United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, SEPTEMBER 25, 2003 No. 133

House of Representatives

The House met at 10 a.m.

The Reverend Dr. Harold R. Mayberry, Senior Pastor, First African Methodist Episcopal Church, Oakland, California, offered the following prayer:

God of wisdom, humility, and compassion, we thank You for the marvelous gift of life that You have so wonderfully shared with us. For the ability to reason without being unreasonable, and to learn from one another, for the spirit of cooperation that serves to bless us all, we give You thanks.

We pray, O God, that Your constant presence which provides guidance will be manifest in the spirit of each congressional representative and that Your will and Your strength will shape their decision-making.

We pray, O God, that Your spirit of sensitivity, for the well-being of all of Your people, will be lifted up in this body.

May those who serve in this Chamber never know fear as they seek to do what is morally right as mandated by You. May courage be the order of the day; may Your spirit of peace rule here; and may You always be acknowledged as Lord and Leader we pray.

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 Florida (Mr. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. MILLER of Florida 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.

WELCOMING THE REVEREND DR. HAROLD R. MAYBERRY

(Ms. LEE asked and was given permission to address the House for 1 minute).

Ms. LEE. Mr. Speaker, let me just say, first of all, how honored we are that Pastor Harold Mayberry has presented and provided with us a very powerful prayer this morning.

Pastor Mayberry is the pastor, as he indicated, of First AME Church in Oakland, California. Pastor Mayberry and his wife, Mary Mayberry, are here with us this weekend as we work to look at the major issues which, of course, the Congressional Black Caucus and all of us deal with each and every day.

First AME Church, let me just say, is a very powerful church, a very committed church in our community. It is a shining light in Oakland and in the East Bay. It provides a vision for our community. It is a church which, under Pastor Mayberry's leadership, insists that our community puts people first in the sense that they focus on educating our young people, housing the homeless, feeding the hungry. It is a congregation that makes religion really real in our community, and that is thanks to Pastor Mayberry and the First AME Church family.

The leadership of this congregation has made many, many changes in our great East Bay and especially in the city of Oakland, California. And for that we are deeply grateful.

We are honored and privileged that Pastor Mayberry and his wife, Mary, are here with us today. Mr. Speaker, I am thankful for the opportunity to share his wisdom and his insight with this great august body.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

The SPEAKER. Pursuant to clause 11 of rule I, the Chair appoints Mr. CHABOT and Ms. LOFGREN as conferees on S. 3.

The Clerk will notify the Senate of the change in conferees.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 5 one-minute speeches on each side.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. PITTS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

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

There was no objection.

TRAFFICKING

(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, the President this week made a courageous move at the U.N. He called on the world to act against trafficking. The U.N. should follow the President's lead and take action.

Human trafficking is one of the worst forms of human violations in the world today. Each year, over 800,000 men, women, and children are trafficked into prostitution or forced labor. It is modern-day slavery. It is absolutely vital that we act to remove these people from slavery and assist in their recovery, but it is also important that police and security forces around the

Printed on recycled paper.

world root out the people who profit off of this special evil.

Many of these people are involved in organized crime. There are even reports that suggest profits from trafficking in persons are used to support terrorist activities.

Make no mistake about it, any government that tolerates trafficking, tolerates a form of slavery.

THE COST OF REBUILDING IRAQ

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

Mr. DEFAZIO. Mr. Speaker, last fall the President's economic adviser, Larry Lindsey, said the war in Iraq could cause $100 billion to $200 billion. Well, Wolfowitz, Rumsfeld, said, ''That is absurd. Those are crazy numbers.'' In fact, Wolfowitz said, ''Don't worry, they can pay for their own reconstruction.''

Now, the President is asking Congress to borrow $87 billion in the name of the American people, $20 billion of that to rebuild the infrastructure of Iraq.

Now, it is nice that we want to build a $150 million children's hospital in Iraq, but American kids lack basic health care. Where is the money for that?

It is nice that they want to rebuild the Port of Umm Qasr, $80 million. The President has zeroed out dredging ports in my district.

Billions for the electric grid; not a penny for the faltering electric grid in the United States of America.

$20 billion invested here would create 1 million U.S. jobs. $20 billion in Iraq is a drop in the bucket of what it is really going to cost, but it will produce some nice profits for Halliburton.

TRIBUTE TO SGT. JASON ''TYE'' PRATT

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

Mr. TERRY. Mr. Speaker, I come to the floor today with great sadness. Two weeks ago in Omaha, a brave, dedicated police officer, Sgt. Jason Pratt, was gunned down by a violent criminal following a routine traffic stop. He died of severe head injuries last Friday. I attended his funeral 2 days ago.

I want to extend my sincere condolences not only to the family and friends of this heroic man, but to the entire community for the loss of such a brave officer. But while I rise today to mourn the death of Officer Jason ''Tye'' Pratt, I also want to celebrate his life, a life built upon optimism, bravery, compassion and dedication.

Those who were lucky enough to know him will tell you what an honorable husband, father, son, brother, friend, coworker and citizen he was. A 1992 honors student graduate of Burke High School, dubbed as having the ''prettiest smile,'' he married his wife, Stacy, in 1995 and began his work serving the Omaha community as a rookie police officer in 1996. Upon completing training in 1997, he joined the SWAT unit, the emergency response unit.

Jason and Stacy were the parents of two young daughters, Madison and Jordyn. Officer Pratt bragged about his wife and her work at the Immanuel Medical Center and his daughters constantly at work.

He was known for his tremendous discipline, work ethic and commitment. He balanced an irresistible sense of humor with full-throttled intensity in whatever role he undertook. This is a man who truly loved what he did, and never hesitated to help somebody in need.

Police officers are everyday heroes. They put their lives on the line day in and day out to ensure our safety and protect our community.

For a week, Officer Jason ''Tye'' Pratt hung on to his life in the hospital, receiving an outpouring of prayers. He is a true hero. Officer Pratt was a hero to his wife, daughters, family and fellow officers, and he will remain a hero to all of us.

THE AMERICAN DEBT

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

Mr. POMEROY. Mr. Speaker, it has been 868 days since President Bush and the Republican Party embarked upon their economic plan for our country. During this time, the national debt has increased by $1,163,468,782,425.75.

According to the Web site for the Bureau of Public Debt at the U.S. Department of Treasury, yesterday as of 4:30 p.m. Eastern Daylight Time, the Nation's outstanding debt was $6,803,794,168,784.52.

The interest we will have to pay on this debt, the debt tax, for fiscal year 2003 through the end of August, amounts to $304,978,878,641.11.

HONORING GOVERNOR HUGH GREGG

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to honor a dedicated public servant who has devoted his life to the State he so loved dearly, former Governor Hugh Gregg.

Governor Gregg passed away yesterday at the age of 85. Governor Gregg wore many hats in his lifetime, war hero, businessman, lawyer, public servant, but he will most be remembered as a devoted husband to his wife, Catherine, a father to his two sons, Cyrus Gregg and U.S. Senator JUDD GREGG, and a grandfather and great-grandfather.

He served as a special agent in the U.S. Army Counterintelligence Corps from 1942 to 1946 in China. He also served as an alderman in his hometown of Nashua, and later became mayor of that city.

Governor Gregg was proud to be a politician and realized that politics was the vehicle to better the lives of New Hampshire's citizens. He perhaps will most be remembered for his passion for the New Hampshire first-in-the-Nation presidential primary. Governor Gregg authored two books on the New Hampshire primary, and his history of the primary is part of the official State record published by the Secretary of State's office.

Not one to sit by idly, Governor Gregg was still a dominant presence in the State, even at the age of 85, most recently serving on the State Ballot Law Commission.

Governor Gregg's legacy will continue to live on in the causes he held so dear to his heart, helping those with disabilities and preserving New Hampshire's unique role in the political process. The State mourns the loss of a great statesman, civic leader and friend, and his efforts to make New Hampshire a better place in which to live has made a lasting impact on all who call New Hampshire home.

Governor Gregg represented the New Hampshire ideals we all cherish: Integrity, strength and honesty. He has raised the bar high for those who want to be public servants. His civility, frankness and fairness will be sorely missed.

□ 1015

A LOOK AT U.S. DAILY DEATHS IN IRAQ

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

Mr. MCDERMOTT. Mr. Speaker, in the next few days, we will hear people say that if you do not support that $87 billion, you are against the troops and you do not care what is happening to our people in Iraq.

The fact is that since this war started, 304 people have died. Mr. Speaker, 167 have died since the President announced that the mission was accomplished. And now they want us to give them a blank check with $87 billion. They will not change one single thing. They will not acknowledge anything with the international community; they will not change anything.

Mr. Speaker, Sergeant Lunsford Brown died on September 20. Captain Brian Faunce died on September 18. Sergeant David Freidrich died on September 20. Sergeant Paul Sturino died on September 22. They continue to die, and the President will not tell us how he is going to get us out of this morass, except give me more money or you are unpatriotic.

Members in this House who want to ask questions are not unpatriotic. The

people who make those kinds of charges ought to stand down here and tell people what they did when their chance came.

Some of us served. I was not in Vietnam, but I was in the hospitals dealing with people who came back. Everybody in this body ought to go out to Walter Reed and walk around Unit 56 and look at those amputees and talk to them.

SUCCESS STORIES FROM IRAQ

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

Mr. BURGESS. Mr. Speaker, as part of the Committee on Government Reform that took a recent official visit to Iraq, I witnessed what I thought was the true shock and awe story. I saw the progress of a fledgling free nation, and I came away knowing we have every reason to be optimistic in that country.

My disappointment, Mr. Speaker, is that when watching the evening news on my return home, I could scarcely recognize the situation I had just left. In Iraq, General James Conway of the First Marine Expeditionary Force described our efforts there as a vivid success story, both during the major combat phase and since its conclusion. Perhaps most important, he said that most Iraqis were concerned not that we would stay too long, but that they would leave too soon.

As a doctor, I particularly wanted to assess the Iraqi health care system. I knew the difficulties that this system had suffered under Saddam's rule, but I also knew that we were starting to see the decrepit hospitals begin to improve. Most of these hospitals had no nursing staff left at all.

A member of the public health team of the 385th Civil Affairs Brigade, Lieutenant Michael Keller, told me that in the library at the medical school no text had a copyright date later than 1984. Mr. Speaker, on average, Saddam's government spent 50 cents per person on health care. Since the fall of that regime, that amount has increased to $45.

SUPPORT COMPREHENSIVE MANDATORY SECURITY TRAINING FOR FLIGHT ATTENDANTS

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

Mrs. LOWEY. Mr. Speaker, I rise to express my support for comprehensive mandatory security training of the Nation's flight attendants. A bipartisan measure included in the FAA reauthorization bills passed by the House and Senate would have required the TSA to establish clear, consistent security training standards for all flight attendants, regardless of airline affiliation.

The agreement would have ensured fight attendants received self-defense instruction as well as training to coordinate effectively with Federal air marshals, closing a glaring gap in the Nation's aviation security program.

Unfortunately, this critical provision was stripped, apparently at the behest of a single carrier, from the final conference report. Under the new language, TSA could, but would not be required to, issue guidelines for flight attendant security training programs. In the absence of a statutory requirement, TSA is unlikely to establish the rigorous training program demanded by flight attendants.

Forcing flight attendants with no prior self-defense training to confront well-armed, suicide terrorists is unfair and unwise. Flight attendants are uniquely capable of disrupting a potentially devastating terrorist attack. The attempted hijacking of a Quantas flight in May is a good example. The incident, which left two flight attendants and two passengers with stab wounds, dramatically illustrates the consequences of inadequate security training.

The Department of Homeland Security's recent warning of another suicide hijacking reminds us of the perils of complacency. I was pleased that the Committee on Rules reported out a resolution recommitting the reauthorization bill to conference. As this legislation is rewritten, I urge my colleagues to support restoration of the original flight attendant training language.

EXPRESSING DISMAY WITH REMARKS OF PRESIDENTIAL CANDIDATE HOWARD DEAN

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

Mr. BURNS. Mr. Speaker, I rise today to express my dismay with the recent remarks made by Presidential candidate Howard Dean. His remarks related to the U.S. role in the Israeli-Palestinian conflict.

Dr. Dean said that it is ''not our place to take sides,'' in this conflict. He could not be more wrong. We must as Americans support the only democracy in the region that deals with the ongoing battle of terror. I was in Israel just last month, and I saw firsthand the death and destruction of Hamas and the suicide bombers. They continue to inflict this tragedy on the country of Israel.

Edmond Burke said that ''all that is necessary for the triumph of evil is for good men to do nothing.'' Dr. Dean would have us do nothing and allow evil to triumph over our friends and our allies.

His comments are out of touch and uninformed. I call on all of my colleagues in this body from both sides of the aisle to denounce his thoughtless words. Truly good men recognize that what he has said is simply wrong and that he should be reminded that it is always the place of the United States to take the side against terror.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 69, and that I may include tabular and extraneous material.

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

There was no objection.

CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, under the previous order of the House, I call up the joint resolution (H.J. Res. 69) making continuing appropriations for the fiscal year 2004, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 69 is as follows:

H.J. RES. 69

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2004, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for fiscal year 2003 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in fiscal year 2003, at a rate for operations not exceeding the current rate, and for which appropriations, funds, or other authority was made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003.

(2) The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

(3) The District of Columbia Appropriations Act, 2003.

(4) The Energy and Water Development Appropriations Act, 2003, notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

(5) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003, notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

(6) The Department of the Interior and Related Agencies Appropriations Act, 2003.

(7) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003.

(8) The Military Construction Appropriations Act, 2003.

(9) The Department of Transportation and Related Agencies Appropriations Act, 2003.

(10) The Treasury and General Government Appropriations Act, 2003.

(11) The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. The appropriations Acts listed in section 101 shall be deemed to include supplemental appropriation laws enacted during fiscal year 2003.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2003.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. (a) The matter under the heading ''Department of Education—Education for the Disadvantaged'' in division G of Public Law 108–7 is amended—

(1) by striking ''$4,651,199,000'' and inserting ''$6,895,199,000''; and

(2) by striking ''$9,027,301,000'' and inserting ''$6,783,301,000''.

(b) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 107. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 31, 2003, whichever first occurs.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. Notwithstanding any other provision of this joint resolution, except section 107, for those programs that had high initial rates of operation or complete distribution of fiscal year 2003 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 2004 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2003, and for activities under the Food Stamp Act of 1977, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2003, to be continued through the date specified in section 107(c): *Provided*, That notwithstanding section 107, funds shall be available and obligations for mandatory payments due on or about November 1 and December 1, 2003, may continue to be made.

SEC. 113. Section 1316(c) of Public Law 108–11 shall be applied by substituting the date specified in section 107(c) of this joint resolution for ''September 30, 2003'' each place it appears.

SEC. 114. Activities authorized by section 403(f) of Public Law 103–356, as amended by section 634 of Public Law 107–67, and activities authorized under the heading ''Treasury Franchise Fund'' in the Treasury Department Appropriations Act, 1997 (Public Law 104–208), as amended by section 120 of the Treasury Department Appropriations Act, 2001 (Public Law 106–554), may continue through the date specified in section 107(c) of this joint resolution.

SEC. 115. Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act, shall remain in effect through the date specified in section 107(c) of this joint resolution.

SEC. 116. Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) shall be applied by substituting the date specified in section 107(c) of this joint resolution for ''October 1, 2003''.

SEC. 117. Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking ''1.38 percent'' in the last sentence and inserting ''1.46 percent''.

SEC. 118. Collection and use of maintenance fees as authorized by section 4(i) and 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136a–1(i) and (k)) may continue through the date specified in section 107(c) of this joint resolution. Prohibitions against collecting ''other fees'' as described in section 4(i)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(6)) shall continue in effect through the date specified in section 107(c) of this joint resolution.

SEC. 119. The full amount provided under this joint resolution for necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), section 118(f) of the Superfund Amendments and Reauthorization Act of 1986, and section 3019 of the Solid Waste Disposal Act, shall be derived from the general fund.

SEC. 120. National Aeronautics and Space Administration is authorized to implement full cost accounting as of October 1, 2003, in the account structure that is consistent with the President's request for fiscal year 2004.

SEC. 121. Notwithstanding any other provision of this joint resolution, except section 107(c), the limitation on new loan guarantee commitments of the Federal Housing Administration, General and Special Risk Insurance Fund, shall be $3,800,000,000 for the period of applicability of this joint resolution to continue projects and activities under that account: *Provided*, That the Secretary of Housing and Urban Development shall submit daily reports to the Committees on Appropriations of the House of Representatives and the Senate on the total amount of new loan guarantee commitments issued during the period of applicability of this joint resolution.

SEC. 122. For the period covered by this joint resolution, there shall be available, at the current rate of operations for fiscal year 2003, such funds as may be necessary for grants and necessary expenses as provided for, in accordance with, and subject to the requirements set forth in the Compacts of Free Association, as amended, and their related agreements, (sections 211, 212, 213, 214, 215, and 217) as between the Government of the United States of America and the Government of the Republic of the Marshall Islands (signed April 30, 2003), and (sections 211, 212, 213, 214, and 216) as between the Government of the United States of America and the Federated States of Micronesia (signed May 14, 2003); to remain available until expended: *Provided*, That if H.J. Res. 63 of the 108th Congress, or similar legislation to approve the Compacts of Free Association, is enacted, any funding made available in this appropriation shall be considered to have been made available and expended for the purposes of funding for fiscal year 2004 as provided for in such enacted legislation.

SEC. 123. From amounts available to the Bureau of Indian Affairs under this joint resolution, $123,500 shall be available to satisfy the requirements specified in sections 10(f), 11(b)(2), and 11(c) of Public Law 106–263.

SEC. 124. Notwithstanding any other provision of this joint resolution, except section 107(c), the District of Columbia may expend local funds for programs and activities under the heading ''District of Columbia Funds-Operating Expenses'' at the rate set forth for such programs and activities under title II of H.R. 2765, 108th Congress, as passed by the House of Representatives.

SEC. 125. Notwithstanding any other provision of law or of this joint resolution, except section 107, amounts provided in this joint resolution and in prior Appropriations Acts from the Airport and Airway Trust Fund shall be available for fiscal year 2004, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003, for expenditures to meet obligations, heretofore and hereafter incurred, as paid from the Airport and Airway Trust Fund in fiscal year 2003.

SEC. 126. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Federal Highway Administration, for purposes described in 23 U.S.C. 104(a)(1)(A), shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

SEC. 127. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Bureau of Transportation Statistics, in accordance with 49 U.S.C. 111, shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned

under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

SEC. 128. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Federal Transit Administration, in accordance with the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, shall continue to be transferred and credited to the Mass Transit Account of the Highway Trust Fund, to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner provided under section 5338(g) of title 49, United States Code.

SEC. 129. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the National Highway Traffic Safety Administration, in accordance with 23 U.S.C. 402, 403, 405, 410 and chapter 303 of title 49, United States Code, shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 130. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Federal Motor Carrier Safety Administration, for purposes described in 23 U.S.C. 104(a)(1)(B), shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 131. Notwithstanding any other provision of law, amounts shall continue to be appropriated or credited to the Airport and Airway Trust Fund and the Highway Trust Fund after the date of any expenditure pursuant to this Act.

SEC. 132. Notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of sections 125 through 130, and section 134, of this joint resolution that would change direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

SEC. 133. Notwithstanding any other provision of this joint resolution, during fiscal year 2004, direct loans under section 23 of the Arms Export Control Act may be made available for the Czech Republic, gross obligations for the principal amounts of which shall not exceed $550,000,000: *Provided*, That such loans shall be repaid in not more than twelve years, including a grace period of up to five years on repayment of principal: *Provided further*, That no funds are available for the subsidy costs for these loans: *Provided further*, That the Government of the Czech Republic shall pay the full cost, as defined in section 502 of the Federal Credit Reform Act of 1990, associated with these loans, including the cost of any defaults: *Provided further*, That any fees associated with these loans shall be paid by the Government of the Czech Republic prior to any disbursement of any loan proceeds: *Provided further*, That no funds made available to the Czech Republic under this joint resolution or any other Act may be used for payment of any fees associated with these loans.

SEC. 134. The following provisions of law shall continue in effect through the date specified in section 107(c) of this joint resolution:

(1) Sections 9(b)(7), 14(a), 17(a)(2)(B)(i), and 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(7), 1762a(a), 1766(a)(2)(B)(i), and 1769(f)(2)).

(2) Section 15 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237).

SEC. 135. Section 8144(b) of the Department of Defense Appropriations Act, 2003, Public Law 107–248, is amended by striking ''on September 30, 2003'' and inserting ''October 31, 2003''.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, September 24, 2003, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

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

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, the legislation before the House, H.J. Res. 69, is a continuing resolution for fiscal year 2004, and it would extend until the end of October. Normally we do a 3- or 4- or 5-day CR, but the wiser approach is to do this for the entire month of October because there is considerable work still to do that has not yet been completed. This legislation is needed to continue the operation of the Federal Government for the first month of the new fiscal year.

I think everyone is aware that the Committee on Appropriations continues to work on the fiscal year 2004 bills. The House, as a matter of fact, has passed all of our appropriations bills, we passed three conference reports, and we have two more bills in conference with the other body as we speak today. Yesterday, we passed the conference reports for three very important appropriations bills: the Defense Appropriations bill, the Homeland Security Appropriations bill, and the Legislative Branch Appropriations bill that also included supplemental appropriations for natural disasters and forest fires.

We are continuing to move forward on conferences with the other body. We hope to have the conference reports for Energy and Water and Military Construction ready for House consideration very soon.

As I think we all know, in addition to our regular appropriations bills, we are also in the process of considering an $87 billion budget amendment for the war against terror. Yesterday, we began oversight hearings on this request. There is still a considerable amount of work for our committee to do before we are able to adjourn.

That is the reason for this continuing resolution. Let me now briefly describe the terms and conditions of the continuing resolution. It will continue all ongoing activities at current rates, including supplemental funding, under the same terms and conditions as fiscal year 2003. As in past CRs, it does not allow new starts, and it restricts obligations on high initial spend-out programs so the annualized funding levels in this bill will not impinge on our final budget deliberations.

It includes provisions that allow for the continuation of programs and fee collections that would otherwise expire, for example, entitlement payments under the Food Stamp program, certain child nutrition programs, certain SBA loan programs, and payments to military personnel for imminent danger special pay and family separation allowances. The CR also allows the District of Columbia to spend local funds through the period of the CR at budget levels as passed by the House. The CR ensures that funding is available during the period of the CR to conduct administrative oversight and to pay certain Department of Transportation personnel managing surface and aviation programs in the absence of reauthorizations for such programs.

A provision was also requested by the Administration that is included in the CR that provides legislative authorization to implement a new, no-subsidy $550 million Foreign Military Financing 12-year loan to the Czech Republic for the purchase of 14 of our used F–16 aircraft, weapons, training, and related logistics support from the United States.

Mr. Speaker, I do not think this CR is controversial, and I urge the House to move it to the Senate so the government may continue to operate efficiently and so that we can continue our work to finish the balance of the appropriations bills and the substantial request that we have for the $87 billion war against terrorism.

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

Mr. OBEY. Mr. Speaker, I yield myself 14 minutes.

Mr. Speaker, this continuing resolution will, I assume, be known as the Halloween appropriation bill for the year 2003, because what it does is to extend government activities until October 31 of this coming year. I am looking around the floor, looking for the

chickens, and I do not see any. And I am a little confused by that, because this is the day that the chickens come home to roost. I guess they are invisible, much like much of the truth is in the budget resolution that passed earlier this year. But I think we need to understand how we got to this situation today.

As of today, even though we are supposed to have all 13 appropriation bills passed by October 1, plus any supplementals for that fiscal year, despite that fact, this House has passed only three of the 13 conference reports that it would have to pass on appropriation bills in order to do its work. Now, that is not the fault of the Committee on Appropriations; it certainly is not the fault of the gentleman from Florida. The problem is that we have a budget process which has been stood on its head.

The idea behind the original budget resolution was that it was supposed to force all of the players in the Congress to face reality. Instead, it has been used increasingly each year by the House Republican leadership to assist the House in avoiding reality and ignoring reality.

What happens is this: the budget resolution for the year is produced by a committee that has absolutely no responsibility to implement it. The Committee on the Budget produces unreal numbers; they produce numbers that pretend that this Congress will spend less money than will actually wind up being spent on discretionary appropriations. It pretends in the budget resolution, as it did in April, that budget resolution pretended that we were going to meet the goals that many moderate Republicans had in this House for special education and for the No Child Left Behind Act, for instance. And then as soon as the budget resolution was passed, then the Committee on Appropriations is given the responsibility to deliver reality. And because the majority did not provide sufficient room in the budget resolution for this House to meet the promises that were laid out in the Republican budget resolution, then the Committee on Appropriations is stuck with the job of being the bad guy messenger.

□ 1030

So then poor RALPH REGULA, the chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, has to come to the floor and say, ''Sorry, boys and girls, we do not have enough room in the resolution to do what we promised we would do just 3 weeks ago.'' So we cannot fund special education the way we were going to fund it, and we cannot keep our promises on title I or the No Child Left Behind Act, and the list goes on and on and on.

So because that budget resolution starts out with an unrealistic set of numbers, then the next 6 months the House and the other body try to get a double hernia trying to lift enough weight in order to get and pack all of these obligations into a tiny overall budget ceiling bag, and they cannot do it because they cannot repeal the basic laws of mathematics.

So now we are here with only three of the 13 appropriation bills passed. Last year when this happened, our friends on the majority side of the aisle blamed the other body because it was under Democratic control. Well, this year that is not the case. This year the Republican Party has all the marbles. They run the House, they run the Senate, they run the White House, and on good days, they even run the Supreme Court. And now what happened is that they do not have anybody to blame anymore. And the fact is, right now the majority Republican Party is having a fight with itself and it cannot win the debate. So it is stuck.

And so the gentleman from Florida (Mr. YOUNG), who has done his job, I mean the gentleman from Florida (Mr. YOUNG) has been a loyal soldier, followed his marching orders, even though the orders produced turkey results. He is a good, loyal soldier, and he has followed them; and so now he has to come to the floor and say, ''Folks, guess what, because the budget resolution was not real, we have not been able to move these bills forward, and so we are stuck way behind on the calendar.'' And that is not the whole story.

In addition, yesterday we had a hearing on the supplemental for Iraq. Now, we were told in March of this year by the wizard who ran OMB for the past 2 years, Mitch Daniels, we were told by the resident wizard over there that Iraq was only going to cost the $60 billion that the White House had already asked for in their first appropriation and there would not be any more need for money for Iraq for this year. They were only off by $87 billion. So now we have got to come in and pass a supplemental, even though the witnesses yesterday did not have a clue, or at least they would not tell us if they did, about what it was going to cost us over the next 5 years to carry out, not our program, but their program in Iraq.

So, very frankly, this Congress has no budget process at this point. The truth is revealed to us on the installment plan by the administration in terms of the cost of the effort for Iraq, and the truth is obscured as far as the domestic budget is concerned in order to maintain the fiction that, even though we have conducted a unilateral war, we can afford to continue to provide $88,000 tax cuts to millionaires in this country, and that is the biggest fiction of all.

So this bill is here trying to put a reality patch on an Alice in Wonderland fairy tale which is what the budget resolution has been. And so I do not blame the press for not covering it. This is too absurd a story to cover, and so we are left here facing inevitability; and we have no choice but to pass this resolution today.

Now, I would like to think that we would see a new sense of reality in the coming months, but I do not think so; and I go back to the conversation that I had years ago with Dick Bolling who served in this House, very distinguished career, and who wrote the Budget Act under which the budget resolution comes to the floor every year. Dick Bolling told me the night before he finalized his recommendations that he had one hard choice to make. He said, ''I do not know whether we should set up the Committee on the Budget so that people who are on the Committee on the Budget are people who represent the power centers in this institution, like the Committee on Appropriations and the Committee on Ways and Means and the other committees with direct spending authority. I do not know whether we ought to require that it be made up of people like that or whether we ought to require that it be made up of independent players appointed by the caucuses without respect to what committees they serve on.'' He decided to do the latter. But when he did, he said, ''If the party leaders do not take this process seriously and if they do not use it to force reality, then,'' he said, ''I will have made a bad mistake. ''

And in fact, I think what has happened is that the majority party leadership has decided to use the budget process, not as an instrument to force Members of Congress to make hard choices but, rather, as an instrument that facilitates the pretense that we can have it all. And so we pretend that we can provide $3 trillion-plus in tax cuts, even though we no longer have the surpluses that we had, that we were expecting when those tax cuts were passed.

We pretend we can fight a war in Iraq and charge every single dime to our grandchildren, and we pretend that that war will not have a consequence in terms of denied opportunities for kids to get a decent education and denied opportunities for people without health care to get some coverage. We pretend there are no consequences to the free-lunch budget that this place has passed. Well, there are in the real world, outside of this Chamber. And in this Chamber, probably the least consequential consequence is that we get stuck with having to pass a CR.

Now, this is not the first time that this has happened, but each year the problem gets worse because each year the Committee on Appropriations is asked to perform an act that is more and more impossible because the budget resolution is less and less responsible and real. And sooner or later we will come to the conclusion that the only way to return credibility to this House on the budget matter is to start with a budget resolution that makes sense and is honest in the first place.

We have not done that in years; and I will readily grant that in some years, when our party was in control, we did not have budget resolutions that were

the finest in the world either. But none of them, none of them departed as much from reality as the budget resolutions the last 3 years in this place; and so that is why we are here today, not because the Committee on Appropriations has not done its work, but because the Committee on Appropriations is asked to perform an impossible act. It is supposed to tell the truth in the context of a budget resolution which is a public lie; and that, no one can do.

So I sympathize with the gentleman from Florida. I will support this resolution because it is the only alternative we have, but the reasons we are here, indeed, do no great credit to this institution.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

I want to thank the gentleman from Wisconsin (Mr. OBEY) for pointing out that basically the Committee on Appropriations in the House has done its job. There are other reasons that are beyond our control that require us to have this CR. So I appreciate him pointing that out.

As he speaks to the budget issue, I want to defend the chairman and the ranking member and every member of the Committee on the Budget, but I would join the gentleman from Wisconsin (Mr. OBEY) in not having very complimentary comments about the product that eventually came to us as a budget resolution. It required considerable creativity on the part of the Committee on Appropriations in order to do what we had to do and still comply with the budget; and the fact that we were able to conclude our 13 bills early on is in no small part thanks to the cooperation that the gentleman from Wisconsin (Mr. OBEY) and I had with each other as we proceeded through some of these rocky paths, some of the very difficult differences that we had that we were able to finally work out.

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

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the gentleman indicated that the budget resolution required a great degree of creativity. I would like to explain to the House what one of those creative measures has been.

Last year, in order to pretend that the budget resolution provided adequate funding for education, the committee provided what was known as ''advance funding'' for education to the tune of $2.2 billion. That meant that, for Enron accounting purposes, that $2.2 billion, which was appropriated last year, was not going to count until the next fiscal year, 2004; but now, guess what. Now we are at the end of fiscal 2003. So nobody is watching what happens to the deficit for 2003 anymore. So what happens instead is that now we get a double reverse because this proposal, this resolution today contains a gimmick that can only be labeled ''Enron accounting 1A'' because what this resolution does now is to move that $2.2 billion back to fiscal 2003.

So you have to play the shell game when they are looking at what happened in 2003, slip the money into the fiscal 2004 budget, and then when people take their eyes off 2003 and now focus on 2004, then you slip the same money into 2003. Great gimmick. It technically works, but if the SEC were supervising this, I think they would have the same kind of questions about our bookkeeping that we have had about Enron.

So that is just one of the creative accounting measures that the committee has been reduced to following. I see the gentleman smiling. He knows what I am talking about.

Mr. Speaker, I yield 7 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me the time, and I agree with everything he said; and I think the chairman agrees with most of what he said.

Usually when we discuss these issues, almost invariably those of us on this side of the aisle rise and first say that we do not hold responsible our chairman for the policies that are being pursued. It is his responsibility, however, to practically try to carry out flawed policies. He does so with a great deal of skill, with eminent fairness and with grace for which all of us who serve on his committee are very thankful.

But, Mr. Speaker, the chairman of the Committee on Appropriations is operating in the context of the most fiscally irresponsible policy that any administration and majority has followed in the history of this country. I pause for emphasis. The children of America, the grandchildren of America are going to be called upon to pay the bill for this irresponsible policy. That is what the ranking member meant when he said that all of the dollars that are being requested to pursue a policy that I supported in Iraq will be paid for by our children and grandchildren.

□ 1045

An irresponsible policy. An unrealistic policy.

And I would recall for Members that just a few months ago, when we adopted that budget resolution, of which the gentleman from Wisconsin (Mr. OBEY) spoke, we adopted it on a Thursday. No Democrats voted for it. Not one. We then, on the Tuesday following that Thursday, had a motion made by the gentleman from South Carolina (Mr. SPRATT), and that motion simply said that we instructed the conference not to do what was in the budget; not to cut veterans by $1.5 billion; not to cut housing, which is in short supply for middle America; not to do many of the things that would have undercut education, health care, and the environment that were proposed in that budget.

And I would further recall for Members, and unfortunately there are no press here, but I recall that the chairman of the Committee on the Budget (Mr. NUSSLE), sitting where the chairman of the Committee on Appropriations now sits, railed for about 29 minutes about how awful the motion to instruct was and how Members ought to vote against it. And then, lo and behold, the majority leader came to the floor, spoke quietly to the gentleman from Iowa (Mr. NUSSLE), and the vote was called.

Many Republicans rushed to the floor to vote against that motion to instruct, and, lo and behold, as the minutes went by, votes were changed. Lo and behold, as the minutes went by, the rhetoric of the gentleman from Iowa (Mr. NUSSLE) was forgotten quickly when the reality of the votes and the necessity to report at home the consequences of those votes was realized by our Republican friends on the majority side. So they changed their votes; or if they had not voted, voted for the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT). How ironic.

And now the gentleman from Florida (Mr. YOUNG) is confronted with another reality. Last year, we could not pass appropriation bills. Eight of them were passed not only after the fiscal year, but after the Congress had adjourned. Why? Because the gentleman from Florida (Mr. YOUNG) was forced to operate within a context of a totally unrealistic budget. And what did the Republicans say? They said, oh, it is Mr. DASCHLE's fault. It is the Senate's fault. They have not adopted a budget.

Well, now, they control the House, they control the Senate, they control the administration, and as the gentleman from Wisconsin (Mr. OBEY) pointed out, on a good day, they control the Supreme Court. I thought that was a good line and, unfortunately, true at times as well. But the fact of the matter is they control it all. And the lamentation that they put forward last year, the excuse that they put forward last year, the rationalization they pursued last year is not available to them; not to the gentleman from Florida (Mr. YOUNG) but to the majority leadership.

And so we are confronted with, yes, having passed our bills, and I might say some without a single Democratic vote. As a matter of fact, one of the largest bills, one of the most important bills for education of our children, for the health care of our families and citizens, not one Democrat voted for it. Not because we are not for education and health care, but because we knew that bill was an unrealistic bill.

So we are confronted today with a resolution that the gentleman from Florida (Mr. YOUNG) is required to put forward, and acting as he always does, responsibly, he must put forward, and

which I am going to support, as the gentleman from Wisconsin (Mr. OBEY) is going to support. It is the alternative we ought to pursue.

I said the most fiscally irresponsible administration. Why? Because after we adopt this budget or these appropriation bills, which will spend a lesser and lesser percentage of the gross domestic product of our country on discretionary spending that we will make decisions about, we will have created over a $.5 trillion deficit in this single year, more debt than we incurred in the first 90 percent of the days of this Republic, and our children are going to pay the bill. How tragic. How irresponsible.

We passed a bankruptcy bill in which we made it harder to declare bankruptcy, and each of us on the floor said we need to require personal responsibility of those who seek credit. If we applied that same criteria to this administration and to the Congress of the United States, we would fail. We are not exercising personal responsibility. In this instance, we must pass this resolution, and I will vote for it, but I lament the fact that it is passed in the context of the most irresponsible fiscal policy that I have ever seen and this country has ever seen, and which is disadvantaging our country and our ability to invest in the future.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding me this time, and I wish to associate myself with the comments made by the gentleman from Wisconsin and the gentleman from Maryland.

Mr. Speaker, we have entered into a new era of irresponsibility in government, and this continuing resolution is representative of that. I understand the good work that went into trying to put this effort together, but as a Nation, we have very serious unmet needs: Health care, education, retirement security, and pension reform.

Our States are laboring under the biggest fiscal crises that we have seen since World War II. We have an economy that is faltering. Millions of workers are unemployed. We have nine million workers unemployed and 3.3 private sector jobs gone in the last couple of years. We have 41 million without health insurance and an entire generation on the cusp of retirement.

The people in charge have no plan to deal with these pressing needs, rather we have simply and systematically starved our capacity to do anything by imposing incredibly irresponsible tax cuts that benefit just a few wealthy individuals and special interests.

We come to this piece in the process where we say we have limited resources in order to deal with these very serious unmet needs, but the fact of the matter is we need to deal with the fundamental question of why do we have so few resources? It is because so few in our society are receiving so much. We have 184,000 millionaires in the United States who are going to get a tax cut of $93,000, and yet we cannot do anything about people who make between $10,500 and $26,000 in terms of a child tax credit because we say we do not have the money to do it. With 184,000 people getting $93,000 in a tax break, we have so few getting so much. That is what we ought to be debating on the floor of this House.

This Congress is undermining the capacity and the obligation of government to provide key social support to reflect the values and the issues and the interests of the American people. From prescription drugs to education, from veterans health and housing programs, they are undermining the idea that our society can act with a shared sense of purpose, with a shared sense of responsibility to address the tasks that are before our country.

When we starve the government of the resources to meet its public commitments, in essence, we then are saying that government has no role to play. And while we know and we understand that government cannot play the sole role in people's lives, I believe that all Americans believe that we have, at the State and local and the Federal level, the obligation to assist people in a time of need to face the challenges that they have in their lives.

We cannot remove government from participating in the lives of the American people. We cannot undo our social responsibility. We cannot let it happen. The American people deserve better. And as we strive to finish the remaining appropriation bills, we should remember that this Congress, this House, the people's House, has an obligation to promote the capacity of our country to act together on our shared values. That is what we were elected to do.

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

Mr. Speaker, the gentleman from Florida and I are personal friends. And I take some pride in the fact that although this institution has become incredibly political over the last 15 years, and although it has become incredibly partisan, I take some pride in the fact that our friendship has withstood the context in which that friendship operates every day. I think, frankly, that the unreal demands on the part of the power centers in this institution have put greater strains on our friendship than is the case with any other chair and ranking member in the House, and yet we remain good friends. Because I know that the gentleman is trying to do his duty, and I think he understands that I am trying to do mine, and I think we genuinely like each other and respect each other.

But he is given the job of bringing some of the saddest pieces of legislation to this floor of anyone in the House, simply because he is denied the resources to meet our responsibilities to the citizens we represent. We had $6 trillion in surpluses when the majority party 2 years ago started passing out its tax cuts. We are now facing $2 trillion to $3 trillion in deficits over that same time frame. And on top of that, we are going to have to pay for Iraq, which will add a whole lot more than the $87 billion that we have been told about so far.

And so in a rational world, one would think that when conditions change to that degree, assumptions would also change and conduct would change, and we might reconsider some of our past decisions. But that is evidently not going to occur, so we are still going to continue to pretend that we can afford these huge tax cuts that have been passed out to high-income people in this country.

This Congress faces a very simple choice: What kind of country do we want America to be? Are we satisfied with the prospect of having a country which in 10 years will have 50 million people without health insurance, rather than 40? Are we satisfied with the pretensions that we provide equal opportunity for education, when in fact we do not? Are we satisfied with the meager enforcement that protects private pension systems and that protects and enforces honest accounting by corporations so that investors can know what the rules of the game really are? Are we satisfied facing the long-term shortfalls that will occur in Social Security?

I am not satisfied with that prospect, and I do not think most Members of this institution are either. If that is the case, we need to act like it, and we need to have a reconsideration of what the gentleman from Maryland (Mr. HOYER) correctly calls the most colossally, fiscally irresponsible actions on the part of any administration certainly in my lifetime.

□ 1100

Mr. Speaker, having said that, I would simply urge Members for the time being to support this continuing resolution to give the Committee on Appropriations more time to perform its impossible responsibilities, and in hopes that eventually the majority leadership of this House will see the necessity to reconsider some of its most reckless fiscal actions.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to say that I appreciate more than I can say, the friendship that I enjoy with the gentleman from Wisconsin (Mr. OBEY) and the strong spirit of cooperation, as the leadership of the Committee on Appropriations, and also with the gentleman from Maryland (Mr. HOYER), as we work together to meet our responsibilities to the Congress and to the country. The gentleman from Maryland and I have not only a friendship, but a mutual respect.

But, Mr. Speaker, I think it is fair to point out that we have political and philosophical differences. There is no

doubt about that. That is basically why we have two parties, because one party believes one way and the other party believes another way on many issues. While our appropriations bills have received very large votes on the Republican side as well as the Democratic side, as we prepared those bills, we dealt with a lot of amendments in our committee. Most of those amendments were to increase spending and to increase taxes. Our committee does not have the jurisdiction to raise taxes, and we make that case when necessary in the committee.

If we were to add up all of the amendments offered by the minority party alone in committee, the deficit would really be big. They believe we do not spend enough money in many areas, and we believe that sometimes we spend too much money.

I want to say that I meet with my leadership, with the Speaker of the House and the majority leader, on a very regular basis. In fact, they probably get tired of seeing me, but I would say they are genuine in understanding their responsibility to the country. They are genuine and sincere in having a reasonable, responsible fiscal policy; and they are determined to allow the American workers to keep as much of their own money as they can without passing it on to the Congress.

We are in an unusual time. We have a war going in Iraq and a war going in Afghanistan and to a lesser extent a war going in many other parts of the world against terrorists, against people who are determined to do harm to the American people and to our country.

