. Mr. DORGAN proposed an amendment to the bill H.R. 2691, supra.

SA 1763. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, supra.

SA 1764. Mr. DORGAN proposed an amendment to the bill H.R. 2691, supra.

SA 1765. Mr. BURNS (for Mr. CAMPBELL) proposed an amendment to the bill H.R. 2691, supra.

SA 1766. Mr. BURNS (for Mr. TALENT) proposed an amendment to the bill H.R. 2691, supra.

SA 1767. Mr. BURNS (for Mr. CAMPBELL) proposed an amendment to the bill S. 1404, to amend the Ted Stevens Olympic and Amateur Sports Act.

SA 1768. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

SA 1769. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

SA 1770. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

SA 1771. Mr. BURNS (for Mr. BENNETT) proposed an amendment to the bill H.R. 2691, supra.

SA 1772. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

SA 1773. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

SA 1774. Mr. BURNS (for Mr. CRAIG) proposed an amendment to the bill H.R. 2691, supra.

SA 1775. Mr. BURNS (for Mr. STEVENS) proposed an amendment to the bill H.R. 2691, supra.

SA 1776. Mr. BURNS (for Mr. STEVENS) proposed an amendment to the bill H.R. 2691, supra.

SA 1777. Mr. DORGAN proposed an amendment to the bill H.R. 2691, supra.

SA 1778. Mr. DORGAN proposed an amendment to the bill H.R. 2691, supra.

SA 1779. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, supra.

SA 1780. Mr. BURNS (for Ms. SNOWE (for herself and Mr. DODD)) proposed an amendment to the bill H.R. 2691, supra.

SA 1781. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, supra.

SA 1782. Mr. BURNS proposed an amendment to the bill H.R. 2691, supra.

## TEXT OF AMENDMENTS

**SA 1749.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following: ''The business size restrictions for the rural business enterprise grants for Oakridge, OR do not apply.''

**SA 1750.** Mr. LEVIN (for himself, Ms. COLLINS, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 85, line 21, insert after ''until expended'' the following:

'': *Provided*, That the Department of Energy shall develop, with an opportunity for public comment, procedures to obtain oil for the Strategic Petroleum Reserve in a manner that maximizes the overall domestic supply of crude oil (including amounts stored in private sector inventories) and minimizes the costs to the Department of the Interior and the Department of Energy of acquiring such oil (including foregone revenues to the Treasury when oil for the Reserve is obtained through the Royalty-in-Kind program), consistent with national security. Such procedures shall include procedures and criteria for the review of requests for the deferrals of scheduled deliveries. No later than 120 days following the enactment of this act the Department shall propose and no later than 180 days following the enactment of this Act the Department shall publish and follow such procedures when acquiring oil for the Reserve''.

**SA 1751.** Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 16, strike ''$1,636,299,000'' and insert the following: ''$1,638,499,000, of which, in accordance with the cooperative agreement entered into between the National Park Service and the Oklahoma City National Memorial Trust and numbered 1443CA125002001, $600,000 shall be available for activities of the National Park Service at the Oklahoma City National Memorial and $1,600,000 shall be available to the Oklahoma City National Memorial Trust''.

On page 44, line 18, strike ''$78,433,000'' and insert ''$76,233,000''.

**SA 1752.** Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 16, after ''$1,636,299,000'' insert the following: '', of which, in accordance with the cooperative agreement entered into between the National Park Service and the Oklahoma City National Memorial Trust and numbered 1443CA125002001, $600,000 shall be available for activities of the National Park Service at the Oklahoma City National Memorial and $1,600,000 shall be available to the Oklahoma City National Memorial Trust''.

**SA 1753.** Mrs. BOXER proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike section 333.

**SA 1754.** Mr. VOINOVICH (for himself and Mr. THOMAS) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike lines 3 through 6, and insert the following:

SEC. ___. Not later than December 31 of each year, the Secretary of the Interior shall submit to Congress a report on the competitive sourcing activities on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) that were performed for the Department of the Interior during the previous fiscal year by Federal Government sources. The report shall include—

(1) the total number of competitions completed;

(2) the total number of competitions announced, together with a list of the activities covered by such competitions;

(3) the total number of full-time equivalent Federal employees studied under completed competitions;

(4) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(5) the incremental cost directly attributable to conducting the competitions identified under paragraphs (1) and (2), including costs attributable to paying outside consultants and contractors;

(6) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(7) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions completed after May 29, 2003;

(8) the total projected number of full time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year covered by the next report required under this section; and

(9) a general description of how the competitive sourcing decisionmaking processes of the Department of the Interior are aligned with the strategic workforce plan of that department.

**SA 1755.** Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 23 and 24, insert the following.

**SEC. 3___. ACQUISITION OF LAND IN THE STATE OF MICHIGAN.**

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') may acquire by purchase from a willing seller all right, title, and interest in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the approximately 104.45 acres of unimproved land, as generally depicted on National Park Service map entitled ''Bayberry Mills, Inc. Crystal River, MI Proposed Expansion Unit to Sleeping Bear Dunes National Lakeshore'' and numbered 634/80078.

(c) LIMITATION.—The Secretary may not acquire the land described in subsection (b) through an exchange or conveyance of land that is within the boundary of the Sleeping Bear Dunes National Lakeshore as of the date of enactment of this Act.

(d) AVAILABILITY OF MAP.—The map referred to in subsection (b) shall be on file and available for inspection in the appropriate offices of the Director of the National Park Service.

**SA 1756.** Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill under TITLE , DEPARTMENT OF THE INTERIOR GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR, insert the following:

''SEC. . The document entitled the ''Agreement for the Acquisition and Donation of the Mineral Estate between the United States of America and the Collier Family'' (hereinafter the ''Agreement''), dated January 13, 2003, executed by the Department of the Interior and the Collier Family, together with any technical amendments or modifications that may be agreed to by the parties, is hereby ratified, confirmed and approved, and the terms, conditions, procedures and other provisions set forth in the Agreement are declared to be obligations and commitments of the United States and the Collier Family, subject to appropriation.

**SA 1757.** Mr. BURNS (for himself and Mr. BENNETT) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 70, line 18, immediately following the number ''205'' insert the following:

'', of which $500,000 may be for improvements at Fernwood Park on the Wasatch-Cache National Forest''

**SA 1758.** Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 64, line 21, immediately following the number ''6a(i))'' insert the following:

'', of which $200,000 may be for necessary expenses related to a land exchange between the State of Montana and the Lolo National Forest''

**SA 1759.** Mr. BURNS (for Mr. COCHRAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 11, line 24, after ''2005'' insert the following: '', of which $1,000,000 may be available for the Wildlife Enhancement and Economic Development Program in Starkville, Mississippi''.

**SA 1760.** Mr. BURNS (for Mr. ENZI (for himself and Mr. THOMAS)) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 27, line 17, immediately following ''industries;'' insert: and of which $250,000 may be available to improve seismic monitoring and hazard assessment in the Jackson Hole-Yellowstone area of Wyoming.

**SA 1761.** Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 82, line 7, insert before the period '': *Provided further,* That notwithstanding any other provision of law, within fiscal year 2004 up to $9,000,000 of the funds made available under this heading for obligation in prior years, of funds not obligated or committed to existing Clean Coal Technology projects, and funds committed or obligated to a project that is or may be terminated, may be used for the development of technologies and research facilities that support the production of electricity and hydrogen from coal including sequestration of associated carbon dioxide; provided that, the Secretary may enter into a lease or other agreement, not subject to the conditions or requirements established for Clean Coal Technology projects under any prior law, for a cost-shared public-private partnership with a non-Federal entity representing the coal industry and coal-fueled utilities; and provided further, that the Secretary shall ensure that the entity provides opportunities for participation by technology vendors, States, universities, and other stakeholders''

**SA 1762.** Mr. DORGAN proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 85, on line 4 beginning after ''expended'' insert '', of which $1,500,000 is for DES applications integration''.

**SA 1763.** Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 36, line 4, insert before the period '': *Provided further,* That $48,115,000 shall be for operating grants for Tribally Controlled Community Colleges, and $34,710,000 shall be for Information Resources Technology''

**SA 1764.** Mr. DORGAN proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 137, between lines 23 and 24, insert the following:

**SEC. 3___. ELECTRIC THERMAL STORAGE TECHNOLOGY.**

Section 412(9) of the Energy Conservation in Existing Buildings Act of 1976 (42 U.S.C. 6862(9)) is amended—

(1) in subparagraph (I), by striking ''and'' at the end;

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following:

''(J) electric thermal storage technology; and''.

**SA 1765.** Mr. BURNS (for Mr. CAMPBELL) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 23, beginning on line 12, strike ''$341,531,000'' and all that follows through line 17 and insert ''$342,131,000, to remain available until expended, of which $300,000 for the L.Q.C. Lamar House National Historic Landmark and $375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a and of which $600,000 shall be available for the planning and design of the Mesa Verde Cultural Center in the State of Colorado: *Provided,* That none of the funds''.

On page 71, beginning on line 9, strike ''$77,040,000'' and all that follows through line 11 and insert ''$76,440,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $5,400,000 shall be available for the Beaver Brook Watershed in the State of Colorado: *Provided,* That''.

**SA 1766.** Mr. BURNS (for Mr. TALENT) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page, 23, line 17, insert before the ''.'' the following: '', and of which'' and insert the following: ''of which $50,000 shall be available for the construction of a statue of Harry S Truman in Union Station in Kansas City, Missouri, and of which $4,289,000 shall be available for the construction of a security fence for the Jefferson National Expansion Memorial in the State of Missouri''.

**SA 1767.** Mr. BURNS (for Mr. CAMPBELL) proposed an amendment to the bill S. 1404, to amend the Ted Stevens Olympic and Amateur Sports Act; as follows:

On page 22, between lines 18 and 19, insert the following:

**SEC. 6. RELOCATION OF HEADQUARTERS.**

Section 220508 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The corporation shall''; and

(2) by adding at the end the following:

''(b) RELOCATION OF HEADQUARTERS.—The corporation may not relocate its principal office and national headquarters after the date of enactment of the United States Olympic Committee Reform Act unless—

''(1) the board of directors determines that relocation of the principal office and national headquarters is in the best interests of the corporation;

''(2) the board, by rollcall vote, agrees unanimously to refer the proposed relocation of the principal office and national headquarters to the assembly for its concurrence; and

''(3) the assembly, by a vote of not less than three-fifths of its members duly chosen and qualified, concurs in the determination of the board.''.

**SA 1768.** Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Immediately following Title III of the bill insert the following new Title:

''TITLE IV—WILDLAND FIRE EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay advances from other appropriations transferred in fiscal year 2003 for emergency rehabilitation and wildfire suppression activities of the Department of the Interior, $75,000,000 to remain available until expended: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: *Provided further,* That the entire amount shall be available only to the extent that an official budget request for $75,000,000, that includes designation of the entire amount of $75,000,000 as an emergency requirement as defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay advances from other appropriations transferred in fiscal year 2003 for wildfire suppression and emergency rehabilitation activities of the Forest Service, $325,000,000 to remain available until expended: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004: *Provided further,* That the entire amount shall be available only to the extent that an official budget request for $325,000,000, that includes designation of the entire amount of $325,000,000 as an emergency requirement as

defined in H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.''

**SA 1769.** Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 44, insert the following after line 23:

''Of the unobligated balances in the Special Foreign Currency account, $1,400,000 are hereby canceled.''

**SA 1770.** Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 66, line 20, immediately following the ''.'' insert the following:

''*Provided further,* That such funds may be available to reimburse state and other cooperating entities for services provided in response to wildfire and other emergencies or disasters:''

**SA 1771.** Mr. BURNS (for Mr. BENNETT) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 81 immediately following line 16, insert the following new paragraph:

''The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Wasatch-Cache National Forest, the revenues of which may be retained by the Forest Service and available to the Secretary without further appropriation and until expended for acquisition and construction of administrative sites on the Wasatch-Cache National Forest.''

**SA 1772.** Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Immediately following Title III of the bill insert the following new Title:

TITLE IV—THE FLATHEAD AND KOOTENAI NATIONAL FOREST REHABILITATION ACT

**SECTION 1. SHORT TITLE.**

This act may be cited as the ''Flathead and Kootenai National Forest Rehabilitation Act of 2003''.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) The Robert Fire and Wedge Fire of 2003 caused extensive resource damage in the Flathead National Forest;

(2) The fires of 2000 caused extensive resource damage on the Kootenai National Forest and implementation of rehabilitation and recovery projects developed by the agency for the Forest is critical;

(3) The environmental planning and analysis to restore areas affected by the Robert and Wedge Fire will be completed through a collaborative community process;

(4) The rehabilitation of burned areas needs to be completed in a timely manner in order to reduce the long-term environmental impacts; and

(5) Wildlife and watershed resource values will be maintained in areas affected by the Robert and Wedge Fire while exempting the rehabilitation effort from certain applications of the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA).

(b) The purpose of this Act is to accomplish in a collaborative environment, the planning and rehabilitation of the Robert and Wedge Fire and to ensure timely implementation of recovery and rehabilitation projects on the Kootenai National Forest.

**SEC. 3. REHABILITATION PROJECTS.**

(a) IN GENERAL.—The Secretary of Agriculture (in this Act referred to as the ''Secretary'') may conduct projects that the Secretary determines are necessary to rehabilitate and restore, and may conduct salvage harvests on, National Forest System lands in the North Fork drainage on the Flathead National Forest, as generally depicted on a map entitled ''North Fork Drainage'' which shall be on file and available for public inspection in the Office of Chief, Forest Service, Washington, D.C.

(b) PROCEDURE.—

(1) IN GENERAL.—Except as otherwise provided by this Act, the Secretary shall conduct projects under this Act in accordance with—

(A) the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(B) other applicable laws.

(2) ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT.—If an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act (42 U.S.C. 4332(2)) is required for a project under this Act, the Secretary shall not be required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or the environmental impact statement.

(3) PUBLIC COLLABORATION.—To encourage meaningful participation during preparation of a project under this Act, the Secretary shall facilitate collaboration among the State of Montana, local governments, and Indian tribes, and participation of interested persons, during the preparation of each project in a manner consistent with the Implementation Plan for the 10-year Comprehensive Strategy of a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

(4) COMPLIANCE WITH CLEAN WATER ACT.—Consistent with the Clean Water Act (33 U.S.C. 1251 et seq.) and Montana Code 75–5–703(10)(b), the Secretary is not prohibited from implementing projects under this Act due to the lack of a Total Maximum Daily Load as provided for under section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)), except that the Secretary shall comply with any best management practices required by the State of Montana.

(5) ENDANGERED SPECIES ACT CONSULTATION.—If consultation is required under section 7 of the Endangered Species Act (16 U.S.C. 1536) for a project under this Act, the Secretary of the Interior shall expedite and give precedence to such consultation over any similar requests for consultation by the Secretary.

(6) ADMINISTRATIVE APPEALS.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note) and section 215 of title 36, Code of Federal Regulations shall apply to projects under this Act, except that—

(A) to be eligible to file an appeal, an individual or organization shall submit specific and substantive written comments during the comment period; and

(B) a determination that an emergency situation exists pursuant to section 215.10 of title 36, Code of Federal Regulations, shall be made where it is determined that implementation of all or part of a decision for a project under this Act is necessary for relief from—

(i) adverse affects on soil stability and water quality resulting from vegetation loss; or

(ii) loss of fish and wildlife habitat.

**SEC. 4. CONTRACTING AND COOPERATIVE AGREEMENTS.**

(a) IN GENERAL.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into contract or cooperative agreements to carry out a project under this Act.

(b) EXEMPTION.—Notwithstanding any other provision of law, the Secretary may limit competition for a contract or a cooperative agreement under subsection (a).

**SEC. 5. MONITORING REQUIREMENTS.**

(a) IN GENERAL.—The Secretary shall establish a multi-party monitoring group consisting of a representative number of interested parties, as determined by the Secretary, to monitor the performance and effectiveness of projects conducted under this Act.

(b) REPORTING REQUIREMENTS.—The multi-party monitoring group shall prepare annually a report to the Secretary on the progress of the projects conducted under this Act in rehabilitating and restoring the North Fork drainage. The Secretary shall submit the report to the Senate Subcommittee on Interior Appropriations of the Senate Committee on Appropriations.

**SEC. 6. SUNSET.**

The authority for the Secretary to issue a decision to carry out a project under this Act shall expire 5 years from the date of enactment.

**SEC. 7. IMPLEMENTATION OF RECORDS OF DECISION.**

The Secretary of Agriculture shall publish new information regarding forest wide estimates of old growth from volume 103 of the administrative record in the case captioned Ecology Center v. Castaneda, CV–02–200–M–DWM (D. Mont.) for public comment for a 30 day period. The Secretary shall review any comments received during the comment period and decide whether to modify the Records of Decision (hereinafter referred to as the ''ROD's'') for the Pinkham, White Pine, Kelsey-Beaver, Gold/Boulder/Sullivan, and Pink Stone projects on the Kootenai National Forest. The ROD's, whether modified or not, shall not be deemed arbitrary and capricious under the NFMA, NEPA or other applicable law as long as each project area retains 10% designated old growth in the project area.

**SA 1773.** Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of Title III of the bill insert the following:

**SEC. XXX. ZORTMAN/LANDUSKY MINE RECLAMATION TRUST FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Zortman/Landusky Mine Reclamation Trust Fund'' referred to in this section as the ''Fund'').

(b) For the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited

in the Fund under this subsection is equal to at least $22,500,000, the Secretary of the Treasury shall deposit $2,250,000 in the Fund.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

(d) PAYMENTS.—

(1) IN GENERAL—All amounts credited as interest under subsection (c) may be available, without fiscal year limitation, to the State of Montana for use in accordance with paragraph (3) after the Fund has been fully capitalized.

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—The Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of Montana for use as State funds in accordance with paragraph (3) after the Fund has been fully capitalized.

(3) USE OF TRANSFERRED FUNDS.—The State of Montana shall use the amounts transferred under paragraph (2) only to supplement funding available from the State Administered ''Zortman/Landusky Long-Term Water Treatment Trust Fund'' to fund annual operation and maintenance costs for water treatment related to the Zortman/Landusky mine site and reclamation areas.

(e) TRANSFERS AND WITHDRAWALS.—The Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

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**SA 1774.** Mr. BURNS (for Mr. CRAIG) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title I, insert the following:

''SEC. XXX. Nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past seven years shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) and under section 3 of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315b). The terms and conditions contained in the most recently expired nonrenewable grazing permit shall continue in effect under the renewed permit. Upon completion of any required analysis or documentation, the permit may be canceled, suspended, or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard one-year term.

REPORT LANGUAGE

SECTION XXX. Allows for the renewal of grazing permits in the Jarbidge Field Office and makes the completion of the required NEPA analysis a high priority while ensuring completion of the necessary documents as soon as possible.

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**SA 1775.** Mr. BURNS (for Mr. STEVENS) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies 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. 1___. INTERIM COMPENSATION PAYMENTS.**

Section 2303(b) of Public Law 106–246 (114 Stat. 549) is amended by inserting before the period at the end the following: '', unless the amount of the interim compensation exceeds the amount of the final compensation''.

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**SA 1776.** Mr. BURNS (for Mr. STEVENS) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies 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. 1___. APPLICATIONS FOR WAIVERS OF MAINTENANCE FEES.**

Section 10101f(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3)) is amended by inserting after ''reason'' the following: ''(including, with respect to any application filed on or after January 1, 1999, the filing of the application after the statutory deadline)''.

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**SA 1777.** Mr. DORGAN proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 24, line 5, immediately following the colon, insert ''*Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations:''

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**SA 1778.** Mr. DORGAN proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. . Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) by striking ''or a dual fueled vehicle'' at the end of subparagraph (3) and inserting '', a dual fueled vehicle, or a neighborhood electric vehicle'';

(2) by striking ''and'' at the end of subparagraph (13);

(3) by striking the period at the end of subparagraph (14) and inserting ''; and''; and

(4) by adding at the end the following:

''(15) the term 'neighborhood electric vehicle' means a motor vehicle that qualifies as both—

''(A) a low-speed vehicle, as such term is defined in section 571.3(b) of title 49, Code of Federal Regulations; and

''(B) a zero-emission vehicle, as such term is defined in Section 86.1702–99 of title 40, Code of Federal Regulations.''.

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**SA 1779.** Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 122, Strike Section 324 and insert;

SEC. 324. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal years 2004–2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. *Provided Further*, Beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and two year thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding levels requested in the Secretaries' budget proposals; *Provided Further*, Notwithstanding Section 504 of the Rescissions Act (109 Stat. 212), the Secretaries in their sole discretion determine the priority and timing for completing required environmental analysis of grazing allotments based on the environmental significance of the allotments and funding available to the Secretaries for this purpose.

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**SA 1780.** Mr. BURNS (for Ms. SNOWE (for herself and Mr. DODD)) proposed an amendment to the bill HR. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 137, between lines 23 and 24, insert the following:

**SEC. 3___. NORTHEAST HOME HEATING OIL RESERVE REPORT.**

Not later than December 1, 2003, the Secretary of Energy shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that—

(1) describes—

(A) the various scenarios under which the Northeast Home Heating Oil Reserve may be used; and

(B) the underlying assumptions for each of the scenarios; and

(2) includes recommendations for alternative formulas to determine supply disruption.

**SA 1781**. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 95, at the end of line 17, insert the following paragraph:

None of the funds made available to the Indian Health Service in this Act shall be used for any Department of Health and Human Services-wide consolidation, restructuring, or realignment of functions or for any assessments or charges associated with any such consolidation, restructuring or realignment, except for purposes for which funds are specifically provided in this Act.

**SA 1782**. Mr. BURNS proposed an amendment to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

''SEC. . Section 104 (16 U.S.C. 1374) is amended—(1) in subsection (c)(5)(D) by striking ''the date of the enactment of the Marine Mammal Protection Act Amendments of 1994'' and inserting ''February 18, 1997''.''

## NOTICE OF HEARINGS/MEETINGS

### SUBCOMMITTEE ON WATER AND POWER
### COMMITTEE ON INDIAN AFFAIRS

Ms. MURKOWSKI. Mr. President, I would like to announce for the information on the Senate and the public that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources and the Committee on Indian Affairs will hold a joint-hearing on September 30, 2003 at 10 a.m. in SD–366.

The purpose of this hearing is to examine of S. 437, the Arizona Water Settlements Acts, which is a bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364, Washington, D.C. 20510–6150 prior to the hearing date.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 23, 2003, at 11 a.m., in open session to consider the nomination of the Honorable Gordon R. England to be Secretary of the Navy.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. 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 23, 2003, at 10 a.m. to conduct a hearing on ''The Implementation of the Sarbanes-Oxley Act and Restoring Investor Confidence.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. 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 23, 2003, at 2 p.m., to conduct a markup of the following original legislation: the ''National Consumer Credit Reporting System Improvement Act of 2003''; the ''Defense Production Reauthorization Act of 2003''; and the ''Federal Transit Extension Act of 2003.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, September 23 at 9 a.m. to conduct a business meeting to consider the TEA–21 extension and to conduct a hearing immediately following the markup to consider the nomination of Michael O. Leavitt, to be Administrator of the Environment Protection Agency.

The business meeting and the hearing will take place in SD–406 (Hearing Room).

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 23, 2003, at 10 a.m., to hear testimony on ''Unfulfilled Promises: Mexican Barrier to U.S. Agricultural Exports.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 23, 2003 at 2:30 p.m. to hold a hearing on Iraq: Next Steps

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 23, 2003, at 9:30 a.m. for a classified hearing titled ''Combating Terrorist Financing: Are We on the Right Track?''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Health Technology during the session of the Senate on Tuesday, September 23, 2003 at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. BURNS. 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 23, 2003, for a hearing on proposals to limit eligibility for veterans' compensation benefits to disabilities directly related to ''performance of duty'' injuries only.

The hearing will take place in room 418 of the Russell Senate Office Building at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SPECIAL COMMITTEE ON AGING

Mr. BURNS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, September 23, 2003 from 9:30 a.m.–11:30 a.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet to conduct a hearing on ''Information Sharing and Coordination for Visa Issuance: Our first line of defense for homeland security'' on Tuesday, September 23, 2003, at 2:30 p.m., in SD226.

#### WITNESS LIST

Panel I: Maura Harty, Assistant Secretary for Consular Affairs, Department of State, Washington, D.C.; C. Stewart Verdery, Jr., Assistant Secretary for Policy and Planning, Border and Transportation Security, Department of Homeland Security, Arlington, Virginia.

Panel II: John O. Brennan, Director, Terrorist Threat Integration Center (TTIC), Office of the Director of Central Intelligence, McLean, Virginia; Larry A. Mefford, Executive Assistant Director, Counter-terrorism and Counter-intelligence, Federal Bureau of Investigation, Department of Justice, Washington, D.C.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON WATER AND POWER

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 23, at 2:30 p.m.

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 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).

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Larry Kennedy, a fellow on my staff, be permitted the privilege of the floor during debate on the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNITED STATES OLYMPIC COMMITTEE REFORM ACT

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 237, S. 1404.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1404) to amend the Ted Stevens Olympic and Amateur Sports Act.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1404

*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 ''United States Olympic Committee Reform Act''.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) There is a widespread loss of confidence in the United States Olympic Committee.

(2) Restoring confidence in the United States Olympic Committee is critical to achieving the original intent of the Ted Stevens Amateur and Olympic Sports Act.

(3) Confusion exists concerning the primary purposes and priorities of the United States Olympic Committee.

(4) The current governance structure of the United States Olympic Committee is dysfunctional.

(5) The ongoing national corporate governance debate and recent reforms have important implications for the United States Olympic Committee.

(6) There exists no clear line of authority between the United States Olympic Committee volunteers and the United States Olympic Committee paid staff.

(7) There is a widespread perception that the United States Olympic Committee lacks financial transparency.

**SEC. 3. AMENDMENT OF TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.).

**SEC. 4. GOVERNANCE OF THE UNITED STATES OLYMPIC COMMITTEE.**

(a) IN GENERAL.—The Act (36 U.S.C. 220501) is amended by adding at the end the following:

''SUBCHAPTER III. GOVERNANCE

**''§ 220541. Board of directors**

''(a) IN GENERAL.—The board of directors is the governing body of the corporation and shall establish the policies and priorities of the corporation. The board of directors shall have the full authority to manage the affairs of the corporation.

''(b) STRUCTURE OF THE BOARD.—

''(1) IN GENERAL.—The board of directors shall consist of 9 elected members and the ex officio members described in paragraph (3).

''(2) ELECTED MEMBERS.—The elected directors, elected as provided in subsection (g), are—

''(A) 5 independent directors, as defined in the constitution and bylaws of the corporation;

''(B) 2 directors elected from among those nominated by the Athletes' Advisory Council, who at the time of nomination meet the specifications of section 220504(b)(2)(B) of this title; and

''(C) 2 directors elected from among those nominated by the National Governing Bodies' Council.

''(3) EX OFFICIO MEMBERS.—The ex officio members are—

''(A) the speaker of the assembly; and

''(B) the International Olympic Committee member or members from the United States who are required to be ex officio members of the executive organ of the corporation under the terms of the Olympic Charter.

''(c) TERMS OF OFFICE.—

''(1) ELECTED DIRECTORS.—The term of office of an elected director shall be 4 years. An individual elected to replace a director who does not serve a full 4-year term shall be elected initially to serve only the balance of the expired term of the member that director replaces. No director shall be eligible for reelection, except a director whose total period of service, if elected, would not exceed 6 years. The chair of the board shall be eligible to serve an additional 2 years as required to complete his or her term as chair.

''(2) STAGGERED TERMS.—Notwithstanding paragraph (1), of the directors first elected to the board after the date of enactment of the United States Olympic Committee Reform Act—

''(A) 2 of the directors elected under paragraph (2)(A) shall be elected for terms of 2 years;

''(B) 3 of the directors elected under paragraph (2)(A) shall be elected for terms of 4 years;

''(C) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 2 years;

''(D) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 4 years;

''(E) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 2 years; and

''(F) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 4 years.

''(3) EX OFFICIO MEMBERS.—The speaker of the assembly shall serve as a non-voting ex officio member of the board while holding the position of speaker of the assembly. An International Olympic Committee member shall serve as an ex officio member of the board for so long as the member is a member of that Committee.

''(d) VOTING.—

''(1) ELECTED MEMBERS.—Each elected director shall have 1 vote on all matters on which the board votes, consistent with the constitution and bylaws of the corporation.

''(2) EX OFFICIO MEMBERS.—Each voting ex officio member shall have 1 vote on matters on which the ex officio members vote, consistent with the constitution and bylaws of the corporation, and the votes of the ex officio members shall be weighted such that, in the aggregate, the votes of all voting ex officio members are equal to the vote of one elected director.

''(3) TIE VOTES.—In the event of a tie vote of the board, the vote of the chair of the board shall serve to break the tie.

''(4) QUORUM.—The board may not take action in the absence of a quorum, which shall be 7 members, of whom at least 3 shall be members described in subsection (b)(2)(A).

''(e) CHAIR OF THE BOARD.—The board shall elect 1 of the members described in subsection (b)(2) to serve as chair of the board first elected after the date of enactment of the United States Olympic Committee Reform Act. The chair of the board shall preside at all meetings of the board and have such other duties as may be provided in the constitution and bylaws of the corporation. No individual may hold the position of chair of the board for more than 4 years.

''(f) COMMITTEES.—

''(1) IN GENERAL.—The board of directors shall establish the following 4 standing committees:

''(A) The Audit Committee.

''(B) The Compensation Committee.

''(C) The Ethics Committee.

''(D) The Nominating and Governance Committee.

''(2) COMMITTEE MEMBERSHIP.—The Compensation Committee shall consist of 3 board members selected by the board. The Audit Committee, Ethics Committee, and Nominating and Governance Committee shall each consist of—

''(A) 3 board members described in subsection (b)(2)(A), selected by the board;

''(B) 1 board member described in subsection (b)(2)(B), selected by the board; and

''(C) 1 board member described in subsection (b)(2)(C), selected by the board.

''(3) ADDITIONAL COMMITTEES.—The board may establish such additional committees, subcommittees, and task forces as may be necessary or appropriate and for which sufficient funds exist.

''(g) NOMINATION AND ELECTION.—

''(1) IN GENERAL.—The nominating and governance committee shall recommend candidates to the board of directors to fill vacancies on the board as provided in the constitution and bylaws of the corporation. For each vacancy that is to be filled by a nominee of the Athletes' Advisory Council or the National Governing Bodies' Council, the Athletes' Advisory Council or the National Governing Bodies' Council shall recommend 3 individuals to the nominating and governance committee, which shall nominate 1 of the recommended individuals to the board of directors.