This did not just start on September 11. On February 26, 1993, terrorists bombed the World Trade Center in New York. Six lives were lost. The response was some harsh words, but basically nothing else.

On June 25, 1996, Khobar Towers in Saudi Arabia which housed our United States Air Force personnel was bombed by terrorists. Nineteen American airmen lost their lives. Again, there were words but no action, no response; and the terrorists grew bolder because they believed if America was not going to fight back, they should continue. So they did.

On August 7, 1998, terrorists bombed American embassies in Kenya and Tanzania, and 259 lives were lost. Well, we took some action then. We fired a couple of cruise missiles into abandoned terrorist training camps in Afghanistan. That was the extent of it.

On October 12, 2000, the USS *Cole*, a Navy warship, was bombed off the shore of Yemen. Seventeen sailors lost their lives, and many others were injured; again, harsh words, but no action.

On September 11, 2001, under a new Administration, a new President, a hijacked plane crashed into the Pentagon, and 189 lives were lost. September 11, 2001, hijacked planes crashed into the World Trade Center Towers, and nearly 3,000 lives were lost. September 11, 2001, a hijacked plane crashes into rural Pennsylvania, and 44 lives were lost. A new Administration, a new President as of September 11, and the words were harsh, the words were threatening; but there was more action. The attack was massive against the terrorist trainers and the terrorist supporters and the terrorist camps in Afghanistan. Further, we sent nearly 200,000 American troops into Iraq to rid the world of a tyrant who supported terrorist activities.

There is a major difference. This President, George Bush, took action to defend America. We have spent a lot of money since September 11, and that is one of the reasons we have a larger deficit. But let me say this to those Members who believe this money is nothing more than a mortgage on the future of our children and future generations. I say it is different. I say what we are doing to fight terrorism, wherever it raises its ugly head, is to secure future generations, to guarantee that our children and our grandchildren and future generations do not have to worry about being on a hijacked airplane or having a building they are inhabiting being attacked by a bomber or a hijacked airplane, or that future generations are going to be as secure as we can make them, to be free from anthrax, to be free from sarin gases, and to be free from nuclear exchanges.

Mr. Speaker, that is what we are doing today. We are spending considerable money to guarantee the future security and safety of Americans; and it is better to do that at the source, beyond the United States boundaries, than to do it here in the streets of Washington, D.C. or to do it in the streets of New York or Pennsylvania or any one of our districts that could be a target.

I say this is the proper philosophy. This is the proper way to secure the future generations, to invest what we must today to eliminate the ability of terrorists to threaten our future generations, our children and our grandchildren and our great grandchildren.

Yes, Mr. Speaker, there are some philosophical differences, some political differences among friends; but this is a brief statement of our position. I urge the passage of this continuing resolution.

Ms. WOOLSEY. Mr. Speaker, I rise today to share my disappointment that the Republican leadership must resort to this resolution to ensure the continuity of our Nation's vital programs. Instead of staying here and finishing the work that needs to be done, the Republican leadership continues to schedule short workweeks. Everyday that they drag their feet is another day our Nation's working families continue to struggle.

Our priorities should be passing a child tax credit that extends to low-income families denied a break in the Republican tax package, and, approving welfare reform that will not only reduce welfare rolls but also reduce poverty.

No person should go a day longer forced to choose between paying their rent and paying for their prescription drugs while a prescription drug plan awaits a final vote by Congress. Sensible and popular initiatives such as education reform, homeland security and affordable housing continue to be either inadequately addressed or drastically underfunded by this leadership.

Mr. Speaker, it is time for the Republican leadership to wake up and put America's priorities first. Our country's working families are working hard everyday to strengthen this nation and we should be working just as hard to support them.

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

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

The joint resolution is considered read for amendment and pursuant to the order of the House of Wednesday, September 24, 2003, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. OBEY. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 407, nays 8, not voting 19, as follows:

[Roll No. 520]

YEAS—407

Abercrombie	Boozman	Collins
Ackerman	Boswell	Conyers
Aderholt	Boucher	Cooper
Akin	Boyd	Costello
Alexander	Bradley (NH)	Cox
Allen	Brady (PA)	Cramer
Andrews	Brady (TX)	Crane
Baca	Brown (OH)	Crenshaw
Bachus	Brown (SC)	Crowley
Baird	Brown, Corrine	Cubin
Baker	Brown-Waite, Ginny	Culberson
Baldwin	Burgess	Cummings
Ballance	Burns	Cunningham
Ballenger	Burr	Davis (AL)
Barrett (SC)	Burton (IN)	Davis (CA)
Bartlett (MD)	Buyer	Davis (IL)
Barton (TX)	Calvert	Davis (TN)
Bass	Camp	Davis, Jo Ann
Beauprez	Cannon	Davis, Tom
Becerra	Cantor	Deal (GA)
Bell	Capito	DeGette
Bereuter	Capps	DeLauro
Berkley	Capuano	DeLay
Berman	Cardin	DeMint
Berry	Cardoza	Deutsch
Biggert	Carson (IN)	Diaz-Balart, L.
Bilirakis	Carson (OK)	Diaz-Balart, M.
Bishop (NY)	Carter	Dicks
Bishop (UT)	Case	Dingell
Blackburn	Castle	Doggett
Blumenauer	Chabot	Dooley (CA)
Blunt	Chocola	Doolittle
Boehlert	Clay	Doyle
Boehner	Clyburn	Dreier
Bonilla	Coble	Dunn
Bonner	Cole	Ehlers
Bono		Emanuel

Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

DeFazio
Duncan
Flake
Ford
Nussle
Paul
Royce
Smith (MI)

NOT VOTING—19

Bishop (GA)
Davis (FL)
Delahunt
Edwards
Eshoo
Frost
Gephardt
Istook
Kucinich
Larson (CT)
Lewis (GA)
Marshall
Oberstar
Pastor
Reyes
Shays
Towns
Watt
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1134

Mr. FRANKS of Arizona and Mr. PEARCE changed their vote from ''nay'' to ''yea.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. KLINE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

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

There was no objection.

RATIFYING AUTHORITY OF FTC TO ESTABLISH A DO-NOT-CALL REGISTRY

Mr. TAUZIN. Mr. Speaker, pursuant to the previous order of the House, I call up the bill (H.R. 3161) to ratify the authority of the Federal Trade Commission to establish a do-not-call registry, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 3161 is as follows:

H.R. 3161

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

SECTION 1. NATIONAL DO-NOT-CALL REGISTRY.

(a) AUTHORITY.—The Federal Trade Commission is authorized under section 3(a)(3)(A) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102(a)(3)(A)) to implement and enforce a national do-not-call registry.

(b) RATIFICATION.—The do-not-call registry provision of the Telemarketing Sales Rule (16 C.F.R. 310.4(b)(1)(iii)), which was promulgated by the Federal Trade Commission, effective March 31, 2003, is ratified.

The SPEAKER pro tempore. Pursuant to the order of the House, Wednesday, September 24, 2003, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, welcome to Groundhog Day, courtesy of a misguided court decision, soon to be overthrown, I believe, were we not acting today, but one that jeopardizes one of the most consumer-friendly regulations ever to come out of Washington in a long time. Just several months ago, President Bush signed the Do-Not-Call Implementation Act into law. That law authorized the funding of the Federal Trade Commission's National Do-Not-Call registry, a concept so embraced by consumers in America that 50 million Americans have now signed up to be on that list since then. And, Mr. Speaker, Congress passes a law, and an agency then implements it. Nothing wrong, right? Wrong. One can imagine our surprise when we found out yesterday morning that a Federal court in Oklahoma, not California, Oklahoma, invalidated the FTC's do-not-call registry. And even more surprising was the judge's basis for the decision. He found the FTC did not have the statutory authority to create a national do-not-call list.

Nothing could be further from the truth. As I mentioned in February of this year, Congress passed the Do-Not-Call Implementation Act. Obviously, Congress would not have funded something that it thought was unauthorized. Indeed, back in 1994, Congress passed the Telemarketing Fraud and Abuse Prevention Act, which gave the FTC power to regulate abusive telemarketing practices. Certainly, allowing consumers to sign up for a do-not-call list, to essentially opt out of an abusive telemarketing practice, is well within the mandate given to the FTC.

Make no mistake. The judge in this case is dead wrong, and I am sure his decision will, in turn, be overturned. In an abundance of caution, however, and I make perfectly clear to any and all who may have doubts, today we consider H.R. 3161. This bill specifically authorizes the FTC to create a national do-not-call list and explicitly ratifies the FTC's actions over the past year to implement that list. We should probably call the bill ''This Time We Really Mean It Act'' to cure any myopia in the judicial branch.

The bill leaves no doubt as to the intent of Congress. The FTC wants this list. The President of the United States wants this list, and more importantly, 50 million Americans, who are growing impatient about being interrupted at mealtime by unwanted and unnecessary harassing telemarketing calls,

want this list. And this Congress is going to make sure they have this list today.

Every consumer should have the right to choose whom they want to talk to. We allow consumers to opt out of junk mail. All they have to do is go down to the post office and tell the Postal Service they do not want junk mail coming to their house, and it does not come. They can choose not to answer a knock at the door. They can decide who enters their house and who communicates with them there. Consumers ought to have the power to say ''no'' to unwelcomed and unwanted telemarketing calls. Families ought to have the right to enjoy a little time together at the end of a day and no longer come home to find their answering machines jam filled with telemarketing calls.

Worst of all, they get that call and answer it, and there is nobody there. These new devices that rotary dial three, four, five, maybe 20 people at a time and the first one who answers, they hang up on all the rest, those are the worst to me. Americans are signing up to end that kind of abusive practice, and we need to give the FTC clear authority.

I want to thank the gentleman from Michigan (Mr. DINGELL), the ranking Democrat on our committee and the dean of our House, because he and I have promised to do everything in our power to make sure that the do-not-call list becomes a reality, and he is here with me today to make sure we pass this bill.

Less than 1 week from today, on October 1, 2003, we hope to give Americans access to precisely what they have been asking for, a national do-not-call list, and today we are effectively hanging up on the telemarketers who have been bothering me at that precious hour of the day.

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

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DINGELL. Mr. Speaker, unwanted telemarketing calls are less popular than a skunk at a church picnic, and they are more persistent and obnoxious than athlete's foot. Today we are going to bring them under control at the request of the American people.

In 1994 this body passed the Telemarketing Act to protect consumer privacy and to curb abusive and abrasive telemarketing. Through that law, the Federal Trade Commission created a national do-not-call registry, and over 50 million American consumers have registered their numbers on that list. They do not want to be called.

Earlier this year, I introduced the Do-Not-Call Implementation Act with my dear friend and colleague, the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee. That bill was passed by both Chambers by an overwhelming majority. It provided necessary funding so that the do-not-call list could go into effect on time. It also was said in the hearings by the Federal Trade Commission that no additional authority was needed by that body to issue this do-not-call list.

Well, the telemarketers are back. Despite our previous efforts, an erroneous decision made in Oklahoma agreed with the Direct Marketing Association that we did not give the Federal Trade Commission authority to create the list. That decision was in remarkable error, and we are today going to overrule it.

Last night I, once again, in concert with my distinguished friend and the chairman of the Committee on Energy and Commerce, introduced legislation to settle this question for good and all. That legislation is now before us. It unequivocally states that the FTC is authorized to create and to enforce a national do-not-call registry, and it officially ratifies the existing list.

I commend and congratulate my friend, the gentleman from Louisiana (Mr. TAUZIN), the chairman, for his splendid work on this matter. I urge my colleagues to vote for that legislation.

The registry is scheduled to go into effect in less than one week. And we are here to make sure that it stays on schedule. I encourage my colleagues in both Chambers to pass this legislation swiftly. And I hope the President will heed the call of consumers and sign this legislation into law.

Mr. Speaker, 50 million Americans cannot be wrong. They want this legislation, they deserve no less. I urge my colleagues to enact the legislation.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Massachusetts (Mr. MARKEY), and I ask unanimous consent that he may be permitted to yield time on behalf of this side of the aisle. He has had much experience with this and has been a great leader in the matter.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the gentleman from Massachusetts will control the time of the gentleman from Michigan.

There was no objection.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I rise in strong support of this legislation that fixes Judge Lee R. West's decision of earlier this week. I have the phone number for Judge Lee R. West. I thought maybe the 50 million folks that have decided to call the FTC and say enough is enough, maybe we ought to pass on this phone number to his office in Oklahoma. I do not know that they would get anything done for the next couple of weeks.

Mr. Speaker, I rise in strong support. And I do not know of a family out there that has not received these awful phone calls, usually at some important moment. I can remember earlier this summer, I was finally home from a long day, and my wife and kids are ready to go with their friends down to Lake Michigan, my dog is wagging his tail. That is one of the words that he knows, ''beach.'' He is so excited. The phone rings. It is a solicitation call from a good group, I am sure. My wife has it down pat. Do you know what she does? ''It is for you.'' I get to the phone, and I have got to make sure they are not from our district, and then with that, that phone call is gone.

Mr. Speaker, 50 million folks like our house have called the FTC. When you look at it, that is 50 percent of America. We have about 100 million households, so 50 million households have said hang up. We do not want this. And, yet, Judge Lee R. West, I cannot say a good guy, a guy out in Oklahoma, has said no.

This legislation changes it. We are going to get it done. Let us all vote for this bill.

□ 1145

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

Mr. DOYLE. Mr. Speaker, we had a very unfortunate ruling in Oklahoma City, one that we are going to undo today.

This reminds me a lot about back in the days before I was in Congress. I was in the insurance business, and we used to do a lot of cold calling to make insurance calls. They always told us as they were training us that you had to get nine noes in order to get a yes; but if you kept calling, that every time a person said no to you, not to lose faith, because you were one step closer to the yes.

So today we are doing a tremendous favor for the telemarketers in America, something that I wish they had done for me when I first started in the insurance business. We are giving them the list of the noes up front, so they do not have to make these nine calls to get a yes. We are telling them up front the people that do not want to talk to them, and now all they have to do is call the people that want to hear from them, that want to buy their products.

I think it is a wonderful thing which we do today for the telemarketers, and it is a wonderful thing we do for the 50 million Americans that do not want to have to pick up that phone at dinnertime.

Mr. MARKEY. Mr. Speaker, I want to associate myself with the excellent comments and argument of the gentleman from Pennsylvania.

Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Indiana (Mr. BUYER).

(Mr. BUYER asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. BUYER. Mr. Speaker, yesterday, the U.S. District Court for the Western District of

Oklahoma ruled that the Federal Trade Commission did not have the authority to create a national ''do-not-call'' registry.

While the Court can and did make legal arguments to support its ruling, what it cannot and should not deny is the will of the people. And the will of the people when it comes to a national ''do not call list'' is strong and vigilant.

Since June, when the registry was first opened, over 50 million phone numbers have been submitted to the FTC registry. People are simply fed up with telemarketers interrupting their meals by offering vacations or more credit cards.

In my home state of Indiana, almost 1.5 million phones are registered for the Telephone Privacy program. That represents almost 58 percent of our state, meaning that 3.5 million Hoosiers have chosen to reduce unwanted telemarketing calls. A survey in Indiana found that those on the Indiana Telephone Privacy list had their calls reduced from an average of twelve per week to only one per week. Indiana's Telephone Privacy law works.

One important feature of the Indiana law is that it contains very few exemptions. In fact, Indiana's law has fewer exemptions than the FCC and FTC rules.

While we have permitted these agencies to provide more exemptions on the Federal level, it must be made clear that Congress does not intend to interfere with statutes, like Indiana's, that choose to tighten these loopholes. Indeed, efforts like Indiana's that inspired the Federal ''do not call'' program, demonstrate the critical role that States can play in achieving creative solutions to serious problems. Such efforts should not be discouraged.

It is my understanding that Congress has no intention of preempting State laws that provide protections greater than those provided by our Federal ''do not call'' program. Furthermore, I also understand that Congress has no intention of permitting the FCC or FTC to preempt, by regulation or otherwise, State statutes that provide greater protections than the Federal ''Do Not Call'' program provides.

The FCC and FTC should be reminded that the mandate from Congress is create a ''do not call'' program that provides a nationwide minimum standard of protection for all Americans. States that choose to exceed that standard should in no way be prohibited from doing so.

I am pleased by the swift action of the Chairman and Ranking Member of the Energy and Commerce Committee. H.R. 3161 will allow the will of the people to prevail in light of the judicial interference from yesterday.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me again emphasize this is extraordinary. The court decision came out yesterday. The leadership of this House authorized this bill to the floor today. We are about to pass this bill, I believe the Senate is about to do the same thing, and, in all likelihood, we will have a bill on the President's desk this afternoon.

This Congress has often been called a slow and cumbersome beast, but I think you can see how fast this Congress is prepared to move when 50 million Americans are angry, and I cannot imagine more anger now, when 50 million Americans found out the national do-not-call list was put in jeopardy by a single judge in Oklahoma somewhere.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), the ranking member on the Committee on Energy and Commerce Subcommittee on Commerce, Trade, and Consumer Protection, which has jurisdiction over the Federal Trade Commission.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me time, but, more importantly, today I thank him for his nearly decade-long leadership on this issue.

Mr. Speaker, I rise in strong support of this bipartisan legislation. I want to thank the gentleman from Louisiana (Chairman TAUZIN) and the full committee ranking Democratic Member, the gentleman from Michigan (Mr. DINGELL), for their outstanding leadership in quickly advancing this pro-consumer legislation.

Yesterday's decision by the Federal District Judge blocking the FTC from implementing its national do-not-call registry was, I believe, incorrect. Earlier this session we passed the National Do-Not-Call Implementation Act with overwhelming bipartisan support. The new law explicitly gave the FTC the authority to collect fees and create a national do-not-call list.

I am actually confident that the court's decision would have eventually been overturned on appeal. But, fortunately, we are not waiting for that process to occur. Today we are removing any uncertainty about Congress' intent. With the passage of this legislation, the Federal Trade Commission will be able to add more people to their list, and they will be able to implement its do-not-call registry without interruption or delay.

Mr. Speaker, we all appreciate the very precious time that we have at home with our families after a long day at work, but who has not been interrupted by an unwanted telemarketer? We all know from personal experience how intrusive these calls can be.

I think it is important to note that it will not block the calls from companies with whom you already do business. I received a telemarketing call from a credit card company offering me a deal that could lower my rate, et cetera. I was happy to get that call, and we actually made that change. Those calls will be able to continue.

But we all know the calls. My last name is ''Schakowsky.'' My key is when they say, ''Is Mrs. Schakowsky home,'' or all kinds of funny names, I just say ''no,'' and hang up. We all have our strategies for dealing with those.

Mr. Speaker, I urge all of my colleagues to support this pro-consumer legislation.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the senior gentleman from New Jersey, (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today as a cosponsor and strong supporter of the chairman from Louisiana's bill and commend him for taking swift action against the ruling of the District Court in Oklahoma City.

Over the years through my Know-Your-Caller Act, I have worked with the gentleman from Louisiana (Mr. TAUZIN) and the FTC to bring consumers greater protection from the many unwanted annoying calls that telemarketers placed at all hours of the day and night, seven days a week. These calls are an invasion of privacy, not to mention that many of these callers are unscrupulous and prey on older American senior citizens.

The FTC, Congress, and the American consumers have got it right, and this district court has got it completely wrong. This is the most incorrect and outrageous ruling I have seen in a long time. It is a direct shot at every consumer. Millions of them have registered to get their names on the list, who receive these annoying calls during dinner with their families, in the middle of the night, and then again early in the morning.

Mr. Speaker, I support this bill, and commend the chairman for his leadership and quick action.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend for yielding me time.

As a member of the Committee on Energy and Commerce and as a cosponsor of this bill, I really want to thank the judge. We ought to have more court rulings like this, because I have never seen one that brings this Congress closer together the whole year. This has often been a contentious Congress that clashes on issues. Here everyone agrees. I want to thank the judge for making us all love each other.

We do it because 50 million Americans have signed up to not be bothered by telemarketers. That is a phenomenal amount of people in a very short time. So if there was ever an issue on which everyone agrees, this is the issue.

Everyone has been bothered at the dinner table with these annoying calls. This morning as I was leaving to come here to the Capitol, the phone rang. I picked it up, and there it was, another telemarketer asking kind of sneaky questions, intrusive questions, trying to get you to give them some information in a very sneaky way. People are just fed up with it.

There are no first amendment rights here. All of the things that have been said about why this law should be blocked are ridiculous. Again, in all my years in Congress, I have hardly ever seen anything with which everyone agrees.

So, again, I want to thank the judge for bringing us together. I rise in strong support of the legislation, and as a cosponsor, I commend the chairman of our committee, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL). That is why this is such a great committee; we all agree on so many important things.

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

do something very unusual on the House floor. As the gentleman from Massachusetts (Mr. MARKEY) knows, every now and then, we are accused of voting for bills we have not totally read. I am going to read the whole bill.

I want all the judges of America to pay close attention. I want you to tune in good. Turn up the volume a little bit and turn off your telephone and listen real carefully, because I am going to read the whole bill to you. Every judge in America, here it comes:

''(a) AUTHORITY. The Federal Trade Commission is authorized under section 3(a)3(A) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102(A)(3)(A)) to implement and enforce a national do-not-call registry.''

Do you hear me? To implement and enforce a do-not-call registry.

''(b) RATIFICATION. The do-not-call registry provision of the Telemarketing Sales Rule, (16 C.F.R. 310.4(b)(1)(iii)), which was promulgated by the Federal Trade Commission, effective March 31, 2003, is ratified.''

Did you hear me, judges? Ratified.

When this bill passes today, when the Senate does the same thing, none of you judges ought to have any doubt. We really mean it, do you understand? We really mean it. We want the national do-not-call list to become law on October 1.

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

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

Mr. Speaker, I rise in strong support for this bill, and I rise in strong commendation for the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN) and for our ranking member, the gentleman from Michigan (Mr. DINGELL).

The gentleman from Louisiana (Mr. TAUZIN) has brought this bill out at such a rapid pace that I believe that this legislation has set the Congressional land speed record for legislating in the aftermath of a terrible Oklahoma court decision, and I want to congratulate the gentleman from Louisiana. I think this record, like Roger Bannister's breaking of the four-minute mile, will be viewed as a landmark for all future legislation in the history of our country.

This legislation got to the House floor faster than a consumer can hang up on a telemarketer at dinner time. I mean, the gentleman just did a phenomenal job in ensuring that we are able to protect the American people, because we need this bill in order to ensure that by Christmastime, the only ringing bells consumers will hear are jingle bells and sleigh bells, not the jangling phone ruining people's family holidays.

Now, if we do not pass this legislation, the judge in Oklahoma will have to put his own courthouse phone number on a do-not-call list, because he will have millions of phone calls from complaining Americans demanding that this decision be reversed. So we are doing the judge a big favor today. We are saving him from the same headache that tens of millions of Americans feel that they are subjected to on a daily basis by the phone calls that come into their homes on an unwanted basis.

What is our purpose? The gentleman from Louisiana, the gentleman from Michigan, all the Members of Congress, all we are trying to do is to make the Direct Marketing Association, these telemarketers, more efficient. How efficient is it to know exactly who is receptive to your hundreds of calls a year than for us to put together a list for you of all of the people in America who want to get these calls?

Now, I do not happen to be one of them. I actually signed up at 12:01 a.m. on the first day that it was available to end these calls coming in to my own home, personally, and I threw my cell phone in as well. Those 50 million other phone numbers that are on that list, I was trying to be number one in that land speed race to end it once and for all.

What we have got now on our hands is, in my opinion, a very efficient telemarketing industry, one which can now use their huckster sales pitch to address just those Americans who kind of enjoy having people call them at all hours of the day, and we know there are people out there that really do like it.

If a salesman comes to your front door and knocks on the front door, you do not have to answer. That is your way of dealing with them. But if someone calls you on the phone, that phone just keeps ringing until you have to answer it. That is the difference between a door-to-door salesman and someone who calls you on the phone. That person can ruin your supper, can ruin your day. So this do-not-call database proposal is a winner for the millions of consumers who are plagued by those unsolicited commercial telemarketing calls.

The bill which we consider today permits the FTC to proceed on a timely basis, so that by October 1, consumers can begin to see a reduction in unwanted telemarketing calls.

Having first proposed a national do-not-call database registry in legislation that the Congress successfully enacted in 1991, I believe its implementation is action that is long overdue. Consumers across the country have clearly voted in favor of signing up for the database, indicating by the millions that they want an effective ''no soliciting'' sign on their home phone or cell phone.

□ 1200

They want this national database to help to bring a halt to the seemingly nightly ritual of phone calls, interrupting dinner or precious family time.

I am pleased to be an original cosponsor of this bill with the gentleman from Louisiana (Chairman TAUZIN). Again, I want to commend the chairman for his alacrity in bringing this bill to the floor so soon after the court decision. He and the gentleman from Michigan (Mr. DINGELL) and all of the Members who worked on this and the staff who worked on this overnight deserve an enormous amount of credit.

Finally, I want to commend FTC Chairman Timothy Muris for his pro-consumer action in creating the Federal Trade Commission do-not-call rules. This do-not-call database will be a powerful new tool for consumers to combat unwanted telemarketing intrusions. It is a landmark day in the history of consumer legislation in our country. Tim Muris deserves a lot of credit, the rest of the FTC, the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Mr. DINGELL), and all of the other Members.

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

Mr. TAUZIN. Mr. Speaker, let me thank my friend from Massachusetts for his compliments and, most importantly, for his extraordinary long-standing support for actions to protect consumers in America, and this is just one more step in that direction.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), a distinguished member of our committee.

Mr. WALDEN of Oregon. Mr. Speaker, as a cosponsor of H.R. 3161, I stand here today to express my strong opposition to yesterday's decision by the U.S. District Court in Oklahoma.

As of September of this year, 16 percent of all Oregonians, that is 541,117 citizens, have made the decision to be on the do-not-call list; 16 percent. These citizens have expressed their rights to uninterrupted free speech at the dinner table and the breakfast table and the lunch table, and the middle of the night.

Earlier this year, I received a call from Mr. Chad De Gennaro of Grants Pass, Oregon, that best summarizes the frustration that I think all of us have felt after getting these unsolicited phone calls in our homes when we did not want them. Chad said, ''As only one person, I cannot single-handedly defend myself against telemarketing companies with banks of telephones and hundreds of phone solicitors. No matter how many times I say that I do not want to be called again, sure enough, I wind up getting called again, and at all times of the day.''

Mr. Speaker, 541,117 Oregonians looked to the Federal Government, to us, to protect them from these unsolicited phone calls and trusted that this list would allow them some peace and quiet in their homes. That is what the FTC's list would have provided on October 1.

Here in Congress, we understood from the FTC that they had the authority to prepare and implement this list. The FTC believed they had the right to create this list; and more importantly, the

citizens of Oregon and across America knew and believed that the FTC was going to protect them by implementing this list and this legislation. Only the U.S. District Court of Oklahoma thought otherwise.

Mr. Speaker, I join my chairman and my colleagues on both sides of the aisle today in support of this legislation. I appreciate the quick action of our chairman, the gentleman from Louisiana (Mr. TAUZIN), in moving this bill forward so that we can protect ourselves from calls we do not want coming into our phones and into our homes.

Mr. MARKEY. Mr. Speaker, I have no other requests for time to speak on this important bill, so I will continue to reserve my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the chairman for yielding me this time, and I applaud his stunningly quick action with alacrity to speak on behalf of the elected representatives of the American people on this subject.

Mr. Speaker, one unelected Federal judge in Oklahoma took it upon himself to strike down a law passed by Congress, actioned by the executive branch, and two appropriations acts, and the action of 40 million Americans to sign a do-not-call registry. Never in history has so much been screwed up by such a small number of people: one judge.

Protecting telemarketers under the first amendment is like protecting the classroom bully who insists that it is his first amendment right to harass all of the other children in class. I think the judge in this case has wondered if the Congress has been clear in this case. Well, Congress is going to be blisteringly clear; and we are going to follow this up, if this bill does not pass the Senate quickly, with appropriations action to make sure that in this Congress, in this year, we keep the do-not-call registry online, that we do not force any other Americans to reregister, that we keep those who signed up on the list, and that we protect that sacred zone of privacy in Americans' homes so that they can have dinner with their wives and kids and not be harassed by these calls.

Mr. Speaker, I applaud the ranking member and the chairman for this quick action, and I urge rapid adoption of this legislation.

Mr. MARKEY. Mr. Speaker, with compliments to the gentleman from Louisiana (Chairman TAUZIN) and to the gentleman from Michigan (Ranking Member DINGELL), and to all of the Members who worked on this legislation, I yield back the balance of my time.

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

In summation, let me again thank the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. DINGELL) for their extraordinary bipartisan cooperation in moving this as rapidly as we have. It is the sort of cooperation we always seem to get from our members on both sides of the aisle on the Committee on Energy and Commerce when we have a problem that clearly faces our country that is neither Democrat nor Republican, but is American. This is an American problem, and we are solving it as Americans in this House, and that is always a proud moment in this House when that occurs. I want to thank my colleagues for all of the courtesies and the help that we have gotten in moving this legislation forward.

The gentleman from Massachusetts (Mr. MARKEY) was correct in complimenting the chairman of the FTC, Mr. Muris. I want to also join in that compliment. The Federal Trade Commission, as the gentleman knows, took on what the FCC would not take on. We had originally given this authority to the Federal Communications Commission which declined to put together a national do-not-call list. Mr. Muris and the Federal Trade Commission decided to go forward with it with our help. So we authorized the money for them to proceed with the list. Only this judge seems to want to stand in the way of it, and this Congress now makes it very clear today that we want to give Americans this right.

I want to make a public apology. These harassing phone calls that come to us in the middle of the precious time we have with our family have gotten to a point of, I know, such aggravation that some of us react very badly to a call we get at a most inappropriate moment, and sometimes we are pretty ugly to a telemarketer who is bothering us or interrupting us. I hung up on the Ambassador's wife from Norway one day, thinking she was a telemarketer. She belongs to an international club with my wife, and we had to make great apologies afterwards because I thought I was being harassed by a telemarketer. Those sorts of things ought not happen in America. We ought not be caught in these awful circumstances where we are so aggravated that we are impolite to someone as important as an Ambassador's wife who was trying to make a call to my wife, and I apologize both to my wife and to her again publicly for my impatience.

But Americans are impatient, and they are tired of this kind of problem, and they want it fixed; and this legislation will fix it today. We have heard some of the passion on this floor. The passion that we feel about this issue is the passion that Americans feel about this issue. When 50 million Americans sign up as fast as they have, that tells us how passionately Americans feel about a national do-not-call list, and it is time to be implemented.

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

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

Mr. INSLEE. Mr. Speaker, I want to commend the chair for his rapidity in bringing this to the floor. I just want to say there is total bipartisan agreement that Americans are sick and tired of having their dinners interrupted by these calls, and today that is going to stop.

I just want to answer the people who have raised freedom-of-speech issues here, which I do not believe apply to this, because there is also a freedom not to listen. What we are saying today is Americans have the right not to listen to these telemarketing calls. This is in the finest tradition of the Constitution which said we, the people, in order to assure the common defense and assure domestic tranquility, and we are standing up for domestic tranquility today. This is a good day to do it.

Mr. TAUZIN. Mr. Speaker, reclaiming my time, I thank the gentleman for those comments. In fact, we have been asked so many times, is this a free-speech issue. The United States Constitution gives you the right to speak; it does not give you the right to be heard. None of us have an obligation to listen if we do not want to. As a courtesy, we listen to one another in this House, hopefully we do, but nobody has an obligation to listen. The fact that Americans have the right not to be bothered by some speech they do not want to listen to is a right we ought to protect too. That is what we do today.

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

Mr. TAUZIN. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Speaker, I just want to ask the chairman if, after he hung up on that Ambassador's wife, if he still got the pocket fisherman or the ginsu knife, if they still might have sent that along.

Mr. TAUZIN. Mr. Speaker, reclaiming my time, I can only tell the gentleman it was an embarrassing moment and, again, I apologize to both of them. But the gentleman knows we have heard this bill in committee, and he knows how absolutely aggravated people get with these calls. They seem to come at the worst moment. When you are just leaving the house, you are trying to get everything in the car and the phone rings, it could be your mother calling, your daughter, your son, somebody important; and you rush back in and it is one of these doggone calls. They always come at the exact wrong moment. I am not saying telemarketers are bad people. There are many good telemarketing firms, and for folks who want to receive these calls and take advantage of them, they will have that right under the bill. But it is just going to end the ones we do not want, the ones that aggravate us to the point where we do something as stupid as I did, for which I have apologized today a few times.

Mr. HOLT. Mr. Speaker, the Do-Not-Call Registry was crafted as a balance between

the rights of businesses to market their products and the right of consumers to avoid unnecessary harassment. Today, due to a judicial decision, we are back here on the House floor to reaffirm the validity of the registry.

Telemarketers have, like everyone else in this country, the right to free speech. They have the right to say what they want. What they don't have is the right to force Americans to listen to their sales pitches.

Americans, on the other hand, should have the right to a little peace and quiet. They should have the right to not have to get unwanted advertising pitches over the phone during dinnertime.

Telemarketers already have the tools they need to exercise their right to free speech—they have autodialing computers, prerecorded messages, phone registries, and legions of operators. In creating the Do-Not-Call Registry, the FTC was merely trying to provide consumers with the power to truly exercise this right. The Do-Not-Call Registry is just one simple, effective tool that will give consumers the ability to exercise their right to a little peace and quiet.

Unfortunately, Judge Lee R. West of the Western District of Oklahoma recently ruled that Congress did not give the FTC explicit authority to create the do-not-call list. Of course, Judge West has the right to make that ruling, if he thinks that is the correct interpretation of the law. Congress then has the responsibility to clarify that it has indeed given the FTC authority to protect consumers by creating the registry, as we are doing today.

While I strongly support the continued implementation of the Do-Not-Call Registry, I should mention that the FTC left some loopholes. If you've bought, leased, or rented something from a company in the past 18 months, they can still call you until you say, ''Stop.'' They can also call you if you've applied or inquired with them over the past three months—even something as mundane as asking for a store's hours.

Telemarketers have jumped to these loopholes, showing the lengths that many of them will go to in order to call people during dinnertime with unwanted ads. The FTC should revisit its rules and see if these loopholes can be closed.

Even still, it's critical that we reaffirm the validity of the do-not-call list. I want to commend Chairman TAUZIN, Ranking Member DINGELL, and all the members of the Energy and Commerce Committee, for bringing this clarifying legislation to the floor. I'm sure my constituents will be pleased to see this body reacting so quickly.

I urge all of my colleagues to vote for this bill so it can be signed into law and we can avoid delaying implementation of the do-not-call list.

Mr. STUPAK. Mr. Speaker, I am pleased that Chairman TAUZIN and Ranking Member DINGELL have moved so quickly to address this week's decision by the Federal district court in Oklahoma that the FTC did not have authority to implement the national Do Not Call list.

It is not often that we can move forward with such speed in a bipartisan manner in both bodies, but this action only proves that Congress intends this list to go into effect, despite what Judge West in Oklahoma may think.

This list was to have gone into effect on October 1, and millions of consumers were looking forward to getting some relief from telemarketers.

I am somewhat amazed by the decision of the court, given that Congress clearly expressed its intent to provide the FTC with the authority to implement the list by passing the Do Not Call Implementation Act.

I do not know how much more clear we could have been—we gave the agency funding to set up the list, but yet the court managed to find that no authority existed from Congress.

This bill will make things clear, and I am pleased at this quick response to the ruling. I am a cosponsor of this bill and look forward to its quick passage.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of this legislation to clarify that Congress specifically authorizes the Federal Trade Commission to establish a Do Not Call Registry.

During debate last year on the Do Not Call Registry, I had initially preferred that Congress enact even stronger language.

But, in voting for the registry, I never thought that the language we enacted wouldn't be sufficient enough to withstand judicial review.

Mr. Speaker, the people have spoken.

They want the power to reduce the number of annoying telemarketing calls that too often interrupt the precious, yet increasingly limited, time that they spend with their families.

The response has been tremendous

I've joined over 50 million Americans who have already signed up for the registry, and it hasn't even gone into effect yet.

The Do Not Call Registry is a popular consumer protection tool that needs to be implemented.

The FTC has moved swiftly on behalf of consumers, and we should do the same.

If the FTC needs this specific authority, then let's pass this bill today, get it to the President and make sure that there is no disruption in the FTC's ambitious timeline to make the Do Not Call Registry a reality for millions of American consumers.

Mr. TAUZIN. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the order of the House of Wednesday, September 24, 2003, the bill is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. TAUZIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on H.R. 3161 will be followed by 5-minute votes on the motion to instruct on H.R. 1, by the yeas and nays; and the motion to instruct on H.R. 1588, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 412, nays 8, not voting 14, as follows:

[Roll No. 521]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne

Ose
Otter
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Bishop (UT)
Cannon
Flake
Meek (FL)
Paul
Ryan (OH)
Strickland
Terry

NOT VOTING—14

Bishop (GA)
Gephardt
Gibbons
Jones (OH)
Kucinich
Larson (CT)
Lewis (GA)
Nadler
Pastor
Pombo
Reyes
Shays
Watt
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1233

Mr. TERRY and Mr. RYAN of Ohio changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BISHOP of Georgia. Mr. Speaker, on rollcall No. 520 and 521, had I been present, I would have voted ''aye.''

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore (Mr. SIMPSON). 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 Wisconsin (Mr. KIND), 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 199, nays 220, not voting 15, as follows:

[Roll No. 522]

YEAS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
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
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Latham
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
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
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—220

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
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
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
Osborne
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
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Gephardt
Gibbons
John
Jones (OH)
Kucinich
Larson (CT)
Lewis (GA)
Maloney
Markey
McCollum
Nadler
Napolitano
Pastor
Watt
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1244

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.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 522, had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Speaker, I was unavoidably detained due to committee business and missed 2 votes. Had I been present, I would have voted: 521—''yes'' and 522—''no.''

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 New York (Mr. CROWLEY) 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 356, nays 67, not voting 11, as follows:

[Roll No. 523]

YEAS—356

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Calvert
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chabot
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
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)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—67

Akin
Baker
Ballenger
Barton (TX)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Burgess
Buyer
Cannon
Capito
Carter
Castle
Chocola
Crane
Culberson
DeLay
DeMint
Doolittle
Dreier
Duncan
Feeney
Flake
Foley
Franks (AZ)
Garrett (NJ)
Gillmor
Goss
Granger
Green (WI)
Gutknecht
Harris
Hastings (WA)
Hefley
Hensarling
Hunter
Issa
Johnson, Sam
King (IA)
Lewis (CA)
Linder
McCrery
McInnis
McKeon
Miller, Gary
Myrick
Nethercutt
Neugebauer
Nussle
Pence
Radanovich
Reynolds
Rogers (MI)
Rohrabacher
Sessions
Shadegg
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Weller

NOT VOTING—11

Cantor
Gephardt
Hart
Kucinich
Larson (CT)
Lewis (GA)
McCollum
Nadler
Pastor
Watt
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1258

Mr. SIMPSON and Ms. DUNN 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.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Thursday, September 25, 2003, to vote on rollcall vote Nos. 520, 521, 522, and 523 because I was attending a funeral in my District.

Had I been present, I would have voted: ''aye'' on rollcall vote No. 520 on H.J. Res. 69—Continuing Resolution through October 31st; ''aye'' on rollcall vote No. 521 on H.R. 3161—To Ratify the Authority of the FTC to Establish a Do-Not-Call Registry; ''aye'' on rollcall vote No. 522 on the motion to instruct conferees on H.R. 1 to accept provisions in the Senate and House bills to avoid cuts to rural hospitals, ensure access to health care for rural communities and provide guaranteed prescription drug coverage; and ''aye'' on rollcall vote No. 523 on the motion to instruct conferees on H.R. 1588 to accept provisions in the Senate bill to provide TriCare health coverage for reservists called to active duty.

LEGISLATIVE PROGRAM

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

Mr. SANDLIN. Mr. Speaker, for the purpose of scheduling, I yield to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding, and I would be happy to talk about the schedule to the extent we know it.

Mr. Speaker, according to the calendar we announced at the beginning of the year, next week was scheduled to be the last week of the first session of the 108th Congress; and while the House by and large has completed its work for this session, the Senate is a little behind us, maybe several weeks behind us, and we still have some more work to do. So we will be here beyond October 3, certainly. We will be completing appropriations bills, as well as other important priorities.

In addition, the President's recent request for additional resources for the war on terrorism through the supplemental is something this Congress will be considering. Of course, that means we will need additional time in session.

While I understand that Members are anxious to know about votes for October, especially for the week of October 6, we have not yet finalized a number of key decisions that need to be made before we know exactly what that schedule will be. Hopefully by the close of business tomorrow, Friday, we will be able to distribute a ''Dear Colleague'' letter to each office which will indicate the days when we expect to have votes for the entire month of October. This information will also be on the majority leader's Web site hopefully by the close of business tomorrow.

For next week, in addition to a lengthy list of bills that we will consider under suspension of the rules

starting on Tuesday, we do have a long list of conference reports that could become available.

□ 1300

These include, but are not limited to, the FAA authorization, which has to get done, as we all know, the DOD authorization bill, military construction appropriations bill, energy and water appropriations bill, and, of course, the Energy Policy Act of 2003.

No one can say at this time which days any of these bills will be considered by the House. It is difficult to know, but I would stress that we will expect to be voting on one or more of these conference reports, and we should expect to be here next Friday.

Members should know we may well be working late into the evening next Friday, October 3, 2003, to consider some of these conference reports. I would try to answer any further questions the gentleman from Texas has.

Mr. SANDLIN. Mr. Speaker, I will reclaim my time.

Mr. Speaker, it was indicated that there was hope to have a schedule available as soon as tomorrow for the month of October. As of right now, is there an expectation that we would have legislative business during the week of October 6, 2003, even though the other body has decided not to be in session during the week?

Mr. PORTMAN. Mr. Speaker, if the gentleman will continue to yield, I think we will have a better answer to that as of tomorrow close of business. But my expectation would be we would have business here on the floor even though the Senate will be out, the other body, in part because of the work we need to do on the supplemental, and in part because of possibility of other important work in the appropriations conference reports.