''(2) RECUSAL OF MEMBERS ELIGIBLE FOR RE-ELECTION.—Any member of the nominating and governance committee who is eligible for re-election by virtue of serving for an initial term of less than 2 years shall be recused from participation in the nominating and recommendation process.

''(3) BOARD TO ELECT MEMBERS.—Except as provided in section 4(c)(2) of the United States Olympic Committee Reform Act, the board of directors shall elect directors from the candidates proposed by the nominating and governance committee.

**''§ 220542. Assembly**

''(a) IN GENERAL.—

''(1) FORUM FUNCTION.—The assembly shall be a forum for all stakeholders of the corporation. The assembly shall have an advisory function only, except as otherwise expressly provided in this chapter.

''(2) VOTING ON MATTERS RELATING TO THE OLYMPIC GAMES.—The assembly shall have the right to vote on, and shall have ultimate authority to decide, matters relating to the Olympic Games. The board of directors shall determine whether a matter is a question relating to the Olympic Games on which the assembly is entitled to vote. The determination of the board shall be final and binding.

''(3) MEETINGS.—The assembly shall convene annually in a meeting open to the public. The board of directors may convene special meetings of the assembly.

''(4) ANNUAL BUDGET.—The board of directors shall establish an annual budget for the assembly, as provided in the constitution and bylaws of the corporation. In establishing the budget, the board of directors shall take into account the interest of the corporation in minimizing the costs associated with the assembly.

''(b) STRUCTURE OF THE ASSEMBLY.—

''(1) IN GENERAL.—The assembly shall consist of—

''(A) representatives of the constituencies of the corporation specified in section 220504 of this title (other than former United States Olympic Committee members);

''(B) the International Olympic Committee's members for the United States; and

''(C) not more than 3 individuals who have represented the United States in an Olympic Games not within the preceding 10 years, selected through a process to be determined by the board of directors in accordance with the constitution and bylaws of the corporation.

''(2) AMATEUR ATHLETE REPRESENTATION.—Amateur athletes shall constitute not less than 20 percent of the membership in the assembly.

''(c) VOTING.—

''(1) REPRESENTATIVES OF THE NATIONAL GOVERNING BODIES.—Representatives of the national governing bodies shall constitute not less than 51 percent of the voting power held in the assembly.

''(2) AMATEUR ATHLETES.—Amateur athletes shall constitute not less than 20 percent of the voting power held in the assembly.

''(d) SPEAKER OF THE ASSEMBLY.—The speaker of the assembly shall be a member of the assembly (who, as a member, is entitled to vote) who is elected by the members of the assembly for a 4-year term. An individual may not serve as speaker for more than 4 years. The speaker shall preside at all meetings of the assembly and serve as a nonvoting ex officio member of the board of directors as provided in section 220541. The speaker shall have no other duties or powers (other than the right to vote), except as may be expressly assigned by the board of directors.

**''§ 220543. Chief executive officer**

''(a) IN GENERAL.—The corporation shall have a chief executive officer who shall not be a member of the board of directors. The chief executive officer shall be selected by, and shall report to, the board of directors, as provided in the constitution and bylaws of the corporation. The chief executive officer shall be responsible, with board approval, for filling other key senior management positions as provided in the constitution and bylaws of the corporation.

''(b) DUTIES.—The chief executive officer shall, either directly or by delegation—

''(1) manage all staff functions and the day-to-day affairs and business operations of the corporation, including but not limited to relations with international organizations; and

''(2) implement the mission and policies of the corporation, as determined by the Board.

**''§ 220544. Whistleblower procedures and protections**

''The corporation, through the board of directors, shall establish procedures for—

''(1) the receipt, retention, and treatment of complaints received by the corporation regarding accounting, auditing or ethical matters; and

''(2) the protection against retaliation by any officer, employee, director or member of the corporation against any person who submits such complaints.

***''§ 220545. Ethics and compliance***

*''(a) IN GENERAL.—The ethics committee shall be responsible for oversight of—*

*''(1) all matters relating to ethics policy and practices of the corporation's employees, board members, and volunteers;*

*''(2) officers or directors of a member organization insofar as their activities relate to corporation business; and*

*''(3) paid and volunteer leadership staff of a bid city organization for activities that relate directly to the bid city process.*

*''(b) INTERNAL ETHICS OFFICER.—*

*''(1) IN GENERAL.—The board of directors shall employ and fix the compensation of a chief ethics officer to implement the ethics policy for the corporation.*

*''(2) DUTIES.—The ethics committee shall establish policies and procedures to delineate the duties of the chief ethics officer.*

*''(3) LINE OF AUTHORITY.—*

*''(A) IN GENERAL.—The chief ethics officer shall report to the chief executive officer of the corporation.*

*''(B) CERTAIN PARTIES.—Notwithstanding subparagraph (A), the chief ethics officer shall report to the ethics committee whenever an alleged violation involves—*

*''(i) senior management or directors of the corporation;*

*''(ii) officers or directors of a member organization;*

*''(iii) a bid city; or*

*''(iv) the International Olympic Committee.*

*''(c) ETHICS POLICY.—The ethics committee shall establish an ethics policy for the corporation, subject to the approval of the board of directors, modeled upon the best practices used in corporate and government offices. The policy shall include—*

*''(1) a conflict of interest policy;*

*''(2) an anti-discrimination policy;*

*''(3) a workplace harassment policy;*

*''(4) a gift, travel reimbursement, honorarium, and outside income policy;*

*''(5) a financial propriety policy, including a prohibition on loans to corporation officers and employees;*

*''(6) a bid-city policy which includes a transparent and objective set of criteria published in advance by which the corporation will choose a United States city to submit a bid to the International Olympic Committee for an Olympic games, which adheres in all respects to the rules and ethics guidelines of the Olympic Charter and the International Olympic Committee, and which applies to the leaders and staff of a city, or organizations representing a bid city, that file an official bid with the corporation to host Olympic games;*

*''(7) potential sanctions and penalties for violations of the ethics policy, which may include removal from corporation duties;*

*''(8) a procedure for reporting and investigating potential ethics violations; and*

*''(9) procedures to assure due process for any individual accused of an ethics violation, including—*

*''(A) a timely hearing before the ethics committee;*

*''(B) the right to be represented by counsel; and*

*''(C) access to all documentation and statements that would be used in an ethics proceeding against that individual.*

*''(d) WRITTEN STATEMENT REQUIRED.—All members of the board, employees, and officers, directors of member organizations, and leaders or representatives of United States bid cities must sign a statement that they have read the corporation's ethics policy and agree to abide by its rules.*

*''(e) ETHICS COMMITTEE ADJUDICATION OF VIOLATIONS.—When the ethics committee determines that an individual has violated the corporation's ethics policy, it will report to the Board and may make recommendations for action to be taken.*

*''(f) INVESTIGATION, REPORTING, AND REVIEW PROCEDURES.—The ethics committee shall establish a procedure for the prompt review and investigation of ethics violations, and establish regular reporting and review procedures to document the number and types of complaints or issues brought to the ethics committee and the ethics officer.*

*''(g) OUTSIDE COUNSEL.—The ethics committee may hire outside counsel to conduct investigations, report findings, and make recommendations.*

*''(h) BID CITY DEFINED.—In this section, the term 'bid city' means 1 or more cities, States, regional organizations, or other organizations that file an official bid with the corporation to be chosen as the site nominated by the United States to the International Olympic Committee to host an Olympic Games.''.*

(b) TRANSITION.—The individuals serving as members of the board of directors of the United States Olympic Committee on the date of enactment of this Act shall continue to serve as the board of directors until a board of directors has been elected under subsection (c)(2) of this section.

(c) INITIAL NOMINATING AND GOVERNANCE COMMITTEE.—

(1) IN GENERAL.—Until the initial board of directors has been elected and taken office, the nominating and governance committee required by section 220541(f) of title 36, United States Code, shall consist of—

(A) 1 individual selected by the Athlete's Advisory Council from among its members;

(B) 1 individual selected by the National Governing Bodies' Council from among its members;

(C) 1 individual selected by the public-sector directors of the United States Olympic Committee from among such directors serving on the date of enactment of this Act;

(D) 1 individual selected by the Independent Commission on Reform of the established by the United States Olympic Committee in March, 2003, from among its members, who shall chair the committee; and

(E) 1 individual selected by the Governance and Ethics Task Force established by the United States Olympic Committee in February, 2003, from among its members.

(2) ELECTION OF NEW BOARD OF DIRECTORS.—The nominating and governance committee established by paragraph (1) shall—

(A) elect an initial board or directors who shall serve for the terms provided in section 220541(c)(2) of title 36, United States Code; and

(B) elect 1 of the members described in section 220541(b)(2)(A) of that title to serve as chair until the terms of the members elected under subparagraph (A) have expired.

(d) CONFORMING AMENDMENTS.—

(1) REPRESENTATION REQUIREMENTS.—Section 220504(b) is amended—

(A) by striking ''representation of—'' and inserting ''representation on its board of directors and in its assembly of—''; and

(B) by striking subparagraph (B) of paragraph (2) and inserting the following:

''(B) ensure that—

''(i) the membership and voting power of such amateur athletes is not less than 20 percent of the membership and voting power of each committee, subcommittee, working group, or other subordinate decision-making group, of the corporation; and

''(ii) the voting power held by members of the board of directors who were nominated by the Athlete's Advisory Council is not less than 20 percent of the total voting power held in the board of directors;''.

(2) CONSTITUTION AND BYLAWS.—Section 220505(a) is amended—

(A) by striking ''bylaws.'' and inserting ''bylaws consistent with this chapter, as determined by the board of directors. The board of directors shall adopt and amend the constitution and bylaws of the corporation, consistent with this chapter.'';

(B) by inserting ''the board of directors proposes and approves by majority vote such an amendment and'' after ''only if''; and

(C) by striking ''publication,'' in paragraph (1) and inserting ''publication and on its website,''.

(3) OMBUDSMAN TO REPORT TO BOARD OF DIRECTORS.—Section 220509(b) is amended—

(A) by inserting ''the board of directors and'' in paragraph (1)(C) after ''report to'';

(B) by striking ''corporation's executive director'' in paragraph (2)(A)(i) and inserting ''board of directors'';

(C) by striking clauses (ii) and (iii) of paragraph (2)(A) and inserting the following:

''(ii) The board of directors shall hire or not hire such person after fully considering the advice and counsel of the Athlete's Advisory Council.'';

(D) by striking ''corporation'' the first place it appears in paragraph (2)(B) and inserting ''board of directors'';

(E) by striking ''to the corporation's executive committee by either the corporation's executive director'' in paragraph (2)(B)(ii) and inserting ''by 1 or more members of the board of directors''; and

(F) by striking ''corporation's executive committee'' in paragraph (2)(B)(iii) and inserting ''board of directors''.

(4) ELIGIBILITY REQUIREMENTS.—Section 220522(a)(4)(B) is amended by striking ''corporation's executive committee'' and inserting ''board of directors''.

(5) CHAPTER ANALYSIS.—The chapter analysis for chapter 2205 [of title 36, United States Code,] is amended by adding at the end the following:

''SUBCHAPTER III. GOVERNANCE

''220541. Board of directors

''220542. Assembly

''220543. Chief executive officer

''220544. Whistleblower procedures and protections

*''220545. Ethics and compliance''.*

**SEC. 5. REPORTS.**

Section 220511 is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following:

''(a) BIENNIAL REPORT.—On or before the first day of June of every other year, the corporation shall transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 2 years, including—

''(1) annual financial statements—

''(A) audited in accordance with generally accepted accounting principles by an independent certified public accountant; and

''(B) certified by the chief executive officer and the chief financial officer of the corporation as to their accuracy and completeness;'';

(2) by striking ''4-year period;'' in subsection (a)(2) and inserting ''2-year period;''; and

(3) by inserting ''free of charge on its website (or via a similar medium that is widely available to the public), and otherwise'' in subsection (b) after ''persons''.

***SEC. 6. SENIOR OLYMPICS.***

*Notwithstanding section 220506(a) of title 36, United States Code, the National Senior Games Association of Baton Rouge, Louisiana, is authorized to use the words ''Senior Olympics'' to promote national athletic competition among senior citizens.*

Mr. MCCAIN. The amendment to the United States Olympic Committee Reform Act of 2003, S. 1404, being offered by Senator CAMPBELL permits the new USOC board, together with the new USOC assembly, to determine the location of the organization's headquarters. This amendment is consistent with what is already in the USOC's Federal charter, which currently allows the USOC to determine where in the United States the organization's headquarters should be maintained.

To move the headquarters, the newly constituted board would first determine whether it is in the best interest of the USOC to relocate the headquarters. A unanimous vote by the board would be required to refer the matter to the assembly for consideration, and then, only by a three-fifths majority of the assembly could the USOC headquarters be relocated.

Mr. STEVENS. Mr. President, I thank Senators MCCAIN and CAMPBELL for their work on this important issue. My work on the Olympic Sports Act began in the 1970s. I believe the reforms in our bill today are necessary adjustments that will return the focus of the United States Olympic Committee to our original intent—our American athletes!

The USOC Internal Taskforce and the Senate appointed Independent Commission did excellent jobs in reviewing the problems and offering solutions to the recent problems that have plagued the USOC. I thank the USOC Taskforce and the Independent Commission on the United States Olympic Committee for their hard work. S. 1404 includes many of the suggested changes from both groups.

This is a good bill and I support all but one aspect of it. I cannot support and will work to remove the section that gives special consideration to the Senior Olympics. The only fundraising tool that Congress gave the USOC was the exclusive rights to the name, seals, emblems and badges of the USOC. The language that allows the Senior Olympics to use the Olympic symbols without the USOC permission will lead to the destruction of the fundraising ability of the USOC. Above all, the use of these symbols should not be subject to being ''licensed out'' by any entity but the USOC. I would have opposed this language in committee but unfortunately I was chairing a Defense Appropriations hearing when the language was offered. I will not hold up the passage of this important legislation but will work to remove the language creating a death knell to the USOC's ability to raise the funds necessary to meet the objectives of our Nation ion international competitions.

This is an important agreement on the location of the USOC headquarters. Now this bill can go to conference, after which, with the President's approval, it will become law and our American athletes can focus all of their efforts on the 2004 Olympic Games.

I thank Senator MCCAIN's Commerce staff for their hard work on this issue. Especially Ken Nahigian and also Brian Feintech of Senator CAMPBELL's staff. Their hard work along with that of George Lowe on my staff have insured that this important legislation is ready to move forward.

Mr. CAMPBELL. Mr. President, I thank Senator MCCAIN for his patience and understanding in this matter and ask to be an original cosponsor of this legislation.

The USOC was crying out for reform. There was the mismanagement of funds, poor judgments, and frequent turnover of management. I would like to recognize the USOC's internal efforts for reform. Reform has been long overdue.

My opposition to this legislation was to protect not only my constituents, but the USOC employees and athletes training in Colorado Springs, CO, as well. Again and again, I have heard rumblings about moving the headquarters of the USOC to another city, possibly New York City. This would be a terrible mistake and I cannot and will not allow this to happen.

The moving expenses would far outweigh the benefits of moving the headquarters and I do not want another dime wasted on the governance and management of the USOC. I cannot, and I do not think that we can make it clear enough: the money raised is first and foremost for the benefit and training of athletes, not for extra cushions on the chairs of those sitting in offices with pretty views of skylines.

The costs to the State of Colorado must be recognized too. The presence

of the USOC in Colorado Springs generates over $300 million per year in revenue. My State cannot afford taking a hit like that now. To be exact, the USOC generates $315.9 million a year for the Pikes Peak Region; employs over 500 fund-raising staff; is home to 250 Olympic hopefuls, resident athletes in various sports; provides about 4,800 jobs in the Colorado Springs area, directly and indirectly; and serves about 38,000 tourists each year.

I would like to point out Colorado's own commitment to the United States Olympic Committee. The Colorado State legislature passed law allowing out-of-State doctors to practice medicine at the center without having to pass a Colorado test for a medical license; passed a law allowing out-of-State athletes at the training center to pay instate college tuition so they could continue their education while training; and created a check-off box on State income tax returns allowing taxpayers to donate $1, which initially raised about $200,000 a year.

The argument that moving to a major metropolitan area to have better access to marketing and mass media is completely invalid. NBC agreed to pay $2.2 billion for U.S. television rights to the 2010 Winter Olympic Games and the 2012 Summer Olympic Games. That deal includes a sponsorship by NBC parent company, General Electric, which is based in Connecticut. San Francisco-based VISA continues to support the Olympic movement as does Bank of America, based in Charlotte, NC. Obviously, the USOC is not having any problem securing media coverage or sponsorships.

Lastly, I would like to point out Section 834 of Public Law 99–167, passed during the 1st Session of the 99th Congress, in 1985. The current home of the USOC used to be part of Ent Air Force Base in Colorado Springs. Section 834 conveyed land that the USOC had been leasing from the U.S. Air Force to the USOC under the conditions that the property be used by the USOC solely for USOC activities and if it is not used for that purpose, the property shall be repossessed by the Government. This did not imply that the USOC could use it for a while or use it only in part. If the USOC is not going to use it, then the property should be given back to us.

Mr. BURNS. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the Campbell amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 1767) was agreed to, as follows:

On page 22, between lines 18 and 19, insert the following:

**SEC. 6. RELOCATION OF HEADQUARTERS.**

Section 220508 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The corporation shall''; and

(2) by adding at the end the following:

''(b) RELOCATION OF HEADQUARTERS.—The corporation may not relocate its principal office and national headquarters after the date of enactment of the United States Olympic Committee Reform Act unless—

''(1) the board of directors determines that relocation of the principal office and national headquarters is in the best interests of the corporation;

''(2) the board, by rollcall vote, agrees unanimously to refer the proposed relocation of the principal office and national headquarters to the assembly for its concurrence; and

''(3) the assembly, by a vote of not less than three-fifths of its members duly chosen and qualified, concurs in the determination of the board.''.

The bill (S. 1404), as amended, was read the third time and passed, as follows:

S. 1404

*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 ''United States Olympic Committee Reform Act''.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) There is a widespread loss of confidence in the United States Olympic Committee.

(2) Restoring confidence in the United States Olympic Committee is critical to achieving the original intent of the Ted Stevens Amateur and Olympic Sports Act.

(3) Confusion exists concerning the primary purposes and priorities of the United States Olympic Committee.

(4) The current governance structure of the United States Olympic Committee is dysfunctional.

(5) The ongoing national corporate governance debate and recent reforms have important implications for the United States Olympic Committee.

(6) There exists no clear line of authority between the United States Olympic Committee volunteers and the United States Olympic Committee paid staff.

(7) There is a widespread perception that the United States Olympic Committee lacks financial transparency.

**SEC. 3. AMENDMENT OF TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.).

**SEC. 4. GOVERNANCE OF THE UNITED STATES OLYMPIC COMMITTEE.**

(a) IN GENERAL.—The Act (36 U.S.C. 220501) is amended by adding at the end the following:

''SUBCHAPTER III. GOVERNANCE

**''§ 220541. Board of directors**

''(a) IN GENERAL.—The board of directors is the governing body of the corporation and shall establish the policies and priorities of the corporation. The board of directors shall have the full authority to manage the affairs of the corporation.

''(b) STRUCTURE OF THE BOARD.—

''(1) IN GENERAL.—The board of directors shall consist of 9 elected members and the ex officio members described in paragraph (3).

''(2) ELECTED MEMBERS.—The elected directors, elected as provided in subsection (g), are—

''(A) 5 independent directors, as defined in the constitution and bylaws of the corporation;

''(B) 2 directors elected from among those nominated by the Athletes' Advisory Council, who at the time of nomination meet the specifications of section 220504(b)(2)(B) of this title; and

''(C) 2 directors elected from among those nominated by the National Governing Bodies' Council.

''(3) EX OFFICIO MEMBERS.—The ex officio members are—

''(A) the speaker of the assembly; and

''(B) the International Olympic Committee member or members from the United States who are required to be ex officio members of the executive organ of the corporation under the terms of the Olympic Charter.

''(c) TERMS OF OFFICE.—

''(1) ELECTED DIRECTORS.—The term of office of an elected director shall be 4 years. An individual elected to replace a director who does not serve a full 4-year term shall be elected initially to serve only the balance of the expired term of the member that director replaces. No director shall be eligible for reelection, except a director whose total period of service, if elected, would not exceed 6 years. The chair of the board shall be eligible to serve an additional 2 years as required to complete his or her term as chair.

''(2) STAGGERED TERMS.—Notwithstanding paragraph (1), of the directors first elected to the board after the date of enactment of the United States Olympic Committee Reform Act—

''(A) 2 of the directors elected under paragraph (2)(A) shall be elected for terms of 2 years;

''(B) 3 of the directors elected under paragraph (2)(A) shall be elected for terms of 4 years;

''(C) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 2 years;

''(D) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 4 years;

''(E) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 2 years; and

''(F) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of a term of 4 years.

''(3) EX OFFICIO MEMBERS.—The speaker of the assembly shall serve as a non-voting ex officio member of the board while holding the position of speaker of the assembly. An International Olympic Committee member shall serve as an ex officio member of the board for so long as the member is a member of that Committee.

''(d) VOTING.—

''(1) ELECTED MEMBERS.—Each elected director shall have 1 vote on all matters on which the board votes, consistent with the constitution and bylaws of the corporation.

''(2) EX OFFICIO MEMBERS.—Each voting ex officio member shall have 1 vote on matters on which the ex officio members vote, consistent with the constitution and bylaws of the corporation, and the votes of the ex officio members shall be weighted such that, in the aggregate, the votes of all voting ex officio members are equal to the vote of one elected director.

''(3) TIE VOTES.—In the event of a tie vote of the board, the vote of the chair of the board shall serve to break the tie.

''(4) QUORUM.—The board may not take action in the absence of a quorum, which shall be 7 members, of whom at least 3 shall be members described in subsection (b)(2)(A).

''(e) CHAIR OF THE BOARD.—The board shall elect 1 of the members described in subsection (b)(2) to serve as chair of the board first elected after the date of enactment of the United States Olympic Committee Reform Act. The chair of the board shall preside at all meetings of the board and have such other duties as may be provided in the constitution and bylaws of the corporation. No individual may hold the position of chair of the board for more than 4 years.

''(f) COMMITTEES.—

''(1) IN GENERAL.—The board of directors shall establish the following 4 standing committees:

''(A) The Audit Committee.

''(B) The Compensation Committee.

''(C) The Ethics Committee.

''(D) The Nominating and Governance Committee.

''(2) COMMITTEE MEMBERSHIP.—The Compensation Committee shall consist of 3 board members selected by the board. The Audit Committee, Ethics Committee, and Nominating and Governance Committee shall each consist of—

''(A) 3 board members described in subsection (b)(2)(A), selected by the board;

''(B) 1 board member described in subsection (b)(2)(B), selected by the board; and

''(C) 1 board member described in subsection (b)(2)(C), selected by the board.

''(3) ADDITIONAL COMMITTEES.—The board may establish such additional committees, subcommittees, and task forces as may be necessary or appropriate and for which sufficient funds exist.

''(g) NOMINATION AND ELECTION.—

''(1) IN GENERAL.—The nominating and governance committee shall recommend candidates to the board of directors to fill vacancies on the board as provided in the constitution and bylaws of the corporation. For each vacancy that is to be filled by a nominee of the Athletes' Advisory Council or the National Governing Bodies' Council, the Athletes' Advisory Council or the National Governing Bodies' Council shall recommend 3 individuals to the nominating and governance committee, which shall nominate 1 of the recommended individuals to the board of directors.

''(2) RECUSAL OF MEMBERS ELIGIBLE FOR RE-ELECTION.—Any member of the nominating and governance committee who is eligible for re-election by virtue of serving for an initial term of less than 2 years shall be recused from participation in the nominating and recommendation process.

''(3) BOARD TO ELECT MEMBERS.—Except as provided in section 4(c)(2) of the United States Olympic Committee Reform Act, the board of directors shall elect directors from the candidates proposed by the nominating and governance committee.

**''§ 220542. Assembly**

''(a) IN GENERAL.—

''(1) FORUM FUNCTION.—The assembly shall be a forum for all stakeholders of the corporation. The assembly shall have an advisory function only, except as otherwise expressly provided in this chapter.

''(2) VOTING ON MATTERS RELATING TO THE OLYMPIC GAMES.—The assembly shall have the right to vote on, and shall have ultimate authority to decide, matters relating to the Olympic Games. The board of directors shall determine whether a matter is a question relating to the Olympic Games on which the assembly is entitled to vote. The determination of the board shall be final and binding.

''(3) MEETINGS.—The assembly shall convene annually in a meeting open to the public. The board of directors may convene special meetings of the assembly.

''(4) ANNUAL BUDGET.—The board of directors shall establish an annual budget for the assembly, as provided in the constitution and bylaws of the corporation. In establishing the budget, the board of directors shall take into account the interest of the corporation in minimizing the costs associated with the assembly.

''(b) STRUCTURE OF THE ASSEMBLY.—

''(1) IN GENERAL.—The assembly shall consist of—

''(A) representatives of the constituencies of the corporation specified in section 220504 of this title (other than former United States Olympic Committee members);

''(B) the International Olympic Committee's members for the United States; and

''(C) not more than 3 individuals who have represented the United States in an Olympic Games not within the preceding 10 years, selected through a process to be determined by the board of directors in accordance with the constitution and bylaws of the corporation.

''(2) AMATEUR ATHLETE REPRESENTATION.—Amateur athletes shall constitute not less than 20 percent of the membership in the assembly.

''(c) VOTING.—

''(1) REPRESENTATIVES OF THE NATIONAL GOVERNING BODIES.—Representatives of the national governing bodies shall constitute not less than 51 percent of the voting power held in the assembly.

''(2) AMATEUR ATHLETES.—Amateur athletes shall constitute not less than 20 percent of the voting power held in the assembly.

''(d) SPEAKER OF THE ASSEMBLY.—The speaker of the assembly shall be a member of the assembly (who, as a member, is entitled to vote) who is elected by the members of the assembly for a 4-year term. An individual may not serve as speaker for more than 4 years. The speaker shall preside at all meetings of the assembly and serve as a nonvoting ex officio member of the board of directors as provided in section 220541. The speaker shall have no other duties or powers (other than the right to vote), except as may be expressly assigned by the board of directors.

**''§ 220543. Chief executive officer**

''(a) IN GENERAL.—The corporation shall have a chief executive officer who shall not be a member of the board of directors. The chief executive officer shall be selected by, and shall report to, the board of directors, as provided in the constitution and bylaws of the corporation. The chief executive officer shall be responsible, with board approval, for filling other key senior management positions as provided in the constitution and bylaws of the corporation.

''(b) DUTIES.—The chief executive officer shall, either directly or by delegation—

''(1) manage all staff functions and the day-to-day affairs and business operations of the corporation, including but not limited to relations with international organizations; and

''(2) implement the mission and policies of the corporation, as determined by the Board.

**''§ 220544. Whistleblower procedures and protections**

''The corporation, through the board of directors, shall establish procedures for—

''(1) the receipt, retention, and treatment of complaints received by the corporation regarding accounting, auditing or ethical matters; and

''(2) the protection against retaliation by any officer, employee, director or member of the corporation against any person who submits such complaints.

**''§ 220545. Ethics and compliance**

''(a) IN GENERAL.—The ethics committee shall be responsible for oversight of—

''(1) all matters relating to ethics policy and practices of the corporation's employees, board members, and volunteers;

''(2) officers or directors of a member organization insofar as their activities relate to corporation business; and

''(3) paid and volunteer leadership staff of a bid city organization for activities that relate directly to the bid city process.

''(b) INTERNAL ETHICS OFFICER.—

''(1) IN GENERAL.—The board of directors shall employ and fix the compensation of a chief ethics officer to implement the ethics policy for the corporation.

''(2) DUTIES.—The ethics committee shall establish policies and procedures to delineate the duties of the chief ethics officer.

''(3) LINE OF AUTHORITY.—

''(A) IN GENERAL.—The chief ethics officer shall report to the chief executive officer of the corporation.

''(B) CERTAIN PARTIES.—Notwithstanding subparagraph (A), the chief ethics officer shall report to the ethics committee whenever an alleged violation involves—

''(i) senior management or directors of the corporation;

''(ii) officers or directors of a member organization;

''(iii) a bid city; or

''(iv) the International Olympic Committee.

''(c) ETHICS POLICY.—The ethics committee shall establish an ethics policy for the corporation, subject to the approval of the board of directors, modeled upon the best practices used in corporate and government offices. The policy shall include—

''(1) a conflict of interest policy;

''(2) an anti-discrimination policy;

''(3) a workplace harassment policy;

''(4) a gift, travel reimbursement, honorarium, and outside income policy;

''(5) a financial propriety policy, including a prohibition on loans to corporation officers and employees;

''(6) a bid-city policy which includes a transparent and objective set of criteria published in advance by which the corporation will choose a United States city to submit a bid to the International Olympic Committee for an Olympic games, which adheres in all respects to the rules and ethics guidelines of the Olympic Charter and the International Olympic Committee, and which applies to the leaders and staff of a city, or organizations representing a bid city, that file an official bid with the corporation to host Olympic games;

''(7) potential sanctions and penalties for violations of the ethics policy, which may include removal from corporation duties;

''(8) a procedure for reporting and investigating potential ethics violations; and

''(9) procedures to assure due process for any individual accused of an ethics violation, including—

''(A) a timely hearing before the ethics committee;

''(B) the right to be represented by counsel; and

''(C) access to all documentation and statements that would be used in an ethics proceeding against that individual.

''(d) WRITTEN STATEMENT REQUIRED.—All members of the board, employees, and officers, directors of member organizations, and leaders or representatives of United States bid cities must sign a statement that they have read the corporation's ethics policy and agree to abide by its rules.

''(e) ETHICS COMMITTEE ADJUDICATION OF VIOLATIONS.—When the ethics committee determines that an individual has violated the corporation's ethics policy, it will report to the Board and may make recommendations for action to be taken.

''(f) INVESTIGATION, REPORTING, AND REVIEW PROCEDURES.—The ethics committee shall establish a procedure for the prompt review and investigation of ethics violations,

and establish regular reporting and review procedures to document the number and types of complaints or issues brought to the ethics committee and the ethics officer.

''(g) OUTSIDE COUNSEL.—The ethics committee may hire outside counsel to conduct investigations, report findings, and make recommendations.

''(h) BID CITY DEFINED.—In this section, the term 'bid city' means 1 or more cities, States, regional organizations, or other organizations that file an official bid with the corporation to be chosen as the site nominated by the United States to the International Olympic Committee to host an Olympic Games.''.