Mr. SANDLIN. Mr. Speaker, I note that it was indicated that we could be working late into the evening next Friday. And, of course, that is contingent on many things. But I would like to know if there is a possibility that we will not be working late next Friday so that the Members can schedule their transportation needs, and also would request an answer to why we would be working late next Friday and confounding scheduling when we have not been working on Mondays and Fridays in the past.

Mr. PORTMAN. Mr. Speaker, that is certainly a fair question. And I honestly do not think we will have the answer to that until some time midweek next week, depending on how the conference reports are going. My point earlier was that Members should be prepared to be here on Friday, if necessary. We do not know if that will be necessary, but if there are conference reports that are ready to go, I think it is important that we are here to get our work done.

So it seems like it would make sense for Members not to make plans for Friday that they are unable to get out of. We will see what happens as of next week.

Mr. SANDLIN. Mr. Speaker, is there an idea about what time we might know tomorrow about the upcoming week's schedule so that our Members can make their scheduling for airplanes or other modes of transportation and deal with their families and events at home?

Mr. PORTMAN. Mr. Speaker, I am advised by the majority leader's office that it will be available as soon as possible tomorrow, which, in House terminology, probably means tomorrow afternoon or evening. It is going to take a while to make some decisions on some matters that are not entirely in our control, including working with the Senate on how we work through the supplemental. So I would think tomorrow afternoon sometime.

Mr. SANDLIN. Mr. Speaker, in the event that we do meet late next week, during the week would our business that week be consideration of the Iraq supplemental appropriations legislation? And, if so, can Members be assured that we will have a fair process for consideration of that bill, a process that would allow full debate so that Members will have the ability to address all of their concerns of justification and accountability?

Mr. PORTMAN. Mr. Speaker, if the gentleman will further yield, I appreciate the question. And my own sense is that it is very unlikely we would see the supplemental appropriations bill on the floor next week simply because the committee has not yet gone through the hearing process to the extent they would like to. My understanding is they would like to hold additional hearings next week.

In fact, the members of the subcommittee have indicated that they will be going on a trip this weekend, I think, to Iraq to gather further information. So it seems very unlikely it would be before us next week.

In terms of the rule, we have not worked that out yet with the Committee on Rules. I certainly have not talked to the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), but that is a decision that would be made as we get closer to that vote.

Mr. SANDLIN. Mr. Speaker, reclaiming my time.

Mr. Speaker, we passed a continuing resolution today that will take us through October 31, 2003. Would you anticipate that we would be able to finish all of our legislative work for the year by the end of October?

Mr. PORTMAN. Mr. Speaker, another fair question from the gentleman. I wish we could provide a definitive answer. That is certainly our hope, that by the end of the month of October that we would be completing our legislative business for this session of this Congress. But it would depend on our progress with the Senate on a number of these conference reports that we talked about earlier.

Mr. SANDLIN. Mr. Speaker, I appreciate the information from the gentleman. I noticed in the initial remarks that several conference reports were mentioned that would be coming up including FAA and DOD and military construction and energy and water. Certainly, those are important matters. But in looking at that list, I would note that many of those things have not been brought forward yet because we have not been scheduling Friday and Monday.

Secondly, I would note that in that list, from what I am reading, that neither the Medicare prescription drug legislation nor the tax credit legislation is on that list. But could Members be told which one of those two are most likely to come to the floor? Is there a possibility of the Medicare prescription drug legislation coming to the floor and is there a possibility of the child tax credit legislation coming to the floor?

Mr. PORTMAN. Mr. Speaker, if the gentleman would further yield, I would say absolutely. It is our hope that we would have both of those conference reports coming back to the House floor. Certainly they were not excluded from the list because we do not hope to do them, but they were not in the list because it is unlikely we will do them next week. So it will not be something imminent. On both of those conferences, we would hope to come to a resolution.

As the gentleman knows, being on the Committee on Ways and Means, the members of the Committee on Ways and Means on the conference and the members of the Committee on Energy and Commerce are working diligently with regard to the Medicare conference and their staff, even as we talk this afternoon. So we are very hopeful we can resolve both of those and bring them to the floor before completing our work for this session.

Mr. SANDLIN. Mr. Speaker, I appreciate that. So there is certainly the possibility that in addition to the ones that you listed, since we are working extra hours next week and working late through Friday, there is the possibility that Medicare prescription drugs and/or the child tax credit legislation could come up for consideration next week since we do have additional time next week?

Mr. PORTMAN. Mr. Speaker, my colleague from Texas knows some of the complexities of some of these issues and knows the progress we have made, but also the ground we have yet to cover. So I think it is unlikely, from my point of view, it is unlikely we will see it next week. But I think it is very likely that we will make significant progress in the next two weeks, particularly if we are here for a considerable amount of time the week of October 6, 2003, to be able to make progress on these conference reports. Even in the absence of the Senate being in session, we can still work on conference reports.

So our hope is to continue to push with regard to all of the conferences. We named a number of them earlier. We hope to have them come to the floor over the next several weeks as we complete our work.

Mr. SANDLIN. Certainly we hope since we are working a little bit later, we can consider Medicare prescription drug legislation and the child tax credit. That is, of course, very important.

Does the gentleman expect that we could move forward and go to conference on the Labor-HHS-Education bill sometime next week? Since we do have additional time, would that be a priority?

Mr. PORTMAN. It certainly would be a priority. It is my understanding that the Senate formally requested a conference just last night on what is the second largest now of our 13 appropriations bills. It is certainly a very important bill for us to be able to complete on an independent basis and that is our goal. We cannot commit to a day next week when we would consider a motion to go to conference, but I think it is very likely it could happen next week.

Mr. SANDLIN. The House earlier today was supposed to consider a rule to send the FAA conference report back to conference. When the conferees reconvene, would the gentleman expect them to work in a truly cooperative manner and accept the will of both Houses of Congress with regard to halting the privatization of air traffic control towers as has been debated here on the floor?

Mr. PORTMAN. It is our understanding that Members of that conference from both sides of the aisle and both sides of the Capitol have indicated that a couple of relatively small changes are necessary to get that bill into position where both the House and the Senate can pass the conference report. That is what we are working toward. Those grant programs administered by FAA expire, as the gentleman knows, at the end of the month. I know that the chairman of the Committee on Transportation and Infrastructure and so many other Members in this Chamber would like to get this bill to the President for signature as soon as possible.

Mr. SANDLIN. Mr. Speaker, I thank the gentleman from Ohio for his information and cooperation today and would ask that the gentleman and/or the leadership of the majority let us know just as quickly as possible tomorrow about the scheduling, so that our Members can make their scheduling for their transportation, and also let us know if there is any possibility of the Medicare prescription drug bill or tax credit bill or FAA bill or any of that coming up next week.

ADJOURNMENT TO MONDAY, SEPTEMBER 29, 2003; AND ADJOURNMENT FROM MONDAY, SEPTEMBER 29, 2003 TO TUESDAY, SEPTEMBER 30, 2003

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next; and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 30, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. SANDLIN. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. SANDLIN 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).

Mr. SANDLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Under clause 7 of rule XXII, the gentleman from Texas (Mr. SANDLIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

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

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

Mr. Speaker, the way this bill currently stands is nothing more than a

misrepresentation and a bait and switch. The leadership has used smoke and mirrors to trick our seniors into thinking that they are getting a Medicare prescription drug plan and into thinking that our hospitals will be adequately reimbursed while, in reality, we are forcing our seniors to seek medication from private insurance companies and HMOs that will set the price and set the benefits and we are taking money away from our hospitals.

Mr. Speaker, I rise to offer this motion to instruct the conferees on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003 and ask to remember our Nation's 9.3 million rural Medicare beneficiaries as they continue their critical deliberations. The legislation that I speak of today, as I mentioned, is much more than simply a drug bill, it is a testament to our commitment to quality-of-life issues for our Nation's seniors in our communities. Modern health care today requires a comprehensive system that depends on access to needed prescription drugs, certainly. It depends on physician care and hospital treatment. All of those needs must be addressed. When access is denied, treatment fails and people suffer. As H.R. 1 stands today, our rural communities all across Texas and all across the Nation will suffer.

Everyone here knows that our Nation's rural hospitals are desperately in need of assistance. Over the past 25 years, Mr. Speaker, more than 470 hospitals across America have closed. That is unacceptable. That impacts primarily rural America. This is very devastating for rural citizens. Due to the fact that rural seniors have a lack of access to preventive care, that causes them to have higher incidences of chronic illnesses like heart disease, arthritis and things of that nature. Medicare is a significant source of payment for rural health care providers because of the higher proportion of seniors in rural areas. We must provide the strongest reimbursement aid possible by taking the best of the House and the best of the Senate bills. The House bill's rural assistance provisions contradict each other by offering funding through one avenue and slashing it through the market basket. This measure, as proposed by the House, denies hospitals $12 billion of desperately needed assistance, nearly $9 billion of which would go to rural hospitals, the hospitals with the most challenge. In my home State of Texas, over $420 million will be lost. That is all in the name of fiscal responsibility. That is a false savings, Mr. Speaker, and it is a savings that endangers the lives of Americans, especially in rural America. This cost-saving measure certainly will not save hospitals but it will cost them and their patients dearly.

□ 1315

How much do we as a Congress expect our hospitals to endure? Our rural hospitals are barely scraping by on what Medicare and Medicaid already paid. In the name of patient safety, we ordered them to comply with Federal mandate after Federal mandate from EMTALA to HIPPA but then failed to grant the funding to ensure quality of care is provided. Let me tell the Members here no one will expect care to be provided if these hospitals close. It just will not be availability, and with that elimination of care will follow a massive elimination of jobs critical to our local economies and endangering our local families.

Rural seniors in hospitals are getting a raw deal here, Mr. Speaker. We all know that. They are not looking for anything extra. They are just looking for something equitable, something fair. Join with me and do at least that much today for our hospitals, for our doctors, and for our rural patients in rural communities.

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

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

The Sandlin motion to instruct conferees is essentially the same as the last two motions to instruct that have been defeated by the House of Representatives. This motion, like the others, asks us to accept the Senate's position of a government-run prescription delivery drug system and structure. It would provide unprecedented and unnecessary inflationary increases to providers and would undo the bicameral decisions that the conferees have already resolved. Roughly a third of the bill in question, H.R. 1, has been resolved by the Medicare conference. This motion would reopen those issues that have already been resolved in a bipartisan, bicameral fashion. This is the third Congress that has attempted to enact a prescription drug benefit in Medicare, and this motion would ensure that a prescription drug Medicare bill never reaches the President's desk; and I urge a defeat of this motion.

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

Mr. SANDLIN. Mr. Speaker, I appreciate the gentleman's comments. I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

It is nice to be able to join on an issue as important as this and one that does not deal with redistricting in Texas.

I do rise today in support of the Sandlin motion to instruct on Medicare prescription drugs. This motion carries with it the efficacy of protecting seniors and health care providers in rural areas. It was not too many years before I came up here to Congress that I was serving on a board called the Area Agency on Aging. It was a board where we spent a great deal of our effort with senior citizens and the needs that they had. Ultimately, they selected me to be a delegate to the 1995 White House Conference on Aging, and the goals that came from that meeting of several thousand people gathered across the country had to do with allowing seniors to live in independence and dignity, to make sure they continued to have access to the programs that made such a significant difference in their lives, Medicare and Social Security. Since Medicare was enacted in 1965, it has truly provided health care security to millions of America's seniors and people with disabilities.

Medicare is the binding commitment of a society to our most vulnerable citizens and a commitment that America must always keep. One segment of society that is neglected time and time again in Washington is seniors living in rural communities, and I come here today to tell the conferees that we have a real commitment to rural seniors.

Mr. Speaker, I represent a fairly diverse district. It consists both of urban and rural areas, and therefore I have witnessed the degradation of care for my constituents living in these rural years. This Congress has a responsibility to represent all people throughout the country and to provide guaranteed prescription coverage through a Medicare fallback option in areas where private drug plans are not available. We must ensure that cuts in payments to hospitals that were included in the majority-offered House bill which adversely affect hospitals in rural areas are not included in the conference report. These cuts will serve to further undermine the ability of rural hospitals and health care providers to ensure that adequate coverage is offered in rural areas.

I cannot in good conscience allow this House to send to the conference committee a bill which would leave our Nation's rural areas in continued peril. I have pledged with my colleagues to work to provide adequate health care to all Americans; and, frankly, this bill as it currently exists imperils citizens living in rural areas.

HMOs and other private health plans have had a very poor record of serving seniors living in rural areas. Indeed, according to the government's own advisory board, the Medicare Payment Advisory Commission, only 19 percent of rural Medicare beneficiaries have the option of enrolling in a Medicare managed care plan in 2003. How can we as a Congress participate in passing such a broad and affecting piece of legislation without ensuring that the disparity between rural and urban areas is abolished?

So the Sandlin motion to instruct will help to ensure that we do not leave our rural citizens behind. I support this motion to instruct, and I call on my colleagues here to join us and do exactly the same thing.

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

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

Mr. Speaker, one of the key problems with the House GOP Medicare prescription bill is it fails to meet the needs of the one-fourth of Medicare beneficiaries who live in rural areas. And someone who knows that very well is the gentleman from Texas (Mr. STENHOLM), my good friend and colleague and a real champion of health care, especially out in west Texas, and a very respected Member of the House.

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

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Texas for yielding me this time, and I thank him for bringing again this motion to instruct to the floor of the House.

Some of our colleagues are asking why do this again. Listen carefully to the rationale and the reasons of why we are doing it again. It is critical to rural districts all over the United States. This is a matter of life and death for 27 hospitals in my district. The issue is fairness, and this is the third time that I have had to correct my friends on the other side of the aisle for the red-herring approach that they are talking about. No one is advocating a government-run program unless by that they are suggesting that they are not in favor of continuing Medicare. If they are in favor of letting Medicare go, then they are correct; but I do not think the majority of the House is talking about that.

Certainty we are not. And when they talk about budget issues, make it very clear, we are proposing to live within the budgeted amount of $400 billion and not one penny more, period. But what we are saying is that when we are looking at rural hospitals in particular, there are some issues that the conferees need to listen to, and yes, one can make the argument this is procedural, and I understand that, but when that conference bill comes back on the floor and we are going to have to vote on this issue, I am asking my colleagues, for example, in Kansas 1, 37 hospitals will lose $21,682,000; Georgia 11, six hospitals, $17 million; Texas 19, 18 hospitals, $39 million; Texas 23, 11 hospitals, $11 million; Indiana 8, 13 hospitals, $28 million; North Carolina 8, 12 hospitals, $43 million; Minnesota 1, 15 hospitals, $45 million.

I can go on and on on this list. This is money that would not be coming if the conferees come back and say market basket is not applicable. And one can say, yes, this is a cut from a rate of increase; but that is precisely what we are talking about in rural areas. We have been cut and cut and cut to the point we cannot take any more, and we have got to have some rationale and reasoning, some logic, now in saying to rural areas, you must be treated fairly; and that is what the best of both the House and the Senate bill does.

We are arguing about a philosophical direction, and with all due respect, I do not agree with the direction that the majority wish to take the conference, and I think a majority of this body does not. I really do. That is why we will continue to come on this floor and suggest to our colleagues who continue to vote against this motion to instruct, take a good look, listen to their hospitals back home, listen to what is being proposed and see how they will vote when that conference committee completes its work and brings it back to the floor of the House.

And everyone now I hope understands that the conference is in trouble because we have some irreconcilable forces. It is kind of like the Texas redistricting plan. We have got some folks not willing to give. And when we have that, then we run the risk of doing nothing, and no one wants to come out of this Congress by doing nothing. We have a tremendous need of dealing with the cost of medicine, and there are ways that we can do some great things to reducing the amount of cost of health care to our senior citizens and to others, middle-income America. But pay particular attention, and this is done for the benefit of our colleagues, the conferees having to recognize that we have got to come to an agreement with the Senate or otherwise nothing will happen.

Again, I repeat, this is not a budget issue. We are just saying we have a recommendation to the conferees of how they spend the money. We are not talking about spending any more. And if you believe your hospitals can do with less, continue to vote as you have been voting. Do not instruct the conferees. But you had better start talking to them because if the conferees insist on doing it the way they insist on doing it, we risk the whole bill; and nobody wants to see that done.

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

Let me just say, Mr. Speaker, that under the Senate approach to the Medicare prescription drug bill, one third of the beneficiaries will be in a full government run fallback plan; and if the government is at risk, the plan will have little incentive to control costs and would simply process claims. And that is why the nonpartisan Congressional Budget Office has estimated that the Senate provisions would lead to higher prices for beneficiaries and taxpayers and result in over $8 billion in higher costs; and this would, I think, be an unacceptable giveaway. The Congressional Budget Office, CBO, also estimates fewer plans and therefore fewer choices for seniors under the Senate proposal, and that would be because the full-risk plans would be hesitant to compete against the government contractors.

And let me just say that the market basket adjustment is just a part of the picture in terms of what is being done for providers in rural America; and when we add in together the market basket update, the standardized amounts, the labor share, the Medicare disproportionate-share payment, we are seeing increases over current law in rural areas; and most of those numbers do not include the increases for critical access hospitals which are an important part of health care providing in rural America.

So I would still urge my colleagues to defeat this motion to instruct. We have a good process moving, and let us keep the process going forward.

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

Mr. SANDLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from the State of Tennessee (Mr. TANNER), a member of the Committee on Ways and Means.

Mr. TANNER. Mr. Speaker, the $12 billion that CBO says the House bill cuts from hospitals, $9 billion of that comes from hospitals serving rural communities. As I said the other day when we were talking about this approach, all the medical technology in the world is of no use to me or anyone else if it is not accessible. Over 47 percent of the 134 acute care hospitals in Tennessee are losing money. A lot of these hospitals are in rural areas that simply will not be able to remain open with the market basket reduction, with the way this bill is drafted, and with the demands that are being placed on them. Literally, if one believes that accessibility to medical technology is as important as the technology itself, and I cannot imagine anybody who would argue that it is not, if they cannot get to a doctor or a hospital with a heart attack in time, they are going to die. So it really does not make sense to say this medical technology is important in and of itself. There also has to be this accessibility issue to be addressed, and this bill is not addressing this accessibility issue.

□ 1330

That is why this motion to instruct is important.

But even if you do not believe that accessibility is a real goal that we ought to strive for in America, you have got the equity argument that the gentleman from Texas (Mr. STENHOLM) made. Even if you say we know it may not be fair, but that is just the way it is, what about all of the jobs that are going be lost, jobs of dedicated medical professionals that want to help people in rural America? They live there voluntarily, they devote their productive years to curing and helping people who are sick, and they go out the window as well when these hospitals close.

I would just implore the House to look at the system of health care delivery in our country and realize that this approach that the majority is taking is shortchanging hospitals, rural hospitals, and, more importantly, sick people all across this country, but particularly in rural areas, and is that the kind of country we want to have? Is that the kind of country we can be proud of? I think not.

Mr. Speaker, I would urge that this motion to instruct be approved whenever we have a vote on it.

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

Mr. SANDLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS), one of the people that really has a good knowledge in the Congress about the issue of prescription drugs due to the fact that he owns a pharmacy.

Mr. ROSS. Mr. Speaker, I thank the gentleman for yielding me time and for offering up this motion to instruct conferees on the Medicare prescription drug bill.

Mr. Speaker, let me tell you that, as the owner of a small-town family pharmacy, one of the things that I see way too often is seniors who walk through the doors of our pharmacy who cannot afford their medicine or who cannot afford to take it properly.

I live in a small town, a town that lost its hospital back in 1995. Our folks now go 16 miles down the road to the hospital in Hope, Arkansas. Living in a small town, I see so many seniors that end up 16 miles down the road in the hospital running up a $25,000 or $50,000 Medicare bill, or requiring $250,000 worth of kidney dialysis, or having a $50,000 leg amputation, simply because they cannot afford their medicine or cannot afford to take it properly. This is America, and we can do better than that by our seniors, America's greatest generation.

There has been a lot of talk in Washington about trying to help our seniors with the high cost of prescription drugs, but that is all we have seen and that is all we have gotten, has been a lot of talk.

When I came to Congress in 2001, I thought if there was one issue that would not be partisan, that would not divide us, but, rather, would be a senior issue, this is not about Democrats or Republicans, or at least it ought not be, it ought to be about our seniors, and I thought if there was one issue that could bring us together, it would be to do right by our seniors. But, instead, what we have had offered up by the Republican leadership is a false hope and a false promise, nothing more than Medicare fraud for our seniors.

There are several problems with this so-called Medicare prescription drug bill. Number one, the fund that they want to cut funding for to fund the prescription drug coverage for our seniors, the Republicans want to cut funding to rural hospitals to the tune of $12 billion. We have lost 470 rural hospitals in America in the last 25 years. As I mentioned earlier, we lost the hospital in my hometown of Prescott, Arkansas, in 1995, and I can tell you that is something I do not wish on anyone. It is wrong to try and fund this Medicare prescription drug benefit by shutting down rural hospitals.

Another problem with the bill is this bill is supposed to be about helping our seniors. The problem is, it is not a seniors' bill, it is a bill that has been written by the big drug manufacturers.

The drug manufacturers have more lobbyists in Washington, D.C., than we have Members of Congress in the House and Senate combined, and their fingerprints are all over this bill. The Republican leadership had the nerve to put language in this bill that says that the Federal Government shall be prohibited from negotiating with the big drug manufacturers to bring down the high cost of medicine. That is in the bill.

Another problem with the bill is privatizing the Medicare prescription drug benefit. There is a very good reason why they want to do this. You hear about how drugs are cheaper in other countries. They are. It is because America is the only industrialized nation in the world where people go without health insurance. That does not happen anywhere else in the industrialized world.

There 41 million people in America without health insurance today; 8.5 million are children. Who are the rest of them? It is not the folks that do not want to work. If you do not want to work, you get on welfare and you get Medicaid.

We are talking about the people that are trying to do right and stay off welfare, that are working the jobs with no benefits. But in other countries that does not happen. In other countries the government says to the big drug companies, you give us a discount if you want your drug in our country, and they do.

I did a survey, Mr. Speaker, about a year ago, where I compared the price paid by seniors in my Congressional District in Arkansas on the five most commonly used brand name drugs with the price paid by seniors in seven other countries. Guess what? Seniors in my district in Arkansas pay, on average, 110 percent more than seniors pay in these seven other countries.

So the drug manufacturers want to privatize this, because they know if we have 40 million seniors under one plan, we, too, will demand these kinds of discounts and rebates to help offset the costs of the program. So they want to privatize it and have 100 different insurance companies knocking on your momma's door, calling her on the phone, sending her mail, all trying to sell her exactly the same policy.

Finally, the biggest problem with the bill is the benefit itself. There is all this talk in Washington about helping our seniors with the high cost of prescription drugs. What does the plan do?

Well, from day one you have got to pay at least a $35 monthly premium, although no one can tell us exactly how much it will be. Then you will have a $250 deductible. Then from $250 to $2,000, Medicare will kick in at 80 percent of the cost of its medicine. That part sounds pretty good. But when you get to $2,000, you have got to continue to pay the $35 monthly premium. But, guess what? The senior is back being forced to foot the entire bill from $2,000 up to $3,500. Pay the premium, but get no help.

If seniors cannot afford the first $2,000 worth of medicine, tell me, how in the world they are going to afford the next $1,500?

When you do the math on this, here is what it comes out to. All this talk boils down to this. On the first $3,500 worth of medicine that seniors need each year, Medicare is going to help them with $900 of it. Seniors are still going to get stuck trying to pay $2,600 of the first $3,500 worth of medicine. When you take the formula, and you almost need a CPA to figure it out, and you factor in the premium, that is what it amounts to.

Tell me this, $900 worth of help on a $3,500 drug bill, I do not know about where you come from, but I can tell you, where I come from, that is not going to help my struggling seniors to choose between their medicine and their groceries and their rent and their light bill.

I am not going to rest until seniors can walk into the pharmacy of their choice, pull out their Medicare card and be treated like they are when they go to the doctor and to the hospital. I will continue to fight, and that is exactly what we are doing in this motion to instruct conferees on the Medicare prescription drug bill. I am going to continue to fight until we get a plan that is voluntary, but guaranteed, and made available to all seniors who have no help today, while protecting those seniors who have help. I want to make sure that this bill that passes this Congress will not shut down another rural hospital.

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

Mr. Speaker, this is the third Congress where we have attempted to pass a prescription drug bill. The bill that is in conference now passed this House with a bipartisan vote. Finally, the other body has acted and also has passed a prescription drug bill. That is why we are in this meeting called a conference, to resolve the differences between the two.

We have made tremendous bipartisan progress in that conference. One-third of the bill, approximately, has been agreed to. This is the third time this motion has been brought to try to divert time and attention away from the progress that has been made in conference.

I think that if we are serious about trying to enact a prescription drug benefit this year, if we are serious about getting a bill to the President's desk, I think it would be important not to support this motion. This would literally stop all of the progress that has been made, not only in a bipartisan way between Republicans and Democrats, but also between the House and Senate. As I say, this has been the third Congress where we are very close. One-third of the bill has been decided, great progress has been made. Let us let that progress continue. Vote no on this motion.

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

Mr. SANDLIN. Mr. Speaker, I yield 4 minutes to my good friend the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I want to thank my colleague from Texas for yielding me time.

I am here to say you do not have to have a drawl to have this problem in your State. There are 50 States where this is a problem. I was walking across to my office building a minute ago, and I met a reporter from a major newspaper here in the East who said to me, ''What is going on in the Medicare conference?'' I said, ''I do not know. They are talking.'' So he said, ''Well, what do you hear?'' I said, ''We do not hear anything on the Democratic side. That is why we are out here every day trying to instruct those people.''

I went to our Democratic House Member who is on that conference committee and said, ''What is going on?'' He said, ''I do not know. They are not having any meetings where they are discussing anything.''

Now, they have been telling us we are going to have this bill. But this morning I was in the gym, and as I came out of the gym, I met one of my Republican colleagues, and I said to him, ''What does this drug thing look like? How does it look like it is coming?'' He said, ''Frankly, I hope it does not pass.'' I said, ''Really? Why?'' He said, ''Well, when they hang that doughnut hole around our neck in the next election, we are going to be dead.''

You just heard my colleague from Arkansas describe the doughnut hole. You have a $3,500 bill, and you get $900 in benefit, and you still have to pay a $35 a month premium. It is a terrible bill, and the House bill is based on the fact that they hope that the insurance companies will put something together.

The reason we need the best of the Senate bill is at least they have a fallback position which would allow the Federal Government to set one up if the private sector cannot.

Now, the other thing my colleague pointed out and that needs to be emphasized, this is so privatized that the House of Representatives said that the United States Government, represented by the Secretary of the Department of Health and Human Services, Tommy Thompson, cannot negotiate lower prices on the basis of what is good for the American people. He is absolutely, by law, prohibited from doing what is best for the American people.

What kind of a plan is that? This is throw the folks into the arms of the drug companies. They must have written every blessed word in it, including that line.

They did not want the Secretary of Health and Human Services to sit down on behalf of 40 million people, because they know what happened to them when the Secretary of Veterans Affairs sat down on behalf of the veterans, 5 million of them, and got a huge discount. They are afraid that Mr. Thompson will negotiate something for them.

Now, we will hear, I am sure, something is going to pass this Congress, whether it is any good or not will be for the people to decide, because the Republicans know they cannot go home without something. It better be worth something, or else they are going to pay in the next election, because they have been promising, and they have no excuse. They have the Presidency, they have the Senate, they have the House, and if they cannot put a bill out that does what the people need, they need to pay for it at the ballot box. That is what is being set up.

We are instructing them the way to go if they want to do what is best for the American people. But if they want to do what is best for PhRMA and the drug companies, we will continue down this path, and no one will know, until one day a bill pops out here, 1,000 pages, and we vote on it, with nobody knowing what is in it.

□ 1345

That will be wrong, and the payment will come at the ballot box.

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

I appreciate the gentleman's comments and the anecdotal nature of them, but I do know that there was a 10 o'clock meeting this morning in Dirksen 215 to brief the staff on the progress that has been made on the Medicare bill and to go over issues and to discuss matters.

But this motion to instruct does not deal with the particulars of the prescription drug benefit, as has been discussed. It really only would provide for a government-run fallback in the plan. And both bills have prescription drug plans that assume some financial risk. The difference is they would ask the government to be the fallback on that, which would really then allow for very little incentive to control costs and would not really be the kind of benefit that would become available to seniors and be effective.

So, again, I would urge a rejection of this motion to instruct on that basis.

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

Mr. SANDLIN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER), ranking member on the Committee on Homeland Security.

Mr. TURNER of Texas. Mr. Speaker, I thank the gentleman from Texas, my colleague, for yielding me this time on what is a very, very important motion to instruct, and one that I would hope would be received favorably by our Republican colleagues, because there are provisions in this motion that I think are important to many of us, particularly those of us who come from rural areas.

When we look at what this bill looked like as it left the House, as my colleagues will recall, it only passed by one vote, and I think it took over an hour to get that one vote after a little arm-twisting. So this bill clearly was one that did not sail out of this House, and I think that the provisions that are in it are important.

First of all, it is, I think, appropriate in this motion to ask that the very best provisions of both the House and the Senate bill on improving Medicare payments to health care providers in rural areas be in the final conference report, because many of us in rural areas have been hurt by some of the changes and cutbacks in Medicare funding. I have people come into my office all the time from my district who are administrators of hospitals, who tell us that they are having a hard time keeping the doors open and pleading with us to try to provide adequate reimbursement for Medicare services in our rural hospitals.

It is true that since 1998, 57 percent of the hospitals treating Medicare patients in this country have lost money, and that is only the beginning of the story. As we listen to the individual hospitals who come and talk to us, they tell us that they may be closing the doors if we do not do better in terms of Medicare reimbursements. So this is not a partisan issue; this is a bipartisan issue that particularly affects those of us in rural America. At a time when we are being called upon to spend billions of dollars to reconstruct Iraq, we do not need to be closing the doors of hospitals right here in America.

I also think the provision of the motion to reject any cuts that may affect a rural hospital is an appropriate and similarly arguable meritorious provision to have in this motion.

Finally, the guarantee that is in the Senate bill that there is a fallback to a Medicare prescription drug plan if there are not two plans offered by private companies in your area seems to only make common sense. After all, most seniors in this country are happy with Medicare; and they would be well pleased, as I have always been, in advocating a prescription drug benefit under regular Medicare. But because our Republican colleagues have insisted that we have a privatization of Medicare in order to get a prescription drug benefit, it seems only to make common sense that as we enter into that experiment, if that is the direction the Republicans choose to lead us, that we have some protection. After all, it is an experimental venture. In my area we had cutbacks in Medicare offerings by private companies.

So I think this motion should be well received by both sides of the aisle, and I hope it will be adopted.

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

Mr. Speaker, Medicare, of course, with regard to hospitals and providers, reimburses, particularly hospitals, based on a system that on average allows them to make a profit under Medicare. We are advised in Congress by a nonpartisan group of panel experts called MEDPAC, or the Medicare Payment Advisory Commission. And this

bill, as passed the House, follows their recommendation and their advice to Congress, which they made unanimously, that Congress increase payments by 3 percent, which is what this legislation does. We will be spending billions and billions of dollars on Medicare. We are trying to do it in a responsible way that follows the advice of the nonpartisan experts that Congress has looked to in the past to help guide us in these matters.

So again, I would say that there will be a tremendous amount in this legislation for providers, particularly in rural areas. I represent a rural area in Michigan. And just to give Iowa as an example, they will ultimately receive a 5.5 percent increase in Medicare payments above what they would have received under current law. Again, that does not include the increases that they would receive for the 51 critical access hospitals in Iowa. So there will still be, I think, a significant help to make sure that there will be access to health care in rural areas. It is a critical issue, and this legislation provides for that.

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

Mr. SANDLIN. Mr. Speaker, we have heard today about the problems in this bill. It is important that we stand up for hospitals, for seniors, and for rural America. For too long, America's rural hospitals have received Medicare funding far below the amount paid for the same service to their urban counterparts. Further, Medicare's base payment and DSH payments are less for rural hospitals and include an arbitrary cap. The results are very predictable. There has been an overall Medicare operating margin of negative 2.9 percent, and that has had a terrible impact on rural health care.

Let us stand up for our seniors. Let us stand up for rural hospitals. Let us make sure that we have a prescription drug plan that is guaranteed. We know the cost, we know what it covers, it is available, and that does not have a doughnut hole. Let us work together. I am urging my colleagues to support the motion to instruct conferees, because the instructions in this motion are the very ones that are not being worked out in a bipartisan way or in any way at all by the conference committee.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

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

Mr. SANDLIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

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

Mr. PALLONE. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. PALLONE moves that the manager on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

Mr. PALLONE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Under clause 7 of rule XXII, the gentleman from New Jersey (Mr. PALLONE) and the gentlewoman from Washington (Ms. DUNN) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE).

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

Mr. Speaker, I offer this motion to instruct conferees on H.R. 1308, the child tax credit bill. My motion makes five specific instructions of the House conferees.

Mr. Speaker, there would be no reason for us to address this issue tonight had the Republicans not deliberately ignored the well-being of 12 million children in its latest tax law. The omission of a provision that would have extended a $400 child tax credit to working families making $10,000 to $26,000 a year was neither an accident nor an oversight.

The provision, which had not been included in President Bush's initial $726 billion proposal or the House Republicans' $550 billion version, was added in the other body by Democratic Senator BLANCHE LINCOLN.

Now, why did this considerably small provision, $3.5 billion out of a giant $350 billion tax bill, make the Republicans chopping block? Well, anyone who has followed things around the House over the last couple of years unfortunately knows the answer to that question: this House, the people's House, under the Republican majority, has been turned over to the powerful and the privileged. Week in and week out, the Republican leadership neglects middle- and lower-income Americans.

Mr. Speaker, Republicans have a chance tonight to begin to rectify that image. First, my motion instructs the House conferees to include in the conference report a provision in the Senate bill that provides immediate payments to the 6.5 million working and military families who were initially left out of the Republicans' 2003 tax bill.

Mr. Speaker, House Democrats are fighting to immediately enact the bipartisan Senate-passed bill so we can help the 12 million children that Republicans left behind. Now, I think it is outrageous that it has been more than 3 months since the Senate overwhelmingly passed a measure, 94 to 2, to immediately give an increased child tax credit to the millions of children previously left out. If the House Republicans truly wanted to fix this injustice, they would have immediately approved the Senate measure. My motion simply instructs them to do just that, so that we can be fair to these working families and provide them the same benefits that many other Americans received this summer.

Mr. Speaker, the second part of my motion instructs the conferees to include in the conference report a provision included in the Senate bill that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individual serving in the combat zone. The House Republican bill contains bad news for the children of the 200,000 men and women serving in Iraq or other combat zones. The Republican bill leaves in place current law under which families will face tax increases because combat pay is not counted for purposes of the child tax credit.

Now, let me give an example of what I mean here. Let us take an E–5 Sergeant with 6 years of service and two children who is paid $29,000 a year. Generally, both of his children would

be entitled to the full $1,000 tax credit; but if he is over in Iraq for 6 months, his credit would drop to $450 under the House bill. Now, how can we take a critical benefit away from the family of a soldier who is now over in Iraq risking his life?

Third, Mr. Speaker, the motion instructs the House to include in the conference report all of the other provisions of the Senate bill and not report back a conference report that includes additional tax benefits not offset by other provisions. If my colleagues have noticed, in the Senate bill, the $3.5 million for the child tax credit addition is fully offset.

House Republicans, I believe, are exploiting the child tax credit provision passed, and even more tax cuts that will saddle our children with mountains of debt. The House Republican bill costs more than $80 billion, while only $3.5 billion is needed to make sure that these children and their families are treated fairly; and that is fully offset, as I said, in the Senate bill. I think it is based on a Customs duty or a Customs tax. In other words, it does not add any money at all to the Federal deficit.

Now, the House action is particularly reckless and irresponsible considering the Republicans' tax policies have already produced a record $400 billion deficit that continues to climb. I think it is almost $500 billion at this point.

Fourth, Mr. Speaker, to the maximum extent possible within this bill in the conference, the House conferees are instructed to include in the conference report other tax benefits for military personnel, as well as the families of the astronauts who died in the Columbia disaster.

And the fifth section of the motion instructs conferees to, as soon as practicable, after the adoption of this motion, meet in open session with the Senate conferees; and the House conferees should then file a conference report consistent with this motion no later than 2 legislative days from today.

□ 1400

Mr. Speaker, this is the 21st motion to instruct that my Democratic colleagues and I have brought to this House attempting to bring right this wrong. I have personally been here many times to argue this same or a similar motion. How many nights will we Democrats have to come to this floor to fight for the 12 million children of low-income parents who were neglected by the Republicans in their latest tax bill?

I have to say, Mr. Speaker, I am the father of three children, and I received a $1,200 check, $400 for each of the three children. It pains me to think, based on my income as a Congressman, that many of my constituents who have one, three, or more children were not able to get that $400 per child, because they certainly need it a lot more than me.

This neglect on the part of the Republicans has to come to an end this evening. It is simply a question of fairness. How can Republicans say it is fair to give a millionaire a tax break, or a Congressman a tax break, while giving nothing to millions of working families. It is time for the Republican majority to join us in passing this motion to instruct conferees so we can finally resolve this injustice, an injustice that should have been rectified many months ago.

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

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

Mr. Speaker, I rise in opposition to the motion. The House has considered similar motion on 14 different occasions in the last month. And just as those previously, this motion will deny millions of families the relief we have already proposed by broadening coverage under the child tax credit.

Earlier this year, the House passed House bill 1308, the All American Tax Relief Act. This very important legislation includes increasing the child tax credit through the end of the decade. We all agree on expanding the refundability of the child tax credit. On a bipartisan basis, we want to broaden the child credit's availability to more families. This is one reason why H.R. 1308 not only increased the child credit to $1,000, but also eliminated the marriage penalty in the child credit. We also agree that those serving this Nation in uniform should receive tax relief, including the increases in the child credit. That is included in House resolution 1308. We differ, however, on how to achieve these goals.

This vote is not about denying a refundable tax credit to certain families. It is about helping more working families get tax relief for a longer period of time. A vote for this Democrat motion would reduce the child credit to 2 years instead of maintaining the credit at $1,000 and making it permanent over the decade.

Who realistically believes we should allow the credit to revert to $700 a year in just 2 years?

A vote for this motion would eliminate the possibility of more married couples with children receiving the child credit. A vote for this motion would deny tax relief to members of the Armed Forces. Much of the cost of the House bill goes toward maintaining the child credit at $1,000 until 2010.

I hope no one will hide behind the rhetoric of deficit reduction. The fact is we should insist on keeping our provisions in the bill.

Mr. Speaker, I do not want to belabor matters that have been exhaustively debated day, after day, after day on the floor on the many occasions that I referenced. I think it is important for folks to realize that all of these provisions are included in House Resolution 1308, that the House of Representatives has passed that piece of legislation, stands behind it and the other provisions included in that legislation, and vote no on this motion.

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

Mr. PALLONE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I listened to my colleague on the other side, and I have heard this so many times now. With respect, the notion that the Republicans have already passed a bill that is much broader belies the fact that they are not willing to move in the conference to do anything. This conference has not even met on this bill. I know this gentlewoman is well-intentioned but she suggests that somehow the House Republicans have passed a better bill, well, what good is a House-passed bill versus a Senate-passed bill in any case, unless there is actually a conference, and there is an effort to try to come together and pass a bill that will go to the President?

There has been absolutely no effort on the part of the House Republicans to meet in conference or to try to come to any kind of an agreement with the other body, so that we would have a bill that is finally passed. And the suggestion that somehow we are going to include all of these other tax measures in additional tax cuts, that is not possible under the circumstances. We know that that will simply increase the deficit. It will cost a lot more. And the reality is if we are going to do anything, the only thing we could possibly do at this point would be to pass the Senate version, and they are not willing to do that.

Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding me time. And I appreciate his tenacity for bringing this out here for what I think is the 22nd time to make a point. Now, the next few days we are going to work on an $87 billion bill for Iraq. The President has said we have to give him this money. If we do not give it to him, we are not patriotic. Anybody who wants to quibble about it or ask questions or raise any concerns, is clearly not patriotic and not supporting the troops.

Well, let me tell you something, this child tax credit does not go to a family whose father or mother is serving in Iraq today making $29,000. Now, my colleague honestly said, a Congressman gets it, a Congressman gets it, but a sergeant serving in Iraq, getting shot at from every corner, his wife is back home someplace at Ft. Hood or whatever taking care of kids, and they do not get it.

Now, I know there are going to be a lot of people out here puffing out their chest and talking about how much they have cared about the troops and how much they care about winning the war and all the rest, they are going to talk about a bill that will have money in it to build schools in Iraq and to put the electric lights on in Iraq and

fix up the water system and the sewage system. But for kids of the soldiers, there is no money.

Now, if that is considered fair by the Republicans, I certainly hope they can explain it to the troops when they come home, how it was that we could spend billions of dollars fixing up Iraq, but we could not give money to the wife or the stay-at-home person who is taking care of some military kids, some money to provide better day care or better child care for them.

It is so unfair on the face of it, I do not know how you can have the gall to stand up here and say that you care. If you do not care about the kids, what are the fathers over there fighting for, or what are the mothers over from fighting for? They are fighting for their children and their future. And you are saying because you do not make enough money, you are not going to get it. If you make enough, like a Congressman, you make whatever we make, you get it. But if you only make $29,000, I guess you are not worth it or your kids are not worth it.

I do not know how they explain that. It makes no sense in human terms. It may make some budgetary sense when you drive the country $500 billion in debt in one year, I guess you got to cut somewhere, so let us cut the kids that belong to some sergeant or some lance corporal in the Marines or some chief petty officer in the United States Navy. They do not need it, because we got to buy this other stuff, whatever it is, in Iraq.

That is what is wrong with this bill and has been wrong from the very start. The people at the bottom, who need it most, do not get it. And they knew that when they came out of the Committee on Ways and Means that my distinguished colleague from Washington and I both sit on. They knew it. They knew they were not going to get this money, and they just glossed it over and said, well, we do not have to worry about that. Well, somebody has to worry about the sergeant's kids, and, boy, it better be the United States Congress that does it.

I urge the adoption of the motion.

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

Mr. Speaker, I think it is important to respond to the point of the military families not receiving child credit.

The House-passed bill, H.R. 1308, does not deny the child credit to military families. Military families, including those who are deployed abroad, are already receiving a refundable child tax credit, and they will continue to receive a refundable child credit under the House-passed bill.

The Democrat motion to instruct would only increase the refundable child tax credit to some military families, by allowing them to take into account income that is currently tax free when they compute their refundable credit if they are in a combat zone.

I think it is important to also bring up that in our provision, H.R. 1308, that we provide additional tax relief for members of the Armed Services including capital gains tax relief on home sales, tax free death gratuity payments, and of course, tax free dependent care assistance which is child care assistance, and that these provisions provide $806 million of tax relief to people who are members of the Armed Forces over the next 11 years.

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

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, here we are at the end of September, and I find it pretty remarkable we are still talking about this.

I am convinced that most people in this country expect us to come back here and get something done. I really do. When I meet with my constituents back home, there may be this issue that they care about or that issue they care about, but at the end of the day, they are looking for people to come back here and try to get something done.

I supported H.R. 1308, the House passed-bill. I supported that. I also recognize that the United States Senate voted 94 to 2, 94 to 2, to fix this one problem. If we want to talk about the art of what is possible, and to get something done, then we ought to support this motion we are talking about right now.

Let us talk about what is fair. Let us talk about what is right, and let us try to get something done. We are talking about folks in a lower-income situation. This was in the bill when the House and the Senate were first negotiating this tax cut package this last spring. It was taken out, $3.5 billion, which in the grand scheme of the overall cost of the bill was 1 percent, but it was taken out.

But it is a pretty important $3.5 billion, pretty important to those families of all those kids. It is really important. It is so important, in fact, that 94 out of 96 senators thought so and voted to fix this problem. What I do not understand is, we come over here to the House of Representatives and this breaks down into a partisan issue. I do not get it. It sure was not partisan in the United States Senate. Everybody, just about everybody other than two, sure felt it was the right thing to do. So I would encourage all of us to take a little bit of a step back from the rhetoric, a little bit of a step back from trying to pursue what may be the ultimate and perfect piece of legislation in some people's eyes.

Let us get away from looking at the art of perfection, and let us look at the art of what is possible. There is no question that if the House of Representatives passes this measure and agrees to go to conference with the Senate to move this package for these kids that are in that income bracket of 10 to $26,000, that it is going to get done. We can get something done around here.

As I said at the start of my comments, I think that is what people in this country are looking for. They are looking for this Congress to make some progress, get something done. I encourage passage of this motion.

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

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

Mr. Speaker, I just wanted to point out, again, I listened to what the gentlewoman said in response to the gentleman from her home State, and it just seems like it is the same pattern, it seems like it is the same pattern every time we bring up this motion where my colleagues on the Republican side of the aisle, and again I am not saying they are not well-intentioned, but they keep talking about the House bill as a sort of panacea because of the fact that it has all these other tax cuts, which I think add up to something like $80 billion in additional debt that is not paid for.

And my colleague from Utah made a very good point when he said we should be talking not about pie in the sky, but what is possible. And I think that my Republican colleagues know full well that there is absolutely no way that an $80 billion-deficit-creating bill is going to pass the other body and go to the President.

□ 1415

That is not going to happen. This can be fixed. This problem can be fixed with the addition of simply $3.5 billion which is in the Senate bill, which is what my motion asks that be enacted, is fully offset I think primarily with some provisions with Customs duties. That is what is possible.

It is not possible to talk about an $80 billion package, and what is happening essentially is that the Republicans in the House are using this as a ruse. They have no intention of ever passing this $80 billion bill. If they did, they would have the conference meet, which it has not. It has not met, and I keep saying that over and over again. They are in the majority. The Democrats are in the minority. They control whether or not the conference is going to meet and what kind of a bill is going to pass. Oftentimes they do not even consult with us; but in this case, the conference has not even met.

So what I keep hearing from my colleagues on the other side of the aisle about the House version, as if it is somehow out there and is going to become law or is something they are working on, there is no truth to that whatever.

I just wanted to point out, this is what the Republican leader, the gentleman from Texas (Mr. DELAY), said back in June. He said, ''To me it is a little difficult to give tax relief to people who do not pay income tax.'' There are so many speakers, so many Members on the Republican side that have made it quite clear over and over again that they have no intention of moving

the legislation. Here are some quotes that were made by the gentleman from Texas (Mr. DELAY) June 10: ''Ain't going to happen,'' regarding the Senate-passed child tax credit bill.

The gentleman from California (Mr. THOMAS) says in The Wall Street Journal June 13: ''There are worse things than the child tax credit bill not happening.''

Let us see what else we have here. The gentleman from Missouri (Mr. BLUNT), the conference leader on the Republican side, June 1: ''We will let the conference take as long as it takes.''

The conference has not even met.

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my friend and neighbor from New Jersey for highlighting this issue and all the good work he does, and let me just pick up on the last point he was making about whether these child tax credit benefits should go to families that, in the words of some in this Chamber, do not pay taxes.

I would think that it would be embarrassing to the authors of the rule that resulted in this bill that 250,000 children of active duty servicemen and -women would not be eligible for this. We have heard this before, and at risk of repeating some of what the gentleman from New Jersey (Mr. PALLONE) has said, I really want to emphasize this. I mean, the Children's Defense Fund and others point out that hundreds of thousands of children of teachers, nurses, farmers would be left behind.

It really gets at the heart of what these tax cuts are. They are not to stimulate the economy. They are not to inject some fairness in a very complicated tax code. Quite simply, they are to provide some benefits to the upper-income segments of American society in some misguided hope that will trickle down to benefit the families of teachers and nurses and farmers and servicemen and -women. It does not work that way.

178,000 children of farming families, 567,000 children of nurses or hospital orderlies, 337,000 children of teachers are calculated to be left out in this child tax credit. The rationale given by the leaders on the other side of the aisle for preventing these families from receiving the expanded child tax credit was that the total cost of the tax legislation could not exceed $350 billion over 10 years. Adjustments had to be made. Adjustments had to be made. So these nurses, orderlies, servicemen and -women, farmers, teachers are categorized as adjustments or, more to the point, their children are somehow less worthy and adjusted out of this.

Other tax analysts have noted that the cost of the tax credit provision of what we are talking about here with the gentleman from New Jersey (Mr. PALLONE) and this child tax correction, the cost of this correction is less than 3 percent of the total cost of the dividend and capital gains provisions. It did not take much of an adjustment to fix this, but I guess adjustments had to be made.

At a time when American families are struggling to make ends meet, at a time when if we really want to stimulate the economy we would put money in the hands of people who need it most and, therefore, would spend it the quickest, at a time when families of Reservists and other military personnel are facing financial difficulty, at a time when jobs continue to be lost throughout the country at an alarming rate, what could be more important than helping America's families by putting a few extra dollars in their pockets?

I thank my colleague from the neighboring district in New Jersey for yielding me the time.

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

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

Mr. Speaker, I wanted to call attention again to the fact that the Republican majority simply does not want to deal with this issue and that is why we have had no conference, and the easiest way to point that out is to make reference to an article in Roll Call, the Hill newspaper, dated September 10.

At that time, in that article, the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, essentially said that he was not going to work out the differences between the separate House and Senate bills and did not want to be bothered dealing with the issue. The gentleman from California (Mr. THOMAS) was sent a letter from his counterpart in the Senate, Senator GRASSLEY, who is the chairman of the finance committee; and in that letter, Mr. GRASSLEY basically said that he wanted to work out the differences between the two Houses on the bill.

In the Roll Call article, Chairman GRASSLEY is quoted as saying, ''I suppose I could call a conference meeting but I am not going to do that unless it is going to be productive, and right now it does not look like it would be.'' Mr. GRASSLEY is saying that because the gentleman from California (Mr. THOMAS) has simply been uncooperative and does not want the conference to meet because he does not want a bill.

My motion tonight instructs both the gentleman from California (Mr. THOMAS) and his colleagues in the House Republican leadership to stop their delaying tactics and to finally sit down with Chairman GRASSLEY. If we look at the motion, it actually calls for certain actions to take place with regard to the conference.

Mr. Speaker, my Democratic colleagues and I are clearly not the only ones frustrated. Chairman GRASSLEY expressed his frustration again in that Roll Call article when he stated, ''The Democrats will not let it be dead and I do not blame them. If I was them and the majority party was not doing something about it, I would certainly make an issue of it, too.''

So again, Mr. Speaker, I do not know how many times we are supposed to come down here on the floor and keep making the point that this is not only an important matter, but this is a matter that deserves the attention of the Republican leadership, and so far there has been certainly no indication that the Republican leadership seeks to address this. The only time we hear anything from the Republican side is when we make a motion and my colleagues on the other side come down here to oppose it.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). The Chair would remind Members it is inappropriate to quote communications from Senators in the context of this debate.

Ms. DUNN. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I had not intended to speak on this matter; but as I listened to this debate, I decided to make a few comments.

There is waste in the private sector, just like there is waste in the public sector; but the waste in the private sector pales in comparison to the waste that is in the public sector. So it has been proven all over the world that the more money that can be left in the private sector, in whatever country, the better off everyone is, the better off especially the poor and low-income people are because more jobs are created, the lower prices are; and so all over this world it has been proven that the more money government takes, either legally or illegally or corruptly, that the people who are hurt the most are the poor and working people of that particular country. In every country where we have been able to keep the amount of the GDP that the government takes to a relatively small amount, the better off everyone is, especially the poor and lower-income people.

I am probably one of the least partisan Members of this Congress. I have been here 15 years. I do not think I have ever mentioned the word ''Republican'' and ''Democrat'' in any speech that I have ever given, but I mentioned to the gentlewoman from Washington State a while ago an article I read a couple of years ago in the Atlantic Monthly magazine, and David Brooks wrote an article, and he compared Montgomery County, Maryland, one of the wealthiest counties in this country, which went 68 percent for Vice President Gore to Franklin County, Pennsylvania, 70 miles to the north which went 68 percent for President Bush. What he said was it is just exactly the opposite of the image the media tries to portray or some of those on the other side who participate in

what I think has actually been described as class warfare.

This author, Mr. Brooks, said that when he went to Franklin County, Pennsylvania, he tried to find a meal that cost more than $20, he could not. The Cracker Barrel was the most expensive restaurant. He said the death of Dale Earnhart in Franklin County, Pennsylvania, was a big event. In Montgomery County, Maryland, they did not even know who Dale Earnhart was.

What I am saying to my colleague is the most liberal areas in this country are always the wealthiest areas, and if they want to talk about class warfare, let us talk about it. Our party is very much a middle-income, particularly even lower-middle-income party, and the easier people get money the more liberal they are politically. It is just like a kid. If one gives a kid a $20 bill, it burns a hole in his pocket until he spends it. If he has to go out and earn it, he is a little more careful with the way he spends it; and our party, the Republican Party, we have some people with money but they are almost always people who started with nothing or very little and who made some money.

That is what we are trying to do with these tax cuts. We are trying to give people an opportunity to better themselves, and the people who get the bulk of the tax breaks that we came up with are almost entirely in the middle-income levels of our society. So we get pretty tired of hearing all this class warfare that is going on on the other side, when 9 out of the 10 wealthiest contributors politically in this country are to the Democratic Party. That was in an article in the Roll Call newspaper today. So if they want to play class warfare, we can play it; but we should not have that on this floor.

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

Again, I respect my colleague who just spoke, but I just I cannot believe his suggestion that somehow the Democrats are committing class warfare. I mean, it seems to me that what the Republicans have done with regard to this child tax credit is the classic example of class warfare or class discrimination on the side of the wealthy.

I started out this debate by pointing out that I, as a Member of Congress, who makes, I guess, about $150,000 a year, received a check back in June or July for $1,200 from my three children, and I am making $150,000 a year; and at the same time, the person who is making between $10,000 and $29,000 or whatever the figure is, does not get the child tax credit because of the Republicans' unwillingness to provide it to them in this massive tax cut bill that they passed.

If it is class warfare, it is class warfare on the Republican side because they want to give the money to wealthy people or certainly higher-income people and not give it to the working person who is making between $10 and $20-some-plus thousand dollars a year. I have no idea how my colleagues can justify that and say somehow that is class warfare unless it is class warfare to help the wealthy on the Republican part.

□ 1430

I have heard again and again, maybe not so much tonight but on other occasions, this idea on the part of the Republicans that we should not give these people that are making between $10,000 and $20,000 a year this additional tax credit because they do not pay enough taxes. And again, on the Democratic side, we have made the point that the parents of these children do indeed pay taxes, with 7.65 percent of their earnings going to pay for Social Security and Medicare.

An analysis released earlier this year by The New York Times found that families with pretax incomes of $20,319 pay more than $2,800 in total taxes. That is 14 percent of their income. We are talking about working people. We are talking about the very same people that my colleague on the Republican side seems to suggest that he represents or is trying to help. These are not people that are not working or sitting around, these are working people.

Why should I, as a Congressman, or any of my colleagues get the extra $1,200 and not give it to these people? It is simply unfair. I think the Democrats are simply saying, let us be fair. Let us not discriminate against working people who happen to be at the lower end of the income spectrum.

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

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

I think it has been an interesting discussion this afternoon. I am glad that we had this discussion. I have listened to what the gentleman from New Jersey has said, and some of it has merit, but some of it, I believe, is a flawed argument.

We have included in our proposal, which passed the House by a vote of 224 to 201 several months ago, H.R. 1308, all the elements of the gentleman's proposal, but our bill is far better and far superior, and that is what has been kept out of this debate.

Our bill increases the child credit to $1,000 per eligible child through the year 2010. The Democrat bill ensures that the child tax credit stays at the same level only through 2005, and then it reverts back to $700. Our bill eliminates the marriage penalty in the tax credit. It raises the phase-out threshold for marriage couples. His bill creates a marriage penalty for married couples because it keeps the income levels below what our bill does.

Our bill accelerates the increase in the refundable child tax credit so that the 15 percent rate takes effect in 2003 instead of having to wait until 2005. His bill requires that the rate schedule be phased in and not become 15 percent until 2005.

In sum, Mr. Speaker, we passed a very, very good bill. We passed a bill with some Democrat support. This selecting out of a provision of our bill, which covers a number of very, very important topics, like providing tax relief and enhancing tax fairness for members of the Armed Forces, like suspending the tax-exempt status of designated terrorist organizations, like providing tax relief for astronauts who die on space missions, and like increasing the child tax credit to all people, including the ones he wishes to serve, and doing it far more quickly and for a greater length of time.

And so, Mr. Speaker, I encourage a ''no'' vote on this motion.

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

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume, and again, while I respect the arguments that my colleague from Washington is making on the Republican side, I really think it is the wrong argument to suggest that their bill includes ours and goes further.

The bottom line, and we have made this point over and over again, the Democrats are being realistic about what can be passed. This initiative began because there was a realization, after the Republican tax package passed, that these 12 million children at a lower income level were left out.

The other body made a valiant effort to say, okay, let us pass a bill that addresses this, that makes sure they get the credit, that their parents get the credit, that spends the $3.5 billion that is necessary but does not add anything to the deficit by having it fully paid. Now, for the Republicans to come back and say, oh, well, that is all fine, but we will go further and come up with an $80 billion package that will do a lot more is just a ruse, because they know the other body will never pass this. It is just another budget buster that is not paid for that will never go anywhere.

And the proof of that is that they have absolutely refused to even convene a conference. The chairman of the House Committee on Ways and Means has made it clear he has no intention of ever convening the conference, which is really an outrage.

It is an outrage we are here on the House floor, again this evening, talking about the exclusion of these 12 million children. It is an outrage we are forced to bring up another motion to instruct conferees on an issue that should have been resolved 3 month ago. It is an outrage that the House and Senate Republicans, who took less than a week to reconcile differences between these two giant $500 billion tax bills, cannot seem to come to an agreement on a much smaller bill to simply expand the tax credit to the parents of children earning between $10,000 and $26,000.

It is an outrage that my Republican colleagues seem content to leave Washington, yes, it is another day, we are

leaving for another week without resolving this injustice. And, Mr. Speaker, it is an outrage that President Bush, who last month advised House Republicans to pass this child tax credit legislation and send it to him so he can sign it, now sits silently as congressional Republicans do nothing. I have not heard anything from the President. His silence is an indication of his true intention. A very good indication, I think, that he is not truly looking to pass this legislation either.

And, finally, Mr. Speaker, I think it is outrageous not one Republican on the other side comes down here and talks about this other than when the Democrats bring it up, and they come down to oppose our motion to instruct. I do not know how many times I am going to have to join my Democratic colleagues here on the floor to point out the unfair treatment these hard-working American families received with the passage of the Republican tax bill.

All we are asking for, Mr. Speaker, is fairness. How can Republicans say it is fair to give a millionaire a tax break of more than $90,000, or a Congressman like myself a tax break, while giving nothing to millions of working families? I do not think we should leave this city until this injustice is corrected, and we will certainly be back again to make the point.

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

The SPEAKER pro tempore (Mr. CULBERSON). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

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

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

(Mrs. BLACKBURN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RELIGIOUS FREEDOM IN CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, what is America if not a Nation that stands up for basic decency and human rights? What is America if it is not a people that speaks out for those who cannot speak out for themselves? And what will America become if we fail to speak out against dictators and despots who oppress and brutalize their own people?

China has for too long been at liberty to detain and torture and intimidate and oppress good men and women for their religious beliefs. As the world's greatest democracy and the symbol of hope for millions, America has a duty and an obligation to speak out for the oppressed people of the world. We fail in our duty if we do nothing.

It was the British philosopher and statesman Edmund Burke who said that Representatives owe you not just their industry but also their judgment. As Representatives and beholders of American ideals, we should speak out on the issue of the persecution of those of faith in China.

The litany of abuses committed by the Government of China toward its own people is long and senseless. I recently held a meeting with a number of groups who have spent years in documenting the numerous abuses committed by the Chinese Government upon the Chinese people. In the coming days, I will be highlighting the plight of different groups of long-suffering Chinese people so that colleagues can better understand the depth of this problem in China. The material I will be submitting today was prepared by the International Religious Freedom Commission, and I hope Members will read it.

As I close, 10 Catholic bishops are in China today under house arrest, and this government, our government, our Congress and the administration, does not act. The Protestant Church is being abused and beaten in China and we have refused to speak out. The Chinese have plundered Tibet, and yet the West is quiet. Muslims are being persecuted in the northwest portion of China, and yet the West speaks out not at all. The Falun Gong are being persecuted almost on a daily basis.

I think this is an opportunity to hear, in their own words, what all of these groups have to tell us in the Congress and us in the United States and us in the West about what is taking place, so that we know we should speak out on their behalf, particularly next year when the Geneva resolution with regard to condemning China on human rights comes up.

Depending on the religious organization in question, the Chinese government provided various justifications to defend its policy of repression. Its action to restrict religious belief and practice, however, go far beyond what is necessary to protect legitimate state interests.

Since 2001, the Communist government has engaged in a persistent campaign of banning some religious groups while insisting on registration for others. Many groups, particularly Christian house churches, have refused, understandably fearful that providing membership rosters would lead to regular surveillance by party and government agencies.

The government's policy of designating religious or spiritual organizations as ''cults'' has led to tragic outcomes for millions of religious believers. All too often victims are sentenced to ''re-education through labor camps,'' administered by the notorious Ministry of Public Security, which appears to perpetrate human rights abuses with absolute impunity. Persons adhering to ''unacceptable'' faiths have been given prison sentences of up to three years without a right to a hearing, without counsel and without judicial determination of their cases.

There are at least 30 million Protestant Christians in China. Mostly, believers belong to independent house churches. Purely on account of their faith, properties belonging to or used by such groups have been confiscated, closed, or destroyed and members have been detained, tortured, and subjected to other forms of government harassment.

In June 2003, 12 members of a house church in Guna Village in Yunnan province were arrested after they sought registration with the local government. On June 6, in response to the government's ''invitation'' to complete the registration process, the 12 church leaders were arrested for engaging in ''feudalistic superstition.'' Eight of the 12 were immediately sentenced to three years in ''re-education through labor'' camps, while the other four were indicted and are being held for trial.

In late August 2003, local officials arrested 170 house church Christians in Nanyang county, Henan province after local police reportedly raided the meeting place where the worship service was being conducted. The report indicates that the 14 leaders of the group are currently being held in detention, possibly facing serious charges, while the other members were released after having been fined, fingerprinted, and warned against continuing their activities.

The Chinese Communist state has, since the 1950s, banned the Roman Catholic Church, replacing it with the state-approved Catholic Patriotic Association. Through this state organization, the Communist government has claimed the exclusive right to appoint Chinese bishops. Most Chinese clerics, however, have refused to accept the legitimacy of government appointees. As a result, many Roman Catholic bishops and priests have been harassed, detained, or imprisoned.

According to the Cardinal Kung Foundation, a number of Catholic bishops and priests who refuse to submit to government tutelage remain in prison or in detention and the status of other priests and lay persons remains unknown. As of August 2003, at least 10 Catholic bishops, including Bishop Su Zhimin, whose whereabouts are unknown, are imprisoned, in detention, under house arrests, or under surveillance.

In Tibet, Buddhist monks and nuns serve lengthy sentences for voicing their allegiance to the Dalai Lama. In point of fact, the great majority of Tibetan political prisoners are monks and nuns.

The longest-serving Tibetan political prisoner, Tagna Jigme Zangpo, was granted a medical parole to come to the United States in summer 2002 when he was in the middle of

a 28-year sentence before his ''early'' release. Ngawang Sandrol, a member of the famous Tibetan ''Singing Nuns'' who was released last year, had served over 10 years in the infamous Drapchi Prison before her release. According to the Tibet Information Network, the State Department, and the testimony of former Tibetan nuns like Ngawang Sandrol, many of these prisoners have been severely beaten and subjected to other extreme forms of punishment. Some have died in prison.

The Chinese government has denied repeated requests, including from the U.N. High Commissioner for Human Rights, for access to the 12-year-old boy whom the Dalai Lama recognizes as the 11th Panchen Lama. Government officials have stated that he is being ''held for his own safety,'' while at the same time insisting that another boy is the true Panchen Lama.

The Chinese government's official ban on the Falun Gong movement, in 1999, has meant heightened government repression for all religious organizations designated by the government as ''cults.'' According to Falun Gong practitioners, as many as 100,000 of their members have been sent to labor camps without trial. They claim that as many as 700 may have died as a result of police brutality either while in prison or after their release.

In largely Muslim Xinjiang, religious freedom is severely curtailed by the government, which indiscriminately links Muslim religious expression with ''separatist'' or ''terrorist'' acts. The indiscriminate repression of the Uighur people is best exemplified by the arrest and imprisonment of Rebiya Kadeer, a prominent Uighur businesswoman and activist, who was arrested in 1999 after she met with a visiting U.S. congressional delegation. Close supervision of all mosques in the region by local Communist Party officials is now commonplace.

China repeatedly engages in severe—systematic, egregious—violations of religious freedom. If our ideals and what America stands for—both at home and abroad—are to mean anything, then we must not shrink from this issue. We must not allow human considerations to come secondary to the pursuit of trade.

We must dare to speak out for those who have no voice.

THE SYSTEMATIC CORRUPTION OF THE ALIYEV DYNASTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the floor this afternoon to address what I consider one of the largest potential factors for destabilization in the entire Caucus' region: The systematic corruption of the Aliyev Dynasty currently ruling Azerbaijan.

I have highlighted the problems with President Heydar Aliyev for years now, but his health has deteriorated recently, and that has put the future of Azerbaijan and the entire Caucus region in doubt.

In July of this year, President Aliyev suffered what has been described by the Cleveland Medical Center, where he currently resides, as congestive heart failure. Last month, his son Ilham was appointed as Prime Minister. This would seem only appropriate at first, unless you consider that a recent referendum forced through the electorate changed the line of succession from Speaker of the Parliament to Prime Minister. This was widely criticized at the time by domestic Azerbaijani opposition groups and the international community as a clear way for President Aliyev to set up a dynastic regime. Unfortunately, as President Aliyev has become incapacitated during his treatment, the predictions have come true. His son Ilham is now in direct line to take over the Presidency from his father.

The partnership, Mr. Speaker, of the father and the son is not only limited to the fact that Azerbaijan will be the first monarchy established in the former Soviet Union. A Financial Times article on September 13, 2003, clearly shows that power is not the only object of the Aliyevs' desire. Both were implicated in a court case that was unsealed in New York this week. The actual case had been filed against a Swiss banker by the name of Hans Bodmer. In the indictment, he allegedly conspired to facilitate the participation of foreign citizens in Azerbaijan's privatization process of the state-owned oil company, often referred to by its name, SOCAR, through improper payments made to Azerbaijani officials.

This would most likely not have come to light were it not for the fact that Heydar and Ilham Aliyev had never intended to privatize the oil company in the first place. Instead, they stole over $100 million in the form of vouchers that were designed to give the purchaser disproportionate influence over the privatization process. All of this was alleged to have happened while Ilham Aliyev was the head of SOCAR, a position his father bestowed on him to apparently prepare him for his job as heir apparent of the country of Azerbaijan.

Mr. Speaker, this is a clear example of this administration's misguided policies when it comes to countries that are oil rich. The day that Ilham ascended to his post and forced the former Prime Minister from office, President Bush sent a letter of congratulations to him. This is clearly not in the interest of democracy that the President of the United States has touted lately in regards to the Middle East. How can this administration have separate distinctions about what is democracy and what is not?

It seems increasingly clear what the answer is. Those countries that have significant resources that are sent to western markets are allowed to be less Democratic than those that do not.

□ 1445

Now, Mr. Speaker, I am also very concerned about what the Aliyev regime plans to do about the resolution of the Nagorno Karabakh conflict. Heydar Aliyev was tantalizingly close to reaching a settlement with Armenian President Robert Kocharian in Key West in 2001, but those negotiations soon fell apart when Aliyev returned home. Since then, Aliyev and Kocharian have met many times, but resulted in no progress.

The Organization for Cooperation and Security in Europe's Minsk Group, which is charged with moving the two parties towards peaceful settlement, has been increasingly frustrated with the process. Ilham has recently taken a much harder stance on the Karabakh issue than did his father, and this is of great concern to me.

Mr. Speaker, it is clear that the Aliyev family is on their way to establishing the first dynastic regime in the former Soviet Union. Not only is this a concern for the entire Caucasus region but also other leaders in the former Soviet Union that must be watching the United States' reaction to this. The message that is sent is not positive. How can we be supportive of this?

Families in the Middle East that have controlled vast oil revenues have scarred the last century with wars and oppressive regimes. Members of the Bush administration know this better than anyone. The current Secretary of Defense, Donald Rumsfeld, visited Iraq with a delegation in 1988. They met with Saddam Hussein and decided that the stability of his regime and oil revenue was more important than his lust for power, whatever the cost. We are now paying for that tragic mistake with the lives of our Nation's sons and daughters.

It is time for the administration to change its tune on the corrupt and oppressive Aliyev regime. Though stability may be the temporary result of the President's support, the end result could destabilize the entire region.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2658) ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.''.

LACK OF DIVERSITY IN COLLEGE AND UNIVERSITY FACULTIES

The SPEAKER pro tempore (Mr. CULBERSON). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise today to speak on two very different and unrelated topics, Mr. Speaker, but both are certainly of national importance.

First, almost every college and university in this country receives very

large amounts of Federal money through grants, appropriations, or student loan money. Yet, there is in some ways a one-sided brainwashing of students on many campuses today because of the lack of true diversity in college and university faculties.

There is also a lack of true academic freedom because conservative students generally feel they cannot express their true views on papers or in person without being penalized on their grades.

Possibly the group most discriminated against today is conservatives who wish to teach on college campuses. They simply are not welcome, to put it lightly, especially at left-wing colleges like Berkeley, Oberlin, Antioch, and many, many others.

I wish our colleges and universities would make true diversity a major goal and hire a few token conservatives at least. I wish so many college and university faculties were not so intolerant toward conservatives.

I wish the speakers who are invited to speak at graduation ceremonies or major college speaking programs were not 100 to one or more liberal to left-wing.

What has spurred these comments, Mr. Speaker, is an article in the September Atlantic Monthly magazine, certainly not recognized as any conservative-type publication, but this article said, ''It is striking that the institutions that talk the most about diversity often practice it the least.

''For example, no group of people sings the diversity anthem more frequently and fervently than administrators at our elite universities. But elite universities are amazingly undiverse in their values, politics and mores. Professors, in particular, are drawn from a rather narrow segment of the population.

''A recent study found that roughly 90 percent of those professors in the arts and sciences who had registered with the political party had registered Democratic. Fifty-seven professors at Brown were found on the voter registration rolls. Of those 5,4 were Democrats. Of the 42 professors in the English history, sociology and political science departments all were Democrats.

''The results at Harvard, Penn State, Maryland, and the University of California at Santa Barbara, other universities that were in the study were similar to the results at Brown.''

This article continues, ''What we are looking at here is human nature. People want to be around others who are roughly like themselves. That is called community. It probably would be psychologically difficult for most Brown professors to share an office with someone who was pro-life, a member of the National Rifle Association, or an evangelical Christian.

''It is likely that hiring committees would subtly, even unconsciously, screen out any such people they encountered. Republicans and evangelical Christians have sensed that they are not welcome at places like Brown or other elite universities so they do not even consider working there. In fact, any registered Republican who contemplates a career in academia these days is both a hero and a fool.

''So, in a semi-self-selective pattern brainy people with generally liberal social mores flow to academia and brainy people with generally conservative mores flow elsewhere.

''The dream of diversity is like the dream of equality. Both are based on ideas we celebrate even as we undermine them daily. On the one hand, the situation is appalling. It is appalling that Americans know so little about one another. It is appalling that many of us are so narrow-minded that we cannot tolerate a few people with ideas significantly different from our own. It is appalling that evangelical Christians are practically absent from entire professions such as academia, the media, and filmmaking. It is appalling that people should be content to cut themselves off from everyone unlike themselves.'' That is, as I said, quoting from an article in the September issue of the Atlantic Monthly magazine.

VULNERABILITY IN FUTURE ELECTRICAL BLACKOUTS

Mr. DUNCAN. Mr. Speaker, the Associated Press reported a few days ago that the fix for the recent blackout in the Northeast ironically may make us even more likely to have such blackouts in the future. The AP story said the proposed improvements ''are making the electricity supply vulnerable to a different kind of peril: computer viruses and hackers who could black out substations, cities, or entire States.''

Now, I know that everyone is supposed to worship the computer god today, and I know computers can do miraculous things that make our lives better in many ways. But when we decide what to do about the recent blackouts, surely we should not allow love for computers to make us even more vulnerable in the future.

To quote the AP story, it says, ''In the past the grid's old electro-mechanical switches and analog technology made it more or less impervious to computer maladies, but now switches and monitoring gear can be upgraded and programmed remotely with software and that requires a vulnerable connection to a computer network. If that network runs on Microsoft Corp. operating systems, which virus-writers favor, or connects to the Internet, the vulnerabilities are increased.''

Also, we should not have an electric power grid that is nationwide—even though that has some advantages—because a nationally integrated system also makes us even more vulnerable.

It is ridiculous that we have allowed ourselves to get into a situation where a minor incident in suburban Ohio can black out almost the whole Northeast, and part of Canada, and cause 40 to 50 million people to lose their power.

Bigger is not always better, and smaller, more independent utilities, with free competition, would make our power both more secure and less expensive.

AMERICA FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, the President has asked the United States Congress in the name of the American people to borrow $87 billion to continue the actions in Iraq and to rebuild the nation of Iraq. That is going to be paid for by a couple of generations of working Americans, and there are an awful lot of questions about the request by the President.

Now, let us look at some of the details here: $20.3 billion to rebuild Iraq borrowed by the American people and sent to Iraq, perhaps utilizing some U.S. contractors such as Halliburton. Here are some of the things we are going to pay for: $20 million for executive job training, a 4-week class at the cost of $10,000. I have community colleges in my district that would provide that same class for a tiny fraction of that cost whose budgets are underfunded because of the cuts in the Federal Government's spending on education. $10,000 a person for a 4-week class, send them to my community college. We can house them and educate them for a lot less.

Then we have the $100 million for the witness protection program. What witnesses? Well, the witnesses that might come forward to tell us something about the nonexistent weapons of mass destruction, among other things. That will be to pay for 100 Iraqi families at $1 million each. In the United States of America when we put people in the witness protection program, it generally costs $120,000 per family. So it is going to cost us roughly eight times more per family, but I guess that is because of the high cost of living in Iraq, or the life-style to which they would like to become accustomed. Again, the American people will borrow this money, or the President is asking Congress to borrow it on behalf of the American people.

It is going to cost $255 per person in Iraq to rebuild the electricity infrastructure. They said we are not just rebuilding the bomb damage; they have this horribly outdated system, and we have to rebuild it.

Mr. Speaker, guess who else has a horribly outdated electricity infrastructure system? The United States of America. Did the President notice that the lights went off in one-third of the country? Also, we had a big blackout in the West a few years ago. Our system is operating on the edge. What is the President proposing here, $255 will be borrowed for each Iraqi by the American people, sent to Iraq to rebuild their electricity infrastructure, and the President is asking for 71 cents on behalf of every American here in the United States.

It will cost $45 million to further improve the already fully functioning port of Umm Qasr while the President is proposing zero dollars to dredge ports in my district and elsewhere in the United States because he says we cannot afford it. He is asking to borrow $45 million and send it to Iraq to further improve their ports, but he cannot find a penny for ports in the Pacific Northwest and other parts of the United States.

It is going to cost $150 million for a national 911 system in Iraq. Mr. Speaker, is that so they can call the next time a rogue regime uprises? What does this have to do with the war? The American people are going to borrow $150 million because the President wants it, send it to Iraq to give them a 911 system.

Job centers, 22 centers, $350,000 each. If we took the $20.3 billion the President wants this Congress to borrow and spend on behalf of rebuilding the nation of Iraq, if we matched that dollar per dollar in the United States of America, if we borrowed $20.3 billion to rebuild the infrastructure system in the United States, we could put 1 million Americans to work in the very near future, in addition to investing in our future, our economic productivity, our ports, our highways, our water systems, our electricity grid.

It is one thing to borrow money to invest in the United States of America; it is another thing to indebt the next two generations of Americans to borrow money to spend rebuilding Iraq. Mr. Wolfowitz told us they can pay for their own reconstruction. I guess that guy made about a $50 billion mistake that is going to cost the American taxpayers, but he is still held in highest esteem by the Bush administration. He is still working there. He is still pumping out the same mistakes. How many more billions will he cost us before the President demands his resignation. This is outrageous that the American people are being asked to borrow this money. Instead of borrowing money, investing in infrastructure and putting a million Americans to work here, he is proposing more tax cuts. His last tax cut, the dividend tax cut, returned 5 cents on the dollar to the United States economy. If it is spent on infrastructure, we get $7 for every dollar borrowed.

Mr. Speaker, let us get our priorities straight: America first.

REPEAL DEATH GRATUITY TAX

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. Mr. Speaker, I am back on the floor today to talk about the repeal of the death gratuity tax on the families who have given their loved ones to die for freedom in America.

Mr. Speaker, behind me are the faces of just a few of those who have died in either Afghanistan or Iraq. In the year 2001, there were 292 families that received a bill from Uncle Sam in the way of a tax because their loved one died in uniform fighting for freedom. In the year 2002, there were 1,007 families that received a bill from Uncle Sam because their loved one died in uniform for freedom.

Already in 2003, it is well over 280 families.

Mr. Speaker, the history on this issue is that prior to 1991 or 1992, there was a $3,000 death gratuity that was given by the government to the families whose husband or wife or daughter or son died in uniform. It could be in an accident or war situation.

□ 1500

The Congress in the early 1990s increased that from $3,000 to $6,000, but what happened is it did not go through the proper committee to take the tax off.

So, Mr. Speaker, I have a bill that is H.R. 693 to repeal this tax; and in fairness to the committee and to both sides, it has been supported by both sides. The committee of jurisdiction, the Committee on Ways and Means, included this language in a larger package to bring tax relief to the military, which was fine with me; but the Senate will not move the legislation. Mr. Speaker, I think it is absolutely unacceptable, deplorable that we do not take this tax off the families who are giving loved ones.

Let me show a photograph of a young boy whose name is Tyler Jordan. This was a shot in a national newspaper that I saw, and I was so touched by it that I wanted to have a copy of it. Tyler's father was a gunnery sergeant named Phillip Jordan. He was killed in Iraq. In the photograph of Tyler, he has an American flag that was taken off his father's coffin under his arms and he is looking at the father's coffin. How tragic that is within itself, but adding to that tragedy is that next year his family is going to get a bill from Uncle Sam, a bill of $6,000, which is not enough; but we need to take this tax off so that the families who have lost loved ones will not be paying a penalty for giving the loved one who died for freedom and died for this country.

This week I received an e-mail from the father of Sergeant Jacob Frazier, and I want to read this, Mr. Speaker. It says, ''Thank you for your support of H.R. 693. Our son, Sergeant Jacob Frazier, was killed in action on March 29, 2003, in Afghanistan. Upon being told we would be taxed on a portion of the $6,000 benefit, I was shocked and insulted. My son was not married, but I am sure that there are numerous young widows that do not need another complication in their lives. Our country should not add to their burden with additional taxation. Let me know if I can do anything to help you here in Illinois to get this bill passed.''

Mr. Speaker, I am going to call on the House leadership, both parties, and ask the House leadership to please before we leave in November bring up H.R. 693, stand-alone bill. I have got many supporters from the Democratic side and the Republican side. Bring it to the floor, and let us morally do what is right for those families who have given their loved one.

Mr. Speaker, I actually wrote the President of the United States on September 17 and asked him to please use the executive office to contact the leadership in the House and the Senate, both parties, to move this legislation. In the last paragraph I wrote this sentence to the President of the United States: ''Given the very little time left in this legislative session, failure to do so will result in more American military families not only giving a loved one for freedom but also suffering the unacceptable indignity of being taxed on that gift.''

Mr. Speaker, we do a lot of good things around here and a lot of things we debate. We disagree, both parties and within our own parties. But this is one of those issues that it is simple. It is morally the right thing to do.

Mr. Speaker, I close by asking God to please bless our men and women in uniform and, God, please bless America.

QUESTIONS FOR THE BUSH ADMINISTRATION

The SPEAKER pro tempore (Mr. MCCOTTER). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, today in my e-mail I got five separate copies of an article that was put in the Atlanta Journal Constitution by a man named Max Cleland. Max Cleland is a Vietnam vet who lost his legs and one arm. He is a triple amputee, was a United States Senator, and in the last campaign they attacked him for being unpatriotic. Max is a hero in my book. The fact that he would raise questions about what the President of the United States is doing in Iraq and Afghanistan did not make him unpatriotic.

We are going to have a bill out here in a few days for $87 billion, and the same White House is going to attack all of us if we raise any questions. Max's article starts with an erie kind of quote: ''The public has been led into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by steady withholding of information. The Baghdad communiques are belated, insincere, incomplete.'' These ''things have been far worse than we have been told, our administration more bloody and inefficient than the public knows. We are today not far from a disaster.'' That is a quote from a guy named T.E. Lawrence, Lawrence of Arabia, the Sunday Times of London, August 22, 1920.

The British know what they are into and they know where they have been; and if we take that quote and then ask ourselves what have we been told, we

have been told that the mission has been accomplished. The President went out and said it is all over. There have been 304 people killed in Iraq, 167 of them, more than half, since the mission was accomplished. It was this President on October 14, 2002, who said, ''This is a man,'' meaning Saddam, ''that we know has had connections with al Qaeda. This is a man who, in my judgment, would like to use al Qaeda as a forward army.'' Mr. Rumsfeld followed him right up and said, ''Yes, there is a linkage between al Qaeda and Iraq.'' And Condoleezza Rice, not to be outdone, said, ''There have been contacts between senior Iraqi officials and members of al Qaeda going back for actually quite a long time.''

And then their story started to unravel. On September 16 of this year, almost 11 months later, the President comes out and says, ''I have not seen any indication that would lead me to believe that I could say that Saddam Hussein was involved in the September 11 attacks.'' Condoleezza Rice jumped up again: ''And we never claimed that Saddam Hussein had either . . . direction or control of 9–11. What we've said is that this was someone who supported terrorists, helped them train.'' And Mr. Bush the next day said, ''There is no question that Saddam Hussein had al Qaeda ties. We have no evidence that Saddam Hussein was involved with the September 11 attacks.''

The American people have been fed a PR campaign of misinformation from the very start. And while that has been going on, and I will have entered into the RECORD both the speech by Max Cleland and an article from the New York Newsday by Jimmy Breslin dated 23 September, while this has all been going on, our people have been dying.

Some of you have been out to the Vietnam Memorial, and those panels get carved with those names in there. One can go up to Walter Reed Hospital up on Georgia Avenue and see people without arms and legs, just like Senator Cleland. While we keep getting misinformation out of the White House, Ryan Carlock, specialist, 416th Transportation Company, died on September 10; Joe Robsky from Fort Irwin, California, died on September 10; Henry Ybarra from Austin, Texas, died. And they keep dying and they keep dying.

If we ask questions about this $87 billion, it does not make us unpatriotic. It makes us care about these men and women.

[From the New York Newsday, Sept. 23, 2003]

THEY LIED AND MANY SOLDIERS DIED

(By Jimmy Breslin)

George Bush won't mention the names below in today's speech, nor will your gullible news and television people—the Pekinese of the Press.