(b) TRANSITION.—The individuals serving as members of the board of directors of the United States Olympic Committee on the date of enactment of this Act shall continue to serve as the board of directors until a board of directors has been elected under subsection (c)(2) of this section.

(c) INITIAL NOMINATING AND GOVERNANCE COMMITTEE.—

(1) IN GENERAL.—Until the initial board of directors has been elected and taken office, the nominating and governance committee required by section 220541(f) of title 36, United States Code, shall consist of—

(A) 1 individual selected by the Athlete's Advisory Council from among its members;

(B) 1 individual selected by the National Governing Bodies' Council from among its members;

(C) 1 individual selected by the public-sector directors of the United States Olympic Committee from among such directors serving on the date of enactment of this Act;

(D) 1 individual selected by the Independent Commission on Reform of the established by the United States Olympic Committee in March, 2003, from among its members, who shall chair the committee; and

(E) 1 individual selected by the Governance and Ethics Task Force established by the United States Olympic Committee in February, 2003, from among its members.

(2) ELECTION OF NEW BOARD OF DIRECTORS.—The nominating and governance committee established by paragraph (1) shall—

(A) elect an initial board or directors who shall serve for the terms provided in section 220541(c)(2) of title 36, United States Code; and

(B) elect 1 of the members described in section 220541(b)(2)(A) of that title to serve as chair until the terms of the members elected under subparagraph (A) have expired.

(d) CONFORMING AMENDMENTS.—

(1) REPRESENTATION REQUIREMENTS.—Section 220504(b) is amended—

(A) by striking ''representation of—'' and inserting ''representation on its board of directors and in its assembly of—''; and

(B) by striking subparagraph (B) of paragraph (2) and inserting the following:

''(B) ensure that—

''(i) the membership and voting power of such amateur athletes is not less than 20 percent of the membership and voting power of each committee, subcommittee, working group, or other subordinate decision-making group, of the corporation; and

''(ii) the voting power held by members of the board of directors who were nominated by the Athlete's Advisory Council is not less than 20 percent of the total voting power held in the board of directors;''.

(2) CONSTITUTION AND BYLAWS.—Section 220505(a) is amended—

(A) by striking ''bylaws.'' and inserting ''bylaws consistent with this chapter, as determined by the board of directors. The board of directors shall adopt and amend the constitution and bylaws of the corporation, consistent with this chapter.'';

(B) by inserting ''the board of directors proposes and approves by majority vote such an amendment and'' after ''only if''; and

(C) by striking ''publication,'' in paragraph (1) and inserting ''publication and on its website,''.

(3) OMBUDSMAN TO REPORT TO BOARD OF DIRECTORS.—Section 220509(b) is amended—

(A) by inserting ''the board of directors and'' in paragraph (1)(C) after ''report to'';

(B) by striking ''corporation's executive director'' in paragraph (2)(A)(i) and inserting ''board of directors'';

(C) by striking clauses (ii) and (iii) of paragraph (2)(A) and inserting the following:

''(ii) The board of directors shall hire or not hire such person after fully considering the advice and counsel of the Athlete's Advisory Council.'';

(D) by striking ''corporation'' the first place it appears in paragraph (2)(B) and inserting ''board of directors'';

(E) by striking ''to the corporation's executive committee by either the corporation's executive director'' in paragraph (2)(B)(ii) and inserting ''by 1 or more members of the board of directors''; and

(F) by striking ''corporation's executive committee'' in paragraph (2)(B)(iii) and inserting ''board of directors''.

(4) ELIGIBILITY REQUIREMENTS.—Section 220522(a)(4)(B) is amended by striking ''corporation's executive committee'' and inserting ''board of directors''.

(5) CHAPTER ANALYSIS.—The chapter analysis for chapter 2205 is amended by adding at the end the following:

''SUBCHAPTER III. GOVERNANCE

''220541. Board of directors
''220542. Assembly
''220543. Chief executive officer
''220544. Whistleblower procedures and protections
''220545. Ethics and compliance''.

**SEC. 5. REPORTS.**

Section 220511 is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following:

''(a) BIENNIAL REPORT.—On or before the first day of June of every other year, the corporation shall transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 2 years, including—

''(1) annual financial statements—

''(A) audited in accordance with generally accepted accounting principles by an independent certified public accountant; and

''(B) certified by the chief executive officer and the chief financial officer of the corporation as to their accuracy and completeness;'';

(2) by striking ''4-year period;'' in subsection (a)(2) and inserting ''2-year period;''; and

(3) by inserting ''free of charge on its website (or via a similar medium that is widely available to the public), and otherwise'' in subsection (b) after ''persons''.

**SEC. 6. RELOCATION OF HEADQUARTERS.**

Section 220508 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The corporation shall''; and

(2) by adding at the end the following:

''(b) RELOCATION OF HEADQUARTERS.—The corporation may not relocate its principal office and national headquarters after the date of enactment of the United States Olympic Committee Reform Act unless—

''(1) the board of directors determines that relocation of the principal office and national headquarters is in the best interests of the corporation;

''(2) the board, by rollcall vote, agrees unanimously to refer the proposed relocation of the principal office and national headquarters to the assembly for its concurrence; and

''(3) the assembly, by a vote of not less than three-fifths of its members duly chosen and qualified, concurs in the determination of the board.''.

**SEC. 7. SENIOR OLYMPICS.**

Notwithstanding section 220506(a) of title 36, United States Code, the National Senior Games Association of Baton Rouge, Louisiana, is authorized to use the words ''Senior Olympics'' to promote national athletic competition among senior citizens.

Mr. MCCAIN. Mr. President, I am pleased that the Senate has passed S. 1404, the United States Olympic Committee Reform Act of 2003. I thank the cosponsors of this important legislation, Senators STEVENS and CAMPBELL, for their passion for the Olympic movement and their contribution to the reform of the United States Olympic Committee, USOC. S. 1404 is intended to make significant improvements to the governance structure of the USOC by vastly reducing the size of the current board of directors and by creating an assembly of USOC stakeholders. The bill is intended to allow the USOC to operate more effectively within a more streamlined and transparent structure.

S. 1404 is the product of three Commerce Committee hearings held this year in response to a series of embarrassing leadership and ethics scandals that have plagued the USOC and distracted the organization from its mission. The new board of directors, which would be the primary governing body of the organization, would appoint a chief executive officer to carry out the board's policies and run the organization's day-to-day business operations. The board would defer to the judgment of the assembly on matters relating specifically to the Olympic Games.

While maintaining the representation and voting authority of athletes and national governing bodies, this legislation also would provide increased financial transparency to the USOC and establish whistle-blower protection for its employees. The bill is designed to streamline the USOC to allow a larger percentage of the revenue generated by the organization to be allocated to support amateur athletes.

In addition, we have worked to make this bill comply with the charter of the International Olympic Committee, IOC, and will continue to do this. It is important to note that corporate governance in the United States has changed dramatically over the past year, and these changes are leading this country's private and public sectors to adopt higher standards of responsibility and accountability. These same standards should be applied to the USOC to ensure that the narrow agendas of individual USOC constituencies are no longer paramount to the common objectives of the organization. To accomplish this objective, we propose that the USOC adhere to best corporate governance practices, such as requiring that the newly constituted USOC board have at least a majority of independent directors. In the end, the

newly reformed board would govern the day-to-day operations of the USOC, and would be able to work with the IOC to address any concerns that it might have regarding the USOC's operations.

The fast-approaching Olympic Games in Athens next summer, as well as the ongoing bid by New York City to host the games in 2012, lend urgency to this legislation, and I look forward quickly to resolving any differences between the Senate and House measures. I urge my colleagues to support this very important legislation.

## SUPPORTING THE GOALS AND IDEALS OF CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 229, 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. 229) supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and 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. 229) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 229

Whereas chronic obstructive pulmonary disease (''COPD'') is primarily associated with emphysema and chronic bronchitis;

Whereas an estimated 10,000,000 adults in the United States have been diagnosed by a physician with COPD;

Whereas an estimated 24,000,000 adults in the United States have symptoms of impaired lung function, indicating that COPD is underdiagnosed;

Whereas COPD is progressive and is not fully reversible;

Whereas as COPD progresses, the airways and alveoli in the lungs lose elasticity and the airway walls collapse, closing off smaller airways and narrowing larger ones;

Whereas symptoms of COPD include chronic coughing, shortness of breath, increased effort to breathe, increased mucus production, and frequent clearing of the throat;

Whereas risk factors for COPD include long-term smoking, a family history of COPD, exposure to air pollution or secondhand smoke, and a history of frequent childhood respiratory infections;

Whereas more than half of all adults who suffer from COPD report that their condition limits their ability to work, sleep, and participate in social and physical activities;

Whereas more than half of all adults who suffer from COPD feel they are not in control of their breathing, panic when they cannot catch their breath, and expect their condition to worsen;

Whereas nearly 119,000 adults died in the United States of COPD in 2000, making COPD the fourth leading cause of death in the United States;

Whereas COPD accounted for 8,000,000 office visits to doctors, 1,500,000 emergency department visits, and 726,000 hospitalizations by adults in the United States in 2000;

Whereas COPD cost the economy of the United States an estimated $32,100,000,000 in 2002;

Whereas too many people with COPD are not diagnosed or are not receiving adequate treatment; and

Whereas the establishment of a Chronic Obstructive Pulmonary Disease Awareness Month would raise public awareness about the prevalence of chronic obstructive pulmonary disease and the serious problems associated with the disease: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

## EXPRESSING THE CONDOLENCES OF THE SENATE UPON THE DEATH OF GENERAL RAYMOND G. DAVIS, UNITED STATES MARINE CORPS, RETIRED

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 232, submitted earlier today by Senators MILLER, BURNS, CHAMBLISS, and CORZINE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 232) expressing the condolences of the Senate upon the death on September 3, 2003, of the late General Raymond G. Davis (United States Marine Corps, retired) and expressing the appreciation and admiration of the Senate for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, and the motion to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 232) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 232

Whereas General Raymond Gilbert Davis (United States Marine Corps, retired) of Stockbridge, Georgia, an American hero who represented the supreme ideals of an American and a Marine, died on Wednesday, September 3, 2003, at the age of 88;

Whereas Raymond Gilbert Davis, born on January 13, 1915, in Fitzgerald, Georgia, was commissioned as a second lieutenant in the United States Marine Corps in 1938 following graduation from the Georgia School of Technology;

Whereas during World War II, he participated in the Guadalcanal Tulagi landings, the capture and defense of Guadalcanal, the Eastern New Guinea and Cape Gloucester campaigns, and the Peleliu operation;

Whereas during the fighting on Peleliu, although wounded during the first hour of the landing, he refused evacuation to remain with his men and, on one occasion, when heavy Marine casualties and the enemy's point-blank cannon fire had enabled the Japanese to break through, he personally rallied and led his men in fighting to reestablish defense positions;

Whereas his actions while commanding the 1st Battalion of the 1st Marines at Peleliu in September 1944 earned him the Navy Cross and the Purple Heart and a promotion to lieutenant colonel;

Whereas returning to the United States in November 1944, Lieutenant Colonel Davis was assigned to the Quantico Marine Barracks, Quantico, Virginia, as Tactical Inspector, Marine Corps Schools, and was named chief of the Infantry Section, Marine Air-Infantry School, Quantico, in May 1945, and served in that post for two years before returning to the Pacific area in July 1947 to serve with the 1st Provisional Marine Brigade on Guam;

Whereas following other peace-time duties, in August 1950 he embarked for Korea to command the 1st Battalion, 7th Marines, 1st Marine Division, in the Korean conflict and, in that capacity, heroically enabled the historic breakout of the 1st Marine Division from an entrapment by overwhelming numbers of Chinese soldiers at the Chosin Reservoir in North Korea;

Whereas on the night before the breakout then Lieutenant Colonel Davis led his battalion in an epic across-country fight against vastly superior numbers of entrenched enemy soldiers, across ice- and snow-covered terrain, in subzero temperatures to save a beleaguered rifle company and seize a critical mountain pass that enabled the escape of two Marine regiments, arriving three days later at the port of Hagaru-ri with every one of his wounded Marines;

Whereas as a result of his actions in Korea, Lieutenant Colonel Davis was awarded the Medal of Honor for his actions in the Chosin Reservoir, twice earned the Silver Star Medal by exposing himself to heavy enemy fire while leading and encouraging his men in the face of strong enemy opposition, received the Legion of Merit with Combat ''V'' for exceptionally meritorious conduct and professional skill in welding the 1st Battalion into a highly effective combat team, and earned the Bronze Star Medal with Combat ''V'' for his part in rebuilding the regiment after the Chosin Reservoir campaign;

Whereas following service in the Korean conflict, Lieutenant Colonel Davis served in a series of increasingly responsible staff and training positions, while being promoted to colonel in October 1953 and brigadier general in July 1963;

Whereas his first assignment as a general officer was in the Far East where he served as Assistant Division Commander, 3d Marine Division, on Okinawa, from October 1963 to November 1964;

Whereas he was assigned to Headquarters, Marine Corps, from December 1964 until March 1968 and during that service was awarded a second Legion of Merit and was promoted to major general;

Whereas when ordered to the Republic of Vietnam in March 1968, Major General Davis served briefly as Deputy Commanding General, Provisional Corps, and then became Commanding General, 3d Marine Division where he was awarded the Distinguished Service Medal and three personal decorations by the Vietnamese Government for

service in the latter capacity from May 2, 1968 until April 14, 1969;

Whereas upon his return to the United States in May 1969, he was assigned duty as Deputy for Education with additional duty as Director, Education Center, Marine Corps Development and Education Command, Quantico, Virginia, and upon his promotion to lieutenant general on July 1, 1970, he was assigned as Commanding General, Marine Corps Development and Education Command;

Whereas on February 23, 1971, President Nixon nominated General Davis for appointment to the grade of general and assignment to the position of Assistant Commandant of the Marine Corps and, after confirmation by the Senate for service in that position, he received his fourth star upon assuming those duties on March 12, 1971;

Whereas upon his retirement on March 31, 1972, after more than 33 years of active commissioned service, he ended his military career as Assistant Commandant of the Marine Corps, the second highest ranking Marine;

Whereas General Davis' decorations include the Medal of Honor, the Navy Cross, the Distinguished Service Medal with Gold Star in lieu of a second award, the Silver Star Medal with Gold Star in lieu of a second award, the Legion of Merit with Combat ''V'' and Gold Star in lieu of a second award, the Bronze Star Medal with Combat ''V'', the Purple Heart, the Presidential Unit Citation with four bronze stars indicative of second through fifth awards, the Navy Unit Commendation, numerous campaign and service medals, and numerous foreign decorations;

Whereas following retirement from his beloved Corps, General Davis directed the Georgia Chamber of Commerce for several years and later took on the challenge of design, funding, and dedication of the Korean War Veterans Memorial in Washington, DC;

Whereas General Davis continued to work in support of issues concerning the national interest, including a visit to North Korea in an effort to persuade that government to allow more travel and to become more active in identifying missing American soldiers; and

Whereas General Raymond G. Davis is survived by his wife of 61 years, Knox Heafner Davis, two sons Raymond Gil Davis Jr. of Covington, Georgia, and Gordon Miles Davis of Seminole, Alabama, a daughter Willa Kerr of Stockbridge, Georgia, seven grandchildren, and two great-grandchildren: Now, therefore, be it

*Resolved*,

**SECTION 1. CONDOLENCES AND RECOGNITION.**

The Senate—

(1) has learned with profound sorrow of the death of General Raymond G. Davis (United States Marine Corps, retired) on September 3, 2003, and extends its condolences to his family; and

(2) recognizes and expresses its appreciation and admiration for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation.

**SEC. 2. TRANSMITTAL OF RESOLUTION.**

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the family of General Raymond G. Davis.

## COMMENDING ROCHESTER MINNESOTA A's

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 233 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. 233) commending the Rochester, Minnesota A's American Legion baseball team for winning the 2003 National American Legion World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and 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. 233) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 233

Whereas on Wednesday, August 27, 2003, the Rochester, Minnesota A's won the National American Legion World Series by defeating Cherry Hill, North Carolina 5 to 2 in Bartlesville, Oklahoma;

Whereas the American Legion Baseball League is the oldest and most prestigious baseball league in the United States with over 5,200 teams competing nationwide, nearly 50 percent of major league baseball players having played American Legion baseball as teenagers, and nearly 70 percent of all college players having played American Legion baseball as teenagers;

Whereas the A's became only the fourth team from Minnesota to ever win the National American Legion World Series in the 77-year history of the Series;

Whereas the A's finished a stellar season with a record of 52 wins and 5 losses;

Whereas the A's displayed determination and resolve by battling back from a 2 to 0 deficit in the championship game to prove themselves the best high school age baseball team in the Nation;

Whereas the American Legions of America, including Rochester American Legion Post 92, should be commended for their service to the youth of the United States and to the entire Nation;

Whereas the players and coaches of the A's represented Rochester and the State of Minnesota in outstanding fashion with their masterful play, competitive spirit, and good sportsmanship on and off the field, despite 100 degree-plus heat; and

Whereas the players, coaches, managers, and their families exemplified the heart of Minnesota during a special season that has made all of Minnesota proud: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Rochester, Minnesota A's for winning the 2003 National American Legion World Series;

(2) recognizes the achievements of all the players, coaches, and support staff of the team; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Rochester American Legion Post 92 for appropriate display; and

(B) each coach and member of the 2003 National American Legion World Series championship team.

## UNANIMOUS CONSENT AGREEMENT—S. 150

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate Commerce Committee reports out S. 150, the Internet Tax Nondiscrimination Act of 2003, the bill be referred to the Committee on Finance for up to 30 calendar days, and if the Committee on Finance does not report out the bill within that time, it will be discharged and placed on the Legislative Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR WEDNESDAY, SEPTEMBER 24, 2004

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, September 24. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for 1 hour, with the first 30 minutes under the control of Senator HUTCHISON or her designee and the remaining 30 minutes under the control of the minority leader or his designee; provided that following morning business, the Senate proceed to consideration of Calendar No. 278, H.R. 2765, the District of Columbia appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BURNS. For the information of all Senators, tomorrow following morning business, the Senate will begin consideration of H.R. 2165, the DC appropriations bill. The two bill managers will be here tomorrow morning to begin working through the amendments on the bill. Rollcall votes should be expected throughout the day as the Senate attempts to finish action on the DC appropriations bill. Members will be notified when the first vote is scheduled.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BURNS. 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 8:14 p.m., adjourned until Wednesday, September 24, 2003, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate September 23, 2003:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

CYNTHIA BOICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR

NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007, VICE THOMAS EHRLICH, TERM EXPIRED.

HENRY LOZANO, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008, VICE CHRISTOPHER C. GALLAGHER, TERM EXPIRING.

LEGAL SERVICES CORPORATION

BERNICE PHILLIPS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005, VICE MARIA LUISA MERCADO, TERM EXPIRED.

DEPARTMENT OF JUSTICE

JUDITH C. HERRERA, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO, VICE JAMES A. PARKER, RETIRED.

LOUIS GUIROLA, JR., OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, VICE WALTER J. GEX III, RETIRING.

DAVID L. HUBER, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE STEPHEN BEVILLE PENCE, RESIGNED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOROTHY A. JOHNSON, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007. (REAPPOINTMENT)

## CONFIRMATION

Executive nomination confirmed by the Senate September 23, 2003:

THE JUDICIARY

KIM R. GIBSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

# EXTENSIONS OF REMARKS

## HONORING THE LIFE OF JOHN M. BAILEY

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to pay tribute to Former Chief State's Attorney John M. Bailey, one of the most dedicated and well-respected public officials to have served the state of Connecticut, who passed away Monday, September 22, 2003.

To know Jack Bailey was to respect him. As Connecticut's longest-serving Chief State's Attorney, Jack defined law enforcement for nearly three decades with his boldness, commitment, and integrity. Jack's initial dabble in politics began with his White House internship for President Lyndon B. Johnson, the work at the 1964 and 1968 Democratic national conventions, and ended after a primary race for the 2nd Congressional District in 1974. Although politics was the family business, with Jack's father, the legendary Democratic state and National Committee Chairman John M. Bailey, and sister, the former Connecticut Secretary of State and U.S. Representative Barbara B. Kennelly, Jack's true passion was for law. A graduate from Catholic University School of Law, Jack became a career prosecutor and at the age of 35, was appointed Hartford State's Attorney.

Jack was my longtime friend and colleague and I remember his Chief State's Attorney appointment in 1993, when I was still serving in the state Senate. I knew then that he would change Connecticut's justice system, and he did. Prior to this appointment, Jack served as the State Attorney for the Hartford Judicial District where he challenged the system and launched grand jury investigations in Enfield and investigated corruption within the Hartford Police Department. His office targeted drug and gang violence, prison riots, and developed a successful unit to investigate unsolved homicides.

In 2002, Jack's failing health forced him to resign as Chief State's Attorney. There is no known cause or cure for ALS, a motor neuron disorder that makes swallowing, talking and breathing increasingly difficult. He faced this disease the way he faced life, with courage. I will forever have the sincerest respect for Jack, who battled this illness with Irish will, dignity, and faith.

Love of family, community, state, and nation were hallmarks in his life. Our hearts go out to the entire Bailey family, especially his beloved wife Dee and his sons John and Brian.

Mr. Speaker, I ask that my colleagues join me today in remembering and honoring the life of Jack Bailey, a remarkable man who will be greatly missed by his family, friends, and the state of Connecticut he served so well. God Bless him and his family.

## TRIBUTE TO REVEREND FATHER DEMETRIOS KAVADAS

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. LEVIN. Mr. Speaker, I rise to congratulate Reverend Father Demetrios Kavadas of Assumption Greek Orthodox Church, who will receive the 2003 ''Alexander Macomb Citizens of the Year'' award at the 20th annual March of Dimes dinner on Wednesday, September 24, 2003.

Father Kavadas will be the recipient of the 2003 Man of the Year Award. Father Kavadas takes great pride in accepting this award as the first clergyman and the first citizen of Hellenic background to be honored as Man of the Year.

He married Rodothea Palaiologou and they had four children: Iphigenia, Stephen, John, and Basil. Four years after being ordained he was appointed the ''Protopresbyter'' of the Assumption congregation which is now located in St. Clair Shores. He served in this capacity for 42 years before his retirement.

Through Father Kavadas's infectious passion, sense of humor, and charismatic sermons, Assumption has grown to become one of the largest churches in the Metro-Detroit area. His commitment to building a vibrant church not only served parishioners, but the surrounding community as well. Our family has had the privilege and pleasure of his friendship for many years.

While at Assumption, he created a cultural center that residents of all ages and religious backgrounds have come to depend on for exercise classes, cooking lessons, driver's training courses, basketball games, seminars, senior expos, etc. He also oversaw an award winning PreSchool which was open to all in the community.

In his years serving the metro Detroit community, Father Kavadas has received many awards and served in various ways. His achievements include being an active member of groups that have touched the community, especially groups that have fought illnesses, from thalassemia (a disease particular to the Greek community) to MIRA (Mental Illness Research Association, founding member). He coordinated COPS FOR KIDS for more than 25 years, helping needy children of St. Clair Shores.

Mr. Speaker, I ask my colleagues to join me in recognizing Reverend Father Demetrios Kavadas for his service to his community as he receives the Alexander Macomb Citizens of the Year-Man of the Year Award.

## RECOGNIZING EDITH BURCH FOR BEING NAMED CALIFORNIA'S 2003 OUTSTANDING OLDER WORKER

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize California's 2003 Outstanding Older Worker, Edith Burch. A youthful and vigorous 81, Ms. Burch is the owner and operator of Capital Business Services in the City of Napa and often works well in excess of 60 hours a week.

Ms. Burch learned her work habits early. She grew up on a farm in Pendleton, IN, and her first job, at age 6, was to pull a wagon of water to the workers in the field.

When her family moved into town when she was 18, she found a job at the local bank. She worked at the bank until she married her husband, George, a World War II veteran of the South Pacific campaigns.

Together they purchased a jewelry store, which they ran successfully until family tragedy forced them to sell the business and move in with her husband's parents in Napa. Her father-in-law taught Ms. Burch and her husband accounting and they opened Capital Business Services in 1957 in her in-law's spare bedroom. Ms. Burch has managed the business continuously since then.

Ms. Burch and her husband had to adapt to the rapid advances in the accounting field with the advent of personal computers. Since many small businesses began using personal computers to do their own bookkeeping, Ms. Burch moved her company into tax preparation, and estate, nonprofit and corporate returns and IRS audits.

She passed the Enrolled Agent Exam at age 57, which allowed her to practice before the IRS. To keep her license current, she has to have 80 hours of continuing education every 3 years, but to stay current with the changing tax laws, she earns many more continuing education credits than the minimum requirement.

In addition to her long hours of work, Ms. Burch also finds time to volunteer with her church and its preschool, Soroptomist International, Meals on Wheels, battered women's programs, special needs scholarships and single moms. She and her husband, who passed away 5 years ago, helped start the first Boys and Girls Club in Napa.

Mr. Speaker, Edith Burch is a woman of exceptional talent, energy and dedication to our community. It is therefore appropriate for us to honor her today as California's Outstanding Older Worker.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## HONORING THREE EDUCATORS FOR LIFELONG COMMITMENT TO EDUCATION

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. GORDON. Mr. Speaker, I rise today to congratulate three innovative educators who tonight will receive the Harold W. McGraw Jr. Prize in Education. One of these highly motivated educators, Dr. Mark Edwards, just happened to serve as the first principal of Northfield Elementary School in my hometown of Murfreesboro, TN.

Along with Dr. Edwards, Kati Haycock and Dr. Carol Twigg are being honored during an awards ceremony at the New York Public Library. The three have been chosen to receive the prestigious 16th annual award for introducing students to technology at an early age, developing affordable post-secondary distance-learning programs and influencing education policy to embrace high standards for all students.

Dr. Edwards now serves as the superintendent of Henrico County Public Schools in Richmond, Virginia. He has spearheaded the innovative use of technology to raise achievement in Henrico County through the Technology and Learning Initiative, one of the largest educational laptop programs in the country.

Ms. Haycock serves as one of the nation's leading advocates for children and high achievement in education. In 1990 she founded the Education Trust, an organization known nationwide for its authority on education reform.

And Dr. Twigg is an internationally recognized expert in using information technology to transform teaching and learning in higher education. She currently serves as the executive director of the Center for Academic Transformation at Rensselaer Polytechnic Institute.

I salute these three for their remarkable and untiring contributions to education. Our children, after all, reap the rewards of the hard work and determination that people like Dr. Edwards, Ms. Haycock and Dr. Twigg possess. They are truly gifted educators who have made a tremendous difference in the lives of so many.

## TRIBUTE TO ISHMAEL-LATEEF AHMAD

### HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Ishmael-Lateef Ahmad for being awarded the 2003 Excellence in Communications Award by the Greater St. Louis Association of Black Journalists. Winning the News Analysis category, Ahmad was essentially recognized for his outstanding ability to provide fair and effective coverage of local events. Ahmad has an exceptional skill of covering issues of importance to the African-American community in metropolitan St. Louis.

In addition to his unwavering commitment to expanding the positive image of African-Americans in the media, Ahmad has selflessly dedicated time for community service. He has volunteered 20 years with the minority journalism workshop. Ahmad has influentially shaped the careers of minority youth interested in journalism. Through this free workshop, he has introduced many high school students and college freshmen to the world of communications.

Mr. Speaker. It is with great privilege that I recognize Ishmael-Lateef Ahmad today before Congress. Receiving this honorable award and his commitment to efficiently educating the next generation of journalists, makes him more than worthy of receiving our recognition today. I ask that my colleagues join me in honoring Ishmael-Lateef Ahmad.

## A TRIBUTE TO ELVIN JONES

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. CONYERS. Mr. Speaker, as the Dean of the Congressional Black Caucus, and chairman of its annual Jazz Issue Forum and Concert, I rise to call to this body's attention the achievements of a distinguished American musical artist, Elvin Jones.

Born on September 9, 1927, in Pontiac, Michigan, Elvin Jones is the youngest brother of a remarkable musical family, which also includes Hank Jones (a pianist) and the late Thad Jones (a coronetist and big band leader). Elvin Jones began his career playing drums with local bands active in Detroit's fertile jazz scene. After serving in the Army from 1946–1949, he returned to the Detroit area, establishing himself as the house drummer at the renowned Bluebird Club.

In the mid-50s, Elvin Jones relocated to New York City, where he rapidly established himself as a leading exponent of bop drumming. During this period, he worked with several notable musicians including J.J. Johnson, Donald Byrd, Harry ''Sweets'' Edison, Bud Powell and Sonny Rollins. In 1960, Elvin Jones became a member of John Coltrane's most celebrated quartet, working alongside pianist McCoy Tyner and bassist Jimmy Garrison. Jones played with ''Trane'' for five years, gaining the renown that has led him to be regarded as one of the outstanding drummers in jazz history.

After leaving Coltrane, Elvin Jones worked mainly as a leader of his own small groups, where he was able to exercise full control over the musical policy. In 1966, however, Jones toured Europe with Duke Ellington's Orchestra. Back on his own in the late 60s, and on through the 70s and 80s, Jones toured ceaselessly, playing clubs, concerts and festivals around the world. With the 90s came the emergence of the very popular ''Elvin Jones' Jazz Machine.'' During his many years as a leader, Jones' sidemen have included Joe Farrell, George Coleman, Frank Foster, Andrew White, and members of jazz's younger vanguard like Delfeayo Marsalis and Nicholas Payton. Among the labels that Elvin Jones has recorded on are Atlantic, Riverside, Impulse, Blue Note, Enja, PM, Vanguard, Honey Dew, Denon, Storyville, Evidence and Landmark.

In 1998, Elvin Jones was elected by the critics into the ''Down Beat Hall of Fame.'' By his colleagues and fans around the world, Jones is recognized as one of the master drummers of jazz.

## 90TH ANNIVERSARY—ST. JOSEPH'S CARMELITE HOME FOR GIRLS

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest honor and pride that I congratulate the St. Joseph's Carmelite Home for Girls in East Chicago, Indiana as they celebrate their 90th anniversary. On September 27, 2003, the women of St. Joseph's and other community members will gather together for a reunion of gratitude and friendship during their 90th Jubilee Celebration.

In 1913, the vision of St. Joseph's Carmelite Home for Girls became a reality when Mother Mary Theresa of St. Joseph was granted permission from Bishop Herman Alerding to actively work with the poor children of Lake County. It was the generous donation of two small frame houses by Mr. Walter Riley, chairman of the First National Bank in East Chicago that brought the home to life. The two small houses became homes to some seventy children and at the time both boys and girls lived in the homes.