Therefore we print promptly and thus prominently the names of American soldiers killed in Iraq and reported from Sept. 9 to Sept. 19:

Spc. Ryan G. Carlock, 25, 416th Transportation Co., 260 Quartermaster Battalion (Petroleum Support), Hunter Army Airfield, Ga. Died in attack on truck Sept. 10. Home: Macomb, Ill.

Staff Sgt. Joe Robsky, 31, 759 Ordnance Co., Fort Irwin, Calif. Home is a mobile home park trailer in Elizaville, N.W. Died in Baghdad while trying to defuse a homemade bomb on Sept. 10. He volunteered for this duty because he didn't want children killed by land mines.

Sgt. Henry Ybarra III, 32, D Troop, 6th Squadron, 6th Calvary. Home: Austin, Texas. Died when truck tire exploded, Sept. 11.

Marine Sgt. Kevin N. Morehead, 33 3rd Battalion, 5th Special Forces Group. Home: Little Rock, Ark. Died of wounds received when raiding enemy forces.

Sgt. 1st Class William M. Bennett, 35, 3rd Battalion, 5th Special Forces Group. Home: Little Rock, Ark. Died of wounds received when raiding enemy forces.

Sgt. Trevor A. Blumberg, 22, 1st Battalion, 504th Parachute Infantry Regiment, 82nd Airborne, Fort Bragg, N.C. Home: Canton, Mich. Died in attack on his vehicle in Baghdad on Sept. 14.

Staff Sgt. Kevin C. Kimberly, 31, 4th Battalion, 27th Field Artillery Regiment, North Creek, N.Y. Killed when his vehicle was hit by rocket-propelled grenade while on patrol in Baghdad Sept. 15.

Spc. Alyssa R. Peterson, 27, 311 Military Intelligence Battalion, 101st Airborne Division, Fort Campbell, Ky. Home: Flagstaff, Ariz. Died of wounds on Sept. 15 at Tel Afar.

Spc. James C. Wright, 27 Fourth Infantry Division, Fort Hood, Texas. Home: Delhi Township, Ohio. Died when vehicle hit by rocket-propelled grenade during ambush near Tikrit on Sept. 18.

George Bush told lies and they died.

First, your government lied to ensure Bush's re-election. Who votes against a president in time of war? And even better, you get oil with the winning election.

So Bush lied to you. Not misstatements. Lies. He and his people threw away their honor and consciences to lie to the people. they had sworn to protect.

The lies of Washington put young men from Seymour, Tenn., and Maspeth, Queens and Palos Hills, Ill., into boxes. And that, dear reader, is quite a lie.

At the start, Bush claimed that Iraq had poison gas and was making nuclear weapons. Soon, they will poison us all and blow us up. His proof was documents forged by elementary-school pupils. Still, Bush used it in his State of the Union speech. Condoleezza Rice said it was only 23 words in a speech. What are you so concerned about?

The 23 words were only about nuclear bombs.

Look now at the lie that George Bush carries into the United Nations today:

We went into Iraq because they were part of the World Trade Center attack.

That's what they told you, and Americans, who honor their government, believed what their government told them. And so did all those young people as they were about to put up their lives in the desert.

On Oct. 14, 2002, Bush said, ''This is a man [Saddam] that we know has had connections with al-Qaida. This is a man who, in my judgment, would like to use al-Qaida as a forward army.''

Defense Secretary Donald Rumsfeld said, on Sept. 26, 2002, ''Yes, there is a linkage between al-Qaida and Iraq.''

Condoleezza Rice, the national security adviser, said on Sept. 25, 2002, ''There have been contacts between senior Iraqi officials and members of al-Qaida gong back for actually quite a long time.''

They knew exactly what they were saying and what it would do. It was using a Big Lie in an age of screens and faxes. What did you think it was, a government telling you the truth? Why should they do that?

At summer's end, suspicions rose. It was time to change the lie before it became a liability. How do you do that? By using the ultimate con: telling the truth.

Here in the world of professional lying is how you use the truth to defuse a lie when it becomes dangerous to keep: Suddenly, Donald Rumsfeld on Sept. 16 announced, ''I've not seen any indication that would lead me to believe that I could say that Saddam Hussein was involved in the Sept. 11 attacks.''

That same day, Condoleezza Rice jumped up and chirped, ''And we have never claimed that Saddam Hussein had either . . . direction or control of 9/11. What we've said is that this was someone who supported terrorists, helped train them.''

And then the next day, George Bush said, ''There's no question that Saddam Hussein has al-Qaida ties. We have no evidence that Saddam Hussein was involved with the Sept. 11 attacks.''

So the three now say that they never said that Hussein was involved in the World Trade Center attack. Look up what we said. We never said it.

Of course they did. Anybody who thinks they didn't is a poor fool. Take a half-word out of a sentence, replace it with a smug smile or chin motion and the meaning is there. Saddam was in on the Trade Center with bin Laden. Of course Bush and his people said it. Then go to the whip, go to the truth.

Only the strong memory is an opponent, and there are few of them. Otherwise, the only thing that can remind people and maybe even inflame them are these dead bodies coming back from Iraq to Heber, Calif. They arrive here in silence. We have no idea of how many wounded are in government hospitals with no arms or legs. You never hear Bush talking about them. He often acts as if subjects like this have nothing to do with him.

[From the Atlanta Journal-Constitution, Sept. 15, 2003]

DISASTER IN THE DESERT

(By former Senator Max Cleland, D-Georgia)

''The public had been led into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by a steady withholding of information,'' he said. ''The Baghdad communiqués are belated, insincere, incomplete. Things have been far worse than we have been told, our administration more bloody and inefficient than the public knows.'' He added: ''We are today not far from a disaster''—T.E. Lawrence, The Sunday Times of London, August 22, 1920.

Let me see if I can get this straight.

The President of the United States decides to go to war against a nation led by a brutal dictator supported by one party rule. That dictator has made war on his neighbors. The President decides this is a threat to the United States. In his campaign for President he gives no indication of wanting to go to war. In fact, he decries the over extension of American military might and says other nations must do more. However, unbenounced to the American public, the President's own Pentagon advisors have already cooked up a plan to go to war. All they are looking for is an excuse.

An element of the U.S. military is under attack. The President, his Secretary of Defense and his advisors sell the idea to Congress and the American people that it is time to go to war. Based on faulty intelligence, cherry-picked information is fed to Congress and the American people. The President goes on national television to explain the case for

war, using as part of the rationale for the war an incident that never happened. The Congress buys the bait hook, line and sinker and passes a resolution giving the President the authority to use ''all necessary means'' to prosecute the war.

The war is started with an air and ground attack. Initially there is optimism. The President says we are winning. The cocky, self-assured Secretary of Defense says we are winning. As a matter of fact, the Secretary of Defense promises the troops will be home soon.

However, the truth on the ground that the soldiers face in the war is different than the political policy that sent them there. They face increased opposition from a determined enemy. They are surprised by terrorist attacks, suicide bombers, village assassinations, increasing casualties and growing anti-American sentiment. They find themselves bogged down in a guerrilla land war, unable to move forward and unable to disengage because there are no allies in the war to turn the war over to. There is no plan B. There is no exit strategy. Military morale declines. The President's popularity sinks and the American people are increasingly frustrated by the cost of blood and treasure poured into a never-ending war.

Sound familiar? It does to me!

The President was Lyndon Johnson.

Got Ya!

The cocky, self-assured Secretary of Defense was Robert McNamara.

Got ya again!

The Congressional resolution was the Gulf of Tonkin resolution.

You are catching on!

The war was the war that I, John Kerry, Chuck Hagel, John McCain and three and-a-half million other Americans of our generation were caught up in. It was the scene of America's longest war. It was also the locale of the most frustrating outcome of any war this Nation has ever fought.

Unfortunately, the people who drove the engine to get into the war in Iraq never served in Vietnam.

Not the President.

Not the Vice-President.

Not the Secretary of Defense.

Not the Deputy Secretary of Defense.

Too bad. They could have learned some lessons.

First, they could have learned not to underestimate the enemy. The enemy always has one option you cannot control. He always has the option to die. This is especially true if you are dealing with true believers and guerrillas fighting for their version of reality—whether political or religious. They are what Tom Friedman of the New York Times calls the ''non-deterables.'' If those non-deterables are already home in their country, they will be able to wait you out until you go home.

Second, if the enemy adopts a ''hit and run'' strategy designed to inflict maximum casualties on you, you may win every battle but the battles you fight (as Walter Lippman once said about the Vietnam War), can't win the war.

Third, if you adopt a strategy of not just pre-emptive strike but also pre-emptive war you own the aftermath. You better plan for it. You better have an exit strategy because you cannot stay there indefinitely unless you make it the 51st state. If you do stay an extended period of time, you then become an occupier, not a liberator. That feeds the enemy against you.

Fourth, if you adopt the strategy of pre-emptive war, your intelligence must be not just ''darn good,'' as the President has said it must be ''bullet proof,'' as Secretary Rumsfeld claimed the administration had against Suddan Hussein. Anything short of that saps credibility.

Fifth, if you want to know what is really going on in the war, ask the troops on the ground not the policy makers in Washington. The ''ground truth'' as the soldiers call it, is always more accurate than the truth expounded through the mouths of those who plan the war and have a political, personal and emotional investment in their policy. They will bend any fact, even intelligence, to their own ends. If the ground truth and the policy truth begin to diverge, ''Shock and Awe'' will turn into what one officer in Iraq has described as, ''Shock and Awe S---!''

Sixth, in a democracy instead of truth being the first casualty in war, it should be the first cause of war. It is the only way the Congress and the American people can cope with getting through it. As credibility is strained, support for the war and support for the troops goes down hill. Continued loss of credibility drains troop morale, the media becomes more suspicious, the public becomes more incredulous and the Congress is reduced to hearings and investigations.

Instead of learning the lessons of Vietnam, where all of the above happened, the President, the Vice-President, the Secretary of Defense and the Deputy Secretary of Defense, have gotten this country into a disaster in the desert. They attacked a country that had not attacked us. They did so on intelligence that was faulty, misrepresented and highly questionable. A key piece of that intelligence was an out-right lie which the White House put into the President's State of the Union speech. These officials have over-extended the American military, including the Guard and the Reserve and expanded the United States Army to the breaking point. A quarter of a million troops are committed to the Iraq war theater, most bogged down in Baghdad. Morale is declining and casualties continue to increase. In addition to the human cost, the funding of the war costs a billion dollars a week adding to the additional burden of an already depressed economy. The President has declared ''major combat over'' and sent a message to every terrorist, ''Bring them on.'' As a result, he has lost more people in his war than his father did in his and there is no end in sight. Military commanders are left with extended tours of duty for servicemen and women, told long ago they were going home, and keeping American forces on the ground where they have become sitting ducks in a shooting gallery for every terrorist group in the Middle East.

Welcome to Vietnam Mr. President. Sorry you didn't go when you had the chance.

SUPPORT H.R. 3156, EXTENDING UNEMPLOYMENT BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WU) is recognized for 5 minutes.

Mr. WU. Mr. Speaker, for most of the last 2 years, my home State of Oregon has had the highest unemployment rate in the Nation, and thousands of Oregonians have tried for a year or more to find a job without success.

This coming Saturday, 12,000 unemployed Oregonians will lose all of their unemployment benefits with the expiration of an Oregon unemployment program which provides assistance when Federal unemployment benefits run out. The estimates are that 400 additional Oregonians per week will lose all unemployment benefits starting next week and for every week thereafter. For unemployed Oregonians, it is these benefits that keep their kids in college, prevent the loss of a home, car, or vital health care.

Mr. Speaker, a jobless economic recovery does not help the unemployed. I challenge this Congress to do more to help our jobless Americans. I challenge this Congress to pass H.R. 3156, my bill to extend Federal unemployment benefits by an additional 13 weeks.

PROBLEMS WITH THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. MATHESON) is recognized for 5 minutes.

Mr. MATHESON. Mr. Speaker, I rise today to bring attention to an issue of utmost importance to my home State of Utah and to the rest of this country.

As we are now in the beginning of a new school year, I am very troubled by news from across our State about the implementation of the No Child Left Behind Act. The concepts and ideas behind this Federal education reform legislation remain just as good as they were 2 years ago when, with bipartisan support, Congress enacted the bill at the urging of President Bush. Despite the bill's good intentions, such as improving student achievement, increasing teacher quality, and providing parents with greater options, the legislation implementation has strayed off course.

How bad is it? Under the strictest interpretation of standards, 78 out of the 83 schools in Utah's Jordan School District will be designated as failing schools. In rural Utah it is questionable whether any junior high or high school will be able to meet all of the criteria. This just does not make sense. I have met with teachers, principals, parents, school board members, and superintendents throughout my State, and I know first hand about the good work that is done every day in our schools. Utah's schools face challenges based on large class sizes and low State funding. Now, due to the imposition of a new series of underfunded Federal requirements, they face the possibility of being labeled as ''failures.''

There are two basic problems with the implementation of the No Child Left Behind Act. First, the act promised significant Federal funding to assist local schools in meeting new requirements. In fact, a strong commitment to fund the No Child Left Behind Act requirements was critical in garnering overwhelming bipartisan support for the legislation. Unfortunately, when it came time to provide the actual funding, Congress fell short by $9 billion. At a time when State budgets are already tight, Federal requirements to push schools to do more with less set up our schools to fail.

Second, as with any complex law enacted by Congress, the Federal agency responsible for administration develops

specific regulations. And in this case of No Child Left Behind, the U.S. Department of Education has developed a set of regulations based on an extreme interpretation of the legislation. There are many problems with the way No Child Left Behind regulations have evolved, but let us just take a look at two examples.

Acknowledging that quality teaching is critical to student performance, No Child Left Behind calls for teachers to meet competency and training standards for subjects they teach. This sounds reasonable, but any new Utah secondary teacher is required to have a bachelor's degree in the subject that he or she teaches. In rural schools, teachers often must teach multiple subjects.

□ 1515

In the case of foreign language teachers, many Utah teachers are former LDS missionaries with foreign language fluency. Even if these teachers have college minors in the language, they would still not be considered qualified to teach the subject. Special education teachers also teach a variety of subjects every day. Is it reasonable to require multiple college degrees? Clearly, greater flexibility is necessary to pursue teacher quality.

Now, the No Child Left Behind Act also recognized that teacher turnover is a problem, and it directs States to ensure that poor and minority children are not taught by inexperienced teachers at higher rates than other students. Again, this sounds reasonable, but the implementation has proven problematic.

In Utah, anyone with less than 3 years of teaching is considered an inexperienced teacher. The Jordan School District has a low percentage of inexperienced teachers across the whole district, and Midvale Elementary School in that district, they just recently aggressively recruited a dozen new teachers with foreign language skills to meet students' needs. But because they are all new teachers, it drives the school's percentage of inexperienced teachers above the district average, so the school is a failure under this requirement. Again, this just does not make sense.

As a Congressman, I often hear about the unintended consequences of legislation. As someone who supported the No Child Left Behind Act, I am gravely concerned that a lack of funding and an inappropriate set of regulations have brought on many unintended consequences that will harm Utah's schools.

The gap between legislative intent and real world implementation must be addressed. That is why I have cosponsored legislation to suspend No Child Left Behind requirements until Congress fulfills its funding commitments.

I have seen the great work that goes on every day in our schools. Our teachers, our principals, the PTA parents, teacher aides and school district staff work hard for our kids. None of them would ever want to leave any child behind. They know that the best investment we can make is the investment in our children's education. Congress should do everything we can to help them succeed.

THE COST OF IRAQ RECONSTRUCTION

The SPEAKER pro tempore (Mr. MCCOTTER). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 140 years or so ago, former President John Quincy Adams came to the House floor and read letters from his constituents about slavery and about the abolitionists because the House actually passed a rule in 1838 saying that Congress could not debate the issue of slavery on the House floor, believe it or not.

Today, we have not really been free; we have not had committee hearings; we have not had floor debate on a lot of the questions about what is happening in Iraq, getting answers from the President and from the administration about the reconstruction, the cost, how the money is being spent; all of that, and I have gotten letters from hundreds of constituents asking for answers to those questions.

But what we have seen, Mr. Speaker, is information from the Bush administration that obfuscates, that deceives, that simply does not tell us.

Deputy Defense Secretary Wolfowitz recently said, ''No one that I know of would ever say that this war is cheap.''

Well, that is not what the President's people were telling us before the invasion. Budget Director Mitch Daniels said Iraq, back then, before the attack, said Iraq would be ''an affordable endeavor that will not require sustained aid.''

Now, Jane from Sheffield Lake, Ohio, wrote to me, ''We cannot let this enormous deception from the Bush administration continue.''

Back several months ago, White House economist Glen Hubbard said the costs of any intervention would be very small.

Edward from Akron in my district wrote, ''I believe we were duped by this administration through misleading statements and outright lies.''

Larry Lindsey, the President's Chief Economic Adviser, estimated the war in Iraq would cost $100 billion to $200 billion, the war and the aftermath and the reconstruction. He was shunned by the administration after saying that. He was later fired because of that.

From Akron Ohio, Susan writes, ''Please represent us in Summit County and get to the bottom of these untruths and these lies.''

Mr. Speaker, we have seen the President's proposal to spend $87 billion. That is just this year. That is in addition to the $65 billion check that Congress and the American people have already written to the President for the war in Iraq. This $87 billion details how the President's request allocates $157 per Iraqi, U.S. taxpayers pay $157 per Iraqi, for sewage improvements, but in the President's budget there is only $14 per American for sewage improvement in this country.

The administration, according to the President's request for this $87 billion, is devoting $38 per Iraqi for hospitals, but in this country, only $3.30 per American citizen for hospitals.

The President is seeking almost $6 billion to rebuild and expand Iraq's electricity generation and distribution system, as millions of Americans are regaining power lost from Hurricane Isabel and as Congress continues, frankly, not very well in this Congress, to deal with the fallout from the August blackout.

The President requests from the $87 billion, 350 times more money for Iraqis individually; $255 per Iraqi for electrical power rehabilitation, 71 cents per American for electrical power rehabilitation.

Mr. Speaker, Americans need some answers. How are we going to spend this money? Where has the $1 billion a week gone now? We need accountability. We need, most importantly, for the President to assure us that our troops will be well-supplied, and that our troops will be safer than they have in the past.

In fact, I received a call just last night from a young man whom I know who was injured in Iraq from my district. He spent 70 days in the hospital. Because of this administration's policy, he owes $550 back to Bethesda Hospital, back to the government, because the government has charged him, believe it or not, $8.10 for every day's meal he has eaten in that hospital as an injured soldier in the United States of America, injured in the battlefield in Iraq. Yet, now the administration simply is not telling us how we are going to spend that money, not making the private contractors, many of them friends of the President who are getting literally hundreds of millions of dollars, not disclosing where that money is going, how they are spending it.

I would close, Mr. Speaker, Elizabeth from Akron writes, ''The Bush administration's blatant disregard for the ability of the American people to sort through, to discuss and to reach reasonable conclusions on important issues is disturbing. What else aren't they telling us? What other lies are they trying to foist on us? Whether one supported the war or not, the question of the obvious and overwhelming deceptions the administration seems to regard as normal is disturbing.''

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the 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.)

THE CASE FOR LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, I rise at the end of a week of activity here on Capitol Hill to do nothing less than to begin a process and an effort that I hope will be a part of the fabric of my career for however long I have the privilege of serving in the United States House of Representatives.

I rise very simply, Mr. Speaker, to make the case for life; to make the arguments, philosophical, intellectual, moral and historical, on this blue and gold carpet, on a regular basis, for the sanctity of human life.

My inspiration, oddly enough, Mr. Speaker, for this series, was just mentioned by the gentleman from Ohio (Mr. BROWN) in his remarks immediately preceding mine. It is almost uncanny to me to have heard it. For my inspiration in rising today on the House floor is none other than a former Member of this body who served as a Member of Congress from 1827 until his death in 1848.

Prior to being a Member of the House of Representatives, John Quincy Adams was President of the United States, and his father President before him. But, remarkably, after one term in Congress, John Quincy Adams felt compelled, Mr. Speaker, to be elected to Congress from the State of Massachusetts and to come to this place. And more than any other purpose, it is clear as one studies his speeches and pronouncements on this floor, that he was a man deeply committed to the abolition of slavery in America.

Just as the gentleman from Ohio (Mr. BROWN) reflected, it is reported that oftentimes on a weekly basis or more throughout the nearly 20 years that John Quincy Adams served as a Member of this Congress, in a Chamber, as you know, Mr. Speaker, just down the hall, the great, grand old man and former President would come, history records, and bring his papers with him and make the moral and the intellectual and the historical and even the Biblical case against slavery in America.

We are even told that some of his colleagues at the time during the course of those two decades actually tried to change the procedural rules of the House, because they thought it rather impolitic to have old Mr. Adams coming down and bringing up that difficult issue again. But he did it, and he did it well, and he did it without apology. And as I rise today to begin what I hope for however many years I serve in Congress to be a series on the case for life, I am inspired and magnetized by John Quincy Adams.

Now, many may say that John Quincy Adams, who perished, we are told, in the midst of a session of Congress, fell over backwards in his Chair, was carried into a waiting room where he died the next day, some may say that his death in 1848, long before slavery would vanish from this continent, proved that he had failed in his endeavor.

But God works in mysterious ways, Mr. Speaker, and I cannot help but feel to this day that at some time from heaven John Quincy Adams smiled down when he realized that on the back row of the Congress in which he gave those lectures arrived in the year 1847 a tall, lanky man from the State of Illinois who served for one term in Congress, and Abraham Lincoln would later reflect that the speeches on the abolition of slavery that he heard from the great man John Quincy Adams deeply impacted his thinking and his life. And when Abraham Lincoln would then run for the Senate in Illinois and lose, and then be propelled on that same issue to the Presidency, he, no doubt, as is all of our posterity, was in debt to the rantings of that old man.

And here is hoping that my rantings may cast seeds, somewhere, Mr. Speaker, whether in this Chamber or through the means whereby people observe what we do here, that some might reflect on the principles that we share over the course of this series on the case for life and be inspired by it, because it matters.

Despite the fact that ever since Roe v. Wade became law in 1973 America has looked across the street to the U.S. Supreme Court to define this business of the rightness and the legality of abortion, and despite the fact that, frankly, even in this Congress we pay scant attention to the issue, it, nevertheless, is a colossal issue about which our Nation must attend, for one reason and one reason only: 1.6 million abortions are performed in the United States each year. Ninety-one percent are performed during the first trimester, twelve or fewer weeks gestation. Nine percent are performed in the second trimester.

Approximately 1.5 million U.S. women with unwanted pregnancies choose abortion every year, and most are under the age of 25 years and unmarried. And as psychologists across America now reflect, post-abortion stress syndrome, which seems to viciously take hold of women at or around the age of menopause, where in many cases women are led into therapy because of a deep sense of remorse about decisions they made decades before, it is a decision that those 1.5 million women make not just for that day, but for many, Mr. Speaker, a decision that colors much of the rest of their life.

Approximately 6 million women in the United States become pregnant every year. About half of those pregnancies are unintended, and 1.5 million elect to terminate them with legal abortion.

□ 1530

Each year, more than 1 million U.S. teenagers become pregnant, and the teen pregnancy rate has moved in the last 30 years to truly startling statistics. Eighty percent of women having abortions are single, 60 percent are white, 35 percent are black, 82 percent of women having abortions are unmarried or separated, and almost half, this is almost incomprehensible to me, but statistics from Planned Parenthood's National Center for Health Statistics suggest that almost half of American women, 43 percent, will have an abortion sometime in their life. Yet, we rarely talk about it here. A procedure of deep physical and emotional and moral and perhaps even spiritual consequences reflected on through the millennia is scarcely talked about in the center of the most powerful government on Earth.

Today I would like to speak, if I may, about a few of the historical aspects of the case for life. Oftentimes, when I am standing before groups of young people, I will say, rather obliquely, that for roughly 3,000 years in Western Civilization, until 1973, it was the unanimous position of medical ethicists throughout Western Civilization that abortion was immoral and unethical. And I am always amazed at the startled look on children's faces. Because, of course, every student that I see in a classroom was born in the post Roe v. Wade America where abortion is a settled fact. It is a settled legal reality. But to begin with the realization that for 3 millennia through, if I can use the word, through the gestation of Western Civilization, there was, as Mother Teresa often reflected, that core principle that human life is sacred. Often rejected, even by nations and peoples in the midst of our civilization, nevertheless, the sanctity of human life rises out of the march of our civilization, almost like no other.

We all are familiar with the founding documents of this Nation that speak of certain unalienable rights endowed by our Creator, and among them are life. It is an astounding thing to consider. But what did our Founders think of when they thought of life? They were men who reflected on the ancients; they reflected on history. The Founders of this Nation, some of whom are remembered on the walls and carved in stone throughout this building, were truly learned men. So it is important when we think about a reference to the unalienable right to life, what did our Founders think about when they said life? What did they think of as human life? In the context of our common law and in the context of the history of the ancients or the Middle Ages, or even the early church fathers who so deeply

influenced the Founders of this country, it is a consistent, one after another element of the law in history that argues beyond a doubt that abortion was considered a deep moral offense.

In the Lex Cornelia 81 B.C., the Jurist Iulius Paulus applied a text of this law that applied to poisoners and those who dispensed drugs specifically intended to cause abortion, saying that whoever dispenses an abortion pill, regardless of its intention, the law read, set a bad example and was condemned to work in the mines in 81 B.C. One thinks of that story of a young girl who may have had medical complications just last week from having taken the pill RU486 and died. And one thinks of the wisdom of Lex Cornelia from 81 B.C., the dispensing of a pill and a poison that causes an abortion and its harm.

Cicero actually placed it beyond doubt that the offense of abortion was a capital offense punishable even by death. In the Persian Empire, criminal abortions were severely punished. And so it goes.

In fact, the Ephesian, Soranos, often described as the greatest ancient gynecologist from whom we obtain the word and the practice of gynecology were, as history records, deeply opposed to Rome's prevailing free abortion practice. Soranos found it necessary to think first of the life of the mother and resorted to an abortion when he thought the life of the mother was in danger, but it was otherwise unacceptable. At the time of Soranos, Greek and Roman law afforded little protection to the unborn until Christianity took root in the Roman Empire, and then it changed. And from that point forward, after the spread of Christianity in the Roman Empire, infanticide and abortion were treated as equally criminal acts, alongside murder.

Throughout the Middle Ages, the severe penalty for abortion remained in force in all countries of Europe well into the Middle Ages, and it was reflected in many of the writings. I think of John Calvin, one of the early church fathers and someone who deeply influenced the development of common law and Christian theological thinking. He said, John Calvin now, ''The fetus, though enclosed in the womb of his mother, is already a human being, and it is a monstrous crime to rob it of life which it has not yet begun to enjoy. If it seems more horrible to kill a man in his own house than in a field, because a man's house is his place of most secure refuge, it ought surely to be deemed more atrocious to destroy a fetus in the womb before it has come to light,'' John Calvin wrote in the commentary in the Book of Exodus.

Truly astonishing words, but not at the time that he wrote them. To think of that time and to think of that context, what John Calvin wrote about, what the ancients embraced was what was common accepted law, and, of course, our own common law was given birth by those historical moorings.

As James S. Cole wrote in an essay entitled ''Abortion at Common Law,'' long before the settlement of the English colonies on this continent, the common law of England, that is, the law recognized as common to all Englishmen, defined abortion as a crime. In accord with the limits of biological knowledge of the day, it was believed that there was no life until what was known as ''quickening,'' when the movements of the baby could be discerned. Abortion was therefore declared by the earliest authorities a lesser crime than criminal homicide until quickening, and then it was a felony after quickening. Much later, in the 1600s, there was some hesitation to prosecute abortions in which a child died in the womb as opposed to those in which the baby was expelled before dying, because of the problems of proving that the act of beating the mother's abdomen or giving her a poison had caused the death of the child. However, there was no doubt that abortion of a woman who was either ''quick or great with child'' was unlawful.

In colonial America, abortions were prosecuted under the common law. After the Revolution, the new American States adopted the common law of England as the basis of their own law, including common law crimes. Within a generation, the independent States began to outgrow the English common law, and State legislatures increasingly defined crimes in their States. However, common law crimes survived until superseded by legislative enactment.

Although common law prohibitions on abortion were largely replaced over time with legislative enactments through the 19th century, there was never a gap in which the common law had anything other than a prohibition of abortion. Abortion was a crime during the hundreds of years before the founding of this Nation, and it remained a crime in every State at the beginning of our Nation and throughout the 19th century.

Until the advent of Roe v. Wade that, it is worth noting, struck down simultaneously those laws promulgated from the common law in all 50 States, abortion was considered a crime, a deep moral offense, and anathema to medical ethicists.

It is altogether appropriate to point out as well as we consider the ancients today, Mr. Speaker, that the Hippocratic Oath itself carved, depending on who you believe of the historians, and doctors will argue the point, but somewhere between 3,000 and 4,000 years ago, the Hippocratic Oath authored by the great physician Hippocrates begins in many versions with the phrase, ''First, do no harm,'' and in its most classic versions will make reference to abortion; that it was altogether and always inappropriate for the healer ever to end human life, either born human life or unborn human life. It is contained in the Hippocratic Oath. It was what it meant to be a doctor, that you heal; your charge was to heal human beings. And so the bright line, to put it in modern terminology, Mr. Speaker, the eight-lane superhighway in Hippocrates' mind, it seemed to me, was that the doctor does not kill human beings. Doctors do not end human life. And for 4,000 years, the advance of medical ethics, and every doctor in my State of Indiana and every doctor who takes an oath throughout the Western world raises their hand, in many cases, and takes the Hippocratic Oath.

Now, the edited version oftentimes does not include reference to abortion, but it still includes that line, ''first, do no harm.'' And it is why today so many doctors in America refuse as a professional decision to perform abortions. They simply choose not to be a part of it. In fact, there seems to be some evidence in the medical community of a diminishing availability of abortion in America, because men and women that wear the white smocks and the green smocks of physicians are less and less interested in that fundamental compromise of their mission and their ministry as a healer, according to the Hippocratic Oath.

I spoke of the English common law, which specifically forbade abortion. It did, in some cases, as I mentioned, treat it as a felony and, in other cases, treated it as a misdemeanor; but in all cases it was immoral, wrong, and illegal. Blackstone, who wrote, as I learned in law school, the famous Blackstone Commentaries at the founding of the country; it can be accurately observed that a practicing lawyer could literally consider themselves as having an entire legal library if they possessed one book, not counting the Bible, but Blackstone's Commentaries on the Law. It is taught even to this day in the most secular of law schools, and people understand that Blackstone was, for people practicing the law in the colonies and in the States and in the territories, it was the ultimate resource. And Blackstone was clear on abortion, writing in one of his commentaries, ''If a woman is quick with child and by poison or otherwise killeth it in her womb, or if anyone beat her whereby the child dieth in her body and she is delivered of a dead child, this, though not murder was, by the ancient law, homicide or manslaughter.''

So whatever may have been the exact view taken by common law of any specific offense, in and around 1803, there was no question that abortion was a crime. And yet, in America today, by a judicial decision and by judicial fiat, that has fundamentally changed.

So why does all this matter? As I talked to some colleagues today, they said to me, now, why are you doing that? Is there some legislation coming to the floor that is going to change things in abortion? And I granted the point that ever since Roe v. Wade, we, in the people's House, in the Congress, and in the State legislatures of all 50 States have very little to say about this issue.

□ 1545

It comes down to nine men and women in black robes and the Presidents who appoint them. But it seems to me to be altogether fitting that something that so deeply troubles the heart of half of the American people ought to be something that resonates in the heart of our national government.

That is how I see this Chamber, Mr. Speaker. I said it shortly after 9/11 in a speech that I gave on this same floor, that I viewed the House of Representatives as the heart of the American government and that it ought to resonate with the hearts of the American people. When the hearts of the American people are troubled about an issue at home or abroad, this should be a troubled room. When the hearts of the American people are quiet and at rest, this should be a quiet and amicable place.

It may be over-literalizing it, trying to turn the government into some homotropic version of man, but I think it has merit. And the truth is that while there are millions of Americans who embrace the right to choose an abortion, who take to the street to defend it, who take to the polls to support it, there are, by any measure, a growing number of nearly half of this country who are deeply troubled to live in an America where innocent human life is so callously discarded. It was as Meghan Cox Gurdon called it in an article in the Wall Street Journal a number of years ago, it is, in my judgment, the mother of all rights.

Meghan Cox Gurdon, and I borrow from her essay now, wrote, ''The Roe versus Wade anniversaries make me think of the last scene in Schindler's List, the film about Oskar Schindler, the German industrialist who saved a small number of Jews during World War II. The final scene,'' for those who have seen it, ''features actual Schindler survivors with their children and grandchildren line up to place stones on his grave in Israel. What makes the scene so powerful is not just the surprising number of progeny already produced by the Holocaust escapees, but the staggering number of men, women and children who are not there, who never had a chance of life because the Nazis gassed those who would have been their parents and grandparents.''

Meghan Gurdon goes on to write compellingly, ''When Roe comes up, it has a Schindler-like reverberation in my own family. The fact is, my husband and I, our four children, his three siblings and their combined eight children all owe our lives to the fact that the famous Supreme Court decision did not come until 1973 (and its British equivalent until 1967). For all 17 of us, all descended from two unwanted pregnancies—two pregnancies that produced hasty marriages, some unhappiness, rather more sadness, and even actually two divorces. And I have to say, boy, am I glad that those pregnancies, dismaying and unexpected as they were, entailing the compromises that they did for those involved, were not tidied up in a clinic so that the young mothers in question could 'get on with their lives.' You, gentle reader, would have been deprived of nothing more than my editorial voice. I and 16 kinsfolk would have been robbed of everything.''

It is in every sense, as Meghan Gurdon writes, ''the mother of all rights.'' I think it is why our founders listed life first, that they knew from the spilled blood that had happened on our shores and would happen at the hands of a despotic king. They knew that if a man does not have an unalienable right to life, he has nothing. That if a man or a woman cannot anticipate that government cannot deprive them of their life without due process of law and cannot deprive any human person of their right to life without due process of law, then they are, in the words of John Calvin, like that man in his own home, most grievously offended to have been attacked in what is to be his safest place.

Alexander Hamilton cautioned us against forgetting the ancient parchments, the teachings of ancients, and cautioned those who believed that we could create a society that separated law from moral truth saying, ''The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature by the hand of the Divinity and can never be erased or obscured by mortal power.''

It is a truth, Mr. Speaker, I have tried humbly to advance today for your and my colleagues' ears and for anyone else who is listening and in the weeks and months and, if the Lord wills it, years ahead. I hope from time to time to come to this floor and do likewise. To begin to take a break from the arguments of the day at home and abroad and to take a longer-view perspective on this Nation and on the vitality of its legal and moral traditions. For it seems to me that abortion is the issue of our time.

I used to say to people when I was younger that I thought abortion was the most important moral issue of our time, and I have since abandoned the adjective because I really do believe that as the late Mother Teresa would say often, that it is the defining issue of our age, and on some days, I believe in a hopeful view of the future, that our posterity will look back and say there was a time when America lost her way, but largely because of a broken heart, she came back. She came back to the truth of the ancient, not because she returned to a puritanical society that judged people in their hour of need, but because America again became a broken hearted society that said, we want to be a place where there are no unwanted children. We want to be a society where crisis pregnant centers come to replace entirely centers where innocent life is destroyed; where women know that there are better choices, not only for their unborn child, but for them than ever the choice of ending that life.

That is my hope and that is my dream that they will look back on this time and they will say, Mr. Speaker, America got off the path, but she reflected on the truths of the ancients. She reflected on the unalienable rights that she had alienated for a while, of life, and liberty and the pursuit of happiness. And by God's grace, she found her way back, to be a compassionate society and a caring society, but a society that once again embraced the unalienable right to life.

THE PRESIDENT'S WAR REQUEST AND AMERICA'S FUTURE COURSE

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from North Carolina (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of North Carolina. Mr. Speaker, the President's request of an $87 billion supplemental appropriation on top of $79 billion already appropriated has prompted renewed debate over our military operations in Iraq, our plans for the subsequent reconstruction of that country, and our broader policy objectives in the Middle East.

We must take to a successful conclusion the securing of Iraq, the rebuilding of the country's economy and infrastructure, and the transition to an indigenous democratic government. We must provide our forces in Iraq the resources they need to complete their mission and to enhance their safety and security while they are performing their mission. But the Bush administration must give a full accounting of how we plan to reach these goals, how we are going to meet the costs, and how we are to enlist the necessary international support.

This afternoon, Mr. Speaker, I want to specify certain key questions and expectations that Members of Congress must bring to the consideration of the President's request.

This request is considerably overdue. For far too long the Bush administration refused to estimate the precise costs of the war as it pushed for tax cuts upon tax cuts, mainly benefitting the wealthiest Americans, and as it presided over a 2-year, $8 trillion fiscal reversal, the largest in our country's history.

But now the bill is coming due, and that stubborn fact, in addition to the critical situation on the ground in Iraq, has forced the President's hand.

That is not to say he has totally come clean. The President's request of $20 billion for reconstruction covers less than half of the projected costs. And it is bound to increase if his optimistic estimate as to oil revenues and contributions from allies do not materialize. Nor are we ever likely to hear

the President acknowledge that every dime of that $87 billion is borrowed money, adding to what was already a record Federal deficit.

How much money is $87 billion? It is three times what we spend each year on major disease research at the National Institutes of Health. It is more than double our entire post-9/11 Homeland Security budget. It amounts to $3.5 million each week throughout 2004 for each of the 435 congressional districts in our country; $3.5 million dollars each week for each district. I will leave it to colleagues to calculate what this could mean in terms of covering the uninsured or upgrading our schools or improving roads and mass transit.

So the cost of our Iraqi intervention is immense and we are reminded daily of the human cost as well. American fatalities since the President declared the combat phase concluded now number 158, more than the 139 incurred during active combat. Honest acknowledgment of these costs is essential both to assessing our Nation's course thus far and to charting our course ahead.

As it became more and more evident last winter that nothing was likely to divert the President from the course he had chosen in Iraq, I, like others, took to the House floor to raise questions that the administration had not answered, questions which were basic to any rationale for war:

''What accounting do we have of the costs and risks of military invasion? How are we to secure and maintain the support and engagement of our allies? Can Iraq be disarmed by means that do not divert us from, or otherwise compromise, equally or more urgent anti-terrorist and diplomatic objectives? Do we have a credible plan for rebuilding and governing post-war Iraq? Have we secured the necessary international cooperation ensure that this does not become a perceived U.S. occupation?''

I must say in retrospect that those were legitimate and important questions. In some areas, the administration had no answer or wrong answers, and in others they refused to level with Congress and the American people.

□ 1600

On one of the few instances when Secretary of Defense Donald Rumsfeld addressed the war's costs, he echoed OMB Mitch Daniels with an estimate of ''something under $50 billion.'' That was in January, and a few weeks later his deputy, Paul Wolfowitz, described Iraq as ''a country that can really finance its own reconstruction, and relatively soon.'' Such statements help us understand the fix we are in in Iraq and the pressure the administration is now facing to give an honest accounting, along with a credible plan, complete with cost and deployment estimates, going forward.

The President's $87 billion supplemental appropriations request has been accompanied by a return to the United Nations to seek the support, for the post-war reconstruction of Iraq, of the allies the administration once spurned. This appears to be, as Ron Brownstein of the Los Angeles Times termed it, a case of ''reality trumping ideology,'' based on the realization that under present policies the President does not have the means to achieve his ends in Iraq. But it does not yet amount to the mid-course correction that is called for.

The administration still has a long way to go in presenting to the American people and to our prospective allies a credible plan for securing and rebuilding Iraq. There is no time to spare, as the New York Times editorialized on September 14, ''If Mr. Bush does not demonstrate a clear and convincing strategy soon, he may face political pressure to bring home American troops under conditions that would be embarrassing for America and perilous for the Middle East.''

In the first place, Mr. Speaker, the President must provide a straightforward account of how the $79 billion already appropriated has been spent and what the newly requested $87 billion will buy. Accountability for funds thus far expended; justification for the present request; and an honest estimate of the costs yet to come.

Is the request consistent with our first priority of combatting terrorism in Afghanistan and beyond? Is it based on realistic estimates of funding from oil revenues and from allied contributions? Even if we succeed in enlisting additional allies, that will only partially ease our financial burden. Current plans, for example, are for Poland to lead a multinational force of some 19 countries in the central-southern region of Iraq. But of the estimated $240 million cost of the operation, Poland is expected to pay no more than $40 million, with the U.S. covering the rest.

It is critically important, I believe, to focus separately on the portion of the President's of $87 billion request that is targeted to Afghanistan: $11 billion for military operations and $800 million for reconstruction. Those numbers pale in comparison to the Iraq request, and they may not be sufficient. In crucial respects, our Afghan operations offer a contrast to Iraq. Afghanistan was a war of necessity. It was directly related to the 9/11 attacks. It was endorsed and supported almost unanimously by the world community. The NATO alliance has now assumed responsibility for ongoing operations there. Yet the country is largely unsecured outside of Kabul and the top leadership of both the Taliban and al Qaeda is still at large.

Our decision to deal with the Iraqi challenge through a massive military invasion has arguably set back the broader war on terrorism, allowing the Taliban and al Qaeda to regroup. There is no place in the world where it is more important to position U.S. Special Forces than in the Afghanistan-Pakistan border region where Taliban and al Qaeda forces are still operating. Our Special Forces must be fully supported, and they must not be further diverted until their mission is concluded.

The Afghan reconstruction funding will partially address such critical needs as road and school construction, irrigation projects, and training a self-sustaining Afghan security force. This aid may also help shore up some support for the embattled, pro-Western President of Afghanistan, Hamid Karzai. However, decades of civil war have left the nation without such basic needs as a modern electric power infrastructure, urban sanitation systems, or an advanced medical infrastructure. There is much left to do, and it will take a concerted multinational effort to meet these needs.