St. Joseph's Carmelite Home for Girls began as an orphanage, grew to a group home, and today provides residential treatment to many Northwest Indiana girls. It was in 2001 that the doors of the Holy Innocents Center and Emergency Shelter opened to newborns, infants, toddlers, as well as young children in need.

Sister Maria Giuseppe, the home's administrator, along with six nuns, four postulants, and 45 lay people, give support, guidance, and comfort to over 50 young girls who are now in residence at the home. Their selfless dedication to the girls in the home, as well as all the citizens of East Chicago, is an outstanding model for all Americans.

With my father Mr. John Visclosky as a former member of the Carmelite Home's board of directors, I know firsthand the importance of St. Joseph's Carmelite Home for Girls to the Northwest Indiana community. The generosity and love that the St. Joseph Carmelite Home provides for its residents is remarkably selfless and giving and deserves the highest recognition.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating St. Joseph's Carmelite Home for Girls as they celebrate their 90th anniversary. Their sincere commitment to the children of East Chicago and all of Northwest Indiana is worthy of the highest gratitude and admiration. I am truly honored to represent such exceptional and giving citizens in Congress.

## TRIBUTE TO DANA CAMPHOUS PETERSON

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. LEVIN. Mr. Speaker, I rise to congratulate Dana Camphous Peterson, who will receive the 2003 Alexander Macomb Citizens of the Year Award at the 20th annual March of Dimes dinner on Wednesday, September 24, 2003.

Dana Camphous Peterson will be the recipient of the 2003 Woman of the Year Award. Dana is one of the founding directors of the Care House in Mount Clemens.

Like the March of Dimes, Care House provides care and comfort to the most vulnerable and important members of the community: our children. While successful in the business world, Dana wanted to refocus her energies so that she could give more to the community. When local community leaders began exploring the idea of founding Care House, Dana immediately jumped on board. And we are glad she did.

The continuing goal of Care House is to increase public awareness for the need to expand this kind of service to other communities. Child abuse is a national problem and in many communities around the country, the abuse is left untreated. But thanks to Dana's hard work and dedication, Macomb has a place to serve the victims of child abuse.

Her dedication and commitment to the community is demonstrated also through her involvement with the Zonta Club of Macomb, the Downtown Mount Clemens Planning Breakfast Club and the children's clothing store ''It's a Small World's Children's Fashions.''

Mr. Speaker, I ask my colleagues to join me in recognizing Dana Camphous Peterson for her care and comfort to abused children as she receives the Alexander Macomb Citizens of the Year—Woman of the Year Award.

## HONORING THE RAYMOND FAMILY ON THE OCCASION OF THEIR 30TH ANNUAL ''CRUSH''

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor and celebrate a great family tradition that has been taking place in St. Helena, CA for the last 30 years. This weekend the Raymond family celebrated their 30th annual ''crush'' at the Raymond Vineyard winery. The crush marks the annual harvesting of grapes and the beginning of the process of turning grapes into fine Napa Valley wine.

Over the last 30 years three generations of Raymonds have worked extremely hard to build their small business into one of the true success stories of the Napa Valley. And along the way, they have produced some outstanding, award winning wines.

Roy Raymond, Sr., arrived in the Napa Valley in 1933 and began his winery career as a cellar worker at Beringer Brothers Winery. After a distinguished career at Beringer, Roy Sr. and his two sons, Roy Jr. and Walter, decided it was time to start making wine under the Raymond name. So in 1974, with a small, metal farm shed serving as a winery, and an office and tasting room in their backyard pool house, the Raymonds held their very first crush of grapes that became their first vintage of 1974 wine.

It may have been a small beginning, but big things are happening at the Raymond winery. Today the winery is producing 300,000 cases of premium wine each year. Roy Jr.'s son, Craig, and Walter's daughter, Chrissie, are the third generation of Raymonds working hard to build on the family's success. The hard work and determination of all of the Raymonds has made them one of the real leaders of our Napa Valley community.

Mr. Speaker, I want to salute Roy Jr., Walter, Craig and Chrissie Raymond for carrying on the great traditions of their family business. Roy Sr. is no longer alive, but I know he would be extremely proud of his family to see the Raymond Vineyard winery going strong as it marks its 30th crush. I congratulate all of the Raymonds on reaching this great milestone and look forward to celebrating many more with them.

## HONORING THE CITIZENSHIP OF CORPORATE FLIGHT MANAGEMENT

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. GORDON. Mr. Speaker, I rise today to recognize the citizenship of Corporate Flight Management. Located in Smyrna, TN, this small-business enterprise epitomizes the American spirit.

Corporate Flight Management has always gone above and beyond the call of duty. An example of the company's generosity is located in the National Air and Space Museum's How Things Fly gallery. Visitors are invited to climb into the cockpit of a Cessna 150 trainer, operate the controls and get a pilot's eye view of flight. The Smyrna-based company donated its services to restore and modify this aircraft.

My office first got to know Corporate Flight Management through the company's community-outreach efforts. In 1991 the company designed and built a full-motion simulator scaled for children. Nearly 200,000 young pilots have earned their wings aboard this unique machine. The company has also sponsored an Explorers Post and flight-based enrichments programs at local elementary schools.

Corporate Flight Management provides 120 jobs through its charter, maintenance, and ground-support activities. In addition to hiring skilled professionals, the Middle Tennessee company affords students enrolled in the aerospace program at Middle Tennessee State University with opportunities to gain experience in their chosen field.

As we approach the Centennial of Flight, it is appropriate to remember that small businesses account for a significant percentage of innovation and job creation in aviation, space and related fields. Through its business ventures and community outreach efforts, Corporate Flight Management provides leadership by example. I commend the company for all it has done for its community and country.

## TRIBUTE TO WILEY PRICE

### HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Wiley Price for being awarded the 2003 Excellence in Communications Award by the Greater St. Louis Association of Black Journalists. Winning the Photojournalism award for the News, Features and Sports categories, Price was honorably recognized for his outstanding ability to capture photographs that speak to the masses. In a world where a photograph has more impact than the story of a thousand words, Price has exceptionally conveyed messages of importance to the African-American community in metropolitan St. Louis.

Impressively, Price exhibits his dedication to increasing the positive image of African-Americans in the media by unselfishly donating his time teaching minority youth the importance of Photojournalism. He has volunteered twenty years with the Minority Journalism workshop. Price has influentially shaped the careers of minority youth interested in Photojournalism. Through this free workshop, he has taught many high school students and college freshmen how to take photographs that tell stories which need no explanation.

Mr. Speaker. It is with great honor that I recognize Wiley Price before the U.S. House of Representatives. Receiving this esteemed award and his unwavering commitment to educating the next generation of Photojournalists, makes him more than worthy of receiving our recognition today. I ask that my colleagues join me in honoring Wiley Price.

## A TRIBUTE TO ANDREW WHITE

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. CONYERS. Mr. Speaker, as the Dean of the Congressional Black Caucus, and chairman of its annual Jazz Issue Forum and Concert, I rise to call to this body's attention the achievements of a distinguished American musical artist, Andrew White. White is renowned as ''the most voluminously self-industrialized artist in the history of the music business.''

Born in Washington, DC on September 6,1942, Andrew White was raised in Nashville TN, but returned to Washington where he makes his home today. He has had a long and diversified career as a musician, Coltrane scholar and music publisher. Here are a few highlights.

As a saxophonist, Andrew White was the musical director for Washington, DC's J.F.K. Quintet from 1961 through 1963. In addition, he has performed with drummers Kenny Clarke in Paris, France in 1965; Elvin Jones from 1980 to 1981; and Beaver Harris in 1983. White has recorded with pianist McCoy Tyner; drummers Elvin Jones and Beaver Harris, the saxophone sextet of Julius Hemphill and the Dutch saxophone sextet—''The Six Winds.'' Andrew White debuted his own sextet, ''The Zorrosax Allstars,'' at Washington, DC's Kennedy Center and the Corcoran Gallery of Art in October 2002.

As an oboist, Andrew White was the principal oboist with New York's American Ballet Theatre Orchestra from 1968 through 1970.

As an electric bassist from 1966 through 1976, Andrew White's services were enlisted by Stevie Wonder, the Fifth Dimension, Stanley Turrentine, and the jazz-fusion group Weather Report, among others.

As a transcriber, Andrew White is primarily known for his transcription and publication of the world's largest catalogue of saxophone transcriptions—totaling 1056 to date. These works include 661 solos of John Coltrane, 308 of Charlie Parker, 11 of Eric Dolphy and 76 of his own.

As a writer, Andrew White has authored over 150 books, treatises, essays and articles, including his current bestselling 840 page hard-back autobiography, ''Everybody Loves the Sugar—The Book.''

As an entrepreneur, Andrew White is the president and founder of Andrew's Musical Enterprises, Inc. of Washington, DC. Established on September 23, 1971, the business now maintains a catalog of over 2000 products.

This year, Andrew White is celebrating four musical milestones on September 23, 2003. First, White will celebrate the 32nd anniversary of his publishing firm, Andrew's Musical Enterprises, Inc. Second, he will celebrate the 30th anniversary of his flagship publication, ''The Works of John Coltrane, Volumes I through 14,'' which contains 661 transcriptions of John Coltrane's improvised saxophone solos. Third, he will celebrate the fourth anniversary of his four-compact disc set entitled ''Andrew White—The Living Legend—Gigtime 2000, Volumes 1–4.'' Fourth, Andrew White will celebrate the 2nd anniversary of his 840 page hardback autobiography entitled ''Everybody Loves the Sugar—The Book.''

Most recently, composer and conductor Andrew White floored the classical music world on June 21, 2003 with the world premiere of his composition ''3 Jazz Parodies for Double Reed Sextet.'' This grand performance was given at the 32nd Annual Convention of the International Double Reed Society at the University of North Carolina, Greensboro by The Mass Double Reed Society Orchestra, which has over 150 players.

Finally, Andrew White has been acknowledged and honored as ''International Musician of the Year 2003 for his Contributions to Jazz Historiography Through Transcription'' by the International Biographical Centre of Cambridge, England.

## 85TH ANNIVERSARY OF ST. JOHN THE BAPTIST CHURCH IN GARY, IN

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and enthusiasm that I congratulate St. John the Baptist Church in Gary, Indiana, as they celebrate their 85th anniversary. They will be celebrating this special event on September 28, 2003, with a morning mass, a candlelight service in the afternoon, followed by a dinner in the evening honoring long time members with awards and recognition.

St. John the Baptist Church was first organized on July 10, 1918, by Reverend J. R. Butler. Over the many years of St. John's history, there have been many influential pastors that have led the congregation in faith and spiritual growth. Some of these inspirational pastors were Reverend A. J. Allen, Reverend T. L. Ballou, Reverend Leon Davis, Reverend Ivor Moore, Reverend Julius James, and the current pastor, Reverend Raymond McDonald, II.

It was during the 38th year of St. John's service to the Northwest Indiana community, and under the pastorate of Reverend Julius James, that Dr. Martin Luther King, Jr. made his first visit to Gary, Indiana. It was also during this time that St. John's began its 144 unit non-for-profit housing development, St. John Homes, which supported fair employment and housing in Gary. Pastor James is most remembered and revered for his implementation of the Ecumenical Celebration, which honors the lifetime legacy and goodwill of Dr. Martin Luther King, Jr., and Reverend McDonald has continued this celebration and legacy.

Reverend McDonald, along with his parishioners, has given selflessly to the citizens of Gary by actively pursuing the church's mission of ''Serving People Between Sundays'' through a variety of community outreach programs. Some of these programs include weekly feeding programs where thousands of people are given nourishment, the Community Anchor's Program which helps form future leaders through after school programs, and the Golden Eagles Seniors' Program which fosters community involvement by senior citizens of Northwest Indiana.

Reverend McDonald and his congregation continue their vision for a new church building in the hope to even better serve the needs of the citizens of Gary and all of Northwest Indiana. By offering service and guidance to others, the members of St. John the Baptist Church have proven their sincere dedication and motivation for assisting others in need.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating St. John the Baptist Church of Gary, Indiana on their 85h anniversary. They deserve the highest commendation for their devotion and commitment to all the citizens of the First Congressional District of Indiana.

## TRIBUTE TO THE SWITALSKI FAMILY

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. LEVIN. Mr. Speaker, I rise to congratulate the Switalski family, who will receive the 2003 ''Alexander Macomb Citizens of the Year'' award at the 20th annual March of Dimes dinner on Wednesday, September 24, 2003.

The Switalski family will be the first recipients of the Donna Greco Issa Family of the Year Award. This award was renamed in honor of a volunteer who passed away this year. Donna was a great supporter of the March of Dimes and her community.

It is a fitting and a richly deserved recognition for a family that serves their communities through civil service as well as community involvement.

Norbert and Nancy Switalski married in 1950 and raised seven children. As parents, they inculcated the virtues of faith, discipline, hard work, and public service into their children. Norbert died in 1981 at the age of 58.

The Switalskis have made public service their calling. Mark and Matthew are both Macomb County Court Judges in the Family Court Division. Mickey is a State Senator having served as a State Representative, County Commissioner and on the Roseville City Council.

Their commitment to family is best reflected through their devotion to adoption. In 1997, Mark adopted three children from Poland; Matthew presides over all Macomb County adoptions as a Family Court Judge, and Mickey worked diligently to get an adoption income tax credit into law.

Mr. Speaker, I ask my colleagues to join me in recognizing the Switalski family for their extraordinary service and distinguished leadership as they receive the Donna Greco Issa Family of the Year Award.

## RECOGNIZING NIELS CHEW

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Niels Chew, President and CEO of Dowling Miner Magnetics as the third recipient of the Sonoma Valley Business of the Year award.

Mr. Chew purchased Dowling Miner Magnetics, a company that produces industrial, educational and toy magnets, in 1967 when it was a one-man operation. It has since grown to a more than $6 million business with more than 45 employees.

Not only has Mr. Chew run a very successful business that has provided many jobs to people in our community, including a significant number of persons with disabilities, but he has also been a tireless community volunteer.

He has served as a trustee of the Sonoma Valley Unified School District, a member of the board of the Sonoma Overnight Shelter and is a past president of the Sonoma Valley Chamber of Commerce.

Mr. Chew currently serves as a board member of the El Nido Teen Center, the Sonoma Valley Hospital Foundation, the Sonoma Plaza Kiwanis Club and is a mentor with the Stand By Me mentoring program.

He and his wife, Susan, are ardent supporters of Friends in Sonoma Helping (FISH), contributing their time, talent and financial assistance to this community organization.

Mr. Speaker, Niels Chew is a man of remarkable talent and commitment and it is therefore appropriate for us to honor him today as he has been selected by his peers to be Sonoma Valley's Businessman of the Year.

## NYUMBANI ORPHANAGE ANNIVERSARY BENEFIT

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. GEORGE MILLER of California. Mr. Speaker, this week here in Washington, many Members of this House are joining together to commemorate the annual benefit for the Nyumbani Orphanage for HIV positive children in Nairobi, Kenya, which recently celebrated its 11th anniversary. I have spoken on this floor numerous times to note the enormous achievements and contributions of the Nyumbani program, and I know that I speak for every House Member, regardless of party, when I offer our congratulations and our encouragement for this program to continue to serve the children of Kenya.

I particularly want to extend our congratulations to Father Angelo D'Agostino, SJ, MD and his outstanding staff who have built this unique facility for HIV positive children in the midst of AID-ravaged sub-Saharan Africa. I had the honor to visit Nyumbani several years ago, as have several other Members of the House and Senate, and I know we all salute Father D'Ag, his staff, and the children for the great work they are doing. I particularly want to congratulate the children who are members of the ''Watoto wa Mungu'' singing group whose recording ''Shauri Yakou'' has been No. 1 on the Kameme FM Swahili hit parade for four weeks now. The group also participated in a rock concert organized by the Kenya United States Association with some of the leading Kenyan singers and musicians.

One of the great reasons to celebrate this year is that for the first time, the Nyumbani program is receiving enthusiastic support from the new Kenyan government of President Emilio Mwai Kibaki, who was elected last December. I know that there was a great deal of frustration in the past at the reluctance of the national government to provide leadership on the issues of AIDS prevention and treatment, and at its unwillingness to provide the program with the kind of support—financial, land, technical assistance—that is needed to serve the very large HIV positive population. Under President Kibaki, the government has sent the first financial assistance to Nyumbani to help with its medical and education programs. I also understand the government is working diligently to acquire the anti-retroviral drugs needed to provide effective treatment to the HIV population.

President Kibaki and those in his Administration should note that we in the Congress recognize and appreciate his leadership in helping to address the very serious AIDS problem that confronts not only Kenya, but much of sub-Saharan Africa.

It was not long ago that it was a challenge to even operate such programs in many African nations, including Kenya. ''When Nyumbani was first established,'' Father D'Ag has written, ''very few of us thought these children would grow to adulthood, but through all your love, prayers, care, attention and valued contributions and donations, we are keeping the kids alive, happy and educated. We expect them to become valued members of Kenyan society.'' To the extent that AIDS awareness, prevention and treatment becomes a critical initiatives of these governments, the children of Africa face a very different and more hopeful future, as do their countries.

Now it is the turn of the United States to follow through on our commitment to greatly expand our AIDS assistance programs to Africa. Although this program was cited as a primary foreign policy and humanitarian initiative by President Bush earlier this year, there are many concerns that insufficient funding will flow to the frontline efforts, like Nyumbani, that are delivering services and health care, but are close to being overwhelmed by the need. We have promised to substantially increase aid to Africa for AIDS prevention and treatment, and I know that the child of Nyumbani, and we in this chamber, are waiting to see if that promise assistance actually reaches the people in need.

The people of Nyumbani continue to raise money through their ''Nyumbani Gift Shop'' that sells locally made items and gives all profits to the Nyumbani project. And of course, efforts to secure private contributions and donations to enable Nyumbani, like the dinner Wednesday night, continue in the United States and worldwide. More assistance for this program is always needed, and welcome, as are instruments for the band the children want to form.

So while some have offered rhetoric about addressing the AIDS crisis in Africa, Dr. D'Ag and the men and women of the Nyumbani program continue to achieve dramatic results on the ground, every day. They are receiving important new assistance from the Kenyan government, and hopefully will soon benefit from the promised U.S. assistance for the Africa AIDS initiative. Visiting this program was a moving and inspirational day, and I hope that every Member will do whatever is possible to ensure that the Nyumbani Orphanage, and the Lea Toto community outreach program, are able to continue their work towards making Africa AIDS-free and assuring that those who have become HIV positive live longer and more productive lives

Congratulations to Dr. D'Ag, the Nyumbani and Lea Toto staff, and especially, to the children and families of Nyumbani.

## THE TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT OF 2003

### HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. POMEROY. Mr. Speaker, I rise today in opposition to the authorization of an automatic cost-of-living (COLA) pay increase for Members of Congress contained within H.R. 2989. It is essential that Members have the opportunity to consider a pay raise independently of funding for important transportation projects in their districts.

I was disappointed with the automatic inclusion of a Congressional pay raise in the bill and I voted against the rule to allow consideration of H.R. 2989 with the inclusion of this provision. Unfortunately, the motion to prevent consideration of the bill failed 235–178. While I did not support the pay raise, I ultimately voted for the bill because it included $5.2 million for transportation projects in North Dakota. I am excited that my State received these funds for important road and transit improvements, but I am also disappointed that I was unable to consider the Congressional pay raise as a measure separate from Department of Transportation funding.

A fiscally responsible Congress should consider the automatic COLA pay increase independently of funding for other programs. It is my hope that Congress will take steps to ensure separate consideration for any increases in the future.

## H. CON. RES. 284

### HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. BROWN of Ohio. Mr. Speaker, I urge my colleagues to support H. Con. Res. 284, expressing the sense of Congress that the United States actively support Taiwan's membership in the United Nations and other international organizations.

A number of countries have asked the United Nations to reconsider U.N. Resolution 2758, which has not resolved the issue of Taiwan's representation in the U.N. This resolution gave what has been called the ''China Seat'' to the People's Republic of China and excluded Taiwan from membership.

For thirty years, Taiwan's 23 million people have had no representation at the U.N. This is a violation of the U.N. Charter and the Universal Declaration of Human Rights.

Taiwan does not seek the expulsion of the People's Republic of China, but asks that it be given its own voice in U.N. matters. Taiwan and the PRC can both be members of the U.N. The precedent exists: East and West Germany in the past, and North and South Korea in the present.

U.N. membership does not threaten or endanger reunification of Taiwan and China. In recent years, Taiwan has permitted banks and financial institutions to open offices in China. Taiwan has welcomed mainland journalists and eased restrictions on mainland spouses of Taiwan residents. It is conceivable that political relations will improve if Taiwan is given U.N. membership.

Taiwan's return to the U.N. will benefit all nations, especially the 23 million people of Taiwan. They deserve to have a voice in the U.N. and to be treated in the same manner as all other people in the world.

## DEMOCRACY DAY AND A FREE CUBA

### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. STEARNS. Mr. Speaker, last Wednesday, September 17, the U.S. Constitution turned 216 years old, and we celebrated Democracy Day, commemorating its signing. Our National Archives held an unveiling ceremony, where the Constitution, the Declaration of Independence and the Bill of Rights are now presented in a new, clearer display in the rotunda. There, President Bush, U.S. Chief Justice William H. Rehnquist and Senate and

House Leaders reminded us that the ideals spelled out in these documents—collectively called our ''Charters of Freedom''—are spreading unstoppably beyond United States borders.

I couldn't agree more. On the same day, I delivered a speech to the Center for Democracy and Technology's Democracy Day reception. To the audience of young people just starting to get involved in national affairs, I made similar points as heard down at the National Archives. The Constitution, a remarkable document, is the result of numerous forces, among them the Age of Enlightenment and the doctrine of natural law. In the 18th century, despotism provided the rule of the day throughout much of Europe. In challenging the goals and powers of Europe's institutions, the men of the Enlightenment advocated the liberty of the individual, the right to property, and the freedom of expression.

Rousseau and others outlined the legal equality of man and the sovereignty of the governed. Those who met in Philadelphia were well acquainted with these thoughts and incorporated them in the American Enlightenment. These concepts are clearly reflected in the Declaration of Independence and in our Constitution. Several of the amendments to the Constitution expand political participation to those who had been shut out of the process. The 15th amendment adopted in 1870 recognizes the voting rights of former slaves; the 19th extends the franchise to women, and the 26th reduced the voting age to 18. These were all steps to open the political process to the powerless.

With our freedom comes responsibility—an obligation to participate. People in this Nation have fought, bled, and died to preserve our freedom; and they have fought, bled, and died for the right to vote and to hold office. Although we are free to not participate, it is an insult to these men and women, the martyrs for freedom, if apathy replaces activism. I believe that we have a duty to share our freedom, to extend the benefits of freedoms to others.

Technology provides us many powerful tools, including the means to advocate for liberty. The repressive regimes of the world share a fear of information, and take great strides to control what their people are told. We saw in Iraq, and in Yugoslavia, and we still see in China and elsewhere, a repression of the Internet. Nearly one in 10 persons in the world has the ability to go on line. The Internet poses a significant threat to the forces of tyranny and provides a strong medium for advocating freedom. New ideas are a tyrant's worst nightmare, and through the Internet we can give them many sleepless nights.

On the day after Democracy Day, three former presidents of Eastern European nations, who know tyranny, wrote a joint OpEd in the Washington Post entitled ''Building a Free Cuba''. Vaclav Havel, former president of the Czech Republic, Arpad Gonez, former president of Hungary, and Lech Walesa, former president of Poland, resoundingly rebuked the Castro regime for imprisoning 75 representatives of the Cuban opposition, including coordinators of the Varela Project, journalists, and other pro-democracy leaders. They were subject to mock trials and jokes of prison terms. At the same time, the free-thinking Cubans are making more noise, and Castro and his regime know that their days are numbered.

Finally, the 3 former Presidents eloquently presented what we, the free, can all do to help the Cuban freedom-fighters. While the U.S. has chosen an economic embargo, our European friends have taken different, more lenient approaches. But, Havel, Goncz, and Walesa point out that while we disagree on this policy, we can agree on this: vocally support the dissidents. Provide encouragement and comfort for Cuban dissidents, prisoners of conscience, and their families. Use technology, like the powerful Internet, to spread words of freedom like our Constitutional amendments did to fellow Americans. Let's make it clear to Cuba that a dictator is not welcome to join free countries at the international. table. I am grateful and proud of the heritage of the United States, and encourage my fellow Americans and fellow liberty-enjoying citizens of the world in continuing the flourishing of the flower of democracy.

## TRIBUTE TO SACRAMENTO REGIONAL TRANSIT DISTRICT

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. MATSUI. Mr. Speaker, I rise in tribute to Sacramento Regional Transit District. On September 26, 2003, the Sacramento Regional Transit District will celebrate the grand opening of the South Line Light Rail Extension Project. As the people of Sacramento gather to commemorate this momentous occasion, I ask all of my colleagues to join me in welcoming one of the Capital Region's most important transportation projects.

The Sacramento Regional Transit District began operations on April 1, 1973. During its first decade of service, the Sacramento Regional Transit continued to expand bus service to the growing Sacramento region while a cooperative effort emerged among city, county and state government officials to develop a light rail system. In 1987 the 18.3-mile light rail system opened, linking the northeastern (Interstate 80) and eastern (Highway 50) corridors with Downtown Sacramento.

Today, the Sacramento Regional Transit District (RT) operates 77 bus routes and 20.6 miles of light rail covering a 418 square-mile service area. Buses and light rail run 365 days a year using 36 light rail vehicles, 152 buses powered by compressed natural gas (CNG) and 55 diesel buses. Passenger amenities include 31 light rail stops or stations, nine bus and light rail transfer centers and 10 free park-and-ride lots. RT also serves more than 3,800 bus stops throughout Sacramento County.

Annual ridership has steadily increased on both the bus and light rail systems from 14 million passengers in 1987 to more than 27 million passengers in fiscal year 2002. Weekday light rail ridership averages about 29,500, which accounts for approximately 30 percent of the total system ridership. Bus weekday ridership has reached an average of 62,500 passengers per day.

The South Line Light Rail Extension Project is a two-phased, 11.2-mile extension of the existing line to south. Phase I, which extends 6.3 miles from Broadway south to Meadowview Road, is expected to increase daily ridership by 15,000 passengers by 2015. Grounded on extensive community outreach, each of the seven new stations has been individually created to reflect the character of the neighborhoods they serve.

The South Line Light Rail Extension Project comes at an important in the renaissance of the South Sacramento area. South Sacramento's population is expected to grow from 67,313 in 1998 to over 85,000 in 2022. The South Line Rail Extension Project will provide residents of the area with less traffic congestion, improve mobility in and around the downtown area, reduce parking demands and costs, and improve air quality. For these reasons, the South Line Rail Extension Project serves as a shining example of the great value of public transportation and the benefits of investing in local, state, and federal partnerships.

Mr. Speaker, I am honored to welcome the South Line Rail Extension to the South Sacramento Community. I would like to thank all the people who, through their commitment and hard work, have made this project a reality. I am confident that this project will yield tremendous benefits for the people of Sacramento. I ask all my colleagues to join with me in wishing the Sacramento Regional Transit District continued success in all its future endeavors.

## TRIBUTE TO THE LATE REV. JAMES WASHINGTON STEPHERSON

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our community's most remarkable leaders, the late Rev. James Washington Stepherson. He genuinely exuded the noble attributes that define the character of God's chosen steward in his role as the Good Shepherd of various churches throughout Georgia and Florida.

On Saturday, September 20, 2003, at 10 a.m., Commissioner Barbara Carey-Shuler, chairwoman of the Miami-Dade County Board of Commissioners, will lead elected and appointed officials and community leaders, at ceremonies that will name 2799 N.W. 46th Street as the Rev. J.W. Stepherson Street. This event will symbolically consign his countless deeds of good work to the lasting appreciation of our generation and generations more to come.

Born to the late Israel and Janie Hill Stepherson on September 22, 1914, in Jacksonville, GA, Rev. Stepherson preached his first sermon in 1946 at Kings Chapel Baptist Church in Abba, GA, and was subsequently ordained in that year by the late Rev. H.J. Walker.

Historic milestones characterized Reverend Stepherson's pastoral service. In 1959 he visited Miami, FL, and became enamored of the Antioch Missionary Baptist Church of Brownsville. After preaching at this church on two occasions, the Board of Deacons offered him an invitation to become the pastor of the church. He accepted this providential offer, and the rest was history. As a visionary, he ordained and licensed countless clergymen and deacons throughout the State and across the Nation. Under his leadership more than 5,000 souls were led to Christ, as he fervently persevered to deepen his insights and expand his

knowledge by enrolling at Bryant Theological Seminary in Georgia, Florida Memorial College and Barry University in Miami-Dade County.

The 17th Congressional District of Florida and its contiguous cities and neighborhoods will surely miss the dedication of this Man of God. The timeliness of his wisdom and the focus of his expertise guided us in committing ourselves to the well-being of the less fortunate, the voiceless and the underrepresented. By establishing the People United to Lead the Struggle for Equality (PULSE), he led the memberships of the Baptist Ministers Council, the Religious Leaders Coalition and the General State Convention to stand by and continue the mission of the civil rights movement.

He was often heard to define the role of the church in its stewardship over the voiceless and the disenfranchised members of society as something analogous to the role that the civil rights leaders played as they resiliently struggled through the harrowing challenges of racial equality and the demands for simple justice and equal opportunity.

I was truly privileged to enjoy the friendship of this quintessential Man of God in his understanding of and commitment to the less fortunate and downtrodden in our community. The sharpness of his mind, the timeliness of his common sense and the courage of his conviction served to strengthen and guide us when our community and the state of Florida needed someone to put in perspectives the agony and pain of disenfranchised African-Americans and other voiceless minorities yearning to belong and pursue the promise of the American dream.

We lost this giant of a leader when Reverend Stepherson died in the service of his God and his fellowmen on September 8, 1998. Indeed, he exemplified a calm but reasoned leadership whose stewardship and advocacy buttressed our hope for a brighter future. While he is sorely missed by our community, particularly the congregation of Antioch Missionary Baptist Church of Brownsville, we will once again be given the opportunity to thank God for uplifting our lives through the stewardship of Reverend Stepherson, who faithfully and religiously consecrated his noble efforts on our behalf.

This fitting but symbolic ceremony is but one small measure of our genuine acknowledgement for his remarkable contributions to the good name of our community. Our collective pride in sharing his friendship is only exceeded by our gratitude for all that he has sacrificed on our behalf. This is the legacy with which we will honor his memory.