The administration must also explain to Congress and the public how the $87 billion, all of it deficit spending, far beyond the scale of most emergency supplemental appropriations requests, is to be paid for. In particular, is it either fair or fiscally prudent to leave in place, much less to extend, massive tax cuts for those in the highest brackets, tax cuts that have produced unprecedented annual deficits and that mock the very idea of shared sacrifice?

Secondly, the administration must deal with the question of troop strength. The supplemental appropriations request assumes American troops will remain at present levels for at least another year. We in North Carolina have particular reason to recognize the spectacular performance of our men and women in uniform during the combat phase and the valor and commitment they continue to display under trying conditions. Tens of thousands of these troops have been deployed from our State, including National Guard and Reserve units that have been subject to repeated call-ups.

By the same token, however, North Carolinians have been especially attentive to evidence of administration misjudgments as to the troop levels that would be required in post-war Iraq, to extensions in the tours of many units, and to the mismatch between what these troops have been trained for and the security and reconstruction functions that they are being called upon to perform.

Secretary Rumsfeld has offered dubious assurances, despite the continuing level of violence, that no more troops are needed; but the administration has not explained how even the present level of deployment in Iraq can be sustained. Of the Army's 33 active duty combat brigades, 16 are currently assigned to Iraq and five elsewhere overseas. Almost all of the others are needed for rotation purposes, mainly in Iraq, and for emergency standby related to North Korea. As of last week, more than 128,000 Army Guard and Reserve members, or 23 percent of the force, were mobilized in support of operations overseas and in the United States, many on yearlong tours, with thousands more to be deployed or redeployed soon.

Thirdly, what is the administration's plan for securing allied participation and how much relief can this realistically afford relative to American financial and personnel requirements? The tens of thousands of additional troops and the billions of dollars of additional funding that we need in Iraq, as well as our broader antiterrorist and peacemaking endeavors in the Middle East, will require intensive diplomatic repair work in the coming weeks. The return of Secretary Powell and of the President to the United Nations is a necessary first step toward the cooperative ties we must forge with allies ranging from Germany and France to India and Turkey and Egypt. At the same time, we must press ahead with the recruitment and training of indigenous Iraqi police and security forces and the transition to Iraqi self-rule.

Finally, we look to the President for a reaffirmation of America's commitment to Middle East peacemaking. After almost 2½ years of ill-advised disengagement from the quest for a fair and enduring settlement between Israel and its neighbors, the President has commendably joined with our ''Quartet'' partners, the European Union, the United Nations and Russia, to announce the ''Road Map'' initiative for mutual, step-by-step Israeli-Palestinian accommodations.

Recent weeks have not been auspicious for the Road Map initiative. Hamas suicide bombers have conducted devastating attacks, killing and maiming dozens of Israelis, many of them teenagers and children. The Israeli government has stepped up its targeted assassination of Hamas leaders and members and has tightened its chokehold on the occupied territories.

In fact, the two sides seemed locked in a death grip. Violent deaths since the collapse of the peace process number 858 among Israelis and 2,468 Palestinians. Who would not be moved by the story of two of the victims of the September 9 Jerusalem bombing, Dr. David Applebaum and his daughter Naava, out on an errand the night before what was to be her happy wedding day? Such wrenching stories underscore again and again the urgency of reaching a settlement that ensures security and integrity for Israel and a viable state for the Palestinians. And in the post-9/11 world, Middle East peacemaking has assumed an added dimension. ''Suicide bombing is becoming so routine'' in Israel/Palestine, Thomas Friedman recently wrote, ''that it risks becoming embedded in contemporary culture. America must stop it. A credible peace deal is no longer a U.S. luxury: it is essential to our own homeland security. Otherwise, this suicide madness will spread, and it will be Americans who will have to learn how to live with it.''

The simultaneous steps that the Road Map envisions are politically difficult and vulnerable to sabotage. The Israeli government, reluctant to challenge the settlers in any case, is doubly so when the likely reward is another horrific bombing by Hamas, whose structure of terror remains intact. As for the Palestinians, they feel they are being asked to risk a civil war by taking on militant groups by force without assurances that settlements will actually be removed from Palestinian territory or statehood achieved. That is why American leadership is absolutely essential, to help ensure that both sides in fact comply with the road map and that the process is steadied against the predictable attempts at sabotage by the enemies of peace.

If the process remains stalled and the violence continues, American leaders may need to think outside the Road-Map ''box'' in terms of putting a peace plan on the table proactively. What is not even thinkable is for our government again to disengage and to let that death grip tighten.

Mr. Speaker, we are at a critical juncture in the war on terrorism and in our Nation's engagement in the Middle East. We must push ahead with the reconstruction and democratization of Afghanistan and Iraq, preventing either a return to tyranny or a collapse into violence that would allow forces deadly to our country's vital interests to take root.

That is what the supplemental appropriations requested by the President must help underwrite, and that is why I expect that most of us in this body are likely in due course to support something close to the requested amount. But while Congress was willing to provide a blank check in the past, it does not seem likely to do so now. We must have an accounting of the administration's strategy going forward, its timetables and objectives, its costs and personnel requirements, how our allies will share in its obligation, and how past mistakes will be corrected or avoided. The committees of the Congress must schedule sufficient hearings to allow administration officials to make their case and to allow Members to question them fully.

The need for mid-course correction raises serious issues, yet unresolved, about the path to war that the President chose. We will no doubt debate these questions for years to come, and we cannot allow them to paralyze us now. But if we are to correct our course and go forward successfully, we must confront the flawed premises and the failed diplomacy that set the terms of the Iraqi invasion. In closing, I want to underscore the importance of one of these pieces of unfinished business, not merely to clear the air but also to clarify what Congress and the American people must demand of this administration or of any administration in the future. I am referring to the intelligence and to the interpretations of intelligence on which the decision to invade Iraq was based.

We are all aware, Mr. Speaker, of the perils of 20/20 hindsight. And on some questions, most notably Iraq's possession of chemical and biological weapons, even hindsight is still unclear. Iraq possessed and used such weapons in the past. Yet after 5 months, no stockpiles have been found. U.S. weapons inspector David Kay is soon expected to make an interim report to Congress on the Iraqis weapons program. By all reports, he will suggest that Saddam may have intended to produce weapons when and if U.N. inspectors left Iraq. However, intent does not constitute an imminent threat. While Mr. Kay has work left to do, he has yet to uncover the threat that we expected.

Regarding Iraq's development of deployable nuclear weapons and the tenuous linkage between al Qaeda and the Iraqi government, we are not simply talking about 20/20 hindsight. We are talking about evidence that Members of this body knew, or should have known, to be shaky as early as the October congressional vote authorizing the use of force and certainly in the winter months leading up to the invasion.

The President and administration officials continue to obfuscate the Iraqi-al Qaeda link, which now may become a self-fulfilling prophecy as Iraq becomes a magnet for terrorist operatives from around the region. As for the claims by the President, the Vice President, and others that Iraq was attempting to reconstitute its nuclear program, we have the testimony of retired foreign service officer Joseph Wilson, who was dispatched to Niger in early 2002 to investigate reported sales of uranium ore to Iraq. ''Based on my experience with the administration in the months leading up to the war,'' Wilson wrote, ''I have little choice but to conclude that some of the intelligence related to Iraq's nuclear weapons program was twisted to exaggerate the Iraqi threat.''

□ 1615

The House and Senate Permanent Select Committees on Intelligence are currently conducting investigations which we are assured will focus not only on the prewar performance of U.S. intelligence agencies but also on how the White House used intelligence information to make the case for war. These investigations must be thorough and objective, following the facts wherever they lead. We commend these colleagues for the hard work they have done thus far. They know we are counting on them for a conscientious and comprehensive job. If this investigation takes a partisan turn, or if there is any hint of pressure to protect the administration, sentiment may well shift toward an inquiry by an independent commission of the sort the gentleman from California (Mr. WAXMAN) has proposed. We must never conclude, despite the undisputed fact that Saddam Hussein was a blood-soaked tyrant, and that both the Iraqis and the world are better off with him gone—we still must never conclude that the credibility of the reasons that our government gave to the American people

and to our potential allies for going to war do not matter. These reasons, which centered on the grave threat posed by Iraq's weapons program, do matter. If they are found to have been based on fallacious or manipulated evidence, the blow to our international credibility and to the integrity of the discourse on which our democracy depends will be profound.

Mr. Speaker, there will be many calls for national unity and resolve as we consider the President's $87 billion request and contemplate the long, hard road ahead. I will join in those calls, for the challenges confronting our country transcend political divisions and the differences we have had in the past. But the administration needs to understand its end of the bargain, for in a democracy, where power is shared between the executive and legislative branches of government, critical decisions must not be taken in an atmosphere of deception or political intimidation or stealth. Going forward, we must hold one another accountable for the clear-eyed development of a strategy in Iraq, Afghanistan, and the Middle East, planning carefully and realistically, dealing truthfully with costs and risks, and working cooperatively with allies who share our values and goals. This is the mid-course correction, indeed the new beginning, that we need to signal and to achieve as we consider the request the President has made of this Congress and of the people we represent.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today on account of personal reasons.

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. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MATHESON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material):

Mrs. BLACKBURN, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, September 30.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, September 30.

Mr. MORAN of Kansas, for 5 minutes, October 2.

Mr. DUNCAN, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2555. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

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

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 111. An act 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.

S. 233. An act 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.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

ADJOURNMENT

Mr. PRICE of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until Monday, September 29, 2003, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4413. A communication from the President of the United States, transmitting FY 2004 budget amendment for International Assistance Program; (H. Doc. No. 108—130); to the Committee on Appropriations and ordered to be printed.

4414. A letter from the Deputy Under Secretary of Defense, Department of Defense, transmitting The Fiscal Year 2002 Defense Environmental Technology Program Annual Report, pursuant to 10 U.S.C. 2706; to the Committee on Armed Services.

4415. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting a report on the experience under FY 1999 and 2000 ''Pilot Program for Revitalizing the Laboratories and Test and Evaluation Centers of the Department of Defense''; to the Committee on Armed Services.

4416. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No. R-1157] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4417. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement (RIN: 1660-AA29) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4418. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7815] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4419. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule — Special Demonstration Programs--Model Demonstrations to Improve the Literacy and Employment Outcomes of Individuals With Disabilities (RIN: 1820-ZA29) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4420. A letter from the Director, Directorate of Construction, OSHA, Department of Labor, transmitting the Department's final rule — Safety Standards for Signs, Signals and Barricades [Docket # S-018] (RIN: 1218-AB88) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4421. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Anorectal Drug Products for Over-the-Counter Human Use [Docket No. 1980N-0050] (RIN: 0910-AA01) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4422. A letter from the Secretary, Department of Health and Human Services, transmitting a interim report entitled ''Human Papillomavirus: Surveillance and Prevention Research,'' pursuant to Public Law 106—554, section 317P.(b)(2) #(114 Stat. 2763A—72); to the Committee on Energy and Commerce.

4423. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Office of Nuclear Material Safety and Safeguards Consolidated Decommissioning Guidance; Notice of Availability — received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4424. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations and Monitored Retrievable Storage Installations (RIN: 3150-AG93) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4425. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Combustible Gas Control in Containment (RIN: 3150-AG76) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4426. A communication from the President of the United States, transmitting a report prepared by the Department of State concerning international agreements other than

treaties entered into by the United States be transmitted to the Congress within a sixty day period after the execution thereof as specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

4427. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting a revised copy of the Department's Annual Report on grants streamlining and standardization, pursuant to Public Law 106—107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

4428. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal to provide for review of certain determinations of the Board of Actuaries of the Civil Service Retirement System in accordance with the requirements of the Constitution; to the Committee on Government Reform.

4429. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements; Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations [Docket No. 010820209-1209-01; I.D. 080901A] (RIN: 0648-AP40) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4430. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Restrictions to Fishing Activities [Docket No. 010926236-2199-02; I.D. 081202B] (RIN: 0648-AP63) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4431. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting The Administration's final rule — Sea Turtle Conservation; Summer Flounder Trawling Requirements [Docket No. 991007270-2042-02; I.D. 090399E] (RIN: 0648-AM89) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4432. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Restrictions to Fishing Activities [Docket 020313057-2278-02; I.D. 031102E] (RIN: 0648-AP91) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4433. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Restrictions to Fishing Activities [Docket 020313057-2057-01; I.D. 031102E] (RIN: 0648-AP91) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4434. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Shrimp Trawling Requirements [Docket No. 980331080-0286-03; I.D. 092100A] (RIN: 0648-AK66) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4435. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Restrictions Applicable to Fishing and Scientific Research Activities [Docket No. 010607150-1264-02; I.D. 091200F] (RIN: 0648-AN64) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4436. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation Measures for the Pound Net Fishery in Virginia Waters [Docket No. 020319061-2122-02; I.D. 031402B] (RIN: 0648-AP81) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4437. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — American Lobster Fishery [Docket No. 001120327-1037-02; I.D. 091800H] (RIN: 0648-AO58) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4438. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Managment Act Provisions; Fisheries of the Northeastern United States; Atlantic Herring Fishery; Atlantic Herring Fishery Management Plan; Partial Delay [Docket No. 000105004-0260-02; I.D. 063099A] (RIN: 0648-AI78) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4439. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 091103A] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4440. 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. 021122286-3036-02; I.D. 090803B] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4441. A letter from the Chief Counsel for Technology Administration, Department of Commerce, transmitting the Department's final rule — Licensing of Government Owned Inventions [Docket No. 010111012-1012-01] (RIN: 0692-AA17) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4442. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification that the U.S. Commission on Civil Rights recently voted to recharter the Connecticut State Advisory Committee; to the Committee on the Judiciary.

4443. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice--Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error: Advancement on the Docket (RIN: 2900-AJ85) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4444. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Speeding Appellate Review for Aging Veterans (RIN: 2900-AL08) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4445. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — VA Homeless Providers Grant and Per Diem Program (RIN: 2900-AL30) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4446. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Eligibility for an Appropriate Government Marker for a Grave Already Marked at Private Expense (RIN: 2900-AL40) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4447. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Compensation and Pension Provisions of the Veterans Benefits Act of 2002 (RIN: 2900-AL62) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4448. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Special Depreciation Allowance [TD 9091] (RIN: 1545-BC19) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4449. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-63] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4450. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxation of fringe benefits (Rev. Rul. 2003-89) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4451. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-107) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4452. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2003-103) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4453. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — New Markets Tax Credit [Notice 2003-64] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4454. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Built-in Gains and Losses under Section 382(h) [Notice 2003-65] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4455. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — The Jobs and Growth Tax Relief Reconciliation Act of 2003--Information Reporting for Payments in Lieu of Dividends [Notice 2003-67] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4456. A letter from the Acting Chief, Publications and Regulations Branch, Internal

Revenue Service, transmitting the Service's final rule — Determination of Interest Rate (Rev. Rul. 2003-104) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4457. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation entitled ''To eliminate inequities in the compensation of certain Federal employees stationed outside the continental United States, and other purposes''; jointly to the Committees on International Relations and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2714. A bill to reauthorize the State Justice Institute (Rept. 108–285). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1829. A bill to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations, and for other purposes, with an amendment (Rept. 108–286). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEMINT:

H.R. 3177. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to preserve and strengthen the Social Security Program through the creation of individual Social Security accounts ensuring full benefits for all workers and their families, giving Americans ownership of their retirement, restoring long-term Social Security solvency, and for other purposes; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. CONYERS, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. BELL, Mr. PLATTS, Mr. REYES, Mr. LANTOS, Mr. DAVIS of Illinois, Mr. GREEN of Texas, Mr. KILDEE, Mr. GORDON, Mr. MCNULTY, Mr. MCGOVERN, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. WEXLER, Mr. SERRANO, Mr. TOWNS, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. PASTOR, Mr. ORTIZ, Mr. RODRIGUEZ, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Ms. VELAZQUEZ, Mr. ABERCROMBIE, Ms. ROYBAL-ALLARD, Mr. ETHERIDGE, Mr. CLAY, Mr. BALLANCE, Ms. SLAUGHTER, Ms. DEGETTE, Mr. MCDERMOTT, Mr. PAYNE, Mr. SANDERS, Mr. FOSSELLA, Ms. WATERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. NETHERCUTT):

H.R. 3178. A bill to amend the Elementary and Secondary Education Act of 1965 to prohibit interference by certain grant recipients with a student's treatment of his or her diabetes; to the Committee on Education and the Workforce.

By Mr. SENSENBRENNER (for himself and Mr. GOSS):

H.R. 3179. A bill to strengthen anti-terrorism investigative tools and promote information sharing, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), 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. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Ms. WOOLSEY, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KUCINICH, Mr. HOLT, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Mr. CASE, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. RYAN of Ohio, Mr. BISHOP of New York, Ms. MAJETTE, Mr. ABERCROMBIE, Mr. SCOTT of Virginia, Mrs. JONES of Ohio, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. NADLER, Mr. CROWLEY, Ms. MILLENDER-MCDONALD, Mr. BROWN of Ohio, Ms. BALDWIN, Ms. DELAURO, Ms. WATSON, Mr. WEXLER, Mr. ORTIZ, Mr. HOEFFEL, Mr. ALEXANDER, Mr. ISRAEL, Mr. FILNER, Ms. SOLIS, Mr. MARKEY, Ms. NORTON, Mr. FALEOMAVAEGA, Mr. CUMMINGS, Ms. LORETTA SANCHEZ of California, Mr. HONDA, Ms. CARSON of Indiana, Ms. JACKSON-LEE of Texas, Mr. RUPPERSBERGER, Mr. GUTIERREZ, Ms. LINDA T. SANCHEZ of California, and Mr. EMANUEL):

H.R. 3180. A bill to amend the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. LATOURETTE (for himself and Ms. NORTON):

H.R. 3181. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. CARDIN, Mr. HERGER, Mr. DELAY, Mr. STARK, Mr. CANTOR, Mr. MCDERMOTT, Mr. ENGLISH, and Mr. MCINNIS):

H.R. 3182. A bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. OXLEY (for himself and Mr. FRANK of Massachusetts):

H.R. 3183. A bill to provide for direct and accurate compensation to financial institutions for providing various critical depositary and financial agency services for or on behalf of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. ISTOOK (for himself, Mr. DELAHUNT, Mr. BACHUS, Mr. BALLANCE, Mr. BOOZMAN, Mr. CAPUANO, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. ISAKSON, Mr. LAHOOD, and Mr. STENHOLM):

H.R. 3184. A bill to promote simplification and fairness in the administration and collection of sales and use taxes; to the Committee on the Judiciary.

By Mr. BASS (for himself and Mr. BRADLEY of New Hampshire):

H.R. 3185. A bill to designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the ''Hugh Gregg Post Office Building''; to the Committee on Government Reform.

By Mr. CLAY:

H.R. 3186. A bill to establish and maintain geospatial preparedness for the Nation with the National Spatial Data Infrastructure and integrated applications and systems required for homeland security, national defense, electronic government, and for other purposes; to the Committee on Science.

By Mr. CUNNINGHAM:

H.R. 3187. A bill to require a temporary moratorium on leasing, exploration, and development on lands of the Outer Continental Shelf off the State of California, and for other purposes; to the Committee on Resources.

By Mr. LUCAS of Oklahoma (for himself, Mr. GOODLATTE, Mr. STENHOLM, and Mr. HOLDEN):

H.R. 3188. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees; to the Committee on Agriculture.

By Mr. PALLONE:

H.R. 3189. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provisions, to amend title XIX of the Social Security Act to provide financial assistance for those individuals who are too poor to afford the premiums, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING:

H.R. 3190. A bill to safeguard our religious liberties; to the Committee on the Judiciary.

By Mr. RYUN of Kansas (for himself, Mr. PITTS, Mr. BARTLETT of Maryland, Mr. DOOLITTLE, Mr. FRANKS of Arizona, Mr. GOODE, Mr. TIAHRT, Mr. CHABOT, Mr. HYDE, Mr. HEFLEY, Mr. RYAN of Wisconsin, Mr. FEENEY, and Mr. HENSARLING):

H.R. 3191. A bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. SNYDER (for himself, Mr. ALLEN, Mr. HINCHEY, Mr. SERRANO, Mr. ROSS, Mr. MCDERMOTT, and Mr. EMANUEL):

H.R. 3192. A bill to amend titles XIX and XXI of the Social Security Act to permit States to cover low-income youth up to age 23 with an enhanced matching rate; to the Committee on Energy and Commerce.

By Mr. SOUDER (for himself, Mr. ROSS, Mr. DEMINT, Mr. BURTON of Indiana, Mr. STENHOLM, Mr. SAM JOHNSON of Texas, Mr. GOODE, Mr. HOLDEN, Mr. SESSIONS, Mr. BERRY, Mr. JOHNSON of Illinois, Mr. BISHOP of Georgia, Mr. CANNON, Mr. CRAMER, Mr. WILSON of South Carolina, Mr. JOHN, Mrs. JO ANN DAVIS of Virginia, Mr. PLATTS, Mr. REYES, Mr. LEWIS of Kentucky, Mr. PUTNAM, Mr. MATHESON, Mr. PAUL, Mr. HALL, Mr. MICHAUD, Mr. ORTIZ, Mrs. BLACKBURN, Mr. MICA, Mr. DEAL of Georgia, Mr. ISTOOK, Mr. NEY, Mr. GOODLATTE, Mr. SCHROCK, Mr. PORTER, Mr. HENSARLING, Mr. CARTER,

Mr. SANDLIN, Mr. BRADY of Texas, Mr. BURGESS, Mr. REHBERG, Mr. SMITH of Texas, Mr. NEUGEBAUER, Mr. VITTER, Mr. EVERETT, Mr. SULLIVAN, Mrs. MILLER of Michigan, Mr. PETERSON of Minnesota, Mr. CARSON of Oklahoma, Mr. ALEXANDER, Mr. TURNER of Texas, Mr. DAVIS of Tennessee, Mr. OTTER, Mr. GREEN of Texas, Mr. BARTON of Texas, Mr. GINGREY, Mrs. CUBIN, Mr. BACHUS, Mr. DUNCAN, Mr. JANKLOW, Mr. BOUCHER, Mr. MARSHALL, Mr. RYAN of Ohio, and Mr. TOOMEY):

H.R. 3193. A bill to restore second amendment rights in the District of Columbia; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania (for himself and Ms. DEGETTE):

H.R. 3194. A bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certified diabetes educators recognized by the National Certification Board of Diabetes Educators as certified providers for purposes of outpatient diabetes education services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES:

H. Con. Res. 289. Concurrent resolution urging the Secretary of Homeland Security to use the Interior Repatriation Program for apprehended aliens who repeatedly enter the United States illegally, urging the President of the United States to request more funds for such program for fiscal year 2005, and for other purposes; to the Committee on the Judiciary.

By Mr. BELL (for himself, Mr. CULBERSON, Mr. BARTON of Texas, Mr. BONILLA, Mr. BRADY of Texas, Mr. BURGESS, Mr. CARTER, Mr. DOGGETT, Mr. EDWARDS, Mr. FROST, Mr. GONZALEZ, Ms. GRANGER, Mr. GREEN of Texas, Mr. HALL, Mr. HENSARLING, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. SAM JOHNSON of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. ORTIZ, Mr. PAUL, Mr. REYES, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. SESSIONS, Mr. STENHOLM, Mr. THORNBERRY, and Mr. TURNER of Texas):

H. Res. 379. A resolution honoring the Rice University Owls baseball team for winning the NCAA baseball championship; to the Committee on Education and the Workforce.

By Ms. CORRINE BROWN of Florida (for herself, Mr. FOLEY, Mr. HASTINGS of Florida, Mr. BILIRAKIS, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. KELLER):

H. Res. 380. A resolution honoring Ericka Dunlap, Miss America 2004; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

203. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to H.P. 1215 Joint Resolution memorializing the Congress of the United States not to change what is currently a very successful program, to keep the Head Start funding system as it is and to make sure that all the children in America who need this program have the opportunity to be part of Head Start; to the Committee on Education and the Workforce.

204. Also,a memorial of the House of Representatives of the State of Massachusetts, relative to a Resolution memorializing the United States Congress to repeal the Government Pension Offset Rule of Title II of the Social Security Act; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mrs. JO ANN DAVIS of Virginia.
H.R. 54: Ms. HARRIS.
H.R. 173: Mr. PUTNAM and Mr. EMANUEL.
H.R. 198: Mr. NORWOOD.
H.R. 284: Mr. MORAN of Kansas.
H.R. 331: Mr. ETHERIDGE.
H.R. 339: Mr. BRADY of Pennsylvania, Mr. PEARCE, Mr. NETHERCUTT, Mr. TANCREDO, and Ms. ROS-LEHTINEN.
H.R. 348: Ms. LINDA T. SANCHEZ of California.
H.R. 358: Mr. GREEN of Wisconsin.
H.R. 548: Mr. ACKERMAN and Mr. ETHERIDGE.
H.R. 571: Mr. SULLIVAN, Mrs. MALONEY, and Mr. PEARCE.
H.R. 713: Mr. TIAHRT.
H.R. 728: Mr. KELLER and Mr. GALLEGLY.
H.R. 775: Mr. JENKINS.
H.R. 792: Mr. BARRETT of South Carolina.
H.R. 806: Mr. SKELTON.
H.R. 819: Mr. WAXMAN.
H.R. 850: Mr. SULLIVAN.
H.R. 857: Mr. DEFAZIO and Ms. ESHOO.
H.R. 870: Mr. KINGSTON and Mr. JONES of North Carolina.
H.R. 876: Mr. ROGERS of Alabama.
H.R. 879: Mr. GREEN of Wisconsin.
H.R. 919: Mr. HOUGHTON and Mr. BALLENGER.
H.R. 962: Mr. DEUTSCH and Mr. MCDERMOTT.
H.R. 997: Mr. QUINN.
H.R. 1205: Mr. GRIJALVA.
H.R. 1250: Mr. MOORE.
H.R. 1302: Mr. SAM JOHNSON of Texas.
H.R. 1310: Mr. ROSS and Mrs. BLACKBURN.
H.R. 1336: Ms. BERKLEY, Mr. PAUL, Mr. ROGERS of Michigan, Mr. MILLER of Florida, Mr. ROSS, and Mrs. BLACKBURN.
H.R. 1345: Mr. TOWNS, Mr. MEEHAN, and Mr. ETHERIDGE.
H.R. 1372: Mr. PEARCE, Mrs. MUSGRAVE, Mr. BAIRD, and Mr. DICKS.
H.R. 1508: Mr. HOLDEN.
H.R. 1513: Mr. RYAN of Wisconsin.
H.R. 1523: Mr. GOODE, Mr. ISAKSON, Mr. CAMP, Mr. LEWIS of Georgia, Mr. HYDE, Mr. QUINN, and Mr. ROSS.
H.R. 1532: Ms. LINDA T. SANCHEZ of California, Mr. HINCHEY, Mr. BERMAN, and Mr. DEFAZIO.
H.R. 1582: Mr. GIBBONS.
H.R. 1660: Mr. PAUL.
H.R. 1689: Ms. BALDWIN.
H.R. 1731: Mr. ROSS.
H.R. 1734: Mr. MURTHA.
H.R. 1735: Ms. LINDA T. SANCHEZ of California, and Mr. GREEN of Texas.
H.R. 1749: Ms. LOFGREN and Ms. CORRINE BROWN of Florida.
H.R. 1796: Ms. KILPATRICK, Mr. EMANUEL, Mr. WU, and Mr. DAVIS of Illinois.
H.R. 1829: Mr. FOLEY, Mr. TAYLOR of North Carolina, Mr. KIRK, and Ms. KILPATRICK.
H.R. 1958: Mr. MORAN of Virginia.
H.R. 2034: Mr. OTTER and Mr. SOUDER.
H.R. 2047: Mr. DAVIS of Florida.
H.R. 2094: Mrs. MALONEY and Mr. GARRETT of New Jersey.
H.R. 2181: Mr. SMITH of Michigan.
H.R. 2203: Mr. GUTIERREZ.
H.R. 2264: Mr. GALLEGLY.
H.R. 2269: Mr. TOOMEY and Mrs. MYRICK.
H.R. 2318: Mr. DOGGETT.
H.R. 2347: Ms. HART and Mr. SMITH of New Jersey.
H.R. 2352: Mr. GUTIERREZ.
H.R. 2379: Mr. HOEKSTRA.
H.R. 2385: Mr. CANNON.
H.R. 2389: Mr. EMANUEL.
H.R. 2391: Mr. KIND.
H.R. 2394: Mr. GRIJALVA and Mr. PAYNE.
H.R. 2402: Ms. BALDWIN.
H.R. 2511: Mr. HALL.
H.R. 2515: Mr. POMEROY and Mr. RUPPERSBERGER.
H.R. 2569: Mr. MATSUI.
H.R. 2628: Mr. CARSON of Oklahoma.
H.R. 2662: Mr. PORTER.
H.R. 2671: Mr. TAUZIN and Mr. HOEKSTRA.
H.R. 2702: Mr. EMANUEL.
H.R. 2706: Mr. SESSIONS.
H.R. 2719: Mr. BALLANCE.
H.R. 2732: Mr. LAHOOD, Mr. JANKLOW, and Mr. ISTOOK.
H.R. 2743: Mr. CASE.
H.R. 2768: Mr. SANDERS, Mr. LARSEN of Washington, Mr. BARRETT of South Carolina, and Mr. CLYBURN.
H.R. 2770: Mr. FALEOMAVAEGA.
H.R. 2813: Mr. GARRETT of New Jersey.
H.R. 2850: Mr. GRIJALVA.
H.R. 2885: Mr. JANKLOW.
H.R. 2900: Mr. STENHOLM, Mr. THOMPSON of California, and Mr. MOORE.
H.R. 2905: Ms. MCCOLLUM.
H.R. 2934: Mr. RYUN of Kansas and Mr. CHABOT.
H.R. 2947: Mr. EMANUEL and Mr. SNYDER.
H.R. 2948: Mr. HONDA.
H.R. 2959: Mr. GOODE and Ms. DEGETTE.
H.R. 2971: Mr. SERRANO.
H.R. 2998: Mr. LANGEVIN, Mr. TAYLOR of Mississippi, Mr. JOHNSON of Illinois, Ms. BERKLEY, and Mr. HAYWORTH.
H.R. 3002: Mr. SOUDER and Mr. GOODE.
H.R. 3015: Mr. SOUDER and Mr. EMANUEL.
H.R. 3027: Mr. FARR and Mr. SANDERS.
H.R. 3052: Mr. JONES of North Carolina.
H.R. 3069: Mr. JANKLOW and Mr. KING of Iowa.
H.R. 3079: Mr. KELLER, Mr. CAMP, and Mr. TIBERI.
H.R. 3094: Mr. BAKER and Mr. DEAL of Georgia.
H.R. 3119: Mr. NEY, Mr. BURGESS, Ms. PRYCE of Ohio, Mr. BAIRD, and Mr. PETRI.
H.R. 3122: Ms. SLAUGHTER.
H.R. 3130: Mr. WELDON of Florida and Mr. HOEKSTRA.
H.R. 3137: Mr. DEUTSCH and Ms. ROS-LEHTINEN.
H.R. 3139: Mr. HASTINGS of Florida, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. GEORGE MILLER of California, and Mr. STARK.
H.R. 3149: Mr. SOUDER.
H.R. 3153: Mr. BROWN of Ohio, Mr. CASE, Mr. SERRANO, Ms. MCCOLLUM, and Mr. FARR.
H.R. 3161: Mr. BRADLEY of New Hampshire, Mr. BACHUS, Mr. WALDEN of Oregon, Mr. MICHAUD, Mr. KIRK, Mr. FRELINGHUYSEN, Mrs. CUBIN, Mr. FOSSELLA, Mr. BURR, Mr. PICKERING, Mr. BASS, Mr. SHERMAN, Mrs. BONO, Mr. SHIMKUS, Ms. SCHAKOWSKY, Mr. GREEN of Texas, Mr. PALLONE, Mr. STUPAK, Mr. HALL, Ms. SOLIS, Mr. SHIFF, Ms. ESHOO, Mr. DOYLE, Mr. WAXMAN, Ms. DEGETTE, Mr. DEUTSCH, Mr. RUSH, Mr. TOWNS, Mr. WYNN, Mr. JOHN, Mr. DAVIS of Florida, Mr. ALLEN, Mrs. CAPPS, Mr. GORDON, Mr. ENGEL, and Mr. STEARNS.
H. Con. Res. 218: Mr. ANDREWS, Ms. ROS-LEHTINEN, Ms. JACKSON-LEE of Texas, and Mrs. JONES of Ohio.
H. Con. Res. 266: Mr. GREEN of Wisconsin, and Ms. LINDA T. SANCHEZ of California.
H. Con. Res. 275: Mr. SPRATT.
H. Con. Res. 285: Mr. ENGLISH.
H. Res. 261: Mr. SOUDER and Mr. CAPUANO.
H. Res. 300: Mr. RAMSTAD, Mr. SESSIONS, Mr. MOORE, Mr. BLUNT, Mr. KING of Iowa,

Mrs. MUSGRAVE, Mr. SULLIVAN, and Mr. HENSARLING.

H. Res. 356: Mr. ENGEL, Mr. BEREUTER, Mr. MCCOTTER, Mr. GALLEGLY, Mr. HOEFFEL, and Mr. BELL.

H. Res. 372: Mr. TOWNS, Mr. MCGOVERN, Mr. HASTINGS of Florida, Mr. KILDEE, Mr. MCDERMOTT, Mr. EMANUEL, Mr. GRIJALVA, Ms. LEE, Mr. HOEFFEL, Mr. ABERCROMBIE, Ms. HARRIS, Mr. UDALL of New Mexico, Mr. REYES, Mr. MCCOTTER, Ms. MCCOLLUM, Mr. SNYDER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BURTON of Indiana, Mr. PAYNE, Mr. SHERMAN, Mr. CROWLEY, Mr. BERMAN, Mr. ACKERMAN, Ms. BERKLEY, Mr. MENENDEZ, Mrs. JO ANN DAVIS, of Virginia, Mr. GALLEGLY, Mr. FROST, Mr. FALEOMAVAEGA, and Mr. KING of New York.

H. Res. 373: Mr. MEEHAN, Ms. LEE, Ms. NORTON, Mrs. TAUSCHER, Mr. HINCHEY, Mr. TOWNS, Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, and Mrs. CAPPS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1078: Mr. KLINE and Mr. PITTS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

39. The SPEAKER presented a petition of Florida League of Cities, Inc., relative to a resolution in support of including heightened accountability and performance measurements for State Departments of Transportation and Metropolitan Planning Organizations in the Reauthorization of the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure.

40. Also,a petition of Florida League of Cities, Inc., relative to a resolution supporting the Reauthorization of a Successor Program to the Transportation Equity Act for the 21st Century, and supporting the elimination of funding inequities that exist for the receipt of funds by the State of Florida; to the Committee on Transportation and Infrastructure.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2, by Mr. JIM MARSHALL on House Resolution 251: Walter B. Jones.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, SEPTEMBER 25, 2003 No. 133

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Sheila C. Gustafson, of the First Presbyterian Church in Sante Fe, NM.

PRAYER

The guest Chaplain offered the following prayer:

Eternal Spirit of God, You are in all our beginnings and all our endings, and You are with us at the beginning of this day's session of the Senate. We pray for the Senators here gathered, and for those who are about our Nation's business in other places and in other ways, that this day might offer new opportunities for creative service.

We pray for them fresh perspectives on perplexing problems, and new opportunities for cooperation. May they model for our people, and for the people of the world, a process of corporate discernment which allows inspired solutions to emerge to the challenges we face as a Nation and global community. And grant each one of them, we pray, the physical, mental, and spiritual stamina to persevere in support of truth and justice.

Author of liberty, we are grateful that we are privileged to live in a nation of abundance and freedom. We know that to whom much has been given, much is expected. Bless the Senators who work on our behalf to fulfill our country's great calling and responsibility. 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 Senator will conduct a period of morning business to allow Senators to speak. Following morning business, at approximately 10:30, the Senate will begin consideration of the conference report to accompany the Defense appropriations bill. Senators STEVENS and INOUYE will be ready to give their remarks at that time. It is my hope that we can schedule the vote on that conference report prior to noon.

Yesterday, we completed two conference reports—the Homeland Security and the legislative appropriations reports. I thank Senators COCHRAN, CAMPBELL, and the ranking members for assisting in getting these ready for the floor for full Senate consideration.

Following the Defense appropriations conference report passage, we will consider the remaining available judicial nominations and another two or three still on the Executive Calendar that hopefully we will be able to clear. There is a standing request from the other side of the aisle that a rollcall vote be held on judicial nominations and, therefore, we will schedule those votes accordingly.

We will resume consideration of the District of Columbia appropriations bill today. Senator DEWINE has been actively engaged in working through a number of possible amendments to that bill. I hope we can make substantial progress today toward finishing that measure.

We have a number of the appropriations bills and conference reports to consider, and we will consider those as they become available. I thank Members for their cooperation in this regard.

Mr. REID. Mr. President, if I could, through the Chair, ask the distinguished leader a question, we have a number of Jewish Members who are concerned about tomorrow. They want to be home by sundown. We have at least one Senator who would like to be home in California in time for observance of the holiday. I am wondering if the leader has made a decision about tomorrow yet because of the holiday.

Mr. FRIST. We will discuss tomorrow's schedule over the course of the morning. We will let people know. Obviously, we will take that into strong consideration in terms of scheduling votes for tomorrow. I do expect us to be voting in the morning. But in terms of specifics, we will have announcements as we go through the day.

Very shortly we will be going into morning business, but I want to make several comments.

As most people know, my colleagues and others, we have made a concerted effort to respond to the President of the United States in terms of emergency requests to support our troops and our military efforts overseas—the men and women who are fighting for freedom and democracy. Thus, over the course of this week, we have held a number of hearings at the committee level with the hopes that we would be able to end at a reasonable but as short a time as possible so as to bring that request to the floor of the Senate in order to have plenty of time to both look at amendments and to debate, discuss, and examine the specifics of that request.

We are going into a recess at the end of next week. That is what is anticipated now. As I said last week, knowing that the supplemental would be delivered last week, we immediately began to set up a 2-week period by which the Senators would have sufficient and adequate time to address this particular request. This week, we had over 30 hours of hearings at the committee level.

The distinguished President pro tempore attended most of those hearings.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

There have been seven separate hearings in the Senate alone in addition to the hearings that are being held in the House of Representatives.

We have had attendance at the policy lunches to be briefed on both sides of the aisle by Ambassador Bremer. The President has given two national addresses that relate to this supplemental request.

I mention this because I have said I would schedule adequate time for consideration. It requires a lot of participation over the course of this time. Probably over 70 Members are participating in those particular hearings that are being held this week.

I think it is important to have us come to the floor so we can have a full debate and debate amendments on the floor as well.

That will be the goal for next week. Again, because at the end of next week we will go on a recess for greater than a week, I believe it is important to respond to the emergency requests by the President of the United States, our Commander in Chief, in a timely way. That means this week and next week.

AMBASSADOR BREMER

Mr. FRIST. Mr. President, I wanted to comment on Ambassador Bremer briefly.

I asked Ambassador Paul Bremer to come back and to participate in the hearings this week. He has really gone nonstop.

I express my deep appreciation for his presence every day—both in formal meetings, informal meetings, and hearings. He is the U.S. administrator of Iraq and head of the coalition of provisional authority.

Early last summer, Ambassador Bremer, who had already retired from government service, was asked by the President of the United States, on very short notice, to move to Iraq and to lead the coalition effort to stabilize the country; indeed, he volunteered to do so.

We all listen to him, and in listening to his testimony, we all realize what a daunting task he has. Iraq has been ruled by a vicious dictator for decades, the economy has deteriorated, as we all know, to near pre-industrial levels, the population is scarred by the ravages of this dictatorship, the Saddam Hussein regime, and now we have the foreign terrorists who on a daily basis seem to be sneaking in the country, adding to the disorder and death.

Through all this, Ambassador Bremer continues to lead. He does that in spite of personally being under constant threat of attack and even constant threat of assassination in that part of the world. Like many of our fine service men and women, he has left loved ones behind and is living in what we all know are tough conditions in Iraq to serve the United States of America.

Ambassador Bremer may set a record this week for the number of committees before which he is testifying. There are at least 6 congressional committees over 5 days, in addition to speaking informally to our policy luncheons. He is a public servant in the truest sense of the word, a great man serving our Nation.

As we debate the appropriate policies in Iraq, I want everyone to remember that he and others, military and civilian, are sacrificing for us in Iraq. I know we will have our differences. I encourage all of our colleagues to be respectful of each other as we move forward and as we recognize the great, unselfish leadership of Ambassador Bremer.

Mr. REID. Mr. President, the Senator from New Mexico wants to speak regarding the Chaplain. I will finish in a minute.

While the majority leader is on the floor, I say to the distinguished majority leader, the reason I stepped off the floor is I got a call from one of our Jewish Senators indicating they were speaking for a number of other Senators of that faith. They not only have to, as I indicated, be home in time for the sundown services but also have to prepare meals and things of that nature. They wanted me to let you know, if there is some way we could meet the burdensome schedule we have tonight, it would sure be good for them because they have a lot of things to do other than be home by sundown.

I also say, while the majority leader is here—I am speaking for me—I want to do everything I can—and I think I can fairly speak for the Democratic caucus—to move this very important supplemental. Senator BYRD and others are extremely concerned, for example, about having the hearing on Monday. The distinguished President pro tempore has heard from Senator BYRD himself. He would rather have that on Tuesday and rather have some other witnesses.

We want to do everything we can to be fair and responsible and move this along. However, remember, the House is not going to mark up their legislation until the week we are gone.

The leader is right, we should do everything we can to move this along, but I don't want anyone thinking that Democratic Senators who have some concern about the large amount of this number, especially the reconstruction, are in any way trying to hold this up. We want to cooperate in any way we can.