## RECOGNIZING THE CAREER AND CONTRIBUTIONS OF GARY T. PUMA

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. HOLT. Mr. Speaker, I rise today to recognize the career of Gary T. Puma, the president and chief executive officer of Presbyterian Homes and Services of Princeton for his more than twenty-five years of service to New Jersey's senior citizens and their families.

Mr. Puma's dedication to meeting the needs of the elderly began when he was an undergraduate at John Fisher College, where he was active in creating a gerontology department. His dream of helping the elderly led him to service on the N.J. State Department of Health and Senior Service—Assisted Living Task Force and the N.J. Housing Mortgage and Finance Authority—Assisted Living Financing Task Force. His expertise has also resulted in testimony before the U.S. House of Representatives and in assisting with the drafting of affordable housing regulations for New Jersey.

Mr. Puma's own Italian immigrant grandparents were his inspiration. Knowing how hard they worked to create a good life for his family here in America gave him a life-long determination to help other older people at a time when they were in need and deserved first-rate housing and care. Because of his grandparents, Mr. Puma has worked tirelessly to bring to life his vision of an organization with a wide spectrum of care and housing options to assist as many seniors as possible. Mr. Puma has refused to accept anything less than excellence in every aspect of the Presbyterian Homes and Services. Under his guidance, Presbyterian Homes and Services received the 1996 New Jersey Governor's Award for Excellence in Affordable Housing.

Wanting to help seniors age in place at home, Mr. Puma conceived of and championed the State's first subsidized assisted living program for seniors who lived in affordable housing. This innovative program has served as a model for other communities in New Jersey and throughout the country, and it has been recognized by AARP and the Assisted Living Federation of America.

As an inspiration to individuals in New Jersey and throughout the country, Gary T. Puma has contributed significantly to the quality of life of thousands of senior citizens regardless of their income or denomination. He has earned our heartfelt appreciation for his efforts. Please join me in congratulating him for his many years of service.

## OPINION PIECE FROM THE NEW YORK TIMES

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues the following opinion piece from the New York Times on Sunday, September 21, 2003. Written by Mark L. Kimmey, a lieutenant colonel in the United States Army Reserve and a systems engineer in civilian life, this piece portrays Reservists' frustration with the Defense Department's recent decision to prolong their deployment.

BOOTS ON THE GROUND, FAMILY BACK HOME

(By Mark L. Kimmey)

The Army's decision to keep its Reserve forces in Iraq on duty for a full year from their arrival may have profound consequences for both the Army and the war in Iraq. While the Army will gain increased flexibility with its ''boots on the ground,'' the long deployments may demoralize reservists. When mobilization and demobilization are included, 12 months on duty in Iraq will mean a 14- to 16-month separation from family and career for reservists.

''Fair doesn't mean equal,'' a battalion commander once told me. But the message to reservists is unmistakable: the Army no longer takes into account sacrifices made to maintain two careers and lives. Many reservists will watch the regular soldiers with whom they came to Iraq go home before they do. The Army may not care about the disparity between the way the forces are treated, but those of us in the Reserve do.

Everyone knows that the regular and Reserve units of the Army are not equal. Regulars are better trained, better equipped and expected to execute their missions more professionally. That's the way it should be: it's their job—their only job.

Reservists have jobs in the civilian world. For a reservist, every day in uniform is a day away from what might be (or might have been) a promising career. Despite the Uniformed Services Employment and Re-employment Rights Act, which prohibits discrimination against an employee because of military service, we understand that when a dispute with an employer arises, the reservist always loses—even if the employer is forced to take us back. What's more, many of us don't serve long enough to qualify for a military pension—and even if we do, it's not enough to compensate for opportunities missed while we were deployed.

Hardships on Reserve families have increased with longer and more frequent deployments. Reservists don't always have ready access to a military base and its support programs. Left to fend for themselves, Reserve families are becoming more vocal about their unhappiness with the situation. Politicians may not be listening to their complaints, but you can bet we husbands and wives overseas are hearing their pain.

The Army is fond of bragging about the advantages of the all-volunteer force. But reservists are volunteers, too. We sign up for the Reserve when we leave the Army because we want to continue to serve with people we respect. We sign up because we want to serve our country. We sign up for extra income or educational benefits. Some of us sign up to be part of history, for the possibility of adventure. But nobody signs up for occupation duty, especially occupation of a country that never officially surrendered.

It is not a question of performing our duty. I have served as a peacekeeper in the Balkans, a job that most of us found hard but acceptable. Even though most active-duty soldiers were deployed to Bosnia or Kosovo on 180-day assignments—90 days shorter than us reservists—my unit didn't suffer from a flood of resignations after Balkan duty. In fact, we laughed that reservists were providing more continuity there than the regulars.

The problem in Iraq is that the Army doesn't seem to know what to do with us. The Army has only one civil affairs battalion on active duty. Its job is to get in fast, stabilize the situation and then hand responsibilities to a mobilized Reserve unit as quickly as possible.

That's where my Reserve civil affairs brigade comes in. I am a communications officer in a unit filled with higher-ranking officers. Why so many senior soldiers in a civil affairs brigade? Because our knowledge, skills and experience, gained in the civilian world, make us valuable in rebuilding countries like Iraq and Afghanistan.

In the case of my brigade, we've had nothing to do for almost a month. We were originally deployed in support of the First Marine Expeditionary Force, but when it went south to Kuwait at the end of August to begin its journey home, we were left to cool our heels. Our three battalions were dispersed on far-flung assignments. One battalion was sent to Bosnia on a scheduled peacekeeping rotation; another was split, with half reinforcing the 101st Air Assault Division. The remaining soldiers are filling holes in my own unit.

So here in a makeshift base camp, we have a brigade headquarters with few reservists to command and no regular Army commander to support. The feeling throughout the ranks is that we are being held in place while someone tries to think of something for us to do. We've been assured that new orders will be published ''any day now,'' but we've heard that before.

The advantage of experienced reservists to a unit is immeasurable. But here in Iraq, I am hearing more soldiers talk about calling it quits when they return to the States. Even though some soldiers are only four or five years from qualifying for retirement pay and benefits, they're getting out. The constant deployments are difficult for families and careers, they say, and waiting around for retirement benefits is no longer worth it.

The evidence I see in other units around me is the same: the United States Army is about to see a mass exodus from its Reserve.

For me, the length of time I spend in Iraq is less important than getting the job done right. I don't want my son to have to come here in five years because we messed it up. But if the Army continues its policy of year-plus tours for its Reserve forces in Iraq and elsewhere, it will soon find those ranks empty.

The question the Army faces is simple: will more frequent, extended deployments dry up the Reserve pool? We need an answer soon. If the Reserve continue to be misused, soldiers will vote with their feet when they get home. By then it will be too late for the Army to figure out what went wrong.

Secretary of Defense Donald Rumsfeld has said that we need to be fair to reservists, their families and their employers. If reservists are forced to spend too much time on active duty, he said, ''we're going to end up losing them, and we can't afford to lose them.''

From my perspective, however, we're already losing them. The real impact of the Army's policy on Reserve deployments won't be felt until long after his watch. But because everything bad that happens is the commander's fault, Mr. Rumsfeld's tenure may be remembered less for its battlefield victories than for the damage it caused to the morale of the Army.

## HONORING MAX AND VERDA FOSTER

### HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. CARDOZA. Mr. Speaker, I rise today to posthumously honor Max and Verda Foster who are receiving the ''Pioneer Award'' from the California Poultry Federation. As the founders of Foster Farms, they provided countless economic opportunities to local workers and shaped the poultry industry today.

Max and Verda Foster launched Foster Farms in 1939 on an 80–acre ranch just outside of Modesto, CA. With a small loan and his earnings as City Editor of The Modesto Bee the couple was able to raise their first batch of chickens and turkeys. Dedicated to their vision of providing better, safer farm products to the consumer they expanded their company to dairy as well as poultry. Blazing the path in both the dairy and poultry industry they remained steadfast in their determination to uphold the principles upon which Foster Farms was founded: Excellence, Honesty, Quality, and Service.

Always a leader in the industry, Foster Farms always accepted and embraced new technology. In fact, the Fosters were often leaders in this arena as well. With the consumer in mind, Max Foster worked to revolutionize the industry by computerizing both the poultry and dairy operations. Many of his ideas are still in use today.

Not only were the Fosters dedicated to the consumer but also dedicated to protecting farm land as well. They always used natural chicken fertilizer on their dairies and led the industry by having the first Manurial Lagoon. Both Foster Farms' dairy and poultry products continue to be hormone free.

The Fosters' impact can be felt among many in their local community as well. Foster Farms currently employs more than 9,000 people in their poultry and dairy operations. They are one of the largest employers in Stanislaus County. The vision and passion for quality shared by Max and Vera Foster in 1939 remains the legacy of every Foster Farms employee today. Leading it to become the largest poultry company in the Western United States with annual sales in excess of $1 billion. It is my honor and distinction to recognize the efforts of Max and Verda Foster and to represent their legacy Foster Farms in the 18th Congressional District.

## HONORING MAY W. NEWBURGER

### HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of May Newburger, who is serving her fifth term as North Hempstead Town Supervisor. May is an asset to our community, and an excellent role model for our younger generations. Put simply, May is my role model.

Many Long Islanders know May Newburger as the first female chief executive of a Nassau County town, but she is much, much more than that. A graduate of Hunter College and Columbia University, May is an intelligent woman who has worked on local, state and national issues.

Before becoming supervisor, May spent 2 years as a town councilwoman and 8 years as a New York State assemblywoman. She has worked extensively on behalf of women and children by serving as a New York State delegate to the National White House Conference on Families, chairing the American Jewish. Congress' National Commission on Women's Equality, among other committees and commissions.

May's efforts are endless. Under May's responsible and practical supervision, North Hempstead has transformed a $7 million budget deficit to a $7.7 million surplus. In fact, the town was the first on Long Island to adopt a debt reduction plan that emphasized the need for long-term strategies. May has built a reputation around her dedication to the environment, securing $200,000 from the Environmental Protection Agency to designate New Cassel as a Brownfields Pilot Community. She is continually working to protect and preserve our local lands and waterways.

Today, as May Newburger nears her retirement, I honor her for her numerous contributions to our community. May is the reason that I, along with many other women, had the courage to enter politics and government service. Not a day goes by without me reflecting on or using something May has taught me, and I am proud to call her my friend and mentor.

Mr. Speaker, I thank May Newburger on behalf of each and every person whose life she has improved over her years of service.

## FIRST CONGREGATIONAL CHURCH'S 300TH ANNIVERSARY

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. FRANK of Massachusetts. Mr. Speaker, the First Congregational Church of Rochester, Massachusetts, in the district which I am privileged to represent, will mark a very impressive occasion—the church's 300th Anniversary. During these 300 years—which of course predate the establishment of our country, an event in which members of the church had an important role—the First Congregational Church has made innumerable contributions to society while serving its central religious purpose. Recently I received a letter from the Reverend Dr. Leo D. Christian, which gives a brief history of the church—brief because it would take a volume the size of this RECORD adequately to document what has happened here over 3 centuries. This is an impressive example of the way in which our institutions ought to work, and how institutions can both serve the needs of their members and contribute to the greater society. I ask, because I think this is an example that should be widely shared, that the letter from the Reverend Dr. Leo D. Christian be printed here, and I again express my congratulations to Dr. Christian and the members of the church for their truly impressive record.

FIRST CONGREGATIONAL CHURCH,
*Rochester, MA.*

DEAR REPRESENTATIVE FRANK: On October the 13th, 2003, we at the First Congregational Church are celebrating our 300th Anniversary. As a Church we have had the privilege of not only watching the development of this nation and this commonwealth, but we participated in its very formation. The laws and governing principles were decided by the input and votes of our people along with the other great peoples of the day. A list of some notable people is as follows: Joseph Burge, First Representative to Province Court and John Hammond, Second Representative to Province Court. Representatives to the General Court before the Revolution; Abraham Holmes, John Hammond, Noah Sprague, Thomas Dexter, John Freeman, and Samuel Sprague.

Rochester Selectmen/Town Clerks: Between the years from 1690 to 1909, more than 30 of our members took on the civic roles of Town Clerk and Selectman, the first three being Samuel White, Samuel Hammond and Mark Haskell. From 1909 until present times, our members have continued to play a major part in local government.

When the settlers came to the shores of New England they found this a very rustic place in comparison to their mother country. Our first minister, the Reverend Samuel Arnold, noted that this was a dark wilderness. Our church has had the privilege of helping our nation and state be what it is today. Whether it was the issue of slaves or the

rights for women to vote we, along with other of like mind, stood for emancipation and for the suffrage movements.

When our nation was involved in its Revolutionary War we mustered the militia on the church green and sent many of our own to answer the call to arms in our nation's revolution. Thirty three (33) of our young men never returned home. In a time of great national crisis we sent people again to stand for liberty in the Civil War. It is more than likely that our people have served in every war and conflict that our nation has fought, even to the point of our ladies' society making bandages and giving support to the troops. Such people of note are Militia: (1690) Lieut. John Hammond and Ensign Isaac Holmes. Rev. Jonathan Moore went as chaplain with the 1st company of militia answering the Lexington call. Captain Earl Clapp was at the Battle of Bunker Hill and rose in rank to Major. Major Elnathan Haskel was an aid to General George Washington and as such is shown in a painting hanging in the Capitol in Washington, D.C. portraying Borgoyne's Surrender.

As our nation was threatened from the north there were those who fought in the French and Indian Wars: Paul Sears and Joseph Doty. Those who served in Canada were Joseph Barlow, Charles Sturtevant and Earl Clapp. Then again in the War of 1812: Joseph Doty, Jonathan King and Samuel Cowing represented our church and community.

Missionaries, authors, educators, civil servants, physicians, lawyers and politicians have come from this beautiful white meeting house on the village green. Through these 300 years our mother church has given birth to four daughter congregations, Marion, Mattapoisett, Warcham and North Rochester Congregational Churches. Our vestry served for years as a town school and many people in the community still remember attending there as children.

We have hosted and still do many civic programs such as senior citizens, Boy Scouts and Girl Scouts. The men of our church formed an organization known as the Brotherhood that not only provided them fellowship, but served the community with a host of family entertainment opportunities and benevolent contributions to those who were in need.

Some of those who served in the following capacities were: Medicine: Dr. James Foster, (Note) The early pastors, namely Rev. Samuel Arnold and Timothy Ruggles, also aided their people by extracting teeth, doling out opium, saffron, older, yellow dock and snake root when their parishioners' own remedies failed.

Education: The first pastor, Samuel Arnold, along with his pastoral duties, taught young boys who wanted to attend Harvard College. (Rochester has always been known for its support of academics and in the early days it was generally the presiding Reverend who led the quest for education.)

Abraham Holmes, a lawyer and representative to the General Court, used his home office to teach law students, there being no law school available.

Rev. Jonathan Bigelow, who came in 1827, was responsible for the building of our present meetinghouse, a parsonage and the Rochester Academy. The latter a ''noted and highly accredited institution gave instruction in all English studies, Latin, Greek and French languages and great attention was paid to the Moral Conduct, general deportment and intellectual improvement of its scholars.'' Many graduates became doctors, lawyers, teachers, ministers and judges, living beneficial lives in their own communities.

Henry Martyn Dexter, one of the first preceptors of Rochester Academy afterwards became Nestor of Congregationalism. Our congregation has always been blessed with an abundance of teachers.

Although we are separate organizations to our governing and civil structures we have always been in congruence for the good of the community, our commonwealth and our nation. Whatever the need of the community we have tried to rise to the occasion and offer assistance.

## TRIBUTE TO MR. BAUDILIO VILA

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, today I rise to celebrate the accomplishments of a remarkable man, my friend, Mr. Baudilio Vila.

Born on May 20, 1932 in Camaguey, Cuba as the youngest of eight siblings, Baudilio quickly found his calling in the company of Mother Nature. As a very young man, Baudilio worked alongside his father and his siblings as they tilled the soil under the bright Cuban sun. The work was difficult and unending, but Baudilio proved to have a gift for cultivating the land.

At the age of 25 Baudilio married his beloved partner Dulce Diaz. Invigorated by both his newfound marital bliss and a new farm—a wedding present from his father-in-law—Baudilio redoubled his labors in order to provide for his new family. Unfortunately for the Vila family, beginning in 1959, Castro's communist tyranny stifled all attempts to create a small private business that would support a family. Nonetheless, Baudilio devoted his life to developing the farm until he could no longer bear Castro's constant repression of the human spirit. Unable to achieve the dreams he nurtured as a small boy under Castro's totalitarian regime, Baudilio Vila and family made the decision to seek freedom in the United States of America.

While it is never an easy decision to flee your homeland, it is often a simpler decision for those who make this daring journey in their youth. As yet unaffected by the responsibilities of family, young people are capable of making immense decisions with the confidence that often characterizes early adulthood. At the age of 48, well into middle age, Baudilio was fully cognizant of the risks he and his family were taking as they crossed the perilous Florida Straits. For Baudilio to start again with nothing at the age of 48, with a family to feed, takes a daring unknown to most of humankind.

In 1980, temporary facilities were set up in Miami's ''Orange Bowl'' to accommodate the enormous number of Cuban refugees seeking asylum in the United States of America. As the Vila family settled into this temporary housing, Baudilio's first thoughts were how could he help, how could he begin to provide for his family? Baudilio suggested he could help pick up the trash in the refugee camp. The authorities running the tent city said yes, he could help pick up the waste accumulating in the Orange Bowl. For his efforts, Baudilio would receive the sum of $1 dollar for every large bag of trash he collected.

After departing the Orange Bowl, and upon being assimilated into South Florida, Baudilio and Dulce both took jobs as they attempted to realize their American Dream. Initially, Baudilio tended to lawns with borrowed tools, while his wife cleaned houses every day of the week.

Never forgetting the connection to the land he felt as a farmer in Cuba and attempting to realize his dream of starting his own business, in 1982 Baudilio and the Vila family rented 4 acres of land. While the family continued to work in different types of gardening jobs, they were also collecting the plant seeds they would need to open their own agriculture business.

In the years that followed, the Vila family slowly began to expand their landscape contracting and growing business, Vila & Son, by buying equipment and obtaining small contracts with Miami-Dade and Broward Counties. After years of successfully striving to establish a growing business, Vila & Son was awarded the prestigious contract to service the grounds of Walt Disney World.

Vila & Son, begun on four acres of rented property, now has 462 employees in three district offices. Vila & Son annually surpasses $34 million in sales in addition to planting 6000 plants every working day.

In recognition of their hard work and success, the Vila family has received many honors including the keys to Miami-Dade County and having May 18, 2002 proclaimed ''Vila & Son Day.''

Baudilio Vila, born in Cuba in 1932, a refugee who arrived in the United States at age 48 with nothing more than his dream of living in freedom, and later an extraordinarily successful entrepreneur, was invited by President George W. Bush to his inauguration in January, 2001.

Baudilio Vila is an extraordinary human being who has lived a remarkable life. I am proud to call Baudilio Vila and his family my friends and I am pleased to share Baudilio's remarkable story with the United States Congress.

## MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

SPEECH OF

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 17, 2003*

Mr. BEREUTER. Mr. Speaker, this Member rises in opposition to this motion to instruct House conferees to H.R. 1588. Certainly, this Member has no objections to expediting citizenship for non-citizen members serving in U.S. armed services and supports efforts to provide appropriate incentives for a very small percentage of the few non-citizens who meet established requirements to join our professional military forces. However, in granting citizenship to these qualified men and women, it is not necessary or desirable to also grant priority to their parents, spouses, and children. And it is certainly not appropriate to waive the requirement that such family members financially support themselves in the U.S. Unfortunately, the provisions in the Senate-passed version of H.R. 1588, which this motion instructs House conferees to accept, would have that effect.

Through the provisions, the spouses, children under the age of 21, and parents of men

and women who have been granted citizenship based on their service in the U.S. armed forces and who have died in the line of duty would be authorized to seek permanent resident status on an expedited basis. Then, unlike other people seeking legal immigrant status, these family members would not be required to meet financial thresholds which indicate that they would not immediately be public charges.

Most of the American public is unaware of these provisions. Enacting such excessive inducements for joining the U.S. military is a step in the wrong direction, particularly if it results in this country increasingly depending upon what could come to be thought of and called ''foreign mercenaries'' to serve in the armed forces. This practice has too many similarities to the mercenary forces of the Roman Empire in its decline as Roman citizens themselves became unwilling to serve in the Roman legions. Imagine, too, the reactions of foreign nations that begin to see our military personnel as serving almost solely to gain citizenship for themselves and their families.

Mr. Speaker, this Member encouraged his colleagues to vote against the Rodriguez motion to instruct.

## HONORING MAJOR GENERAL HAWTHORNE L. PROCTOR UPON HIS RETIREMENT FROM THE ARMED SERVICES

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this time to recognize Major General Hawthorne Proctor as he prepares to retire after 35 years of distinguished military service.

Major General Proctor received his commission in 1968 as a distinguished military graduate from North Carolina Agricultural and Technical State University in Greensboro, N.C. He then continued his education with a master's degree in Public Administration from Central Michigan University in 1976. His military schooling includes the Quartermaster Basic and Advanced Courses, the Command and General Staff College, the Army War College, and finally Executive Management Development Training at the University of California at Berkley.

Major General Proctor's military career began with his assignment to the 25th Infantry Division. From there he served as Chief Production Management Branch at the Defense Industrial Supply Center; and as a company grade officer he served as Platoon Leader and Assistant Brigade S–4 at Fort Ord, California.

As Major General Proctor rose through the ranks he held command posts all over the world from Philadelphia, Pennsylvania to Uijongbu, Korea and Bangkok, Thailand. He also held the prominent positions of Deputy Chief of Staff for Logistics and Operations, U.S. Army Material Command in Alexandria, Virginia and 46th Quartermaster General and Commander at the Quartermaster Center and School. Since July 2001 he has held the illustrious post of J–3, Chief of Logistics Operations at the Defense Logistics Agency.

Major General Proctor has been recognized many times for the excellence and professionalism with which he has performed his duties. He has been awarded the Defense Distinguished Service Medal, Distinguished Service Medal, Defense Superior Service Medal, with three oak leaf clusters, and the Bronze Star Medal. Moreover, in recognition of his notable career Major General Proctor was inducted as a distinguished Member of the Quartermaster Regiment in 1994.

Mr. Speaker, in closing, I want to commend Major General Proctor on his accomplishments for the dedication and distinction with which he served his country. I ask all my colleagues to join in congratulating the long and successful career of this great patriot.

## TRIBUTE TO THE GERMANIA HOSE COMPANY ON THEIR 100TH ANNIVERSARY

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the Germania Hose Company in Duryea, Pennsylvania as it celebrates its 100th anniversary this Saturday, September 27, 2003.

Germania Hose Company was incorporated in 1903. As this company of volunteer firefighters approaches its centennial celebration, it continues to provide their community with the highest quality of service and protection. This all-volunteer company prides itself on a staff of over 60 members both active and retired. With approximately 35 active firefighters and fire police ranging from the age of 18–70, the Germaine Hose Company repeatedly holds successful annual fundraisers such as picnics and pancake breakfasts to help subsidize costs.

On this upcoming milestone for this fire department, I would like to recognize some of firefighters the Germania Hose Company considers its founding fathers. Paul Komenski, George Orenich, Henery Lewandowski, Charles Bartlow, Jim Steer, Mike Kosik, Ed Slatky and Ed Murzinski. Their founding fathers both living and deceased provided the initial training and support that has continued their reputation of tradition and excellence to the community.

Heading this volunteer fire company is Fire Chief, Mike Shovlin. Under his guidance and assistance, members of the fire company respond to more than 200 calls per year that range from structure to grass fires. They also run Mutual Aid assists to neighboring towns. In addition to fire fighting they also have a Scuba Search and Rescue Team that consist of 8 certified divers and the latest state of the art search and rescue equipment.

On their upcoming day of celebration, I would like to remind all House Members of the critical role firefighters and rescue personnel play in protecting our families and communities. Their profession, a dangerous and volunteer service, provides the people of Northeastern Pennsylvania the safety and security that so many take for granted.

Mr. Speaker, on their 100th anniversary, I pay tribute to both the effort and positive impact that the Germania Hose Company, Fire Chief Mike Shovlin and all the volunteer firefighters have on their community in Duryea and all of Northeastern Pennsylvania.

## PERSONAL EXPLANATION

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. RUPPERSBERGER. Mr. Speaker, on Tuesday, September 23, 2003, I was detained in Baltimore while assisting my constituents in dealing with the devastating damages from Hurricane Isabel.

While estimates on the economic damages are not yet available, we do know that the hurricane damaged or destroyed 3,300 homes on the eastern shore of the Chesapeake Bay displacing thousands of Marylanders. It caused over 1.34 million Marylanders to lose power. All of Baltimore County's 70 marinas were destroyed, devastating a $225 million dollars a year industry. Thousands of businesses, including ISG's Bethlehem Steel plant, are flooded ruining their daily operations.

Today, Department of Homeland Security Secretary Tom Ridge, Governor Robert Ehrlich, and I toured an area of Baltimore County that experienced extensive damage. After viewing the damage and I encouraged Secretary Ridge to expedite efforts to assist Maryland's Second Congressional district. It is important that the Federal, State and local governments work together.

Hurricane Isabel devastated Maryland's Second Congressional District and I was there assisting my constituents in their discussions with the Federal Emergency Management Agency, the U.S. Department of Housing and Urban Development, and the Small Business Administration to help re-establish their homes and businesses.

## TRIBUTE TO MR. AND MRS. JAMES PIERCE

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. PAYNE. Mr. Speaker, I rise today to recognize two exceptional members of my community, Mr. and Mrs. James and Susie Pierce, and to congratulate them on reaching an exceptional milestone. On September 22, 2003, this inspiring couple celebrated their 75th Anniversary, surrounded by family and friends.

Married in 1927, they moved in 1932 from Georgia to the Booker T. Washington Housing complex in Jersey City, NJ, where they still reside. James was 19 and Susie was 15.

Mrs. Pierce has served New Jersey for many years as a Licensed Day Care provider for the State.

Mr. and Mrs. Pierce have been members of Emmanuel Pentecostal United Holy Church since 1932, amassing 72 years of devotion and service. Susie served as Trustee for 40 years, President of the Ushers for 47 years, Women's Day Chairperson for 30 years, Hospitality Committee for 30 years, Acting Church Treasurer for 3 years, and YPHA for 12 years. She has been both a fieldworker for the New

Jersey District United Holy Church Sunday School and Chairperson for the finance department of New Jersey's District Ushers Union. In 1979, she was Women's Day's Woman of the Year and on Mothers' Day in 1986, she was honored by Jersey City Housing as the mother who has lived longest in the development.

James has retired from his years of service at the Domenico Bus Company and has held the positions of Deacon and Trustee at Emmanuel Pentecostal Church. He has committed himself to community service by recruiting neighborhood children to Sunday School and Church, even picking them up himself so that they might attend. These children, now adults, have grown and matured in the Lord, a living testimony to James' legacy.

Their beautiful family includes 4 children: James, a Serviceman in San Antonio, Texas; Akua Clark, a bank Vice-President in Franklin Park, NJ; Linda Stokes, a Guidance Counselor at Public School No. 8; and John, a Construction Worker in Jersey City. They also have 7 grandchildren and 6 great-grandchildren.

These fine people have been pillars in my community, and I am honored to call them my neighbors. Mr. Speaker, I know that my colleagues here in the U.S. House of Representatives join me today in saluting Mr. and Mrs. Pierce for their many years of service to their city and to their church community.

## HONORING SUE KLUGER FOR ESTABLISHING LEADERSHIP WILKES-BARRE

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize Sue Kluger of Wilkes-Barre, Pennsylvania for making Leadership Wilkes-Barre what it is today. I ask that my colleagues pay tribute to her achievements as she is honored at a dinner this Wednesday, September 24, in Wilkes-Barre.

Established in 1981, Leadership Wilkes-Barre is an outstanding community development program designed for those in the field of business and industry, healthcare, social services, utilities, government, labor, education, and professional and volunteer organizations. Graduates of the program usually take on leadership roles throughout my Congressional District in Northeastern Pennsylvania, and throughout the United States.

Leadership Wilkes-Barre has a strong commitment to developing leadership skills and of informing class members about the issues confronting our community. It encourages its participants to address community needs by completing group projects, and the program instills a commitment and a personal responsibility to serve and strengthen our community. This program inspires people to get involved and lead their community toward a brighter future.

Sue Kluger exemplifies community involvement and leadership. She is a member of the founding Board of Directors of Leadership Wilkes-Barre and its Executive Director since 1983. She has assisted in the formation of 15 Leadership programs throughout Pennsylvania.

She is a member of countless organizations throughout the Wilkes-Barre area and has participated in many community projects throughout the years. It is no surprise that Sue has been recognized for her community leadership on several occasions. She has been honored as Woman of the Year by the Sisters of Mercy, won the Lifetime Achievement in Philanthropy Award from the National Society of Fund Raising Executives, was awarded the Preceptor Award from the National Association for Community Leadership, was included in the National Directory of Who's Who in Executive and Professional Women, and was the winner of the United Ways of Pennsylvania Volunteer of the Year Award. She has also received the Greater Wilkes-Barre Chamber of Commerce Award for Outstanding Business Woman.

Mr. Speaker, I insert in my remarks at this point the complete text of a recent editorial honoring Sue.

[From the Wilkes-Barre Citizens Voice, Sept. 23, 2003]

SUE KLUGER RADIATES LEADERSHIP

Her tenure created 3,000-plus leaders, doers and friends.

If the Greater Wyoming Valley is well-supplied with anything, it is with individuals who are groomed for community leadership. This, to a great extent, is the result of the career of one who has been called ''the leader of leaders,'' Sue Kluger. Sue Kluger will be honored tomorrow evening with a party and salute at the F.M. Kirby Center For the Performing Arts on Public Square. The salute will be for 20 years of service as executive director of Leadership Wilkes-Barre as she completes that tenure and takes up the role of senior adviser to the organization.

During those two decades, Sue Kluger has headed this well-known community program that identifies as many as 40 emerging community leaders each year and educates them about needs and assets—ranging from economic development to local government to social services. During the same two decades, too, she has encouraged and helped the core program expand to leadership training for high school students, college students, executives and senior citizens through programs called Junior Leadership, Intercollegiate Leadership, the Executive Leadership Series and The Masters Leadership Program. By way of all these programs, more than 3,000 local people have gained understanding of our community and been put into position to help it progress.

Equally as impressive as the large numbers of ''graduates,'' however, is the substantive result of their participation. The boards of directors of scores of area organizations and agencies are more diverse and more vital because they include individuals who have gone through the leadership programs. The actual leaders in training have completed hundreds of class projects. They have done environmental cleanups. They have organized recreational events. They have held performances events promoting the arts in Northeast Pennsylvania. They have held forums—attended by several thousand people over the years—addressing community concerns.