Now, speaking only for this Senator, I think it may be to the advantage of the Senate to take this over and do whatever debate we need next week but not complete it until we get back. I have complimented the distinguished majority leader on a number of occasions since the Senator has taken over the Senate. We have had very few needs to file cloture on your side. We have tried to be as cooperative as possible. For example, without entering into unanimous consent agreements we simply have told you we will finish a bill on a certain night and generally we have been able to live up to that. We are not trying in any way to slow down or stall this most important legislation, but there is not a question of running out of money tomorrow, the next day, or the next day. I don't think it would hurt until we got back to have some final time to complete this.

That is coming from this Senator, not the caucus. I am sure the Democratic leader will be in touch early in the day. We had a number of meetings yesterday to talk about this most important subject.

For the third time today, we want it understood we on this side are going to do everything we can to support the troops. There are serious questions about the reconstruction money and how we should handle that. I don't think anyone disputes the fact they need reconstruction money. I think we need to take a close look at that.

Mr. FRIST. Mr. President, I respect what the assistant Democratic leader has put forward. I am not making accusations of stalling or obstruction at all. I do feel it is important as we turn on our television sets every morning or read the paper and we see the importance of the security in Iraq that we address the issue which has been brought by our leaders on the ground there, the security issues and the request for the supplemental, as expeditiously as possible and not delay unnecessarily. That is why from a leadership position I want to focus this body on that security issue and spend whatever time it takes right now to address that issue.

I understand we are working in good faith as we go forward. My intention is to continue to address thoroughly, with plenty of debate, maybe an unprecedented number of hearings in a short period of time, by most significant people, and to allow adequate time for floor debate. If we can keep working together, it is my goal to dispose of this appropriately over the next 9 days before we go on recess. I am going to have a hard time leaving the Senate to go on recess and not addressing a Presidential request.

The House of Representatives is staying here. They are not going on recess. They are going to be addressing it in early October. That is why at least from a schedule standpoint I want to do it as soon as possible.

Mr. REID. If I could just say this, the other problem we have is we do not want to have to go through this twice. Under the procedures of the Senate, when we just have a Senate bill, we are limited very much because points of order will be raised on most everything we do relative to amendments. I ask the distinguished majority leader to understand we do not need to go through this twice because when the bill comes back over from the House, we do not need to go through the same amendment procedure again.

I am not sure we gain anything by trying to complete this by next week. We would be well served to see what

the House gives us and work through that. That way there can be amendments that can be offered without points of order being issued to those. Otherwise, we are stuck offering amendments, points of order, then coming back with the House bill and doing the same thing again.

I see the distinguished Democratic leader on the floor and I certainly will not speak anymore.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I see the Senator from New Mexico is ready to speak, as well, and I will be brief.

We had a caucus last night, and I don't know that I can recall ever having witnessed the depth of anger and deep-seated frustration expressed by all of our membership as a result of the scheduling decisions made with regard to the supplemental next week. It started with the decision that may have been necessary but made last week with regard to calling Ambassador Bremer to a hearing on Monday, the very day the hearing was scheduled in the afternoon. No Senators were notified ahead of time. Senators had very little time to prepare. Very few Senators could attend because they were out of town. Many expressed the view that this was orchestrated in a way to minimize the amount of scrutiny and attention Mr. Bremer would receive.

Throughout the week, similar experiences have been noted. And now we have a markup on Monday, when, again, Senators have made travel plans and the real prospect for a good attendance is minimal at best.

The frustration, the anger, the venting that I witnessed, and that most people felt, was as palpable as any caucus I can recall holding in the 9 years I have been leader. I have not had the opportunity—I just tried to call the majority leader, and I will talk to him in private in, hopefully, a couple minutes, but I would ask that we reconsider holding that markup on Monday. I would ask that in the name of comity, but also in the name of just ensuring that there be an opportunity to do this right, it be postponed until Tuesday. I think we would actually accelerate the prospects of completing the work.

I will guarantee you, there will be very little prospect for comity and accommodation as we go through this already very vexing and controversial supplemental request by the administration—in order for the Senate to complete its work, it is going to take cooperation. But when our caucus feels as jammed as they do, as shut out as they are, it will be very difficult to reach some degree of procedural accommodation. So I will tell you that this matter needs more thought. I would hope we could have more consultation. But I will say, unless something changes, this is going to be exceedingly difficult.

So I only put the Senate on notice. And, again, as I said, I attempted to call the majority leader prior to the time I came to the Senate floor to impress upon him privately the same message I am sharing with our colleagues in this public way. We will have more to say about it later. But this matter has generated far greater anxiety and anger than virtually anything I have seen in a long time.

I yield the floor.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, I note the Senator from New Mexico wants to comment on the guest Chaplain and he has to be at a funeral.

We will talk privately. We have not had the opportunity to talk since their caucus, so we can handle our discussion privately and then come back to the floor.

Again, my goal is simply to address this request in a manner where both sides are heard. We have done our very best this week to schedule it in terms of the hearings, and we have talked further about that.

I do ask you to consider—because how much time we spend in hearings or in markups or on the floor does not matter to me as much as having people heard over a period of time—if the markup were delayed, will the Democratic side at least consider finishing this before we go out on our recess, given the fact that this is an emergency request from the President of the United States? We can, whenever it comes to the floor, start early, work late; if it is Monday morning, coming in, or Tuesday, or as soon as you would say, ''Well, the markup is OK,'' so we could finish this before we go out on vacation or recess when we have this emergency request here. Can we finish it next week?

Mr. DASCHLE. Mr. President, again, I would respond to the distinguished majority leader in several ways.

First of all, the Ambassador, in speaking to our caucus on Tuesday, noted he does not need this money until January. Now obviously one could make the case that there really is not any rush to do this in September.

I would also say the House has not acted. Until the House acts—and they are not going to act until next week—many of my colleagues wonder what the rush is. If we are denied the right to offer amendments, there are those who could make a point of order that many of the amendments we will be offering involve legislating on appropriations because of the germaneness questions. And if that becomes an issue, then I doubt very much that there will be any way we can finish next week.

As I think I heard the distinguished assistant Democratic leader note, this bill will come back, and we will have to have a second debate when the House bill comes to the Senate if points of order are raised on the amendments, denying us the opportunity to have this debate in the first place.

So I guess my answer to the distinguished majority leader would be threefold: No. 1, will we have an opportunity to offer the amendments without points of order being raised against them? No. 2, when will the markup actually occur? And if it does occur on Monday, I fear there could be some procedural delays involved in bringing the bill up. No. 3, we need to have a clear understanding of just when this legislation needs to be passed to accommodate the schedule Ambassador Bremer noted to our caucus. If we do not need to finish this until January, that is another matter. So some clarification with regard to the urgency of this issue also needs to be provided.

I certainly will work with the majority leader as we follow through with these questions.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, let me turn to the Senator from New Mexico. I know he has a comment on the guest Chaplain, as well as other comments.

Mr. REID. Mr. President, could I make a unanimous consent request prior to the Senator from New Mexico beginning?

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the time used by the Senator from New Mexico not be counted against the morning business time of the Republicans, and that the full 30 minutes be granted to each side due to this late start.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first of all, might I say to my friends on the other side, I came with the intention of speaking about the guest Chaplain, who is from New Mexico. But I want to note we have an important event, a funeral for a 27-year-old son of one of our staffers from the Energy Committee at 10:15, so I will not be able to come back during that Republican time. So I would ask if I can——

Mr. REID. That was my request. You have it right now.

Mr. DOMENICI. I wonder if I could just give my speech on the guest Chaplain and also my other comments now.

Mr. REID. That is what I asked in my unanimous consent request.

The PRESIDENT pro tempore. Without objection, the Senator is recognized.

COMMENDING THE PRESIDENT PRO TEMPORE

Mr. DOMENICI. Mr. President, first, might I say, as I note your presence in the chair—and you are also the chairman of the Appropriations Committee, about which we are talking this morning—I compliment you. I have not seen

more difficult hearings than you have endured in getting started on this process. I think you have been eminently fair. I have great confidence that what you choose to do, and how you choose to handle this, will be fair to everybody. And I say that to you in all honesty.

WELCOMING THE GUEST CHAPLAIN

Mr. DOMENICI. Mr. President, I am proud to introduce Rev. Sheila Gustafson from First Presbyterian Church of Santa Fe, NM. She has devoted her life to the ministry of God and within her work has touched many lives.

She began her service as the first female pastor ever to serve at First Presbyterian Church, and she is devoted to their mission and has served it faithfully for the past 8 years.

Reverend Gustafson demonstrates a great leadership style that endears her not only to the members of her congregation but to the community of Santa Fe. She has taken the lead within the New Mexico Coalition of Churches to create a faith-based organization that fights hate crimes and recently has dedicated her time to the revitalization and modernization of First Presbyterian Church. This project will allow the church to become a mission-oriented building that will provide direct assistance to the community. First Presbyterian Church will be able to provide meeting space for social and faith-based organizations.

I thank Reverend Gustafson for coming to offer our invocation this morning. That is not an easy chore clear from New Mexico, as I know when I take that trip every couple of weeks. It is an honor to have her here today.

PROGRESS IN IRAQ

Mr. DOMENICI. Mr. President, I rise to comment on where we are with reference to the war. I was very pleased to read in the New York Times yesterday that a poll had been taken in Iraq. In fact, the New York Times reports so little good news about the theater of the war, I figured it had to be a poll or it wouldn't state anything good.

The poll said two-thirds of the Iraqi people believed they were better off and that they would be better off in 5 years, having gotten rid of Saddam, rather than with him present. If you listen to all the news, you wonder whether the people of Iraq even care about our efforts to help or whether there are very many who are pleased to be part of this transition toward freedom.

In addition, that same article said something rather phenomenal about the distinguished Ambassador who runs the American effort. The poll said—and the New York Times used two words—''remarkably positive''—to characterize the 47 percent of the Iraqis who said he was doing a very good job. That was said almost with incredulity that it could be true, but it is, because we are doing a good job.

We have been there 4½ months—not years. For us to already have achieved what has been done is borderline miraculous: Schools opened; hospitals opened; a council formed; a head of government there ready to move step by step toward democratization, with great leadership of the 25-member governing body, 17 of them Ph.D.s in the subjects of the ministries they run. The agriculture ministry is run by an agronomist of real class, the water problems handled by a hydrologist of high quality. These are the kinds of people working with us to put that country together.

One of the reasons I think we should move ahead rapidly—and I don't know what rapidly means on this legislation. Does it mean Monday, Tuesday, or Wednesday? I don't know—but we had better send a signal as soon as we can that we are there to get this job done.

I had the privilege of asking questions yesterday of the two distinguished generals, the chief of staff of the military, General Myers, and the general in charge of the entire operation, General Abizaid, who speaks Arabic brilliantly. My questions to them were: Will we win this war, this conflict? Will we prevail, and will it end up positive? Instantly, each answered: Yes.

Can we win?

Yes.

Will we win?

Yes.

Do our men want to win?

Yes.

Are our men happy, pleased? Do they know what they are doing?

Absolutely.

When I was finished with my time with the Secretary of Defense and the two outstanding generals, I was convinced that all we needed to be sure that democratization sets in and takes its footing there is the will to do it. We got into this with the full concurrence of the Congress. Those who continually speak of this as being President Bush's war are stating the facts wrong. It is our war. We voted for it by huge numbers, and we haven't brought a resolution to the floor negating that, to my knowledge.

For those who now think it is not ours, but that it is the President's alone, maybe they ought to bring a resolution here denying that we are involved and that it is just his, and see what the Senate would say. I believe no one will do it, and if they did it, it would overwhelmingly fail, because we want to win and we know it, but the critics are involved in a great game of politics.

Truly, it is time we get politics out of the scene and do what is needed. If there are Senators who know how to do it better, they ought to propose it. This is a very open body. If they have a better plan, suggest it. If they think we ought to spend the money differently, amend it. But we ought to do it. Everybody involved in this on the ground in Iraq thinks we are on the right path—the men there, the women there, the generals there, the privates. The men whose boots are on the ground think we are doing right. The only people who don't are countries such as France. We will never convince France about this. There is no use trying. They have already forgotten about America and America's involvement in helping them, and they are on some new path of their own.

I remember as a Senator when people such as Helmut Kohl, the former Chancellor of Germany, would give a speech that would make you cry about how much Germany owed America. I heard one. I cried as he told of what brothers we were and why and what great people we were to win a war and demand nothing from them. Here we are engaged in a war against terror that will help all of Europe, and we have France and other countries, for some reasons of their own, out there acting as if America were some foreign power that they don't even know, that has some mission that is adverse to the world, when they know better. They know our mission, they know our attitude, and they know what kind of country we are.

Having said that, I hope, if we can't move this emergency supplemental request on Monday, that we move rapidly, whenever that is, to let the Senate speak. Do we want to abandon this process before it ever has a chance to succeed, or do we want to give it a real chance to prevail? I believe in the end the latter will prevail. It will take some time and some talking, but in the end we will conclude that 4½ months is not long enough to determine the destiny of that country where we had such a fantastic military victory that the world will recognize forever as one of the single most significant military achievements in history with minimal civilian damage and expeditious and maximum annihilation of the real opponent.

We cannot quit after 4 months. We cannot say we will support the men and women of the military but we won't support the effort to provide the minimal service that will bring the Iraqi people into a state where they will want to move forward, democratize, and become free.

To me, it is a simple proposition—and maybe it should not be—that is, do we want to give up or do we want to win? Do we want to abandon this effort after 4½ months and challenge every single move by somebody as distinguished as Ambassador Bremer and his team? I believe the answers are pretty simple. The American people, even with all the negatives thrown at them about what's happening in Iraq, still believe we did right going in, and they still believe we are right in being there now. All that is left is that we do what is right.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business not to exceed 60 minutes, 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.

The Senator from Florida is recognized.

UNITED STATES MILITARY ROTATION POLICY

Mr. NELSON of Florida. Mr. President, I will address the rotation policy in Iraq of our U.S. military forces, and specifically the National Guard and the Reserves. I will also address the planning of that rotation policy.

Over the weekend, I met with enumerable groups in Florida about their loved ones who are serving overseas. As members of the Senate Armed Services Committee, we addressed this issue with Deputy Secretary of Defense Wolfowitz and the Chairman of the Joint Chiefs, General Myers, in our committee meeting 2 weeks ago on the plan of rotation and the inequities that are coming out as a result of the lack of planning and how that is being implemented.

Now, I am going to give some specific examples. I might say that this large stack contains all e-mails—and you know how small the type is on e-mails—from family members in my State about the inequity of the situation. These are e-mails that I have received directly from soldiers, primarily members of the Florida National Guard and the Reserves.

As I tried to address what I perceive to be the inequity in this so-called plan as being implemented, as I tried to address it in committee, as I have in private meetings with the brass, and now as I try to discuss these inequities with the Senate, I, first, will say that had the executive branch of Government listened to the bipartisan voices in the Senate Armed Services Committee—and in particular the Senate Foreign Relations Committee where the chairman of that committee, Dick Lugar of Indiana, a Republican, and one of his ranking members, Senator CHUCK HAGEL of Nebraska, a Republican, and another of his high-ranking members, Senator LINCOLN CHAFEE of Rhode Island, a Republican, along with a chorus of voices on the committee, including mine—had they listened about the need for a plan after the military campaign in the postwar occupation of Iraq, then I don't think we would be going through the strains and stresses on this rotation policy. Combatant Commander General Abizaid, who is supplied with Army troops through the Army Chief of Staff, of which they are having to stretch out these deployments of the National Guard and Reserves in Iraq, had they listened—had the executive branch of Government listened that there had to be a plan in place, as we had for Germany and Japan—we had a plan being worked on for 3 years prior to the end of World War II for Germany and Japan—had the plan been in place, we would see that we should not have an American face as occupiers in a Muslim country. Instead, it should be the world community participating in trying to stabilize Iraq politically and economically.

Had a plan been in place, the preparation would have been there to bring in the Iraqi civilians to run the Government so that there is an Iraqi face on the running of the Government. But that plan is not in place and we are seeing the results of the near chaos from time to time and, indeed, the sabotage that is occurring, the deaths that are occurring, and so forth.

But that is an issue for another day. It is a table setter for what I want to talk about—the inequity of the rotation policy and the plan that is specifically being conducted in the rotation of the troops in Iraq.

First, Florida's National Guard is one of the most professional in the Nation. It is well organized, it is well trained, and it is well led. They have proven their dedication to duty in this war, and they have committed to do whatever this Nation asks, and they have done it very well.

A couple of days ago, General Schoomaker, the Chief of Staff of the Army, told me that the soldiers of the Florida National Guard are as good as they come. They are also tired and fatigued.

I raised this rotation policy with the Deputy Secretary of Defense and the Chairman of the Joint Chiefs in that committee meeting a couple weeks ago. I have discussed this rotation policy with the Army Chief of Staff. I will discuss this policy with the Secretary of Defense tomorrow.

Florida National Guard soldiers were among the first Guard units alerted in December. They were brought into the armory the day after Christmas to start preparing all of their equipment, and they were mobilized right after New Year's Day. They were also among the first to enter the theater of operations, beginning in February and flowing quickly through March and early April.

Florida's National Guard soldiers participated throughout the major combat phase of this operation and throughout the breadth and depth of the theater—a theater that we know had no safe rear area, in the traditional sense.

Company C, Charlie Company, 2nd Battalion, 124th Infantry of the Florida Guard—let me tell you what they did before the war. The war started on March 19. Charlie Company dug by hand through the berm that marks the Jordanian-Iraqi border, and then they attacked into Iraq in support of the 5th Special Forces Group. They were in Iraq before the war started on March 19. Since then, Charlie Company has been passed around the theater, from command to command, about 10 times, from the 5th Special Forces Group, to Special Operations Headquarters, to the 5th Corps Headquarters, to the 3rd Infantry Division, to the 2nd Armored Cavalry Regimen, and to the 1st Armored Division.

Charlie Company is still there and they have suffered two fatalities—one gunned down at the University of Baghdad the night I was coming into Baghdad in early July, another in a vehicle accident, and a third wounded in the neck. Other companies of the three battalions of the 124th Infantry, of the Florida Guard, have been passed among the headquarters all over the theater no less than 40 times since arriving in the area of operations.

This is not a complaint. This is a statement of fact. Florida is justifiably proud of its contribution to the war on terror. Florida has the third highest number of Guard and Reserve soldiers mobilized and deployed globally in the war on terror, with 6,190 Florida Guard soldiers. Two States are a little higher, California and Texas, and it is only by a few hundred soldiers in each of those States.

Florida has also deployed the second highest number of Guard soldiers to the Iraqi theater. Right now, in the Iraqi area of operations, there are 2,482. We are second highest to Alabama, and Alabama has 38 soldiers more. These two States, Alabama and Florida, by far have the most soldiers deployed to the Iraqi theater.

No State has provided more infantry from the Guard than Florida—1,392 infantry soldiers, followed by Indiana's infantry at 1,286. These two States by far are contributing more to the Iraqi theater from Guard units than are infantry troops.

Naturally, since they were deployed the day after Christmas, they are tired, and I believe they should be replaced by fresh troops as soon as possible.

There is a new policy, and the new policy of the Defense Department is a ''12-month Boots on the Ground in Iraq'' rotation policy, and it may not be equitably implemented because Florida's Guard entered the theater in company-size elements spread out over a period of 2½ months. So it doesn't sound like it is equitable for this new policy of boots-on-the-ground for the clock to start ticking only when the last unit arrives in theater, what they call over at the Pentagon ''closed in command.''

I understand that other National Guard units are already beginning the process of coming home, and I am happy for them, and I am happy they are coming back to their loved ones. But I cannot seem to get a clear answer from the Department of Defense

and the Army about who is coming home early and why.

National Guard units that have spent the entire major combat phase outside of Iraq appear to be on the way home. I will give an example.

I had several from the highest echelons of the Department of the Army tell me that another State's National Guard is rotating back—that State's Guard has, in fact, never been in Iraq. In fact, if that information is correct that the other State's Guard is returning in October, then they will have served there 11 months. I am happy for them, but I am questioning the equity of a case where because of a ''closed in command'' policy, the last unit arriving in the theater starting the clock ticking for 12 months ''boots on the ground,'' that, in effect, is going to extend some of the Florida National Guard a year and a half since they were mobilized and when they went to that headquarters to start packing their gear on December 26.

Then I was told last night by another general in the Pentagon that, no, that particular State was not going home until next January or February. The Department of Defense cannot get the information correct. I have been told three different things about those units. I have been told four different things about the Florida units. So I have had to dig it out for myself by talking to our own Guard members through e-mail and talking with them directly by telephone.

The rotation policy for our Guard and Reserve forces should be simple: Return them to their civilian lives as soon as is militarily practical. This requires detailed and timely planning which does not appear to have been adequate or to have been based on realistic assumptions for operations after the major combat phase. Of course, the major combat phase was brilliant. General Franks will go down in military history as one of the great military leaders of the United States.

Now we are in the phase of the occupation, and our soldiers of the Florida National Guard are proud to soldier on in Iraq, Afghanistan, Kuwait, and Bosnia, as well as at home securing Air Force bases in Florida. But we are on the threshold of a serious problem for our Guard and Reserve servicemembers. Their sacrifices began the moment they were mobilized and left their civilian lives behind. They leave their families, they leave their employers, their livelihoods. Their families' well-being is at risk throughout the deployment regardless of their location or tactical conditions. Guard families in Florida and across the Nation have endured the separation, uncertainty, financial hardship, and fear that goes along with any deployment into harm's way, and that is what they signed up for. They are willing to accept it.

When I talked with these family members, as I did in Orlando last Thursday, in Tampa on Friday, and in Miami on Monday, they were almost apologetic to me. They said: For me to say anything sounds like I don't want to be patriotic. I am most patriotic, they tell me, and we are so proud of our Guard who are serving. They are pointing out, if others are coming back in less than a year, why are our Florida Guard and Reserves going to be mobilized for up to a year and a half? That is an excellent question.

Let me give some of these family stories. In central Florida in Daytona Beach at the Halifax Medical Center, Kaitlyn Rose Long was born on February 25. Her father was not there. He did not expect to be there because he is a soldier deployed since January. At the time of her birth, he was 7,600 miles away in Qatar.

Kaitlyn's mother thought her husband was coming home soon, particularly because he had suffered a collapsed lung while working guard duty in Balad, an Iraqi city about 50 miles north of Baghdad. He was sent to a hospital in Germany where doctors initially told him he was going to have to go home. They changed their minds, and he is expected back in Balad next week. To family members that is heartbreaking, but they will accept that. What they will not accept is the inequity of treating some one way and others another way.

The husband of another 25-year-old mother of three from Brandon is a specialist in Charlie Company of the 2nd Battalion. As I said earlier, they have shifted to over a half a dozen units during their deployment. In mid-May, the company was told, because they were fatigued from the fog of war, that they were heading home. Instead, they were sent to Baghdad.

Another lady, Ada Dominquez, came from Miami all the way to the Orlando meeting to tell me of her concern about this inequity.

Florida's military families are tough, they are dedicated, and they are loyal Americans, proud of their service. They are willing to continue to make sacrifices to keep this Nation strong and free. They are an inspiration to me. They are an inspiration to all of us. They know this is very tough and complex, and it is still a very dangerous mission.

One soldier's mother from central Florida said to me: Just tell them when they are going to be coming home. Do not keep jerking them around, getting this information; it stops, then it starts, and then it stops. She said that is when the morale sinks to the lowest.

Members of the Guard and the Reserve are also volunteers. As we so often say, we recruit individuals but we re-enlist families. The rotation challenges the Army struggles with now are going to be the result of too few troops for the missions we ask them to do. We need to look seriously at adding more troops to the Active Force.

There have been a number of us who have been trying to urge the Secretary of Defense to open that issue, and thus far it has not been addressed. We must, as a Nation, figure out how we are going to deal with this challenge, or we are going to risk losing the numbers we need in the finest Guard and Reserve system in world history.

If the demands on our military continue at their current pace and more than 12-month overseas deployments become routine—as some of the Florida troops are facing, up to a year and a half—then our National Guard and Reserve troops are not going to re-enlist when the time comes. Our military force of the Army, which is roughly a half million plus Active, 400,000 plus Reserves, and 300,000 plus Guard; we can see that the Guard and the Reserves are so integrally important to the military force structure. If we do not have what is perceived to be an equitable rotation policy, then when it comes time for them to re-up, many of them will not. That will be devastating from the standpoint of providing for the force structure this Nation is going to need as we face the multitude of places around the world where we will have to go and battle the terrorists. If those ranks are depleted, then we will not have them when we need them the most.

I commend the Guard and the Reserves. They have been one of the finest military fighting outfits that has ever been produced to supplement the regular Active-Duty Army. We can talk about the Air Guard as well, performing services all over this country, including air defense. It is those Guard units, under the command of the general from Tyndall Air Force Base, that if we ever have another airliner hijacked, he has the command responsibility of ordering the shoot-down of that airliner that is taken over by terrorists. The Air Guard is performing that.

The issue in front of us now is the equity of the Guard and the Reserves in the rotation policy. I hope General Schumacher, the Secretary of Defense, the Deputy Secretary of Defense, the Chairman and Vice Chairman of the Joint Chiefs will listen to these words and will enact a policy of rotation that will be perceived to be equitable for all the Guard units.

Parliamentary inquiry, Mr. President. What is the status of the morning business?

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. NELSON of Florida. Is the time equally divided?

The PRESIDING OFFICER. Equally divided, 30 minutes controlled by the Democratic leader or his designee, and 30 minutes controlled by the Senator from Texas or her designee.

Mr. NELSON of Florida. The Senator from Florida would ask, does that mean the entire first 30 minutes is set aside for this side of the aisle?

The PRESIDING OFFICER. That is correct.

Mr. NELSON of Florida. How many minutes remain?

The PRESIDING OFFICER. There are 4½ minutes remaining controlled by the Democratic leader.

Mr. NELSON of Florida. Mr. President, I will make a couple of other comments.

The PRESIDING OFFICER. The Senator from Florida.

THE FEDERAL DEFICIT

Mr. NELSON of Florida. Mr. President, on a completely different subject, as a Nation, we are recklessly careening down the road toward bankruptcy. In the fiscal year that ends in a week, September 30, we are going to be hemorrhaging in our budget to the tune of $500 billion. That is a half trillion dollars.

In the new fiscal year that starts October 1, it is estimated we are going to be hemorrhaging to the tune of $600 billion, well over a half trillion dollars. Just to put it in perspective, in the decade of the 1980s, when we ran up so much of our national debt, the max in any one year in the late 1980s was a deficit of $280 billion. That means we were spending $280 billion more than we had coming in in revenue. Therefore, we had to go out and borrow it, and that added to the national debt.

The next fiscal year starts in a few days. We are going to spend more than we have coming in tax revenue to the tune of $600 billion and we have to borrow it. Now, where do my colleagues think we borrow it from? We borrow it from folks like you and me, when we buy Treasury bills. We borrow it from institutional investors like pension funds. But it will shock people to know that a good bit of the debt that is being acquired, or debt that is being bought—or to put it in the vernacular of the street, the people who we are borrowing from are the Chinese and the Saudis. Does that not portend some uncomfortable things for America to have a good part of its national debt owned by folks who from time to time we have serious policy differences with?

How did we get into this? September 11 clearly was part of the problem. To protect this Nation, the war in Afghanistan and the war in Iraq have caused additional spending, but that is not the only reason for the $600 billion deficit. It was because in the spring of 2001, by a one-vote margin, on a technical part of the budget bill, this Chamber of the Senate passed an instruction that by a majority vote we could pass a tax bill and that tax bill, once we passed it, diminished the revenues so much that the deficit started to swell. We are on a reckless fiscal course, headed toward bankruptcy. Is it any wonder that earlier we heard the majority leader and the Democratic leader going at it over this question of addressing the President's $87 billion request? That is going to add all the more to the budget deficit. We are going to pass the $67 billion that is going to the troops because our troops are going to be provided what they need. But for the remaining $20 billion that is for building 1,000 schools in Iraq, what do we tell our constituents at home about building schools here? For that $20 billion that is to fix water systems and roads and bridges in Iraq, what are we to tell our constituents in America about the water systems and the roads and the bridges?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON of Florida. I thank the Presiding Officer for giving me the remainder of the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I wish to first associate myself with the comments of my friend and colleague, the Senator from Florida, with regard to concerns he raised about all the stress on the National Guard and Reserve. I have been to a number of deployments of troops of the National Guard and Reserve from Minnesota. Our folks are serving admirably and bravely, and there is great stress. I think it is clearly important to make sure we do the things to alleviate the strain, not just on the folks on the front line but on the families, and creating a bit of certainty would be good thing to do. It is not a partisan thing. It is the right thing to do for the folks who are serving so bravely and for their families. So I thank my distinguished colleague from Florida for raising this concern and wish to let him know there are many of us on both sides of the aisle who share that concern and would like a greater sense of certainty.

What does it mean to have boots on the ground? When are our folks coming home? We do have to give them every bit of support we can when they are there. But certainly for the families, the words of my colleague ring true and I associate myself with them.

I do disagree with my colleague from Florida when it comes to his discussion about the economy and the cause and the impact of debt. By the way, debt is a bad thing. I am not going to spend a lot of time talking about that right now, but I do certainly want to raise the issue. The national debt today is not as great as it was in the 1980s, not if you measure it as a percentage of the overall economy. That is the way we have to do it. If you bought a house in the 1980s and you spent $30,000 and you put $15,000 down, $15,000 in cash, you would be in debt 50 percent. As time went on, inflation went on, and you made a little money and you bought a second house in the 1990s, or today, for $100,000, and you borrowed only $30,000, you would be twice as much indebted as you were in the 1980s, but the $30,000 as a percent of the overall value of the house would be less, only 30 percent.

The reality is that the debt today is less than it was in the 1980s. That is not to say debt is ever a good thing, but I think you have to make the facts very clear.

It is also important to understand the cause of that. Let's never forget that September 11 had a devastating impact on the economy of this country. Let's not forget that WorldCom and Enron and the corporate scandals that undermined the confidence of investors in corporate America—undermined it—had a devastating impact on the American economy. And let us not forget this economy was rolling into recession, was moving into recession at the time President Bush was elected. All these things had an impact.

The other concern and observation I have to make, as a Senator who has been here at this point only about 9 months, is my distinguished friends and colleagues on the other side of the aisle, many of them, have consistently talked about the debt, they have great concerns about the debt, yet the reality has been that every time we have acted on budgets, one of the first things that I and, as a newly elected Member of this body, the Presiding Officer did was we had to resolve the budget for 2003 as soon as we got here. On issue after issue, my friends and colleagues from across the aisle, who loudly proclaim concern about the debt, sought to raise the spending. They sought to increase spending, I believe to the tune of perhaps $1 trillion of new spending.

So it is hard to hear folks being concerned about the debt when, on issue after issue, they seek to raise spending. We have experienced that as we have gone through the process of approving the 2004 budget. On issue after issue, whatever amount is set in the budget to spend, my colleagues from across the aisle seek to increase that, again to the tune, calculated over 10-year periods, of trillions of dollars. Even for the Government, a trillion dollars is real money.

So, yes, the debt is of concern. The way you deal with the debt is you get the economy moving. That is what the President has done. That is what the tax cuts have stimulated. And then you have the will and resolve to keep a lid on spending.

Again, I urge my friends from across the aisle, every time you vote to increase spending, time and again, take a breath then before you talk about the debt.

I came here this morning to support the President's request for a supplemental appropriation of $87 billion to support our troops in Iraq and to accelerate the redevelopment of that country to a stable, democratic, and peaceful member of the community of nations. As Senators, we have two responsibilities in this matter. As members of the legislative branch of Government, we must put the administration's proposals to the test to ensure they are prudent, practical, and can achieve the promised results. That is what we do as a legislative body. We also have a responsibility to support our Commander in Chief as he leads us as a nation.

I love the story told about Abraham Lincoln during the time he was leading our Nation in the Civil War. He was

getting, on a regular basis, communications from an elderly woman who said to him that God was talking to her and God was telling her which general to hire and which general to fire and where to attack and where to retreat. He got this series of letters. Finally, President Lincoln wrote back to this lady and said: Ma'am, I want to thank you for your correspondence and thank you for your advice, but isn't it fascinating how the Lord Almighty has given you all the answers but gave me the job.

We have a Commander in Chief. We have the right to question and modify the things he proposes. But it is our responsibility, I submit, to work expeditiously and to approve these urgently needed resources.

I express my strong hope that this bill will not be held hostage to political ambitions or become the vehicle of high-profile second-guessing. Our effort in Iraq has many challenges, but lack of politics is not one of them. This debate falls in a tempting place on the electoral calendar, but I do hope we rise above a talk show mentality.

There was talk this morning: Why do we have to move quickly on the President's request? What is so urgent about it? Does the money need to be spent right away? Kind of a slow walk and no sense of urgency.

I do hope those concerns are not raised so that we simply can extend the possibly to have in the political arena debate for the sake of taking political potshots. That is not what this is about. That is not what this body is about. We need to send a message to our troops in the field that we support them and will provide them the resources they need. We need to send a message to the Iraqi people that we are committed to working with Iraq to ensure that democracy is there. You can't have democracy when the lights are out 8 hours a day. We are seeing in Washington and Virginia how difficult it is to operate when the lights aren't on. Multiply that many times over.

I am concerned about the nature of the debate that comes with our involvement in Iraq. Debate is what this body expects and understands, but there is a tone about the debate that is of great concern because others watch. There is discussion now about whether this is the President's war.

Before you and I entered this body on October 11, 2002, there was a debate about what action we should take regarding Iraq, what authority we should give the President regarding Iraq.

There was a full debate. There was a great dialog. There was great discussion. This body voted. The sense of this body was 77 to 23 to support the President and to give the President the authority to do the things that had to be done to make sure Saddam Hussein complied with the United Nations resolutions. Let us not forget that for a period of 10 years he disregarded United Nations resolutions.

By a vote of 77 to 23—not 51 to 49, not a 50 to 50 tie asking the Vice President to break that tie—a broad bipartisan coalition, an overwhelming majority of the Senate, said: This is our battle, this is America's battle, and the responsibility we have as elected representatives to speak for the people we represent and give voice to their hopes and concerns was reflected in that debate.

When others now talk about the ''President's war,'' it causes great concern.

I like the words of the ''Serenity Prayer.'' I hope we have the wisdom to address ourselves in the things we can change and not try to change the past.

I say to my colleagues that one of my pleasures as a Senator from the State of Minnesota is to represent the western shore of Lake Superior, the world's largest body of freshwater. If you visit this area during the right time of year, you will see the enormous iron ore boats that transport Minnesota iron ore to the steel plants of the eastern Great Lakes. These gigantic boats are so large that it takes them many hours and many miles to execute a turn into port.

The bigger something is, the longer it takes to turn it around. Such is our challenge in Iraq. We are attempting to turn a large society from a generation of tyranny and totalitarianism to democracy and free enterprise.

For over 25 years, the people of Iraq suffered under the brutality of Saddam Hussein. For over 25 years, the people of Iraq didn't even have a budget. Its infrastructure was eaten away as resources were simply given to Saddam for his friends and for his palaces, and the country suffered.

I find it ironic that some critics of our policy who said we could never defeat Saddam Hussein are now loudly complaining that it takes too long. In our instant-everything, drive-through, microwave society, we perhaps have lost sight of the fact that some things take time. The bigger the thing, the more time it takes.

To those who lament our supposed slow progress in Iraq, we are exceeding any realistic expectations of success. Rome was not built in a day and Iraq won't be, either. The lasting social structures in Iraq need to rest on firm foundations and progress. And those foundations are being made.

To those who say we need to turn Iraq over to the Iraqis, we want to turn it over to the Iraqis. We want the Iraqis to be in charge. We want the Iraqis to be guarding the hospitals and the oil wells. We want the Iraqis to be responsible for the future of Iraq. But in order to have that, you have to have a foundation. Iraq has to develop a constitution. It needs to be affirmed. When it is affirmed, it then needs to have free and fair elections. That is how to develop the foundation.

As we are developing that foundation, we are making progress in developing Iraqi security forces and police units which can begin to take the load off the American and coalition military units.

We are helping the Iraqi oil industry and its power generation come back to some semblance of functionality. The Central Iraqi Bank has taken bold steps to create a secure currency. Some of the most dramatic steps that any government has to set for itself is to be open to trade, to be open to entrepreneurship, and to be open to opportunity. These are bold moves in any part of the world but certainly in Iraq.

The Governing Council has just taken steps to open the country to foreign investment.

You heard earlier today my colleague, the distinguished chairman of the Energy Committee, Senator DOMENICI, talking about the Ministers of Iraq and the number of Ph.Ds—one of the most educated governments anywhere in the world—and the caliber of folks we are bringing to the table.

The Poles have already assumed command of a multinational division in Iraq with NATO support. We have captured or killed over 40 of the 55 most-wanted Iraqis, including one more over the weekend, Saddam's Minister of Defense.

I mentioned the Governing Council being formed. I am told there is even a city council in Baghdad. I must say as a former mayor that when I heard there was a city council in Baghdad, my first thought was, Haven't the Iraqis suffered enough? But a city council is there and operating.

Thousands of Iraqi policemen and soldiers are being hired and trained to help provide security for their nation. Every hospital and clinic in Baghdad is operating, as are most of the others around the country. Every hospital and clinic in Baghdad is operating. The clinics and hospitals in Iraq have 7,500 tons of medicine distributed by the coalition since May, an increase of over 700 percent over the level at the end of the war.

For the first time in its history, all of Baghdad has garbage collection service. No longer is garbage collection a privilege reserved for neighbors favored by the Government.

Again, I reflect back to my days as a mayor and the importance of basic services being provided to all of the citizenry and not just for the rich neighborhoods. We are doing that in Iraq.

Iraqi workers are producing over 1 million barrels of oil per day, the proceeds of which will benefit the Iraqi people rather than Saddam Hussein's corrupt regime. Ninety-two thousand Iraqis receive social security and welfare benefits at levels four times higher than they received under Saddam. One point three million Iraqi civil servants are drawing salaries under a new salary scale. Many of them, such as teachers, are being paid four times what they were paid under Saddam.

The test of our efforts is that the Iraqi people are voting with their feet. They are staying put. There has been no humanitarian crisis. There has been

no flood of refugees as had been predicted. The $87 billion in this bill will bolster all of these critical efforts.

We all need to put the daily events so effusively reported in Iraq in perspective. We see this, by the way, even in our own Nation. A lot of good is being done but somehow that doesn't always qualify as news.

I believe the President's leadership is beginning to pay dividends, even at the United Nations. It is a slow boat to turn as well, but I believe we will soon see progress towards broad international cooperation for the rebuilding of Iraq. Even the French say they will not now veto a resolution.

The President met with the head of Germany yesterday and had a good conversation.

Let there be no mistake. We are in a state of war against terrorism. Our decisions and the tone of our debate must recognize that fact. Forces that seek to destroy us are measuring our will and our resolve at each turn. Their view is that we are weak and easily distracted and divided. We must prove to them the truth—that we are not. We do that by what our military does on the ground every day. We do that by how we as leaders conduct this debate in this body.

Again, I recognize the importance of debate and challenging ideas and propositions. But there is a tone about debate and I worry that we are crossing the line. I worry that when we talk about this being the President's war, again disregarding the fact that this body, in a broad bipartisan way, raised its hand and understood the dangers of Saddam, understood the evil of Saddam and the evil impact he had on the Iraqi people, the impact that it was having on the region, the impact it was having on Israel, and the impact it was having on terrorism; understood that we had in Saddam and Iraq a nation which took care of and catered to the persons who masterminded the terrorist acts in the airports in Rome and Vienna; a nation that coddled, took care of and exalted the terrorists responsible for the execution of an American in a wheelchair, Leon Klinghoffer on the Achilles Lauro in Athens—everybody understood what we were dealing with.

We rose together in unison. Let us not now forget. Let us not now pull apart. Let us not now send the signal that we are weak and in disarray. It is important to have a sense of strength and purpose. Let us have the debate but let us make decisions.

In World War I, the French soldiers came up with the saying that ''the difference between a hero and a coward is the hero is brave 2 minutes longer.'' We cannot afford to lose our nerve at the point of victory or all the sacrifice and the progress to date could be lost.

For those who question this amount of money being spent at times of economic difficulty and high deficits, I understand that concern. It is so easy to say, with anything we do, if we put dollars into something, why aren't we taking care of the needs of kids? Why aren't we taking care of the needs of schools? Why aren't we taking care of seniors? The arguments can certainly be made, and they touch a sympathetic chord, a sympathetic note.

The reality is we have to understand again and again that you cannot have economic security, you cannot have peace of mind, you cannot have the opportunity for your kids to go to good schools, and folks to live in peace in their neighborhoods and go about their daily lives if we live in fear. The world changed after September 11. We have to reflect on the impact of September 11, not just psychologically but economically.

What happens when we allow terrorism to visit our shores? The folks in Washington, DC, saw this very graphically during the terrible period when the sniper was on the loose in Washington, and people would not go out of their homes. They were afraid to go to a gas station, afraid to shop, afraid to go to a restaurant. I have not seen the final bills, but I am sure the economic impact was enormous. When people live in fear, they cannot prosper economically or emotionally.

America has a responsibility at this point in history—for the sake of our kids, for the sake of our seniors, for the sake of our parents—to do those things necessary to live in peace, to confront and deal with terrorism. We learned on September 11 we cannot contain terrorism. We have to aggressively reach out to make sure we do all we can to make sure terrorism does not visit our shores.

It is not a matter of saying, if we did not put this money here we would put it there. The reality is, of the $87 billion, $67 billion goes directly to the military. It is also to rebuild the infrastructure of Iraq so that the military ethics can take hold. We cannot have such short memories.

Ambassador Bremer visited with many Senators this last week and gave a little historical lesson. He said: Look at what we did after World War I. We did not step in. We did not have the sense of heart and purpose to come together and say we were going to deal with the destruction left in the wake. We gave rise to Nazism, to fascism. What happened is, ultimately, millions of lives were lost.

I am of the Jewish faith. In our faith we say: We shall never forget; we shall never forget the Holocaust. The seeds of that were laid in the actions after World War I that were not taken to deal with the plight, deal with the economic plight, deal with the disarray, deal with the disintegration.