Too, the Leadership Wilkes-Barre program has been personally enriching for those who participate in it. The many alumni of the leadership programs have become a network of friends who can call upon each other to advance community goals.

Friendship, community activism, diversity, and belief in the future of the Greater Wyoming Valley will fill the room tomorrow night at the Kirby Center as the graduates and friends of Leadership Wilkes-Barre gather. And it will radiate—as it long has—from the woman being saluted, Sue Kluger.

Mr. Speaker, It is a privilege and honor to represent a woman who has done so much for her community and for all of Northeastern Pennsylvania.

## HONORING DR. WALTER STRONG, PH.D.

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. RADANOVICH. Mr. Speaker I rise today to honor Dr. Walter Strong upon his celebration of 30 years in higher education administration at California State University, Stanislaus, and to congratulate him on his new position at Charles Drew Medical School. He will be honored at a reception on Thursday, September 25th in Stanislaus County in California.

Dr. Strong considers himself ''imbued with a can-do spirit from the '60s'' and has dedicated his life to education, serving many communities throughout his career. Born in Brooklyn, New York, he received his education at State College of Environmental Studies at Syracuse University, Southern Illinois University, University of Nebraska, University of Illinois, and Golden Gate University. Dr. Strong has served as Assistant Vice Chancellor for Academic Affairs, Assistant Vice President, Senior Vice President, and Executive Vice President at numerous colleges and universities. He has been the recipient of numerous honors and awards for excellence, performance, and community service. Dr. Strong saw one of his visions come to fruition with his leadership in the merger and consolidation of Meharry's Teaching Hospital with the city/county hospital of Metropolitan Nashville. In addition, Dr. Strong has twice co-chaired the Stanislaus County United Way fund drive, raising more than $7 million.

Dr. Strong's contributions to California State University, Stanislaus, and the community are abundant and appreciated by all. He presently serves as the Vice President for Development and University Relations, while also holding the position of Executive Officer for the University's Foundation. Dr. Strong is responsible for development, university relations, athletics, media relations, public affairs, marketing, community affairs, alumni relations, and all aspects of university fundraising at CSU Stanislaus.

Mr. Speaker, I rise today to honor Dr. Strong for his years of service and to thank him for his dedication to the students and the community. I invite my colleagues to join me in extending him best wishes for his future.

## IN HONOR OF DR. DOROTHY I. HEIGHT—A GREAT AMERICAN HERO

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor one of America's great civil

rights and human rights leaders—Dr. Dorothy I. Height.

At ninety years of age, Dr. Height has had a long and distinguished career in the struggles for equality, social justice, and human rights for all peoples, and is today recognized as one of the most important social and civil rights activists of our time.

Born on March 24, 1912, Dorothy Height earned her bachelors and masters degrees from the New York University.

She began her work as a civil rights advocate in the 1930s, then went on to serve as President of the National Council of Negro Women (NCNW), an organization of 250 local groups and 38 national groups focused on social and economic development, women's issues and children's issues. Under her leadership the NCNW implemented numerous innovative initiatives including: Operation Woman Power to expand business ownership by women and to provide funds for vocational training; leadership training for African-American women in the rural South; the nationwide annual Black Family Reunion to encourage, renew, and celebrate African American and all families; the Women's Center for Education and Career Advancement to empower minority women in nontraditional careers; and the Bethune Museum and Archives devoted to the history of African-American women.

Quite notably, Dr. Height was the only female member of the ''Big Six'' civil rights leaders, which included Whitney Young, A. Phillip Randolph, the Reverend Dr. Martin Luther King, Jr., James Farmer, and Roy Wilkins. Dr. Height was an important confidante and consultant to First Lady Eleanor Roosevelt on human and civil rights issues. She encouraged President Eisenhower to desegregate America's schools, and urged President Johnson to appoint African American women to high-ranking government positions.

During her life she has also worked tirelessly to educate Americans and those around the world about the realities of AIDS and established NCNW offices in West Africa and South Africa.

Dr. Height is the recipient of numerous awards and recognitions including: the NAACP's Spingarn Award, the highest honor bestowed by the NAACP for civil rights contributions; (C) the John F. Kennedy Memorial Award, from the National Council of Jewish Women; the Ministerial Interfaith Association Award, for her contributions to interfaith, interracial, and ecumenical movements for over 30 years; the Lovejoy Award, the highest recognition by the Grand Lodge of the Benevolent and Protective Order of Elks of the World, for outstanding, contributions to human relations; the Ladies Home Journal Woman of the Year Award, in recognition for her work for human rights; the William L. Dawson Award, presented by the Congressional Black Caucus for decades of public service to people of color and women; the Citizens Medal Award for distinguished service, presented by President Reagan; the Franklin Delano Roosevelt Freedom Medal, awarded by the Franklin and Eleanor Roosevelt Institute; and the Presidential Medal of Freedom, awarded by President Clinton in 1994 for her lifelong leadership and dedication to civil and human rights issues.

Dr. Dorothy I. Height—a great American hero. Today we thank and honor her, as our lives are all the better for her struggles and her lifelong commitment and leadership in creating opportunities for Americans, and for all peoples.

## FREE NÉSTOR RODRIGUEZ LOBAINA

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today, as I rise every week, to speak about the courageous prisoners of conscience in Castro's gulags. Previously, I have informed the Congress about the political prisoners Rafael Ibarra, Raúl Rivero, Juan Carlos Gonzalez Leyva, Jorge Luis Garcia Perez, Oscar Espinosa Chepe, Jose Luis Garcia Paneque, and Marta Beatriz Roque. Today I rise to speak of Néstor Rodriguez Lobaina.

Néstor Rodriguez Lobaina has been arrested and/or detained over 90 times since 1991, and is currently serving a six-year prison sentence for ''disrespect to the figure of the Commander in Chief Fidel Castro'' and ''public disorder.''

Why has Néstor Rodriguez Lobaina been savagely beaten while serving his sentence at the maximum security ''Combinado of Guantánamo?'' Why was Mr. Rodriguez Lobaina taken to Niva Mountain by Castro's police thugs and mock executed? Why is Mr. Rodriguez Lobaina considered a prisoner of conscience by Amnesty International? The answer to all of these questions is simple: Néstor Rodriguez Lobaina is one of the founders and current President of the Cuban Youth for Democracy Movement.

The Cuban Youth for Democracy Movement is a nongovernmental organization that promotes democracy and human rights for the people of Cuba. These concepts are so antithetical to Castro's tyrannical regime that when Mr. Rodriguez Lobaina worked to promote the ideals of freedom and democracy he was locked away for six years in a maximum security gulag.

Mr. Speaker, think about that, for encouraging people to think about freedom, to think about democracy, Néstor Rodriguez Lobaina has been arrested or detained over 90 times and is currently serving a six-year sentence. Six Years! Mr. Speaker, Six Years! Néstor Rodriguez Lobaina is serving six years because he thinks the people of Cuba should be free.

My colleagues, we must all call for the release of Néstor Rodriguez Lobaina and all political prisoners in totalitarian Cuba.

## TRIBUTE TO DR. SUZANNE INSOOK AHN

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is with sadness that I pay tribute to the memory of my dear friend and a remarkable woman from Dallas, Dr. Suzanne Insook Ahn. I would like to extend my greatest sympathy to her family by taking a moment to reflect on Dr. Ahn's rich life.

Dr. Suzanne Insook Ahn was born in Pusan, South Korea and raised in the United States, She was a graduate of the University of Texas at Austin and the University of Texas Southwestern Medical School.

Dr. Ahn trained at Parkland Hospital in Dallas and maintained a successful practice as a neurologist for thirteen years. She was the youngest person, and only the second woman, to serve on the Texas State Medical Board of Examiners in its 100–year history. Dr. Ahn was the co-inventor of 14 U.S. patents and founded the medical division of a start-up technology company.

A recognized civic leader and advocate of women's rights, she founded the Summit, a group of Dallas women in decision-making positions. Dr. Ahn was instrumental in organizing the Dallas/Fort Worth Chapter of the American Medical Women's Association.

Dr. Suzanne Ahn was a strong advocate for Asian Americans. She lectured across the country on civil rights and lobbied vigorously for the rights of Asian American workers at the Wards Cove cannery. Dr. Ahn led a march against Dallas nightclubs that illegally banned Asian Americans, In 2002 she led picketers at a bookstore in Plano that was denying service to Asian Americans. Dr. Ahn was a founder of the Asian American Forum that provides leadership training for Asian Americans in Dallas/Fort Worth.

In 1991, Dr. Ahn worked in the Texas Air Control Board to control air pollution. As she often pointed out, half of all those with lung cancer are non-smokers. Indeed, the Dallas/Ft. Worth Metroplex is plagued by severely poor air quality that will continue to kill some of our best and brightest—such as Dr. Ahn.

Mr. Speaker, we must improve air quality in metropolitan areas across this Country or we will face disastrous consequences both in terms of our health and our economy. In Dr. Ahn's memory, I reaffirm my efforts to promote alternative transportation and cleaner power generation so that future generations will not grow up in a haze that will shorten their lives, happiness, and contributions to our society.

I join the residents of Dallas/Ft. Worth Metroplex in extending our condolences to her family. A physician, inventor, community leader, and civil rights activist, Dr. Ahn was a remarkable woman who will be deeply missed and never forgotten. She will be remembered for her enthusiasm, her vision, her dedication to equal rights and her many contributions to the State of Texas.

## INTRODUCTION OF THE FAIR BALANCE PRESCRIPTION DRUG ADVERTISEMENT ACT

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. STARK. Mr. Speaker, I rise today to introduce the Fair Balance Prescription Drug Advertisement Act, a bill to ensure that Direct-To-Consumer (DTC) prescription drug ads provide complete and accurate information about prescription drugs.

The Medicare prescription drug bill passed by the Republicans in the House does nothing to control drug pricing. In fact, their bill explicitly prohibits Medicare from negotiating with

drug manufacturers to get a better deal on prescription drug prices for seniors.

I believe Congress must do something about the high costs of prescription drugs, for Medicare beneficiaries and all Americans. That's why I'm introducing this legislation.

The Fair Balance Prescription Drug Advertisement Act will empower the FDA to determine whether pharmaceutical companies present information about their products in a fair manner, balancing risks and benefits. Any advertisements found to violate this standard would be denied currently allowed tax deductions.

Under this bill, print ads would be required to display pros and cons in equal typeface and space, and on the same or facing pages. If the advertisements ran onto additional pages, those pages would have to be consecutive with the first pages. In television and radio ads, risk and benefit descriptions would be allotted equal airtime and volume level.

Since the FDA relaxed restrictions on television advertising in 1997, DTC advertising has soared. Drug companies' advertising expenditure doubled between 1998 and 2000, and is expected to reach seven billion dollars annually by 2005.

As a consequence of such large-scale advertising, consumers have been led to demand drugs that may not be medically necessary or appropriate for their conditions. According to the National Institute for Health Care Management, 86% of patients who requested a prescription for Clarion from their doctor received one (this drug is now available over-the-counter). Similarly, a 2000 study showed that nearly half of the increased spending on pharmaceuticals was attributable to the fifty most advertised prescription drugs, and also that DTC advertising has increased the prices of prescriptions.

DTC advertising not only drives up the costs of prescriptions, but also increases demand for more expensive drugs in cases when a cheaper alternative will do. The cost of prescription drugs is heavily impacting our country. We all know the problems facing seniors and their ability to afford their medications. States are finding the costs of providing comprehensive drug benefits so expensive that Illinois has announced that they will contract with a Canadian pharmacy to get a better deal for their state employees. Employers are facing similar dilemmas. Given this cost crisis, we need to take every step we can to reduce increasing drug costs. That's why making sure that advertisements aid consumers in making informed decisions, rather than simply increasing demand for the newest drug, makes so much sense.

The Fair Balance Prescription Drug Advertisement Act is endorsed by the California Public Employees' Retirement System, which provides health benefits to more than 1.3 million members. They know far too well the difficulties facing consumers and employers due to increasing drug prices. Their President, Sean Harrigan, says, ''Representative STARK's bill is the best medicine for reining in the costs of drugs while ensuring consumers get the real truth about the benefits and the risks of direct-to-consumer advertised drugs.''

The new guidelines this bill sets forth will help the pharmaceutical industry educate consumers by enabling them to make informed decisions based on a fair and balanced presentation of risks and benefits. Today's DTC ads simply don't meet that standard. One advertising executive with significant experience with DTC ads said, ''we want to identify the emotions we can tap into to get that customer to take the desired course of action.'' That's not a decision based on facts.

In a survey of 1,872 people who viewed drug advertisements, 70 percent said they had learned little or nothing more about the conditions the drug is supposed to treat, and over half said they learned little or nothing more about the drug being advertised. Very few ads informed viewers of how successful the treatment is, what alternative treatments are available, how long a patient needs to take the drug, or attempt to correct common misconceptions about the disease the drug treats. Predictably, a strong majority of doctors—75 percent—said that the ads caused patients to think that advertised drugs work better than they do.

Physicians themselves have voiced their frustration with the way DTC ads have harmed their ability to provide the best medical care to their patients. In fact, the American Medical Association has asked the FDA to require pharmaceutical companies to include a disclaimer in all ads stating that physicians may suggest other alternative, medically appropriate treatments.

The bill I am introducing today is simple. It would eliminate the tax deduction for ads that do not fairly present the risks and benefits of prescription drugs. Only ads that truly and honestly provide balanced information that enables consumers to make informed, educated decisions would continue to qualify for a business tax deduction.

Since the pharmaceutical industry already argues that their ads educate consumers, they should have nothing to fear by this bill. This bill will provide an incentive for advertising to provide education rather than blatant promotional material that spurs patients to demand drugs that may be medically inappropriate for their condition and drive up costs. This is a bill we should be able to support on a broad bipartisan basis. We should pass it immediately and take a concrete step to reduce prescription drug price increases for America's consumers now. The American public is sick of rhetoric on prescription drug price. They want action. Join me in support of the Fair Balance Prescription Drug Advertisement Act.

## SURFACE TRANSPORTATION EXTENSION ACT

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. DINGELL. Mr. Speaker, I rise today to call upon the President and House Leadership to work with Chairman YOUNG and Ranking Member OBERSTAR to craft a comprehensive transportation bill that addresses the needs of our nation. While I will vote for the short-term extension for our transportation program, I do so reluctantly.

We have had months to prepare a good bill that does right for the nation. I believe my dear friends, Chairman YOUNG and Ranking Member OBERSTAR are headed in the right direction, but, unfortunately, a select few have held up any attempt at crafting a good bill, bringing us to this impasse.

Mr. Speaker, I also want to reiterate my support for Chairman YOUNG's and Ranking Member OBERSTAR's $375 billion proposal. In my home state of Michigan, 1 in 5 roads have been rated as being in ''poor condition''. In Southeast Michigan, Metro Detroit ranks fifth for motorists who pay the most annually in additional vehicle maintenance because of poor road quality. The only way to help alleviate the problems in my state is to ensure that we grow the program so Michigan and all the other donor states receive their fair share of highway dollars. The longer we wait to pass a comprehensive bill the longer it will take to improve our nation's infrastructure.

For some, they will say, DINGELL, it is only six months. But I have been here long enough to know how the cow chews the cabbage, and a delay puts us into an election year. That delay could easily be extended and put our state department's of transportation planning process in serious jeopardy. We cannot continue to operate our government through continuing resolutions. To do so not only puts our infrastructure in jeopardy, but the well being of our nation.

We must craft a comprehensive bill that helps our nation's infrastructure, puts people to work, and gets our economy moving again. Many people understand this, a few do not. It is time the few stop blocking the path to progress, and help kick start our economy with a bill that my Transportation and Infrastructure Chairman and Ranking Member support.

## MAY NEWBURGER, AN ICON OF PUBLIC SERVICE

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. ACKERMAN. Mr. Speaker, I rise today to honor an icon of public service, May W. Newburger, for her exemplary career, dedicated to the people of the Town of North Hempstead, Nassau County and New York State.

May Newburger has had a long and distinguished career, to the great benefit of the people. May spent eight highly productive years, from 1978 to 1986, in the New York State Assembly. She served as Town Councilwoman in North Hempstead from 1991 to 1993, and was the first woman to be elected chief executive of a Nassau County town. Now in her fifth term, she has served as Town Supervisor of North Hempstead since 1993.

As Town Supervisor, May Newburger has been the driving force behind long-term strategic financial planning in North Hempstead, most notably through the Debt Management and Capital Plans. She has already transformed a $7-million budget deficit into a surplus of $7.7 million, and through her leadership and foresight, she will have reduced the Town's debt by $107 million over the next ten years. This planning has helped move the Town from the lowest bond rating in its history to its highest ever.

Mr. Speaker, under May Newburger's dynamic leadership, North Hempstead was named ''Town of the Year 1999'' by the Long Island Development Corporation, and received

the ''Quality of Life'' award from the Long Island Division of the American Society of Civil Engineers. May also spearheaded the initiative to reclaim the Morewood Property, an environmentally damaged area, turning it into the Harbor Links municipal golf course. This prescient, breathtaking project is one of America's most environmentally friendly championship level golf courses, winning the ''Environmental Stewardship Award'' as well as the prestigious ''Audubon Signature Distinction.'' Supervisor Newburger also successfully lobbied the Environmental Protection Agency for $200,000 to designate New Cassel as a Brownfields Pilot Community.

Throughout her career in public service, May Newburger has served on many state and national committees and has received innumerable awards and honors. In 1981, she served as a New York State Delegate to the White House Conference on Families; from 1987 to 1989 she chaired the American Jewish Congress' National Commission on Women's Equality. She was also a member of the State Judicial Committee on Women in the Courts, the Governor's Commission of Domestic Violence and the State Commission on Child Care.

Mr. Speaker, the good citizens of North Hempstead and Nassau County are truly blessed to have had the great benefit of May Newburger's vision, leadership, dedication and drive for these many years. Her commitment to her constituents has never flagged; she has been indefatigable in the cause of improving the lives of others. I am awed by her accomplishments, humbled to have known her, and very proud to call her my friend.

Mr. Speaker, I ask my colleagues in the House of Representatives to please rise and join me now in honoring May W. Newburger, in celebrating her outstanding career in public service, and in extending our best wishes to her as she goes on to meet new challenges.

## IN RECOGNITION OF THE MARINETTE JAYCEES' 50TH ANNIVERSARY

### HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. GREEN of Wisconsin. Mr. Speaker, today before this house I'd like to recognize and honor the Marinette Jaycees as they celebrate fifty years of dedicated service to the Marinette community.

Since their establishment in 1920, the United States Jaycees have helped thousands of young men and women develop personal and leadership skills through community service. Their positive presence across the country has touched millions of lives, and furthered the causes of some of our nation's most noble organizations.

For fifty years the Marinette Jaycees have carried on that tradition of service and leadership in northeast Wisconsin. They've organized countless volunteer activities, given young folks an opportunity to learn more about business and government, and fostered a greater since of pride in their community. There's no question, Marinette is a better place because of their efforts.

Mr. Speaker, it is an honor and pleasure to recognize today the Marinette Jaycees on their 50th anniversary. On behalf of my constituents, we say thank you, and we wish them another fifty years of overwhelming success.

## A DEMON FOR OUR TIMES

### HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. OXLEY. Mr. Speaker, it is rare that an issue as important as homeland security is written with such cogency and realism as the following column by Dorothy Rabinowitz, a member of the Wall Street Journal editorial board. I recommend it to all of my colleagues.

[From the OPINION, Sept. 22, 2003]

A DEMON FOR OUR TIMES

(By Dorothy Rabinowitz)

Frenzy mounts uncontrolled over John Ashcroft, now considered—in those quarters touched by the delirium—enemy number one of the Bill of Rights, the Constitution and all that Americans hold dear. What is the cause of these fevers? Is there a doctor in the house?

We may exclude Dr. Howard Dean, running for the Democratic presidential nomination, who has already offered his findings, to wit: ''John Ashcroft is not a patriot. John Ashcroft is a descendant of Joseph McCarthy.'' Sen. John Kerry, once properly—and eloquently—infuriated over the campaign of cretinous slanders mounted against John McCain in the last Republican presidential primary, has in turn offered his views on the attorney general. During the Democrats' debate in Baltimore, Candidate Kerry said he saw before him ''people of every creed, every color, every belief, every religion. This is indeed John Ashcroft's worst nightmare here.'' Richard Gephardt, eyes similarly on the prize, has let America know which of our great national concerns he considered most pressing—a good thing to know about a candidate. The national priority looming largest in his mind is, Mr. Gephardt has let it be known, to fire John Ashcroft in ''my first five seconds as president.''

On the subject of the attorney general, no candidate has waxed more passionate than John Edwards, who warned, ''we cannot allow people like John Ashcroft to take away our rights, our freedoms, and our liberties.'' And further: John Ashcroft and this administration can ''spin their wheels all they want about the Patriot Act . . . they, have rolled over our rights for the past two years,'' says Mr. Edwards, one of the most uncompromisingly staunch Senate supporters of the Patriot Bill when it was passed after September 11—a fact the candidate seems to have found little or no occasion to mention in the course of his current crusade. Also among those voting for the bill were Rep. Gephardt, and Sens. Kerry, Lieberman and Graham.

It's hardly necessary by now to list all the charges and the alarms being raised about Mr. Ashcroft, by those portraying the attorney general as the menace to civil liberties that should haunt the dreams of all Americans who want to preserve our way of life. This is no exaggeration; the fever has spread wide, fed largely by the American Civil Liberties Union and allied sentinels of freedom, its signs clear in the ads calling on citizens to ''Save Our Constitution,'' in emergency rallies led by the ACLU, and such groups as ''Families for a Peaceful Tomorrow,'' and ''The New York Bill of Rights Defense Committee.''

The attorney general has declared the New York Civil Liberties Union, ''led a massive assault on our most basic rights.'' Indeed, to hear the aforementioned groups, John Ashcroft is a greater threat to our national life and our freedoms than that posed by terrorists—a view that itself speaks volumes about the character and disposition of the Constitution-protectors up in arms over Mr. Ashcroft.

Then there is the issue of the facts—a scarce commodity in the oceans of oratory now spilling forth about our threatened Bill of Rights, and about agents spying on Americans' reading habits. In none of the descriptions of the out-of-control attorney general, and accompanying suggestions of incipient Fascism on the march, is there to be found any mention of the truth that the attorney general did not, of course, arrogate to himself the power to extend security measures: he went to the courts for permission. They were put in place only after scrutiny by judges.

Likewise, current hair-tearing about secret investigations and library spies notwithstanding, it remains a fact that for decades now, in its pursuit of crimes like money-laundering, the government has been free to prohibit banks from informing clients they were under investigation—and has done so without any outcry from the ACLU about civil rights violations. The Patriot Act could be said to be imperfect in some areas, a dissident member of the ACLU recently informed me—but so dishonest was his organization's portrayal of it as a threat to our basic freedoms, he could hardly bring himself to join any argument against it.

That ACLU dissidents harbor feelings of disgust at their leadership and its policies shouldn't come as news. For some 20 years now, control of the organization has rested securely in the hands of activists devoted to issues dear to the hearts of the left. No one was surprised when the ACLU of Southern California—home to the organization's most far-out activists—undertook the lawsuit to delay the state's recall vote.

The ACLU was the first to charge, after Sept. 11, that the government's anti-terrorist measures and detention of terror suspects threatened civil liberties. Even as workers struggled to pull bodies from the mountain of rubble in downtown Manhattan, the ACLU and like-minded allies had begun issuing warnings that government efforts to prevent more terrorist assaults posed greater dangers to the nation—would destroy our Constitution and the America we have always known—than the terrorists could possibly do.

The arguments found instant acceptance, not surprisingly, among faculty ideologues on the campuses. Who can forget the instantly organized teach-ins, where speakers argued, even as the nation mourned nearly 3,000 dead, that the United States had received just deserts for its policies? Efforts to protect ourselves with rational means of defense—investigations and apprehension of likely suspects, increased security measures, profiling—all connected with the spirit of these arguments: We—not the terrorists so avid for our destruction—were the enemy that would cause the demise of our democracy.

This was, and remains, claptrap of the rankest kind, which the great mass of sane Americans would never buy—and still, it cannot be ignored. It cannot be ignored, that is, that we are in a time never before seen in this country—a time produced in part by what remains of the politics and values of the 1960s, but only in part. For even in the '60s, we did not see what we do today—namely significant quarters of the culture, elite and popular, sympathetic to the views of

those home and abroad most hostile to this nation. A time when talk of American ''swagger'' and ''bullying'' comes tripping from the tongue.

For such times John Ashcroft was a target made to order. Devoutly religious, appointee of George Bush, he could scarcely have been a better fit for the bogeyman figure advanced as the greatest threat to our civil liberties—the perfect model to fire up the crowds at marches, and breast-beating festivals. Not for nothing do the Democratic presidential candidates out-do themselves denouncing the attorney general: they know, the candidates do, what has filtered down to their base, their main audience, after all. They all know, as John Kerry does, that he can say whatever he wants about John Ashcroft—that he views, as a nightmare, members of other races, creeds and religions; or anything else the Democratic candidate finds convenient—and it will all be understood, a mark of political virtue.

Mr. Ashcroft's detractors were at no time more infuriated—at least recently—than when he undertook his journey to various states, to speak up in defense of the USA Patriot Act. Indeed, Janet Reno, former attorney general, was sufficiently exercised by Mr. Ashcroft's journeys to come forward to join the denunciations of his policies. Ms. Reno, whose devotion to civil liberties was best exemplified in 1993, when she ordered tanks in to assault the Branch Davidian compound in Waco—which exercise resulted in the deaths of 19 children and 57 adults—has not been heard from for a while. But it is worth remembering that attorney general's notions of due process in a time of emergency. A dangerous situation was becoming more dangerous, Ms. Reno would later explain—there had been word that children had been sexually abused. In went the tanks and the flammable gas canisters. As far as one can tell, the ACLU launched no protests. The 19 children, were, it could be argued, certainly saved from molestation.

Mr. Ashcroft's efforts as attorney general have, as far as anyone knows, resulted in no such mass casualties. Still the hot-eyed demonstrators keep rolling out to shout their denunciations and wave placards saying ''R.I.P. Civil Rights'' and ''Here Lies Your Freedom.'' Much has been invested in the demagoguery portraying John Ashcroft as the most serious threat to our liberties in memory: an investment that has enriched the ACLU's funding coffers, and delivered priceless publicity. No one should expect it to end any time soon.

## MILLWRIGHT LOCAL 1043

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. VISCLOSKY. Mr. Speaker, it is with great admiration and respect that I offer congratulations to some of Northwest Indiana's most dedicated and talented workers. On Friday, September 26, 2003, the Millwright Local 1043 of Burns Harbor, Indiana will honor special members at their Annual Retirement and Awards Banquet at the Avalon Manor in Hobart, Indiana. Devoted to their hard work and dedication, these individuals will be recognized for their many years of service to their union. Members who have served for 20 years or more will be honored, as well as the 2003 retirees. Millwright Apprentice Graduates will also be recognized at this gala event. Finally, the ceremony will include special recognition of members who have passed away in 2003.

Local 1043, led by President Bruce Wright, will celebrate tenures ranging from 20 years to 55 years of service. Those members being honored for 55 years of service include: Nick Christoff, Joseph Drasich, and Steve Kicho. Millwrights who will be honored for 50 years of service include: Whitney Duhon, Robert Erickson, and Alfred N. Salvesen. Members of Local 1043 who will be honored for 45 years of service include: John Cisarik, Archie Fisher, Joe Williams, and Paul D. Maness. Those who will be honored for 40 years of service include: James L. Geer, John Pegg, and Herbert E. Sprinkle. Millwrights honored for 35 years of service include: Dona Banks and Carl Dean Robinson. Those who will be honored for 30 years of service include: Randy Ames, Jerome Bielak, Gary Talcott, Dionisio Trinidad, Louis A. Vendramin, John Vintila, David B. Whitaker, and John Zavalydriga. Local 1043 members who will be honored for 25 years of service include: Michael Adams, Greg Allen, Terrill Crase, Steven J. Kime, Mark Liston, Monie Parker, Jon R. Smith, Houston L. Stevens, and John Wardell. Finally, those Millwrights being honored for 20 years of service include: Jay Beere, Jay Childress, Jeffery Ludvigson, John E. Naccarato, Paul Pasley, and John Williams.

Local 1043 will also be recognizing and honoring dedicated members who are 2003 retirees. These members include: Jerry Forcht, Fred Miller, Rick Pierce, Gerald Purevich, Sr., and Kenneth Rippe. The Apprentice Graduates of Millwright Local 1043 will be acknowledged for their hard work and dedication. These individuals are Ryan M. Davis, Frank A. Hines, Thomas J. Hoeckelberg, Rodney L. Hyatt, Jon P. St. Myer, Gary E. Torbeson, Jr., Mark A. Tuszynski, and Vanessa Vlach. There will also be special recognition in memory of members who have passed away in 2003. These members include: Frank Kark, Lawrence Ray, Donald Janisch, William Kollada, James Dowdy, Thomas Stewart, and Tony Vrbancic.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these dedicated, hard-working, and honorable members of Millwrights Local 1043 in Burns Harbor, Indiana. They, along with all the other men and women of the Northwest Indian unions, represent the true backbone of our economic community. Their commitment and loyalty to the First Congressional District is worthy of the highest commendation and respect.

## PERSONAL EXPLANATION

### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. STEARNS. Mr. Speaker, I missed the following votes due to personal family reasons, Rollcall vote No. 506 (To H.R. 7, Charitable Giving Act of 2003)—Had I been present I would have voted ''no.'' Rollcall vote No. 507 (To H.R. 7)—Had I been present I would have voted ''no.'' Rollcall vote No. 508 (H.R. 7)—Had I been present I would have voted ''yes,'' and given the following statement which I now include in my extension of remarks.

Mr. Speaker, I am pleased to support H.R. 7, and am glad to especially support the flattening of the excise tax on the net investment income for private foundations from a two-tiered tax to a single tier of 1 percent. This could be one of the most effective steps Congress could take to spur charitable giving.

Currently, private foundations generally are subject to a 2 percent excise tax on their net investment income.

The tax was originally enacted in the Tax Reform Act of 1969 as a way to offset the cost of government audits of these organizations, in the wake of some unfortunate—and clearly wrong—mismanagement of foundation income. However, excise tax revenues have steadily climbed and IRS audits of private foundations have steadily dropped over the past decade. Specifically, in 1990, the excise tax raised $204 million and the IRS conducted 1,200 audits of private foundations. In 1999, the last year for which figures are available, the excise tax raised $499.6 million with the IRS conducting only 191 audits.

Congress reduced this tax in 1978 and 1984. In both instances it was noted that the adjustments were necessary because the revenues collected from the tax exceeded IRS auditing needs. Accordingly, the Joint Committee on Taxation recognized in its April 2001 recommendations the need to repeal this tax. Finally, the tax is inequitable, as other tax-exempt organizations are also audited, however, private foundations are the only tax-exempt organizations that have to fund their own policing.

Repeal of the excise tax would result in dollar for dollar increase in qualifying distributions of hundreds of millions of dollars every year, boosting the ability of charitable organizations to address national priorities across the range of fields that are the focus of some 58,000 private foundations. President Bush has proposed a reduction in this excise tax in his FY2004 budget to 1 percent, and for that I am quite appreciative. If we went further, though, the elimination of this tax would spur additional charitable giving. One of the most compelling arguments I've received comes from foundations pointing out that the money they would save from a repeal won't benefit the foundation officers, trustees, or even any employees. Who will benefit from a repeal of the excise tax? The causes for which each foundation was created. For example, the William Caspar Graustein Memorial Fund in Hamden, Connecticut writes me: ''Congressman (Stearns), the William Caspar Graustein Memorial Fund would gain nothing from the flattening of this tax. The check we write to the United States Treasury we would instead write to our grantees. Our 2002 excise tax payment was $22,176. We would prefer to put that money to work where we know it would help—the children and families in Connecticut.'' Signed, David M. Nee, Executive Director.

Foundations often spring from a corporate beginning. Take Robert W. Woodruff, the President of The Coca-Cola Company from 1923 until his death in 1985. He transformed the fledgling soft drink enterprise and its bottler franchise system into a corporate giant with the world's most widely known trademark. But this was not enough. Mr. Woodruff established a remarkable record as a businessman and philanthropist. Mr. Woodruff gave anonymously to many institutions, a number of which owe their very existence to his generosity. Prominent on Mr. Woodruff's desk was his personal creed: ''There is no limit to what

a man can do or where he can go if he doesn't mind who gets the credit.'' Last year, the Robert W. Woodruff Foundation, Inc. in Atlanta, Georgia, donated more than $106 million to aid schools, health care, art and cultural activities and the conservation of natural resources.

In my state, The Blue Foundation for a Healthy Florida, the philanthropic arm of Blue Cross and Blue Shield of Florida, serves to positively impact Florida's many different health care challenges. This includes a focus on the uninsured and underserved. The Blue Foundation provides aid to charities across the state that provide outreach and care to the underserved and uninsured population, as well as address other pressing health care needs.

This nation was founded on a principle of helping hands, charity, volunteerism, and the free flow of aid and comfort to fellow Americans. The grace of giving where one wants to is one of our precious liberties. Foundations touch the lives of every American—from access to public libraries, development of the polio vaccine, and even leading in the creation of Emergency 911. Let us encourage this and let charitable works thrive.

## IN APPRECIATION FOR A LIFETIME OF DEDICATION

### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. ROSS. Mr. Speaker, I rise today to thank an outstanding and dedicated constituent of mine who is retiring after a lifetime of caring for our nation's most beautiful places.

Roger Giddings is a 42-year veteran of federal service who began his career in 1960 as a seasonal park ranger for Glacier National Park in Montana and Everglades National Park in Florida. Giddings landed his first permanent National Parks Service assignment as a supervisory park guide at Carlsbad Caverns National Park in New Mexico. He has worked at Colonial National Historic Park in Virginia, Natchez Trace Parkway in Mississippi, the NPS Headquarters in Washington, DC, and Grand Canyon National Park in Arizona before becoming superintendent of Hot Springs National Park in Arkansas in 1981.

His work in Arkansas has resulted in preservation and restoration of our national treasure, our bathhouses. In the late 1980's he helped to establish the Friends of Fordyce group that worked to get the Fordyce Bathhouse rehabilitated into the Park's Visitor Center. For this effort, the National Trust for Historic Preservation awarded the park it's highest honor, the Historic Preservation Honor Award.

Giddings's greatest challenge was to save and restore the unique and historic Bathhouse Row in Hot Springs, where an essential stabilization project is already underway. When he arrived at Hot Springs National Park, he set to work not only to revitalize the bathhouses, but all of downtown Hot Springs as well. The results of his efforts can be seen by all who come to visit, and his work has ensured that many more will visit Hot Springs National Park in the future.

On behalf of all who have visited, enjoyed, and shared the beauty of our National Parks, I want to thank Roger Giddings for his persistent efforts not only at Hot Springs National Park, but also at some of the most amazing places in our great nation.

## OPPOSING THE EPA'S FINAL NEW SOURCE REVIEW RULE

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. ROTHMAN. Mr. Speaker, I rise today in strong opposition to the EPA's recent decision to gut the Clean Air Act—landmark legislation that protects the public from deadly air toxins.

With one swift blow the Bush Administration has rolled back three decades of environmental protection by allowing some 20,000 of the oldest and dirtiest power plants, oil refineries, incinerators, chemical plants and industrial facilities that were exempted from the Clean Air Act to avoid installing the newest and best available pollution control technologies when they upgrade and modernize their facilities. It is a reckless act that will shower thousands of additional tons of smog and soot from dirty Midwest power plants onto the people and communities of New Jersey, endangering the public health most severely in densely-populated urban areas—such as those in my district—that already suffer the ill-effects of downwind industrial pollution.

The New Source Review program had been the linchpin of our nation's clean air laws. Since the late 1980's—during successive Republican and Democratic Administrations—the EPA and the Department of Justice teamed up to investigate and sue polluters who refused to install ''best-available'' pollution control technologies when they modernized their plants and increased emissions.

Some 540 ''grandfathered'' coal-fired power plants nationwide cause 98 percent of the soot emissions that lead to 30,000 premature deaths and 170,000 asthma attacks each year. Through the new source review process, DOJ has filed suit against 53 of these plants that are in violation of the Clean Air Act. Five of the 53 admitted wrongdoing and settled with the federal government—settlements that will result in 393,000 less tons of sulfur dioxide, 175,000 less tons of nitrogen dioxide, and 10.7 million less tons of carbon dioxide being released into the air we breathe each year. Despite this success, in issuing this new rule, the Administration has cast doubt on the pending cases while announcing that it will no longer pursue those polluters who have broken the law for years.

As a downwind state, New Jersey suffers disproportionately from power plants that refuse to clean up their act. New Jersey is hit by increased emissions in the form of acid rain and increased respiratory disorders. In fact, because of these out-of-state polluters, New Jersey has the worst air pollution and the sixth highest rate of asthma in the nation. The societal and economic costs of air pollution come in the form of missed school and work days, more emergency room visits, more heart attacks and strokes.

Unfortunately, this Administration has turned a blind eye to environmental science, the written comments of over 300,000 Americans who opposed the New Source Review rule, and the enforcement successes of the NSR program in favor of its corporate polluter friends. This is a travesty. And at the same time that the Administration is rewriting the Clean Air Act, it has set about dismantling the EPA's criminal enforcement division. The President's current EPA budget proposal would eliminate 126 EPA enforcement positions over the last three years—a 60 percent decline in civil enforcement and compliance monitoring. Further, a recent GAO report stated that EPA relied heavily on anecdotal evidence to build a case for the New Source Review rule—something Jeffrey Holmstead, Assistant EPA Administrator for Air and Radiation, all but admitted in newspaper reports when he stated that the EPA ''wished it had better data.'' This perhaps explains why EPA tried to catch the American people off guard by signing the final rule two days before the traditional Labor Day holiday when many Americans were enjoying their last few days of summer rest with their families.

Mr. Speaker, I share the view of countless Americans and over 350 newspapers nationwide in calling the Bush Administration's actions an outrage and a devastating blow to public health. I urge all my colleagues in Congress—Republican and Democrat—to disapprove this rule and come together to craft new legislation that sets tough new standards for the dangerous toxic pollutants that will now cloud our air.

## TRIBUTE TO TONY AUTORE IN RECOGNITION OF FOUR DECADES OF EXEMPLARY COMMUNITY SERVICE

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. STUPAK. Mr. Speaker, I rise today to recognize the dedication and achievements of a constituent of mine who is a true asset to his community, Tony Autore.

On Friday, September 26, 2003, the Chippewa-Luce-Mackinac Community Action Agency Head Start Program Center in Cedarville, Michigan will be designated the Autore Center, in recognition of Tony's many years of devotion to the important work of that agency.

To understand Tony's deep roots in the eastern Upper Peninsula of Michigan, you have to go back to the beginning, when Tony was born in Sault Ste. Marie and went through Catholic elementary school and public high school there. He married Ethel Duff in 1949, and over the years they have been blessed with three sons, two daughters and seven grandchildren. Tony also served in the U.S. Army from 1952 through 1954.

Before entering military service, Tony began his career as an employee of the local branch of Standard Oil Company. After coming home from the Army, Tony moved to Cedarville, Michigan and with Ethel purchased Standard Oil's delivery route for oil and propane for the Cedarville/Hessel area. Moving to Cedarville, where they still reside, they began developing the community and business relationships that continue today as a testament to their place in the community.

Tony and Ethel both devoted themselves to building a reputation for customer service that survives today. One of their first innovations

was automatic delivery of propane fuel and oil for their customers, to avoid the problem of customers running out of heating and cooking fuel because they forgot to order it. That may sound academic today, but it was a new idea at the time Autore Oil began the program. The business today represents a family tradition of customer service, with children Beth McConkey and Steve and Scott Autore active in the business. Even though Ethel is supposed to be retired, you will often find her at the Autore Oil offices as well, providing her indispensable assistance.

Tony began his community service early, and it would be hard to find another person who has contributed more to Cedarville, the eastern Upper Peninsula and to Michigan. He established Cedarville Boy Scout Troop 40 and served on the board of the Les Cheneaux Education Foundation which helped students to pursue extracurricular interests in the arts, music, woodworking or other activities that kept them motivated, learning and moving forward educationally.

Tony has served on the Mackinac County Planning Commission, the Mackinac County Housing Commission, and Mackinac County Economic Development Corporation. He is a member and past president of the Cedarville Lions Club. He belongs to the Knights of Columbus, the Christopher Columbus Association and served with the Clark Township Volunteer Fire Department. As a member of the Les Cheneaux Chamber of Commerce, Tony was instrumental in hosting Michigan Outdoor Writers winter and summer conventions that brought the attention of far flung readers to the eastern Upper Peninsula's attractions.

Perhaps Tony's crowning achievement is what he has done to foster the health and growth of the Chippewa-Luce-Mackinac Community Action Agency, headquartered in Sault Ste. Marie. Tony served on its board of directors for 18 years and has been treasurer of the board since 1989. He has always been willing to step in when needed, most recently as Vice Chair when that position was temporarily vacant.

The best example of Tony's hands-on, 'can-do' attitude is how he helped start a food commodity delivery program for the C–L–M Community Action Agency. His trucks and drivers traveled three counties for at least seven years to deliver food through the federal TSAP program to as many as twenty different distribution sites, free of charge, until funding came through for a paid driver and vehicle. He assisted the Agency in developing the Head Start Center which will bear his name after September 26th. Because of his work in the community, he was able to secure the use of the Cedarville Town Hall for senior meals, where they still are served today.

Over the years, the Community Action Director and staff have come to rely not just on Tony's capacity for hard work, but also on his sage counsel and advice—not a small benefit for an agency with a five and a half million annual budget.

Mr. Speaker, I ask that you and my colleagues join me in giving a well-deserved and heartfelt round of congratulations to a real Michigander, a devoted family man and a shining example of service to his community, which needless to say, contains many friends and admirers of Tony Autore.

## READMIT TAIWAN TO THE UNITED NATIONS

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. TOWNS. Mr. Speaker, as the United Nations General Assembly convenes for its 58th session this week, I remind my colleagues that the Republic of China on Taiwan—a free and open democratic society and a leading trade partner of the U.S.—is still being denied membership to that world body. It is time for the U.N. to readmit Taiwan.

Taiwan not only has a thriving democracy and prosperous economy, but its 23 million people make it larger than three quarters of the existing member states of the U.N. It is hard to conceive of any good reason to continue denying such a worthy country admission to this vitally important world body.

There exists now, and has existed before, examples of parallel representation of the countries in the U.N. I speak now of East and West Germany which both held memberships in the U.N. until their reunification in 1990. Today both the Democratic People's Republic of Korea and the Republic of Korea are members of the United Nations.

Taiwan is not only a free and open democracy, a bulwark for human rights and an important player in our global economy, but it is a good neighbor to countries in need around the world. Time and time again, Taiwan has heeded calls by the U.N. and others for emergency assistance to countries suddenly fallen victims to natural disasters or war. Among others, it has assisted Afghanistan, Kosovo, Turkey, Nicaragua, El Salvador, the fight against aids in Africa, and the current relief needs of Iraq.

The 23 million people of this country—who have demonstrated in nearly every way imaginable that they are responsible citizens of the world—deserve a voice at the U.N.

## IN SUPPORT OF REAUTHORIZATION OF TEA 21 AND H.R. 1789, THE AMERICAN PARITY ACT

### HON. NICK J. RAHALL, III

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. RAHALL. Mr. Speaker, I rise today to call once again for reauthorization of the Transportation Equity Act of the 21st Century (TEA 21), which will expire in just over one week.

Today, the House considers a five-month extension to TEA 21. But it ought to be passing a meaningful surface transportation bill that will address measurable needs in our infrastructure, provide desperately needed jobs, and bolster our economy.

Several weeks ago, the American Society of Civil Engineers (ASCE) said that we are failing to maintain even the substandard conditions of our transportation infrastructure. It described our national roads system as ''poor,'' and our national bridges and transit systems as ''mediocre.'' For my home state of West Virginia, the ASCE report said more than a third of state roads are in poor or mediocre condition, and one-fifth of the state's bridges are deficient or functionally obsolete.

This should not come as a surprise to anyone. The United States is in need of infrastructure reinvestment. The Federal Highway Administration, the General Accounting Office, and industry trade groups have clearly communicated the shortcomings in our Nation's infrastructure since last year.

Almost 30 percent of our bridges are structurally or functionally deficient, and half our interstate bridges are over 33 years old.

Of the 102,859 bridges that are part of our Strategic Highway Network, which the Department of Defense would use to mobilize against global and domestic threats, over 20,000 of them are rated as deficient.

Twenty-four percent of both our Urban Bus and Urban Rail maintenance facilities are substandard.

Highway congestion in cities with less than 500,000 in population experienced an increase of 217 percent in the years 1987 to 2000. It is worth noting that most of America resides in cities with less than 500,000 in population.

Traffic delays in rush hour traffic increase travel times by 63 percent in urban areas.

Estimates place the loss of productivity and motor fuel at $68 billion currently, and it is expected to near $100 billion by 2009.

Importantly, the FHWA has also noted the benefits of economic investment in our infrastructure. Every $1 billion we invest in our highways creates 47,500 good-paying jobs at a time when unemployment levels remain unsteady, and it provides $6.1 billion of economic activity in return, which would help restore our uneven economy.

Mr. Speaker, the FHWA said that we need to invest $375 billion over the next six years to sustain our surface transportation system in its current condition to maintain economic growth.

However, many in Congress and the President say that we cannot afford this investment in our infrastructure, which is an investment in our present and in our future. For this reason, efforts to craft a meaningful surface transportation bill as the successor to TEA 21 stalled months ago.

Congress should not oppose investment in our infrastructure to ensure our future. We know what needs to be done, yet we are being delinquent in our responsibility to the American people by not doing it. Congress should enact a surface transportation bill as a worthy successor to TEA 21.

Meanwhile, the Bush administration tells Congress that what is needed is $87 billion for Iraq. Furthermore, a House Budget Committee study indicates that the cost of the Iraq war and occupation could easily reach $417 billion over the next decade.

Mr. Speaker, this reflects skewed priorities. Moreover, it raises concerns for what programs may be cut to pay for the Iraq funding.

My support for our brave troops is total, and that means they must have every resource made available to them. However, the task of rebuilding Iraq cannot be America's responsibility alone. We should draw upon the support and aid of the world community.

However, we have needs at home as I have suggested. That is why I am a proud cosponsor of H.R. 1789, the American Parity Act, which would require that America's priorities be addressed with the same urgency that the administration is giving to rebuilding Iraq.

In addition to the infrastructure needs I mentioned, we suffer from having 42 million uninsured Americans and rising health costs for insured individuals, proposed reductions in Medicaid funding, insufficient funding for the Maternal and Child Health Block Grant of the National Health Service Corps, a national nursing shortage, the most far-reaching energy blackout in U.S. history, attempts to buy homeland security on the cheap, and record-level deficits.

Americans need and deserve affordable health care, capable schools, quality education, sufficient homeland security, safe and reliable roads and mass transit, modern water infrastructure, and jobs, jobs, and jobs. We won't get these things by ignoring our problems here at home.

We need to reinvest in America, first and foremost.

## TRIBUTE TO ANALYTICAL SERVICES FOR BEING RECOGNIZED AS THE NASA WOMAN OWNED BUSINESS OF THE YEAR

### HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. CRAMER. Mr. Speaker, I rise today to congratulate an outstanding Huntsville-based aerospace contractor, Analytical Services, Inc. for being named the 2003 NASA Woman Owned Business of the Year. ASI began operations under the strong leadership of Irma Tuder in Huntsville, Alabama with just two employees in 1992. Today 250 people work for ASI, 150 of them are from my district.

Analytical Services, Inc. provides program planning, technical writing and multimedia design and development to the Orbital Space Plane program which is managed by NASA's Marshall Space Flight Center. ASI supports the OSP mission to provide a system for crew rescue from the International Space Station, and ultimately crew and limited cargo transport to and from the Station. It is also supporting the management of the design and development of a new multipurpose space transportation system for assured access to space and to provide operational flexibility for NASA.

ASI is best summarized by their company philosophy, ''and then some.'' ASI employees are committed to these words by providing their customers with responsiveness, innovation, professionalism, and then some. ASI has a strong dedication to its community and should serve as a model for small businesses everywhere.

Mr. Speaker, today ASI Founder, President and CEO, Irma Tuder, will accept the 2003 NASA Woman Owned Business of the Year Award on behalf of all the employees of ASI. Since I cannot be there, I want to take this opportunity on behalf of the people of North Alabama, to congratulate all the employees of Analytical Services, Inc. on a job well done and thank them for their service.

## MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

SPEECH OF

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 17, 2003*

Mr. REYES. Mr. Speaker, I am proud to support the motion to instruct conferees offered by my dear friend and colleague, and fellow member of the Armed Services Committee, the Chairman of the Congressional Hispanic Caucus, Ciro Rodriguez.

This motion instructs the conferees on the Defense Authorization bill to adopt provisions that were overwhelmingly approved by the House when it passed the Armed Forces Naturalization Act earlier this year. These provisions would remove administrative and financial barriers to obtaining citizenship by those non-citizens who are risking their lives to defend of our Nation. Thirty-seven thousand legal permanent residents currently serve in our armed forces, and their service deserves to be recognized.

The Rodriguez motion also recognizes the important supportive role that family plays and calls for inclusion of measures to ensure that when their loved ones die in the line of duty, family members will not suffer even more by having their immigration status placed in jeopardy.

After every major conflict in the past 100 years, we have granted citizenship to thousands of immigrants who fought wearing the U.S. uniform. Let us do the right thing and act now to continue the American tradition of honoring those who have proven their loyalty to our country on the battlefield. I urge my colleagues to vote in favor of the Rodriguez motion to instruct.

## TO COMMEMORATE THE BIRTHDAY, LIFE AND LEGACY OF THE LATE SENATOR CLAUDE DENSON PEPPER

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to commemorate the birthday, life and legacy of the late Senator Claude Denson Pepper.

I first met Congressman Pepper in 1984 when we worked together to craft the National Democratic Platform. Even then, at age 84, his energy and passion for making life better for others was clear. During his near 90-year career, Pepper played a leading role in American politics. Pepper won vast victories for all Americans, notably our country's elderly population.

Pepper was elected to the United States Senate in 1935, where he gained the respect and friendship of President Franklin D. Roosevelt. He stayed in the Senate for 3 terms and served in the House, where he represented the greater Miami area. He served his House district for almost 30 years, becoming Chairman of the House Select Committee on Aging and of the House Rules Committee.

Claude Pepper did so much for so many, but is best remembered for his work on behalf of older Americans. He was their voice and their advocate. He led the battle to pass legislation that erased mandatory retirement laws. He authorized the bill that created the National Institute on Aging. His leadership made passage of Medicare a reality.

Near the end of his life, Chairman Pepper fought for the enactment of a prescription drug benefit in Medicare. Concurrently, he worked to enact a long-term home benefit in Medicare to assist the growing number of Americans who needed help performing essential activities of daily living in their homes. Pepper came away a few votes shy of enacting these bills, but his visionary actions shaped the path for future generations.

Pepper's life work was firmly routed in his personal principles. His passionate advocacy and unquestionable integrity made him a role model for public servants and generations of young men and women to invest their lives in giving back to their communities.

Claude Pepper is a hero to senior citizens and all Americans, and I am proud to have known him. As Congress continues to debate the futuer of Medicare and other programs, we would do well to remember his legacy and his simple philosophy: ''Make it better. Do all you can to make life better for others.''

Thank you, Senator Pepper, for your service to our country, and for making our Nation a better place for generations of senior citizens.

## CONGRATULATING P.V.'S HUT ON ITS FIFTIETH ANNIVERSARY

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. TANNER. Mr. Speaker, I rise today in recognition of P.V.'s Hut, which is celebrating its fiftieth year as a popular institution in my hometown of Union City, Tennessee. Over five decades, P.V.'s Hut has served millions of its famous specialty—hand-made hamburgers.

P.V.'s Hut was founded in June 1953 by Horace Aaron ''P.V.'' and Mary Lou Peevyhouse. Their daughter and son-in-law, Sue and Jim Isbell, now operate the restaurant, but patrons know they are receiving the same exceptional service that generations of customers have received at the small diner for five decades.

When I was a young boy, my family would go to P.V.'s for twenty-five-cent hamburgers and would dine at one of the two small tables located inside the restaurant at its original location. P.V.'s Hut has moved to a larger building now and can accommodate more guests at its booths and lunch counter. The prices have also changed over the years, but patrons still travel from miles away for hand-made hamburgers and baked-from-scratch pies at affordable prices.

Mr. Speaker, as we look for ways to help our economy grow, let us take the opportunity to thank and praise those small business owners who work so hard every day to contribute to our local and regional economies. They truly make a difference, with their customer service-minded business philosophies and their dedication to the community.

Because of its founders' and owners' love for old-fashioned food service, P.V.'s Hut has

been rewarded with fifty years of success. Mr. Speaker, please join me in congratulating P.V.'s Hut on its long service to our community and hoping all the best for P.V.'s in the years to come.

## INTERNATIONAL REHABILITATION CENTER FOR TORTURE VICTIMS RECEIVES CONRAD N. HILTON FOUNDATION HUMANITARIAN PRIZE

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. LANTOS. Mr. Speaker, I would like to call to the attention of my colleagues the leadership shown by the Conrad N. Hilton Foundation for focusing attention on the widespread use of torture by some outlaw regimes by awarding this year's Conrad N. Hilton Humanitarian Prize of $1 million to the International Rehabilitation Center for Torture Victims (IRCT). I also want to take this opportunity to congratulate and pay tribute to the ICRT.

Mr. Speaker, as Co-Chairman of the Congressional Human Rights Caucus I have had the privilege of working with ICRT and its network of affiliates around the world. Every year, the Caucus organizes a public briefing to mark the United Nations ''International Day in support of Survivors of Torture,'' during which we bring together survivors of torture from all over the world, healthcare personnel who assist in their treatment and rehabilitation, Members of Congress, congressional staff and the general public. These briefings are designed to educate our colleagues and their staff, on the practice of torture and the devastating physical and emotional complications that revisit torture victims, and to encourage appropriate Congressional action to address this important issue.

This Hilton Award will be presented to ICRT today at a luncheon in New York City, at which the Dalai Lama will speak. The awarding of this prestigious prize comes at a very appropriate moment, as this Congress is about to re-authorize the Torture Victims Relief Act of 1998 by our adoption of H.R. 1813, which has already been approved by the House Committee on International Relations.

The United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment establishes the basic human right of freedom from torture. Thus far, 134 States have recognized this right by becoming state parties to this important convention. Yet torture continues to take place in more than 117 countries. It is estimated that one-third of the world's 12 million refugees are victims of torture.

Mr. Speaker, torture is a brutal form of social and political control designed to stifle dissent through terror and it violates the basic rights of human beings and is contrary to the principles of the U.S. Constitution and fundamental nature of our Republic. Politicians, journalists, teachers, students, religious leaders, trade union and human rights activists are special targets. The aim of torture is not to kill the victim, but to break down the victim's personality. Crippled, traumatized, and humiliated, the victims are returned to their communities as a warning to others.

I will not elaborate on the methods and consequences of torture, which my colleagues know well from previous debates here on the House floor. But I would like to emphasize again that there are an estimated 500,000 torture survivors in the United States alone—refugees and asylum-seekers who have fled repressive regimes. In recent years, there has been a dramatic increase in the number of victims of torture seeking help at U.S. rehabilitation centers, and many centers now have long waiting lists. In the United States there are 25 rehabilitation centers and programs joined together under the National Consortium of Torture Treatment Programs. The passage of the Torture Victims Relief Act in 1998 positioned the United States as a leading donor to the work against torture. The re-authorization of this legislation, which the Committee on International Relations reported to the House on July 23rd, will continue and expand American leadership to assist those who have been subject to this terrible human rights abuse. I urge the House leadership to schedule this bill for floor action as soon as possible.

Mr. Speaker, I would like to briefly summarize for my colleagues the global efforts that IRCT has undertaken to eliminate torture and to explain the extraordinary work they are accomplishing now. The medical response to torture began in 1973 with an Amnesty International campaign calling for help to diagnose torture victims. At that time, very little was known about torture methods or the physical or psycho-social consequences for torture victims. An Amnesty group of four doctors in Denmark was the first to respond and was soon joined by a network of some 4,000 medical doctors from 34 countries worldwide. It quickly became evident that, in addition to documenting cases of torture for use in potential legal proceedings, it was also critical to identify methods to help treat and rehabilitate victims of torture.

In 1982, the first rehabilitation center was founded and established by medical humanitarian my dear friend Dr. Inge Genefke and the Rehabilitation and Research Center for Torture Victims (RCT) in Copenhagen, Denmark. As the global movement developed, and the need for global support increased, the International Rehabilitation Council for Torture Victims (IRCT) was founded in 1985, initially as the international arm of the RCT, until 1987 when it became a fully independent organization. IRCT's mission, with Dr. Genefke as its Ambassador, is to support and promote the rehabilitation of victims of torture, to advocate for the prevention and eradication of torture worldwide, and to provide documentation and research that will ultimately bring perpetrators to justice.

Mr. Speaker, from a handful of rehabilitation centers in the mid-1980s, a global network of 200 rehabilitation centers and programs is now operating in 80 countries. These efforts, however, are just a beginning in the global fight against torture. To keep a spotlight on the issue, IRCT's global campaign, ''Together against Torture,'' involves more than 10,000 people and 300 organizations in some 100 countries every year to commemorate the United Nations International Day in Support of Torture Victims, which takes place annually on June 26.

In recent years, IRCT has developed successful models in post-conflict interventions in support of torture victims in East Timor, Kosova, and in Pakistan for Afghan refugees. The IRCT Documentation Center is the world's largest library on torture-related research and IRCT is initiating the first comprehensive monitoring and documentation system on torture at the global, regional, and national levels.

In conclusion, Mr. Speaker, let me mention to my colleagues statements from global leaders in support of IRCT.

Dr. Bertrand Ramcharan, Acting U.N. High Commissioner for Human Rights, said: ''Torture is a violation of basic human rights. Through extensive documentation and research, IRCT has become an essential source for governments and legal authorities in their efforts to expose atrocities and to bring perpetrators to justice.''

Mary Robinson, former U.N. High Commissioner for Human Rights and former President of Ireland, said: ''Through its support for victims and its global campaigning for the universal ratification and implementation of the U.N. Convention Against Torture and its Optional Protocol, the IRCT reminds us of our shared responsibility for ending torture throughout the world.''

Former United States President Jimmy Carter said, ''Freedom from torture is one of the most fundamental of all human rights principles, enshrined in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and other international agreements. This year, it is particularly fitting that the Conrad N. Hilton Foundation has chosen to bestow its Humanitarian Prize on the International Rehabilitation Council for Torture Victims, an organization that has done so much to end torture and to support its victims worldwide.''

Danish Minister for Foreign Affairs, Per Stig Miller said, ''There is no doubt that IRCT has had a determining role in placing torture and organized violence onto the international agenda and that the organization has achieved a special recognized status and voice that is listened to worldwide. The prize underlines the need for continued international support towards the work of the IRCT.''

Dr. Reiner Brettenhaler, President of the Standing Committee of European Physicians, said: ''We are proud to nominate the IRCT for this year's Conrad N. Hilton Humanitarian Prize. A unique strength of the IRCT is its approach to the work against torture: focusing on the medical aspects of torture, thereby focusing on the individual recovery of those subjected to this act of inhumanity.''

Mr. Speaker, I again want to express my deepest appreciation and gratitude to the ICRT and its global network of treatment and support centers for their continued invaluable service to humanity. I also want to commend the Conrad N. Hilton Foundation for recognizing and supporting the ICRT's efforts by awarding it the Conrad N. Hilton Humanitarian Prize.

## HONORING THE 112TH ANNIVERSARY OF THE OXFORD HOTEL OF DENVER, CO

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 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. Its 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 as a jazz center.

For years I have had the privilege of knowing the owners of the Oxford Hotel: Walter and Christie Isenberg 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.

# *Daily Digest*

## HIGHLIGHTS

**Senate passed H.R. 2691, Interior Department Appropriations Act.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S11771–S11875***

**Measures Introduced:** Six bills and six resolutions were introduced, as follows: S. 1641–1646, and S. Res. 228–233. **Page S11832**

**Measures Passed:**

***Interior Department Appropriations:*** Senate passed H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, after taking action on the following amendments proposed thereto: **Pages S11780–81, S11784–S11826**

Adopted:

By 92 yeas to 4 nays (Vote No. 358), Bingaman Amendment No. 1740, to ban commercial advertising on the National Mall. **Pages S11804–05**

By 53 yeas to 43 nays (Vote No. 360), Voinovich/Thomas Modified Amendment No. 1754, to substitute a requirement for an annual report on competitive sourcing activities on lists required under the Federal Activities Inventory Reform Act of 1998 that are performed for the Department of the Interior by Federal Government sources. **Page S11807**

Levin/Collins Amendment No. 1750, to ensure cost-effective procedures to fill the Strategic Petroleum Reserve. **Pages S11808–11**

Burns (for Bennett) Amendment No. 1757, to provide funds for trail construction on the Wasatch-Cache National Forest. **Pages S11813–14**

Burns Amendment No. 1758, to provide funds to facilitate a land exchange between the State of Montana and the Lolo National Forest. **Pages S11813–14**

Burns (for Nickles) Modified Amendment No. 1752, to set aside funds for the Oklahoma City National Memorial. **Pages S11813–14**

Burns (for Cochran) Amendment No. 1759, to set aside funds for the Wildlife Enhancement and Economic Development Program in Starkville, Mississippi. **Pages S11813–14**

Burns (for Enzi) Amendment No. 1760, to improve seismic monitoring and hazard assessment in the Jackson Hole-Yellowstone area of Wyoming. **Pages S11813–14**

Burns Amendment No. 1761, to provide funds for the development of certain technologies and research facilities. **Pages S11813–14**

Dorgan Amendment No. 1762, to provide funding for DES applications integration. **Pages S11813–14**

Dorgan (for Landrieu) Modified Amendment No. 1728, to set aside funds for activities to commemorate the Louisiana Purchase at the Jean Lafitte National Historical Park and Preserve in the State of Louisiana. **Pages S11813–14**

Burns/Dorgan Amendment No. 1763, to provide certain funding for operating grants for Tribally Controlled Community Colleges, and for Information Resources Technology. **Pages S11813–14**

Dorgan (for Clinton) Amendment No. 1726, to provide for a payment of $11,750 to the Harriet Tubman Home in Auburn, New York. **Pages S11813–14**

Dorgan Amendment No. 1764, to include electric thermal storage technology as a weatherization material under the Energy Conservation in Existing Buildings Act of 1976. **Pages S11813–14**

Burns (for Campbell) Amendment No. 1765, to provide funds for the Mesa Verde Cultural Center in the State of Colorado, with an offset. **Pages S11813–14**

Burns (for Talent) Amendment No. 1766, to provide funding for the construction of a statue of Harry S Truman in Kansas City, Missouri, with an offset. **Pages S11813–14**

Burns Amendment No. 1769, to cancel certain unobligated balances in the Department of the Interior's foreign currency account. **Pages S11816–19**

Burns Amendment No. 1770, to provide authority for the Forest Service to reimburse cooperators who assist with emergency response. **Pages S11816–19**

Burns (for Bennett) Amendment No. 1771, to provide authority for the Forest Service to sell certain excess facilities on the Wasatch-Cache National Forest. **Pages S11816–19**

Burns Amendment No. 1772, to facilitate rehabilitation efforts on the Kootenai and Flathead National Forests. **Pages S11816–19**

Burns Amendment No. 1773, to ensure the perpetual operation of water treatment centers at the Zortman/Landusky mine reclamation site. **Pages S11816–19**

Burns (for Craig) Amendment No. 1774, to facilitate renewal of grazing permits managed by the Bureau of Land Management's Jarbridge office. **Pages S11816–19**

Burns (for Stevens) Amendment No. 1775, to modify a provision relating to interim compensation payments for Glacier Bay, Alaska. **Pages S11816–19**

Burns (for Stevens) Amendment No. 1776, to modify a provision relating to applications for waivers of certain maintenance fees. **Pages S11816–19**

Dorgan (for Feingold) Modified Amendment No. 1725, to require the Secretary of the Interior to report to Congress on acquisitions made by the Department of the Interior of articles, materials, or supplies manufactured outside the United States. **Pages S11824–26**

Dorgan Amendment No. 1777, to amend Sec. 301 of Title III of the Energy Policy Act of 1992 (42 U.S.C. 13211) to include neighborhood electric vehicles in the definition of alternative fueled vehicle. **Pages S11816–19**

Burns (for Ensign/Reid) Amendment No. 1737, to authorize the use of proceeds from land sales in the State of Nevada for Lake Tahoe restoration projects. **Pages S11816–19**

Dorgan (for Reid) Modified Amendment No. 1732, to authorize the Secretary of the Interior to acquire certain land located in Nye County, Nevada. **Pages S11780, S11816–19**

Dorgan Amendment No. 1778, to amend Sec. 301 of Title III of the Energy Policy Act of 1992 (42 U.S.C. 13211) to include neighborhood electric vehicles in the definition of alternative fueled vehicle. **Pages S11816–19**

Burns/Dorgan Amendment No. 1779, to facilitate renewal of grazing permits. **Pages S11816–19**

Dorgan (for Leahy) Modified Amendment No. 1743, to authorize the Secretary to use funds for the Blueberry Lake project. **Pages S11816–19**

Dorgan (for Reid) Amendment No. 1733, to provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors. **Pages S11816–19**

Burns (for Snowe/Dodd) Amendment No. 1780, to direct the Secretary of Energy to submit to Congress a report on the use of the Northeast Home Heating Oil Reserve. **Pages S11816–19**

Dorgan (for Wyden) Amendment No. 1749, to exempt the rural business enterprise grants awarded to Oakridge, OR from the business size restrictions. **Pages S11816–19**

Burns/Dorgan Amendment No. 1781, to ensure that funds allocated to the Indian Health Service are not redirected to programs and projects that have not been fully justified in the agency's annual budget request and concurred in by the House and Senate Appropriations Committees. **Pages S11816–19**

Burns Amendment No. 1782, to make a technical modification to the Marine Mammal Protection Act. **Pages S11816–19**

Dorgan (for Hollings) Amendment No. 1736, to authorize the acquisition of additional land for inclusion in the Congaree Swamp National Monument in the State of South Carolina.

Burns/Dorgan Amendment No. 1768, to provide funds to repay accounts from which funds were borrowed for wildfire suppression. **Page S11816**

Rejected:

Boxer Amendment No. 1753, to strike section 333 relating to a special judicial appeals process for cases involving timber harvesting in the Tongass National Forest. (By 52 yeas to 44 nays (Vote No. 359), Senate tabled the amendment.) **Pages S11784–88, S11805–06**

By 44 yeas to 51 nays (Vote No. 361), Reid Amendment No. 1731, to prohibit the use of funds for initiating any new competitive sourcing studies. **Pages S11780, S11788–S11804, S11807–08**

By 43 yeas to 52 nays (Vote No. 362), Daschle Further Modified Amendment No. 1739, to strike funding for implementation of the Department of the Interior's reorganization plan for the Bureau of Indian Affairs and the Office of Special Trustee and to transfer the savings to the Indian Health Service. **Pages S11811–13**

During consideration of this measure today, the Senate also took the following action:

By 49 yeas to 45 nays (Vote No. 356), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Daschle Further Modified Amendment No. 1734, to provide additional funds for clinical services of the Indian Health Service, with an offset. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, was sustained, and the amendment thus falls. **Pages S11780–81**

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 Burns, Stevens, Cochran, Domenici, Bennett, Gregg, Campbell, Brownback, Dorgan, Byrd, Leahy, Hollings, Reid, Feinstein, and Mikulski. **Page S11826**

***U.S. Olympic Committee Reform Act:*** Senate passed S. 1404, to amend the Ted Stevens Olympic and Amateur Sports Act, after agreeing to committee amendments, and the following amendment proposed thereto: **Pages S11867–73**

Burns (for Campbell) Amendment No. 1767, relative to the relocation of the U.S. Olympic Committee's principal office and national headquarters. **Pages S11869–70**

***Chronic Obstructive Pulmonary Disease Awareness Month:*** Senate agreed to S. Res. 229, supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month. **Page S11873**

***Relative to the Death of General Raymond G. Davis:*** Senate agreed to S. Res. 232, expressing the condolences of the Senate upon the death on September 3, 2003, of the late General Raymond G. Davis (United States Marine Corps, retired) and expressing the appreciation and admiration of the Senate for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation. **Pages S11873–74**

***Commending Rochester, Minnesota A's:*** Senate agreed S. Res. 233, commending the Rochester, Minnesota A's American Legion baseball team for winning the 2003 National American Legion World Series. **Page S11874**

**Internet Tax Non-Discrimination Act—Referral:** A unanimous-consent agreement was reached providing that when the Committee on Commerce, Science, and Transportation reports S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, the bill be referred to the Committee on Finance for a period of thirty calendar days; and that, if said Committee has not reported the bill at the end of the thirty days, the Committee be discharged from its further consideration; and that the bill be placed on the calendar. **Page S11874**

**District of Columbia Appropriations Act—Agreement:** A unanimous-consent agreement was reached providing that at 10:30 a.m., on Wednesday, September 24, 2003, Senate begin consideration of H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004. **Page S11874**

**Appointment—Correction**

(The appointment made by the Chair on Monday, September 15, 2003, should have read as follows:)

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

**Nominations Confirmed:** Senate confirmed the following nomination:

By unanimous vote of 94 yeas (Vote No. Ex. 357), Kim R. Gibson, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania. **Pages S11781–82**

**Nominations Received:** Senate received the following nominations:

Cynthia Boich, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2007.

Henry Lozano, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2008.

Bernice Phillips, of New York, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2005.

Judith C. Herrera, of New Mexico, to be United States District Judge for the District of New Mexico.

Louis Guirola, Jr., of Mississippi, to be United States District Judge for the Southern District of Mississippi.

David L. Huber, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

Dorothy A. Johnson, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2007. Reappointment. **Pages S11874–75**

**Additional Cosponsors:** **Pages S11832–33**

**Statements on Introduced Bills/Resolutions:** **Pages S11833–59**

**Additional Statements:** **Pages S11830–31**

**Amendments Submitted:** **Pages S11861–66**

**Notices of Hearings/Meetings:** **Page S11866**

**Authority for Committees to Meet:** **Pages S11866–67**

**Privilege of the Floor:** **Page S11867**

**Record Votes:** Seven record votes were taken today. (Total—362) **Pages S11781–82, S11805–08, S11813**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 8:14 p.m., until 9:30 a.m., on Wednesday, September 24, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11874.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## NOMINATION

*Committee on Armed Services:* Committee concluded a hearing on the nomination of Gordon England, of Texas, to be Secretary of the Navy, after the nominee testified and answered questions in his own behalf.

## SARBANES-OXLEY ACT

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing on the implementation of the Sarbanes-Oxley Act (P.L. 107–204), designed to protect investors by improving accuracy and reliability of corporate disclosures made pursuant to the securities laws, focusing on reform of corporate governance, financial reporting and auditing, after receiving testimony from Samuel A. DiPiazza, Jr., PricewaterhouseCoopers, New York, New York; Edward Nusbaum, Grant Thornton, LLP, Chicago, Illinois; Sean Harrigan, California Public Employees' Retirement System (CalPERS) Board of Administration, Sacramento; and William J. McDonough, Public Company Accounting Oversight Board, and Sarah Teslik, Council of Institutional Investors, both of Washington, D.C.

## BUSINESS MEETING

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported the following bills:

An original bill to provide for an extension of the Federal transit program pending the reauthorization of the program;

An original bill to reauthorize the Defense Production Act of 1950; and

An original bill to amend the Fair Credit Reporting Act in order to prevent identity theft, to improve the use of and consumer access to consumer reports, to enhance the accuracy of consumer reports, to limit the sharing of certain consumer information, to improve financial education and literacy.

## WATER RECLAMATION PROJECTS

*Committee on Energy and Natural Resources:* Subcommittee on Water and Power concluded hearings to examine S. 213, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, S. 1236, to direct the Secretary of the Interior to establish a program to control or eradicate tamarisk in the western States, S. 1516, 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, to authorize 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 H.R. 961, 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, after receiving testimony from Representatives Kind and Stenholm; A. Gordon Brown, Invasive Species Coordinator, Liaison to the National Invasive Species Council, Robert M. Hirsh, Associate Director for Water, U.S. Geological Survey, and Michael Gabaldon, Director, Policy, Management, and Technical Services, Bureau of Reclamation, all of the Department of the Interior; John Marshall, Colorado Department of Natural Resources, Denver; Tim Carlson, Tamarisk Coalition, Grand Junction, Colorado; Debra Hughes, New Mexico Association of Conservation Districts, Carlsbad; and Holly Stoerker, Upper Mississippi River Basin Association, St. Paul, Minnesota.

## BUSINESS MEETING

*Committee on Environment and Public Works:* Committee ordered favorably reported S. 1640, to provide an extension of highway programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

## NOMINATION

*Committee on Environment and Public Works:* Committee concluded a hearing on the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency, after the nominee, who was introduced by Senators Hatch and Bennett, testified and answered questions in his own behalf.

## U.S.-MEXICO TRADE

*Committee on Finance:* Committee concluded a hearing to examine the impact of Mexican barriers to U.S. agricultural exports, after receiving testimony from Allen F. Johnson, Chief Agriculture Negotiator, Office of the US Trade Representative; Ron Litterer,

Iowa Corn Growers Association, Greene, on behalf of the National Corn Growers Association; Michael W. Jorgenson, Roquette America, Inc., Keokuk, Iowa, on behalf of the Corn Refiners Association; Sergio Sarmiento, TV AZTECA, D.F. Mexico; Jon Caspers, Swaledale, Iowa, on behalf of the National Pork Producers Council; Travis Satterfield, Benoit, Mississippi, on behalf of the Delta Council; and John Rice, Rice Fruit Company, Gettysburg, Pennsylvania, on behalf of the U.S. Apple Association and the Northwest Fruit Exporters.

## IRAQ RECONSTRUCTION

*Committee on Foreign Relations:* Committee concluded a hearing on how to internationalize Iraq and organize the U.S. government to administer reconstruction efforts, focusing on the President's proposed supplemental funding request for sustaining U.S. military forces and supporting Iraq reconstruction efforts, after receiving testimony from J. Brian Atwood, Hubert H. Humphrey Institute of Public Affairs, University of Minnesota, Minneapolis; James Dobbins, RAND International Security and Defense Policy Center, Arlington, Virginia; and John Hamre, Center for Strategic and International Studies, Washington, D.C.

## TERRORIST FINANCING

*Committee on Governmental Affairs:* Committee concluded a closed hearing to examine certain issues relative to combatting terrorist financing, after receiving testimony from J. Cofer Black, Coordinator for Counterterrorism, Department of State; David Aufhauser, General Counsel, Department of the Treasury; and John S. Pistole, Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, Department of Justice.

## HEALTH TECHNOLOGY

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine health technology, focusing on nanotechnology, including the dangers and societal implications, market barriers and challenges of interdisciplinary research, and the Federal role of funding, coordination, and priority setting, after receiving testimony from Patricia M. Dehmer, Director, Office of Basic Energy Sciences, Department of Energy; Jeffrey A. Schloss, National Human Genome Research Institute, Washington, D.C.; Samuel I. Stupp, Northwestern University Institute for Bioengineering and Nanoscience in Medicine, Chicago, Illinois; and Todd Lizotte, NanoVia, LP, Londonderry, New Hampshire.

## BORDER SECURITY

*Committee on the Judiciary:* Subcommittee on Immigration and Border Security concluded a hearing on information sharing and coordination for visa issuance in relation to homeland security, focusing on the ongoing cooperation between the Federal Bureau of Investigation, the State Department, and Department of Homeland Security as it relates to accessing and using information to make visa determinations a part of antiterrorism and border protection efforts, after receiving testimony from John O. Brennan, Director, Terrorist Threat Integration Center, Central Intelligence Agency; Larry A. Mefford, Executive Assistant Director, Counterterrorism/Counterintelligence Division, Federal Bureau of Investigation, Department of Justice; and William Parrish, Acting Assistant Secretary of Homeland Security for Information Analysis, Information Analysis and Infrastructure Protection Directorate.

## VETERANS ELIGIBILITY

*Committee on Veterans Affairs:* Committee concluded a hearing to examine proposals to limit eligibility for veterans' compensation to veterans with disabilities directly related to "performance of duty" injuries only, after receiving testimony from Anthony J. Principi, Secretary, and Tim S. McClain, General Counsel, both of the Department of Veterans Affairs; Cynthia A. Bascetta, Director, Education, Workforce, and Income Security Issues, General Accounting Office; Dennis W. Snook, Domestic Social Policy Division, Congressional Research Service; Mark H. Olanoff, American Legion, Dennis Cullinan, Veterans of Foreign Wars, Rick Surratt, Disabled American Veterans, Carl Blake, Paralyzed Veterans of America, and Rick Weidman, Vietnam Veterans of America, all of Washington, D.C.; and Richard Jones, AMVETS, Lanham, Maryland.

## MEDICAL PRIVACY

*Special Committee on Aging:* Committee concluded a hearing to examine the implementation of the Office of the Health Insurance Portability and Accountability Act (HIPAA) medical privacy and transaction rules, focusing on patient consent, notice of privacy practices, The Health Privacy Project, and regulatory implementation repercussions, after receiving testimony from Richard Campanelli, Director, Office for Civil Rights, and Jared Adair, Director, Office of HIPAA Standards, Centers for Medicare and Medicaid Services, both of the Department of Health and Human Services; Cathy Treadway, The Woman's Clinic, Boise, Idaho, on behalf of the Medical Group Management Association; Mary R. Grealy, Healthcare Leadership Council, Allisa Fox, BlueCross BlueShield Association, and Janlori Goldman, Health Privacy Project, all of Washington, D.C.

# House of Representatives

## Chamber Action

**Measures Introduced:** 18 public bills, H.R. 3139–3156; and 2 resolutions, H. Con. Res. 287, and H. Res. 376, were introduced. **Pages H8490–91**

**Additional Cosponsors:** **Page H8491**

**Reports Filed:** Reports were filed as follows:

Conference report on H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, (H. Rept. 108–280);

H. Res 374, waiving points of order against the conference report to accompany H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, (H. Rept. 108–281); and

H. Res. 375, providing for consideration of H.R. 2557, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, (H. Rept. 108–282). **Pages H8425–58, H8490**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Bishop of Utah to act as Speaker Pro Tempore for today. **Page H8405**

**Recess:** The House recessed at 1:01 p.m. and reconvened at 2 p.m. to start the legislative day. **Page H8408**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Recognizing the importance of sportsmen to American society:*** H. Res. 362, recognizing the importance and contributions of sportsmen to American society, supporting the traditions and values of sportsmen, and recognizing the many economic benefits associated with outdoor sporting activities; **Pages H8410–12**

***Commemorating the Bicentennial of the Louisiana Purchase:*** H. Con. Res 21, commemorating the Bicentennial of the Louisiana Purchase; **Pages H8412–13**

***Fort Frederica National Monument:*** H.R. 1113, amended, to authorize an exchange of land at Fort Frederica National Monument; **Pages H8413–15**

***Fort Bayard National Historic Landmark Act:*** H.R. 2059, to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark; **Pages H8415–16**

***Eastern Band of Cherokee Indians Land Exchange Act of 2003:*** H.R. 1409, to provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians (by a yea-and-nay vote of 288 yeas to 127 nays, Roll No. 512); **Pages H8416–21, H8466–67**

***Mount Naomi Wilderness Boundary Adjustment Act:*** S. 278, to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area; **Pages H8421–22**

***Memorial to Martin Luther King, Jr.:*** H.R. 1209, to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia; **Pages H8422–24**

***Addition of Miami Circle to Biscayne National Park:*** S. 111, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park; **Pages H8424–25, H8467**

***Coltsville Study Act of 2003:*** S. 233, to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; **Pages H8459–60**

***Roberto Clemente Walker Post Office Building, Carolina, Puerto Rico:*** H.R. 2826, to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the "Roberto Clemente Walker Post Office Building"; and **Pages H8460–61**

***J.C. Lewis, Jr. Post Office Building, Savannah, Georgia:*** H.R. 2533, to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building". **Pages H8461–64**

**Recess:** The House recessed at 4:30 p.m. and reconvened at 6:30 p.m. **Page H8464**

**Board of Trustees of the Harry S. Truman Scholarship Fund:** The Chair announced the Speaker's appointment of Representative Skelton to the Board of Trustees of the Harry S. Truman Scholarship Foundation. **Page H8464**

**Presidential Message:** Read a message from the President wherein he transmitted a report concerning the national interest of the United States to waive suspensions with respect to the issuance of licenses for QSR–11 sensors that serve as components of an

Inertial Measurement Unit (IMU) used in commercial aircraft and spare IMU for such aircraft and further stating that license requirements remain in place for these exports—referred to the Committee on International Relations and ordered printed (H. Doc 108–128). **Page H8464**

**Tax Relief, Simplification, and Equity Act—Motion to Instruct Conferees:** The House rejected the Ryan of Ohio motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act by a yea-and-nay vote of 199 yeas to 214 nays, Roll No. 509. The motion was also considered on September 17. **Pages H8464–65**

**Medicare Prescription Drug Benefit—Motion to Instruct Conferees:** The House rejected the Stenholm motion to instruct conferees on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003 by a yea-and-nay vote of 202 yeas to 213 nays, Roll No. 510. The motion was also considered on September 17. **Pages H8465–66**

Later Representative Kind announced his intention to offer a motion to instruct conferees on the bill. **Pages H8467–68**

**National Defense Authorization Act—Motion to Instruct Conferees:** The House agreed to the Rodriguez motion to instruct conferees on H.R. 1588, National Defense Authorization Act for Fiscal Year 2004 by a yea-and-nay vote of 298 yeas to 118 nays, Roll No. 511. The motion was also considered on September 17. **Page H8466**

Later Representative Crowley announced his intention to offer a motion to instruct conferees on the bill. **Page H8468**

**Amendments:** Amendments ordered printed pursuant to the rule appear on pages H8491–92.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 10:50 p.m.

# *Committee Meetings*

## COLLEGE COST CRISIS REPORT

*Committee on Education and the Workforce:* Subcommittee on 21st Century Competitiveness held a hearing entitled "The College Cost Crisis Report: Are Institutions Accountable Enough to Students and Parents?" Testimony was heard from public witnesses.

## E–911 IMPLEMENTATION ACT

*Committee on Energy and Commerce:* Subcommittee on Telecommunications and the Internet approved for full Committee action, as amended, H.R. 2898, E–911 Implementation Act of 2003.

## USAID—STRATEGIC WORKFORCE PLANNING AT USAID

*Committee on Government Reform:* Subcommittee on National Security, Emerging Threats and International Relations held a hearing on Strategic Workforce Planning at USAID. Testimony was heard from John Marshall, Assistant Administrator, Management, AID, Department of State; and Jess T. Ford, Director, International Affairs and Trade Division, GAO.

## ACHIEVING E-GOVERNMENT EFFICIENCIES AT OPM

*Committee on Government Reform:* Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held a hearing entitled "Achieving 3-Government Efficiencies at the Office of Personnel Management." Testimony was heard from the following officials of OPM: Kay Coles James, Director; and Norman Enger, E-Government Project Director; Linda D. Koontz, Director, Information Management, GAO; and public witnesses.

## OVERSIGHT

*Committee on the Judiciary:* Subcommittee on the Constitution held an oversight hearing on "Potential Congressional Responses to State Farm Mutual Automobile Ins. Co. v. Campbell: Checking and Balancing Punitive Damages." Testimony was heard from public witnesses.

## DATABASE AND COLLECTIONS OF INFORMATION MISAPPROPRIATION ACT

*Committee on the Judiciary:* Subcommittee on Courts, the Internet and Intellectual Property and the Subcommittee on Commerce, Trade and Consumer Protection of the Committee on Energy and Commerce held a joint oversight hearing on the Database and Collections of Information Misappropriation Act of 2003. Testimony was heard from David Carson, General Counsel, Copyright Office, Library of Congress; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on National Parks, Recreation and Public Lands approved for full Committee action the following bills: H.R. 408, amended, to provide for expansion of Sleeping Bear Dunes National Lakeshore; H.R. 546, to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii; H.R. 1521, amended, to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania; and H.R. 2055, to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

## CONFERENCE REPORT—HOMELAND SECURITY APPROPRIATIONS

*Committee on Rules:* Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard by Representative Rogers of Kentucky.

## WATER RESOURCES DEVELOPMENT ACT

*Committee on Rules:* Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 2577, Water Resources Development Act of 2003, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Young of Alaska and Representatives Rohrabacher, King of Iowa, Miller of Florida and Oberstar.

## COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 24, 2003

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* to hold hearings to examine the President's fiscal year 2004 supplemental request for Iraq and Afghanistan, 10 a.m., SD–106.

*Committee on Armed Services:* to hold hearings to examine the report of the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy, 9:45 a.m., SR–325.

*Committee on Environment and Public Works:* Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold hearings to examine the findings of the GAO concerning the Federal Emergency Management Agency's financial allocations and activities after the terrorist attacks on September 11th, and to conduct oversight on the Federal Emergency Management Agency's effectiveness since becoming part of the Department of Homeland Security, 9 a.m., SD–406.

*Committee on Foreign Relations:* to hold hearings to examine a five year plan for the current situation in Iraq, 9:30 a.m., SH–216.

Full Committee, to hold hearings regarding democratic institutions in Iraq and the Middle East, 2:30 p.m., SH–216.

*Committee on Governmental Affairs:* to hold hearings to examine discrimination against employees and retirees relating to social security government pension offset and windfall elimination provisions, 9:30 a.m., SD–342.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine intellectual diversity, 10 a.m., SD–430.

*Committee on Indian Affairs:* to hold hearings to examine S. 1601, to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, 2 p.m., SR–485.

*Committee on the Judiciary:* Subcommittee on Crime, Corrections and Victims' Rights, to hold hearings to examine elder abuse, neglect, and exploitation, 2:30 p.m., SD–226.

### House

*Committee on Agriculture,* Subcommittee on General Farm Commodities and Risk Management, hearing to review crop insurance for program crops, 9:30 a.m., 1300 Longworth.

*Committee on Appropriations,* Subcommittee on Foreign Operations, Export Financing and Related Programs, on the Administration's Fiscal Year 2004 Supplemental Request for Iraq, 2 p.m., 2359 Rayburn.

*Committee on Armed Services,* Subcommittee on Task Force, hearing on the final report of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy, 2 p.m., 2118 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Commerce, Trade, and Consumer Protection, to mark up the following: Fairness to Contact Lens Consumers Act; the International Consumer Protection Act of 2003; and the United States Olympic Committee Reform Act, 10 a.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled "The Future of Universal Service," 1 p.m., 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Oversight and Investigations, hearing entitled "The Hamas Asset Freeze and Other Government Efforts to Stop Terrorist Financing," 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* Subcommittee on Government Efficiency and Financial Management, oversight hearing entitled ''Improving USAID Financial Management;'' followed by markup of H.R. 2886, Department of Homeland Security Financial Accountability Act, 2 p.m., 2247 Rayburn.

Subcommittee on Human Rights and Wellness, hearing entitled ''A Medicare Prescription Drug Safety Net: Creating a Target Benefit for Low-Income Seniors,'' 12 p.m., 2154 Rayburn.

*Committee on House Administration,* hearing on H.R. 2844, Continuity in Representation Act of 2003, 2 p.m., 1310 Longworth.

*Committee on International Relations,* Subcommittee on Africa, to mark up the following bills: H.R. 2264, Congo Basin Forest Partnership Act of 2003; and H.R. 2760, Resolution of the Ethiopia-Eritrea Border Dispute Act of 2003, 2 p.m., 2200 Rayburn.

*Committee on the Judiciary,* to consider the following bills: H.R. 1417, Copyright Royalty and Distribution Reform Act of 2003; H.R. 2359, Basic Pilot Extension Act of 2003; H.R. 2620, Trafficking Victims Protection Reauthorization Act of 2003; and H.R. 2685, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the Matching Grant Program for School Security, 10 a.m., 2141 Rayburn.

*Committee on Resources,* to mark up the following measures: H. Con. Res. 268, expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries; H.R. 135, Twenty-First Century Water Commission Act of 2003; H.R. 313, Coal Accountability and Retired Employee Act for the 21st Century; H.R. 408, to provide for expansion of Sleeping Bear Dunes National Lakeshore; H.R. 542, to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102–562; H.R. 708, to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes; H.R. 884, Western Shoshone Claims Distribution Act; H.R. 982, to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa; H.R. 1092, Nevada National Forest Land Disposal Act of 2003; H.R. 1204, to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties; H.R. 1442, Vietnam Veterans Memorial Visitor Center Act; H.R. 1521, Johnstown Flood National Memorial Boundary Adjustment Act of 2003; H.R. 1598, Irvine Basin Surface and Groundwater Improvement Act of 2003; H.R. 1899, Cape Fox Land Entitlement Adjustment Act of 2003; H.R. 2048, International Fisheries Reauthorization Act of 2003; H.R. 2055, to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore; H.R. 2696, Southwest Forest Health and Wildlife Prevention Act of 2003; H.R. 2766, Arapaho and Roosevelt National Forests Land Exchange Act of 2003; and H.R. 3062, to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately for the same area, a lease for tar sand and a lease for oil and gas, 10 a.m., 1324 Longworth.

*Committee on Small Business,* Subcommittee on Workforce, Empowerment, and Government Programs and the Subcommittee on Tax, Finance, and Exports, joint hearing on Federal Prison Industry's Effects on the U.S. Economy and the Small Business Environment, 10:30 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Aviation, oversight hearing on the DOT Inspector General's September 4th Report on the Safety of the FAA's Contract Tower Program, 10 a.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings and Emergency Management, oversight hearing on Emergency Preparedness Issues; followed by a markup of the following: a measure Reauthorizing the John F. Kennedy Center for the Performing Arts; the Stafford Act Amendments of 2003; and other pending business, 10 a.m., 2253 Rayburn.

*Permanent Select Committee on Intelligence,* executive, to consider Committee business, 3 p.m., H–405 Capitol.

Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive, hearing on Global HUMINT Strategies, 4 p.m., H–405 Capitol.

Subcommittee on Intelligence Policy and National Security and the Subcommittee on Terrorism and Homeland Security, executive, joint hearing on Joint Inquiry Recommendations, 1:30 p.m., H–405 Capitol.

*Select Committee on Homeland Security,* Subcommittee on Emergency Preparedness and Response, hearing entitled ''Disease Surveillance Systems: How Can They Help the Nation Prepare for Bioterrorism?'' 2:30 p.m., 2318 Rayburn.

*Next Meeting of the* SENATE

9:30 a.m., Wednesday, September 24

Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will begin consideration of H.R. 2765, District of Columbia Appropriations Act.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 24

House Chamber

**Program for Wednesday:** Consideration of H.R. 2557, Water Resources Development Act of 2003 (Subject to a Rule).

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