After World War II, we took a very different path. After World War II, we enacted a Marshall plan, and we came together, with the United States taking the lead; the international community then joining in building up and restoring the economy, doing things that restored hope, doing things that restored water and electricity. The result is Europe has been safer. We have been safer until the rise of terrorism.

Let us not forget those models. Let us not forget that history. Success will build world confidence and investment far beyond this investment in Iraq. Failure would cost far more.

All of these practical arguments notwithstanding, I close with a simple argument for the passage of this supplemental appropriation: It is the right thing to do. Our troops need our support. The people of Iraq, present and future, need our help. The world that hopes for far more freedom and less terror needs what only the United States can provide. We can reach out and set an example to the international community to join with us.

This bill is the right thing to do. It is the right for the people of Iraq who are free from the torture chambers so they may never come back again. It is the right thing to do for the young women of Iraq who are raped and assaulted by Quday and Usay Hussein. It is the right thing to do for the memory of thousands murdered and buried in mass graves, and for their justice; for the millions of Iraqi people who will choose their own path, live their own lives, and decide their own faith when we set the foundation, set the table for restoration of democracy, firm and lasting in Iraq.

It is the right thing to do for the millions of neighbors of Iraq who will not fear the unbearable fanaticism of a dictator more concerned about power than the moral obligation of leadership. It is the right thing to do for our democratic ally in Israel who no longer will face the threat of Scud missiles from Iraq. It is the right thing to do for the courage of our American soldiers who have performed their duty and lived up to their oath to defend and protect the national interests of their Nation.

It is the right thing to do for the memory of American soldiers who have given their lives so that others may live in freedom. It is the right thing to do for the millions of Americans and the 3,000 who died on September 11 that American determination, resolve, and will are not things of the past but are ironclad promises for the future.

It is the right thing to do for the message it sends to those who support terrorism, that they will have no refuge; for the message it sends to those who kill, who terrorize, who destroy the hopes, dreams, and happiness of men and women and children that this is a new day, a better world. Their days are numbered. No more can we accept the crying faces, parents holding their dying children, parents burying their dead children. To those who seek to destroy, those who choose to unravel the fabric of society and civilization, this bill is the right thing to do because it makes it clear their time will come; our resolve is strong. We will support our fighting men and women and give them what they need to do the job.

We will work with the Iraqi people to rebuild and create a foundation where

democracy and hope will take place. Good will triumph over evil. Democracy will triumph over tyranny. Security will triumph over terrorism. Peace will come to Iraq. And all of us in America will be safer as a result.

SCHOOL VOUCHERS

Mr. COLEMAN. Mr. President, in the time remaining, I raise one other issue, the issue of opportunity scholarships, of expanded choice for students, the issue of the debate we are having over the opportunity for the children of the District of Columbia to take advantage of a ''voucher'' program. We do not like to use that word. In my State, it is a pretty divisive word.

The Mayor of Washington, Anthony Williams, says this is the right thing to do. As a former mayor, I will stand with Mayor Williams. This is a very divisive issue in my city of St. Paul. When I ran, I said I would not push vouchers for the people of Minnesota. We had our debate. We have gone a different path, expanding charter schools. St. Paul, my city, had the first charter school in the Nation. As mayor, we started 20 more charter schools, providing tax incentives and tax credits so parents could get money back and use money they need to support their kids' education, to give their kids more choice. That makes sense.

But more needs to be done. I recognize that. This is a divisive issue. When the Mayor of the District of Columbia is saying we need to do this for our kids, why not do it? It is not taking any money from my kids in Minnesota. It is not taking any money from any kids in any of the other States. We have a local, elected official saying we need to do this; our kids are failing and we need to give them more hope and opportunity. Why not do it? What are we afraid of?

When I was mayor of St. Paul, the Governor offered, I believe, $13 million to any community that would simply do a pilot project offering opportunity scholarships to the poorest of the poor and only the kids who were not succeeding.

So you were not going to take the cream of the crop. You were not going to cherry-pick. You were going to take those who were not making it. You have to do something. In fact, the offer was that out of this $13 million, he would give $10 million to the school district to do whatever they wanted. Only $3 million would be for this pilot project. And not a single elected official, other than myself, would stand up and do it.

What are we afraid of? If all you keep doing is what you have been doing, all you are going to get is more of the same. Our children need more hope and opportunity. I hope we have the courage to give it a shot and a chance. The downside is minimal. The opportunity is great. Let's seize the opportunity. Let's do this for the kids. Let's do the right thing. Let's make change. Let's give hope.

Mr. President, 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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 2658, which the clerk will state by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 24, 2003.)

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am pleased to present to the Senate, on behalf of myself and the Senator from Hawaii, Mr. INOUYE, who is currently chairing the Indian Affairs Committee, the Defense appropriations conference report for fiscal year 2004.

This conference report was approved by the House of Representatives by a vote of 407 to 15. It has overwhelming bipartisan support. The agreement provides for a total of $368.7 billion for the Department for fiscal year 2004. Throughout our conversations with the House over the past months, Senator INOUYE and I have sought to strike a balanced agreement that we believe addresses key requirements for readiness, quality of life, and reconstitution of our defense force.

As we take up this conference report on the floor today, there are hundreds of thousands of men and women in uniform deployed and serving our country at home and abroad. They are performing superbly, and we are extremely proud of what they are accomplishing. This agreement is a demonstration of our support, the Congress's support, for our men and women in uniform.

It provides a 4.1 percent average pay raise for all military personnel. It funds an increase in basic allowance for housing to reduce average out-of-pocket expenses from 7.5 percent to 3.5 percent for our military people. It provides an additional $128 million for the continuation of increased rates for imminent-danger pay and family-separation allowances.

This agreement honors the commitment we have made to our Armed Forces—one we will maintain. It helps ensure they will continue to have good leadership, first-rate training, modernized equipment, and quality infrastructure. The agreement provides $115.9 billion for operation and maintenance, $74.7 billion for procurement, and $65.2 billion for research and development.

Defense is a very expensive concept for our country. That is so not only because we have a volunteer service but because we are modernizing our force for the future. This agreement is the result of a bicameral, bipartisan approach. I urge the Senate to adopt this conference report.

Let me once again thank my cochairman, Senator INOUYE, for his support and invaluable counsel on this bill. I would also like to note the dedicated work of his chief of staff Charlie Houy, Betsy Schmid, and Nicole DiResta.

I thank my hard-working staff led by Sid Ashworth and including Tom Hawkins, Kraig Siracuse, Bob Henke, Lesley Kalan, Jennifer Chartrand, Menda Fife, Brian Wilson, Mazie Mattson, Nicole Royal, and Alycia Farrell. They have helped put together this conference report and worked with us through the year to bring us where we are today with the largest defense budget in history and the best bill we have ever presented to the Senate.

I yield to my good friend from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, before I proceed, I wish to commend my chairman, Mr. STEVENS, for bringing this conference report to the Senate. In doing so, I commend him for his leadership. I realize Members of the Senate may not be aware of this, but because of the leadership skills and because of the hard work of the staff, the conference committee concluded its work on this important measure in 2 hours. In 2 hours, we concluded a bill that was filled with controversy and issues. At the end, the vote was unanimous.

The conferees recommend $368.7 billion in mandatory and discretionary appropriations for the coming year. It is a huge sum, but it is a sum that is absolutely necessary.

This is nearly half a billion less than recommended by the Senate and $3.6 billion less than requested by the President. We have tried our best to trim what some would call ''fat.''

The reduction to the President's request is not an indication that we believe Defense is overfunded. Instead, it is because we realize that there are so many other underfunded areas of the budget that we had to reduce defense to accommodate these needs. This was a tough conference. Our chairman did an exceptional job—I emphasize ''exceptional''—representing the Senate position. This is especially true given the reduced allocation.

This agreement provides the funds necessary for the military. It fully funds the pay and allowances for our troops and thereby ensures that we have taken care of the crown jewel of our Defense capability—the men and women who put on the uniform.

In the interest of time, I will not present all of the details of this massive bill. However, I would like to address two important subjects that the managers of the House and Senate spent many hours discussing.

First, the conferees agreed to include an amended version of House language that would close down the Navy Station at Roosevelt Roads, Puerto Rico.

As we looked into this matter we found that the Navy no longer needed or wanted the base and it could save $300 million annually by closing it. As such, we agreed to close the base. However, the conference agreement ensures that the base will be closed in accordance with existing base closure laws. We did not agree to a new procedure which would have given the Navy all the benefits of the closure and the local population none of the safeguards included in the BRAC legislation.

Second, the Senate bill include language terminating the controversial Terrorism Information Awareness program, TIA. The conferees have agreed to terminate the program and close the Office of Information Awareness in the Defense Advanced Research Projects Agency, DARPA.

Language has been included that precludes any successor version of this program to be reinstated or developed by any Federal agency. However, I must inform my colleagues that in our review, we learned that there are some classified elements that are related to this program. These have all the safeguards of programs under the jurisdiction of the National Foreign Intelligence Program to protect civil liberties of U.S. citizens. These are very important to the ongoing war on terrorism overseas. The conferees have agreed to allow this effort to continue.

In addition, there were some worthwhile programs in the Office of Information Awareness unrelated to the TIA program. The Statement of the managers lists these programs and funds their continuation. This is a good compromise. It kills TIA and on-line betting, and other questionable DARPA programs, but ensures that beneficial parts of information awareness can continue. Finally, I want to express my strong support for this measure.

My colleagues should know this was a fully bipartisan accord. There are no parts of this bill that I oppose. While it is a compromise, it is a very good bill.

The chairman and his staff, led by Sid Ashworth, have done great work. I thank all the staff who worked so hard on this: Mazie Matson, Nicole Royal, Jennifer Chartrand, Kraig Siracuse, Tom Hawkins, Bob Henke, Lesley Kalan, Menda Fife and Brian Wilson of the majority, and Nicole Diresta, Betsy Schmid and Charlie Houy of the minority staff.

This is a good bill, and I urge all my colleages to support it.

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. INOUYE. 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. NICKLES. Mr. President, today we are considering the conference report to accompany H.R. 2658, the Department of Defense appropriations bill by FY 2004.

I commend the distinguished chairman and the ranking member on their successfully reporting and conferencing this bill.

The pending bill provides $368.7 billion in total budget authority and $389.2 billion in total outlays for fiscal year 2004. The Senate bill is $3.5 billion in BA and $4.6 billion outlays below the President's budget request. These funds were shifted to other non-defense spending bills consistent with an agreement with the administration.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2658, DEFENSE APPROPRIATIONS, 2004: SPENDING COMPARISONS: CONFERENCE REPORT

[Fiscal Year 2004, in $ millions]

	General purpose	Mandatory	Total
Conference Report:			
Budget Authority	368,183	528	368,711
Outlays	388,642	528	389,170
Senate 302(b) allocation:			
Budget Authority	368,572	528	369,100
Outlays	389,306	528	389,834
2003 level:			
Budget Authority	426,621	393	427,014
Outlays	393,835	393	394,228
President's request:			
Budget Authority	371,699	528	372,227
Outlays	393,222	528	393,750
House-passed bill:			
Budget Authority	368,662	528	369,190
Outlays	388,836	528	389,364
Senate-passed bill:			
Budget Authority	368,637	528	369,165
Outlays	389,371	528	389,899
CONFERENCE REPORT COMPARED TO—			
Senate 302(b) allocation:			
Budget Authority	(389)		(389)
Outlays	(664)		(664)
2003 level:			
Budget Authority	(58,438)	135	(58,303)
Outlays	(5,193)	135	(5,058)
President's request:			
Budget Authority	(3,516)		(3,516)
Outlays	(4,580)		(4,580)
House-passed bill:			
Budget Authority	(479)		(479)

H.R. 2658, DEFENSE APPROPRIATIONS, 2004: SPENDING COMPARISONS: CONFERENCE REPORT—Continued

[Fiscal Year 2004, in $ millions]

	General purpose	Mandatory	Total
Outlays	(194)		(194)
Senate-passed bill:			
Budget Authority	(454)		(454)
Outlays	(729)		(729)

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Prepared by SBC Majority Staff, 9/24/2003.

Mr. INOUYE. Mr. President, it is interesting to note that Senator NICKLES says this bill complies completely with the requirements of the Budget Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, we only have notification of one person who wishes to speak. If that is the case, I believe we will have a vote on this conference report sometime around noon. It is my hope that we will have it before lunch if possible. So I put the Senate on notice that we will be voting around noon.

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 that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, today I rise to address the conference report for fiscal year 2004, the Department of Defense appropriations bill. As has become a standard practice for appropriations matters, this legislation is loaded with porkbarrel spending catered to the parochial needs of the Members and special interests and not to the interests of the men and women in the military.

I feel it is important that I come to the floor of the Senate to draw attention to this legislation, especially at a time when American troops are stretched across the globe, including major commitments in Iraq and Afghanistan. I notice in this morning's paper it is very likely that more National Guardsmen and Reserve Forces will have to be called up. We should be devoting critical defense dollars to urgent defense priorities. Apparently, that philosophy is not shared by all.

In this year's version of the legislation, there is over $6.5 billion in Member add-ons. I must say I congratulate the committee because last year it was $8.1 billion. So we have experienced a $1.6 billion reduction. I want to point out that these add-ons were not in the President's budget, not on the unfunded priority list, and not on the Pentagon's long-range defense budget.

Nowhere—nowhere—was there a priority for any of these items that I will be talking about and listing. One of the remarkable things about it is our disabled veterans are now trying to receive what we call concurrent receipt—

in other words, to be treated, when they are disabled, the same way that nonmilitary members of the Federal Government are treated. As it is now, they are prohibited against receiving both retirement and disability pay, as are other men and women who work for our Federal Government. Full concurrent receipt would cost the Government $3.5 billion annually, which is approximately half the total pork that is in this bill.

So I am announcing to my colleagues today I was trying to work out some way of ameliorating the cost of this concurrent receipt. When we spend money like this—when we will spend $5.9 billion more by leasing Boeing tankers rather than buying them, it seems to me that taking care of the men and women who have served with honor and distinction in the military deserve full concurrent receipt.

Once again, we are considering the Defense appropriations conference report prior to the consideration of the Defense authorization conference report. I remind my colleagues again of the role of the Appropriations Committee. The responsibility of the authorizers and the appropriators are expected to be distinct. The role of the Senate Armed Services Committee is to establish policy and funding levels and oversee the Department of Defense and its programs. The role of the Appropriations Committee is to allocate funding based on policies provided by authorization bills. The appropriators' function and role today, however, is expanded dramatically, and they now engage in significant policy decision-making and micromanagement, usurping the role of the authorizing committees.

I recognize the failure of authorizing committees to pass authorizing legislation contributes to this broken system and that often, as is probably the case now, appropriators have no choice but to fund unauthorized programs and take it upon themselves to make policy determinations. That is why, as chairman of the Commerce Committee, I have tried to reauthorize every program and bureaucracy that falls under the responsibilities of the Commerce Committee. I think I have done this with some success. But we still find, for example, in the Commerce-State-Justice appropriations bill—which has not been considered yet on the floor—significant policy changes, laws written—it is rather remarkable. Entire departments of Government are dissolved without debate—by the way, with the strong objections of the executive branch.

So one of the reasons the authorization bills are held up is because Members know that authorization measures don't really have to pass, and we know that the appropriations vehicles are always available to carry legislative riders. I have testified before the Rules Committee on the need for change, and I think at some point in time we will be faced with a choice: We either do away with the Appropriations Committee or with the authorizing committees.

The authorizing committees, to some degree, have become rather engaging and sometimes interesting debating groups when the real changes and policy decisions are made by the appropriators.

I also want to point out, last week I saw one of the most remarkable things I have ever seen in all the years I have been here. The energy and water appropriations bill was voted on and passed last Tuesday night. We voted. It was a recorded vote. Everybody went home. The next morning—and I mention this because the Senator from Nevada is on the floor—the next morning the Senator from Nevada stood and asked unanimous consent that $65 million be added for water projects for the Corps of Engineers.

I understand there was some technical reason for it and there was some technical change that was made, but I have to tell you, Mr. President, I have never, in all the years I have been here, seen a bill passed and voted on and the next day, many hours after the bill was passed, a Member come to the floor and ask unanimous consent that millions of dollars be added to an appropriations bill. If that is the way we are going to do business around here, then, I say to my friends, there is no fiscal discipline.

On September 17, the Comptroller General of the United States David Walker delivered a speech at the National Press Club. According to the head of the General Accounting Office, ''We must begin to come to grips with the daunting fiscal realities that threaten our Nation's, children's and grandchildren's future.''

In his speech, Mr. Walker cited CBO estimates at that time—they have since gone up $401 billion and $480 billion for the unified budget deficits for the fiscal years 2003 and 2004 respectively. If we take out the Social Security surpluses, these numbers jump to $562 billion and $644 billion respectively. More importantly, the costs of the $87 billion war supplemental are not even factored into these numbers.

In addition to this money, there are a number of financial liabilities the Federal Government has to pay out but are not counted against the budget, such as Medicare trust funds and health care benefit costs provided to the Department of Veterans Affairs. This leads Mr. Walker to state:

> We are starting off in a financial hole we don't really have a very good picture of how deep it is.

His suggestion:

> It is time to admit that we are in a fiscal hole and ''stop digging.''

I would like us to take seriously the advice of the top Government watchdog and quit digging. It seems to me if everybody in this country is watching reality television these days, I say to my good friends watching the Senate proceedings on C–SPAN, you are not watching reality television here. What you are watching is unreal. You are watching Members who don't care about the budget deficit we are running. In the face of huge deficits, we can still find enough money to blow on some of the items I will describe today.

Mr. President, I am tired of fighting these bills. I don't enjoy arousing the animosity of my friends on both sides of the aisle. I don't pretend to judge these projects. Many of them are worthwhile. Many of them are worthy causes. The hundreds of millions of dollars that are spent out of the Defense appropriations bill for breast cancer research is a worthy cause. My question remains, What in the world is it doing in a Defense appropriations bill when we have men and women who are still on food stamps and living in quarters that were built in World War II?

I am dismayed by the lack of attention we focus on these bills. Aside from scouring the bills to see if their projects are included, not much time is devoted to considering the conference report.

This legislation passed the House of Representatives without a copy of the bill text or explanatory report being available to all who want to look at it. In fact, a member of my staff called the House committee while they were voting on final passage of this conference report to inquire if the committee had the report available. The House appropriations staffer said they had a copy but were only allowing one staff member at a time to look at it. Staff was not allowed to make copies or remove the bill from the appropriator's office.

It took the House of Representatives 7 minutes to pass a bill that appropriates $368 billion for projects that appear on the Defense appropriations add-on list of items requested by Senators and were not included in the President's budget request. They did not appear on the Joint Chiefs unfunded priority list and were not authorized in the Defense authorization bill.

This criteria has been useful in identifying programs of questionable merit and determining the relative priority of projects that are requested by Members, often at the expense of the readiness of our Armed Forces.

The fact remains that in the years I have created these lists, no offsets have been provided for any project. The Joint Chiefs provided a list of critical requirements above what was provided for in the President's budget request. That list totaled nearly $18 billion for the year 2004. We should provide additional funding for defense for items and programs which the Joint Chiefs need, not for programs that are important because of the State they come from or because of the seniority of the Member of Congress.

My point is, we cannot do business as usual. There is an ever-growing proportion of our Federal budget that is in these appropriations. While the cost of each program or project may not seem

like a good deal of money, collectively, earmarks, such as the ones in this legislation, significantly burden American taxpayers.

Let me point out some of the more egregious examples in this legislation:

$135 million for advanced procurement of the LPD–17;

$8.1 million for the 21st century truck. Mr. President, $8.1 million for the 21st century truck, not requested by the Department of Defense, not on any list the Joint Chiefs of Staff might feel is important, but the 21st century truck finds its way into the Defense appropriations bill each year;

$4.3 million for the Army's smart truck. One would think after all these years on the pork list if this truck was so smart, it would find a way to fund itself by now;

$1.0 million for the Young Patriots Program. It is a wonderful name. It is a program by the National Flag Foundation to expand the Young Patriots Program to include a video which promotes the significance of national patriotic holidays. I love our patriotic holidays, but $1 million to watch a video on national patriotic holidays?

One of my favorites that has come up—it is interesting, once they are in, they continue year after year—$1.0 million for Shakespeare in American Military Communities. Shakespeare in American Military Communities has found its way in again. I guess it all is a matter of priorities.

$1.8 million for the canola fuel cell initiative. I think canola is cooking oil. I am not sure. But $1.8 million for the canola fuel cell initiative not requested by the President or the Department of Defense;

$1 million for Lewis and Clark bicentennial activities. If this was in the Interior appropriations bill, I would support celebrating the Lewis and Clark bicentennial activities. I think it was a monumental series of events in American history, but we are taking it out of defense.

$7.5 million for the Joint Advertising Market Research and Studies Programs. I can hardly wait to see the commercials that come from this money.

$3 million for U.S.-made bayonets. Nobody else has made bayonets. Once again, Buy America provisions have found their way into the bill.

$6.5 million for the procurement of lightweight armor for CH–46. The conferees mention use of Kevlar, a DuPont product, making this another Buy America provision.

I congratulate again the Senator from Alaska for a large number of appropriations that are earmarked for the State of Alaska ranging from $8 million and up to $26 million for railroad track alignment at Air Force-managed ranges to $8.9 million for hybrid electric vehicle testing only at the cold region testing facility. $9 million for the Fort Wainwright Utilidor. I apologize I keep displaying my ignorance on some of these items. I do not know what a utilidor is. Kentucky, they did OK. Then there is $1.2 million for the Fort Knox University of Mounted Warfare Campus Area Network Infrastructure. One of my favorites that was in the bill last year, a half million dollars for a hangar at Griffis Air Force Base in New York. The only problem with that is that Griffis Air Force Base has been closed for many years. It no longer belongs to the military or the Federal Government.

Of course, language preventing that has been in for several years, language which clearly falls under the purview of the authorizing committee, preventing the disestablishment of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve stationed in Mississippi. That is clearly a policy decision and has nothing to do with appropriations.

Then there is $45.7 million for the Maui Space Surveillance System; $23 million for the Hawaii Federal health care network, $2.5 for the Alaska Federal health care network. If I were from Alaska, I would be a little upset at that disparity: $23 million for the Hawaii Federal health care network, and only $2.5 million for the Alaska Federal health care network.

Our old friend, the brown tree snake, is back, another $1 million for the brown tree snake, the best funded snakes in the United States and certainly in the world; $1.4 million for the minimally invasive surgery program for Ohio; $4.5 million, Pacific Island health care network; $3 million for complementary and alternative medicine.

Again, I want to point out there are a number of excellent programs. The legislation provides a pay raise to our soldiers, sailors, and airmen, as well as a targeted raise for midcareer officers and selected noncommissioned officers. The legislation also provides $128 million for the continuation of increased rates for imminent danger pay and family separation allowances. Of course, my question is: Why is that not permanent?

I have a serious concern that extended deployments will lead to retention problems if we do not work to ensure that we take care of our soldiers and sailors. By providing our servicemembers with adequate benefits, we help ensure that our military will not face retention problems.

In this morning's Washington Post there is a quote from an unnamed National Guardsman who said that with these recent strains, the Guard in particular, and Reserves, are going to have significant difficulties. National Guard and Reserve servicemembers are performing many vital tasks. Direct involvement in military operations to liberate Iraq in the air, on the ground, and on the sea, guarding nuclear powerplants, our borders and airports in the United States; providing support to the war on terrorism through guarding, interrogating and extending medical services to al-Qaida detainees; rebuilding schools in hurricane-stricken Honduras; fighting fires in our Western States; overseeing civil affairs in Bosnia; and augmenting aircraft carriers short on Active Duty sailors with critical-skilled enlisted ratings during at-sea exercises, as well as during periods of deployment.

I look forward to the day when I do not have to criticize the unrequested spending in appropriations bills. Yesterday, the House and Senate passed the Department of Homeland Security Appropriations Act. I was encouraged to see that there was not a great deal of unnecessary spending in that legislation. We still have a number of appropriations bills and conference reports left to consider in this session. I can only hope that the members of the Appropriations Committee will follow the lead of the Homeland Security appropriators in the future. I think we are entering a very serious fiscal crisis in the United States, including the fact that the Social Security situation is going to be compounded by the retirement of the baby boomers, the Medicare trust fund is going to be in a very serious situation, and we are rapidly approaching the kind of deficits that were only equaled in the early Reagan years and may even exceed them.

I know of no economist who does not believe that sooner or later the deficit will increase interest rates and cause inflation. There are a broad range of economists who have many different views on many different aspects of economics. I know of none who believe that over time burgeoning deficits are bad for America and the people who reside in our country.

Not too long ago, someone said the difference between California and Washington is that in California they cannot print their own money. I think there is a certain truth to that. What bothers me is that we are not making strong efforts to reduce unnecessary spending at this very difficult time.

I thank the Senator from Alaska, our distinguished chairman, as we enter a very difficult time, for trying to get approval of the request of the President of the United States. I commend him for his heroic effort on behalf of the much needed and very critical amounts of money, both in terms of defense and in reconstruction funding.

I just came from a hearing in the Armed Services Committee where Ambassador Bremer stated unequivocally, as did General Abizaid, that this money, both for the military and reconstruction, is not only vital but very time sensitive. Both Ambassador Bremer and General Abizaid said the war is on for the hearts and minds of the Iraqi people. We need to restore the infrastructure. We need to provide for their security. Otherwise, we will face, in the words of Ambassador Bremer, ''the most severe crisis.''

I thank the Senator from Alaska, our distinguished chairman of the Appropriations Committee, for the heroic effort he is making to get that urgent request from the President of the United

States to take care of our men and women in the military and pursue to success the very vital mission and challenges we face in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I do thank the Senator from Arizona for his comments about the supplemental. This bill before us now is what we call the peace budget for defense. It does not contain any of the monies for Iraq or for Afghanistan. That money is in the separate supplemental emergency appropriations bill on which we are working. That was handled in that manner because of the request that we have a clear delineation of the monies to be spent for Iraq and Afghanistan.

I will comment on two things, but first I ask unanimous consent that the vote on the pending conference report occur at 12:10 today, and that Senators be so notified.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object. There has been a problem.

The PRESIDING OFFICER. The objection is heard.

The Senator from Nevada.

Mr. REID. Mr. President, I was just notified by staff that we received a call and we could have the vote at 1:15.

Mr. STEVENS. I did not hear the Senator. If there is an objection to the time agreement, I will continue with my comments.

The Senator from Arizona did mention the money in this bill for the Alaska railroad. The Alaska railroad goes through two military reservations, and this money is to straighten out that railroad as it goes through those two military reservations. We have done this for a period of years now. We are straightening it out so it does not provide a hazard to the people who live on base. It moves the sound as far as we can from the military operations. It is much more safe as it is straightened out and does not have a circuitous route through those two military bases.

In addition, for the Senator's information, a utilidor is a facility that we put into the ground in Alaska to carry our utilities. In effect, it is an underground tunnel so that the utilities can all be maintained underground during the wintertime. It contains water, sewer, electric, all cables, and they are capable of maintenance through the winter.

As a matter of fact, I would welcome the District of Columbia to follow our path and put the utilities underground because every time there is a storm, all the electric lines, power lines, and cable lines come down because they are not buried. We do not just bury them under the ground. We bury a long, continuous container that is capable of being walked through so we can maintain all of the utilities on our military bases. They, at times, need modernization. The money in this bill is for modernization.

I know my friend wants to comment. I have been asked—we do expect a vote. We will try to get a vote on the pending bill. We are having a communications problem. I yield to my friend.

Mr. REID. I say to the distinguished chairman of the committee, we want to have a vote on this most important bill as early as possible. It appears now we are not going to be able to do that until a later time today because we have a number of people who are going to the White House at 2:20. President Bush always meets on time.

Mr. STEVENS. If the Senator will yield, I am informed if I make a request for a vote on this conference report at 1:15, that will be acceptable. Is that not correct?

Mr. REID. We would agree to that.

Mr. STEVENS. Mr. President, I ask unanimous consent that the vote on the conference report occur at 1:20, and I ask for the yeas and nays.

Mr. REID. Reserving the right to object, that would be fine if the Senator would modify his request—that we stay on this until 1:15?

Mr. STEVENS. That is my understanding. We will stay on this bill until 1:15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, my friend from Arizona, for whom I have the greatest admiration and respect—he and I came to Washington together in 1982 as new Members of Congress. Of course, at that time I was aware of his gallant deeds for our country as a member of the U.S. Navy.

However, the Senator has tried to indicate that there was something wrong with how the energy and water appropriations bill was handled, especially the raising of the 302(b) allocations. That is done all the time. We worked very hard with the chairman of the Budget Committee, the ranking member of the Budget Committee, the chairman of the subcommittee, this Senator, the chairman of the full committee, and the ranking member of the full Appropriations Committee to come up with some way to take care of the weather-related problems that had occurred, dealing with the Corps of Engineers.

What we did was, we had an amendment ready to offer, to have an emergency appropriation, in effect, for the $125 million that was caused by weather-related activities. I have no doubt that would have been agreed to. However, after meeting with the Senators about whom I spoke, they were able to find money in other appropriations bills that was not used. Rather than have the emergency designation, we simply raised the 302(b) allocation. The $65 million was just that.

So anyone who would in any way infer that there was anything wrong with that simply is wrong. The chairman of the full committee is in the Chamber, and he would acknowledge that, as would the chairman of the Budget Committee, Senator NICKLES, as would Senator CONRAD.

Mr. President, could we have order in the Chamber, please?

The PRESIDING OFFICER. The Senate will come to order.

Mr. REID. One reason I asked you to bring the Senate to order was there were two conversations going on. They were both interesting. It was hard for me to listen to both of those and also try to get my thoughts together. I don't know which of the two was the more interesting but they were both pretty good.

I say to my friend from Arizona, the distinguished senior Senator from Arizona said the country was in a hole and we should stop digging. I respectfully agree with him. But the hole isn't anything the Energy and Water Development Subcommittee created. We are struggling to take care of the defense needs of this country. You know the Energy and Water Development Subcommittee handles the defense nuclear programs of this country, in addition to many other programs—university programs and other things that go on.

The situation is simply that the hole the Senator talks about was created by the fact that we are spending far more money than we are taking in. It is no secret, when President Bush took office, there was a surplus of about $7 trillion over 10 years. That is gone. This year's deficit will be around $700 billion, when you take out the Social Security Program and don't have that mask the deficit. So the hole is there, and I acknowledge that. The Senator is right. I am simply saying don't pick on the Energy and Water Development Subcommittee; we had nothing to do with the hole. The hole was dug by others, not by us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

Mr. GRAHAM of Florida. Mr. President, today I commend the Senate for addressing and correcting an unfortunate hardship placed on Native American veterans.

For the past decade, VA's Native American Housing Loan Program has provided direct loans to eligible Native American veterans who wish to purchase, construct, or improve a home on

trust lands—lands held by the federal government for the benefit of Native Americans. A problem arose this year due to a provision included in the fiscal year 2003 Omnibus Appropriations bill, which set a spending cap for the program at $5 million. That figure was deemed reasonable by the administration and appropriators because it was taken from previous years' spending amounts.

However, due to historically low interest rates over the past year, VA and borrowers have worked together to refinance many loans, loans that were counted toward the $5 million cap. The combined costs of refinanced loans and new loans led VA to exceed the newly-implemented cap. Consequently, last June, VA was forced to cease providing further funds for the year. This left many Native American veterans in despair as their housing projects sat awaiting completion. With the cessation of the program, veterans have been unable to complete construction on homes that were already in progress, refinance existing loans, or pay contractors.

The Native American Housing Loan Program originally began as a 5-year pilot project in 1993. Congress, recognizing its value, has re-authorized it twice and extended it through 2005. A recent GAO report noted a primary motivating force behind the bill was the fact that the home ownership rate among Native Americans is one of the lowest in the United States, finding that ''while over 67 percent of Americans own their homes, fewer than 33 percent of Native Americans own homes.''

In the report accompanying a reauthorization of the program in 1998, the Senate Committee on Veterans' Affairs stated that direct loans to these Native American veterans are necessary since—even with traditional VA guarantees—commercial lenders will not make mortgage loans to finance the purchase or construction of housing on Native American lands. They decline to do so because Federal law would prohibit a lender, in the event of default, from taking possession of native trust lands. Recent estimates indicate there are approximately 190,000 Native American military veterans. Many expert demographers recognize that, historically, Native Americans have the highest record of service per capita when compared to other ethnic groups. Congress realized that they should be allowed to receive the benefits they have earned through their service—such as VA home loans—no matter where they choose to live in the United States.

The Native American Housing Loan Program alleviates some of the problems faced by Native American veterans in a couple of ways. First, the bill lowers barriers for these heroic veterans by encouraging them to participate in the privileges and benefits of home ownership in America. Secondly, the program provides economic incentives to develop thriving and long-lasting Native American communities. According to VA's Annual Report to Congress for fiscal year 2002, VA closed 62 loans during 2002 for a total of 289 loans made under the program from its inception through September 30, 2002.

Mr. President, as ranking member on the Veterans' Affairs Committee, I applaud the Congress for working to alleviate this problem in a timely manner. I am proud to support a provision in the Department of Defense appropriations bill that will eliminate the spending cap completely. The legislation ensures that stalled housing projects can be continued without stifling future home ownership opportunities for Native American veterans. I am glad that we have been able to work in a bipartisan manner and I know the Native American veteran community is thankful of our efforts.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 364 Leg.]

YEAS—95

Akaka	DeWine	Lugar
Alexander	Dodd	McCain
Allard	Dole	McConnell
Allen	Domenici	Mikulski
Baucus	Dorgan	Miller
Bayh	Durbin	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Fitzgerald	Pryor
Breaux	Frist	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Smith
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Thomas
Craig	Leahy	Voinovich
Crapo	Levin	Warner
Daschle	Lincoln	Wyden
Dayton	Lott	

NOT VOTING—5

Edwards	Gregg	Lieberman
Graham (FL)	Kerry	

The conference report was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (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, and for other purposes.

Pending:

DeWine/Landrieu amendment No. 1783 in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, in just a moment my colleague and friend from California will be offering an amendment. Before she does that, I again thank her for her contribution to this bill.

When this bill was being marked up in the Appropriations Committee, she came to Senator STEVENS, the chairman, Senator GREGG, myself, and the other members of the committee and said she believed the bill could be improved—specifically, the section having to do with the scholarships for the children in the District of Columbia.

She made some suggestions. Quite frankly, as I told her on the phone later, I was just sorry I had not come up with those ideas because, frankly, she significantly improved the bill. So I wish to publicly again thank her for the suggestions she made. We incorporated those suggestions, those ideas, into the bill in the committee.

She said: We want to make sure this bill is constitutional. She had some ideas in regard to that. We incorporated them into the bill. She also said: ''Let's make sure the mayor—who has been such a strong advocate for the scholarship program, the mayor of the District of Columbia—let's make sure he is intricately involved in this program, the designing of the program, the running of the program; let's make sure he is tied into this program, and that we can, in fact, do that.'' We made those changes as well.

Third, she said: ''Let's make sure there is accountability so we can measure the results.'' We made some changes to accomplish that as well.

The amendment she will offer and describe in a moment builds on the changes that we have already made but

goes further and breaks new ground and perfects the bill even further. I am anxious to hear her description of the amendment. I have taken a look at it. It is an excellent amendment.

I yield the floor and anxiously await her amendment.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from California.

AMENDMENT NO. 1787 TO AMENDMENT NO. 1783

Mrs. FEINSTEIN. Mr. President, I thank the manager of the bill, my colleague from Ohio. I appreciate his sentiments.

Once in a while, by something we do, we can make a tangible and immediate difference in the lives of others. This is one such instance. In this case, what I hope to do is send an amendment to the desk, have Senator DEWINE's second degree, and then I would like to speak to the underpinnings of this scholarship program, which some people call a voucher program, and my rationale as to why I think this Mayor's request to try a pilot small voucher program in the District of Columbia should be granted.

I begin by sending the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 1787 to amendment No. 1783.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the DC Student Opportunity Scholarship Program regarding student assessments)

On page 31, strike line 13 and all that follows through page 32, line 2, and insert the following:

(c) STUDENT ASSESSMENTS.—The Secretary may not approve an application from an eligible entity for a grant under this title unless the eligible entity's application—

(1) ensures that the eligible entity will—

(A) assess the academic achievement of all participating eligible students;

(B) use the same assessments every school year that are used for school year 2003–2004 by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), to assess participating eligible students in the same grades as such public school students;

(C) provide assessment results and other relevant information to the Secretary or to the entity conducting the evaluation under section 9 so that the Secretary or the entity, respectively, can conduct an evaluation that shall include, but not be limited to, a comparison of the academic achievement of participating eligible students in the assessments described in this subsection to the achievement of—

(i) students in the same grades in the District of Columbia public schools; and

(ii) the eligible students in the same grades in District of Columbia public schools who sought to participate in the scholarship program but were not selected; and

(D) disclose any personally identifiable information only to the parents of the student to whom the information relates; and

(2) describes how the eligible entity will ensure that the parents of each student who applies for a scholarship under this title (regardless of whether the student receives the scholarship), and the parents of each student participating in the scholarship program under this title, agree that the student will participate in the assessments used by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), for the period for which the student applied for or received the scholarship, respectively.

(d) INDEPENDENT EVALUATION.—The Secretary and Mayor of the District of Columbia shall jointly select an independent entity to evaluate annually the performance of students who received scholarships under the 5-year pilot program under this title, and shall make the evaluations public. The first evaluation shall be completed and made available not later than 9 months after the entity is selected pursuant to the preceding sentence.

(e) TEACHER QUALITY.—Each teacher who instructs participating eligible students under the scholarship program shall possess a college degree.

Mrs. FEINSTEIN. Mr. President, I have been in public office for 30 years. I have always supported schools. I supported every charter amendment, and every bond issue to be helpful to schools. I have supported every vote to increase dollars to schools. I voted to support charter schools, magnet schools, alternative schools. I have campaigned for increasing Title I moneys that go to schools that teach poor children to try to correct the formula so the money goes where the child goes.

As a Mayor for 9 years, 3 of those years I bailed out the school district with $3 million a year so that teacher salary increases could be paid during those years. I have traveled to many cities to see what innovative public education programs have been put into play. I have never before supported a voucher program. I do so now with a great commitment to see if this program can succeed. I do so now because those of us who believe strongly in public education—and that is 100 Members of the Senate—have perhaps been too concerned with the structure of education, the rhetoric of education, and not concerned enough about what actually works on the streets and in the neighborhoods and communities of America.

This was brought to my attention 3 years ago when the Mayor of Oakland, Jerry Brown, called me and said: My schools have deep troubles. There are so many failing youngsters. I want to try something new. I would like to try a military school, all voluntary, aimed to be geared for excellence, college preparatory. I want to have the poorest of the poor admitted to this school.

I thought about it for a while.

He said: I have been turned down by the local board of education. But that is not going to stop me.

He went to the State and got a special charter from the State. He came back here and convinced Jerry Lewis in the House, me in the Senate, to put some money in a bill to allow him to begin.

I spoke to Jerry Brown this morning. I said: Jerry, I want to give the Senate a brief progress report. How is it going in your military school?

He said: We have our startup problems, but we are doing pretty well. We have 350 youngsters. Some drop out. We have discipline. We have uniforms. We have the National Guard participating. These youngsters, 3 years later, are testing to the equivalent of the second best middle school in Oakland.

So it was a new model. It was refused by the educational establishment. But it is working for some youngsters.

When I went to public school in San Francisco, there were 350 students in the school. The class sizes were under 20. There were no other languages other than English spoken. That is certainly not the case for the most part in public education today. It has changed dramatically. Schools have student populations in the hundreds. Classes are way up in numbers. Language has run up to 40 different languages in a school. The economic and social disparity of this great diverse society makes teaching in the elementary school grades much more difficult.

I have come to believe that if I can make a difference to work for new models in education, I am going to do it. Education is primarily a local institution. Policy is set by local leaders. The Federal Government provides maybe 7 percent of educational dollars and most of those through Title I of the Elementary and Secondary Education Act.

I strongly believe that Mayors should have an input. This Mayor has asked for dollars not to be taken from public schools but new dollars: new dollars to be put in public schools, $13 million; new dollars to be put in chartered schools, $13 million; and new dollars to try a scholarship program to try something different.

What he has seen in the District of Columbia is too much failure. Despite the fact that each youngster receives $10,852 a year—the third highest in the United States,—despite the fact that of the amount of money that comes into education, test scores are dismal.

Of fourth graders in the District of Columbia schools, only 10 percent read proficiently. Of eighth graders, only 12 percent read proficiently.

Think about what that means. If you are in the eighth grade and you can't read, what good is high school? You can't read to learn. Reading is a predicate to learning, just as discipline is a predicate to learning. So these youngsters become doomed.

This is not my assessment. This was a national assessment that was done in March of 2000. Of eighth graders, 77 percent are below the grade level in math. Twelve percent are proficient in reading.

I am supporting this because the Mayor wants it. I am supporting it because it is not a precedent. It is a pilot. It is 5 years. The voucher is adequate. It is $7,500. There are 9,049 students in the District of Columbia in failing schools.

This would cover 2,000 of those youngsters; 2,000 of those youngsters would have an opportunity to have some choice in where they go to school. Would they go to a religious school or a secular school? That is up to the parent; it depends on the cost. Some families would be able to put in some additional funds, if the private school tuition is above $7,500.

But I know for a fact there are plenty of schools where the tuition is below the $7,500. As I said in the committee, I helped a youngster go to one of these parochial schools in the District. The tuition is $3,800 a year. I have watched her blossom. I have watched the discipline work for her. I have watched the small classes work for her. I have watched the additional time the teacher spends with her work. I see her reading way above grade now. I see her proud of her uniform that she wears, so there is no competition for clothes. It is just one model.

The key thing that comes through to me, as somebody who listens to average people perhaps more than I do the policy wonks when it comes to education, is different models work for different children. We all know with our own children, what works for one child doesn't necessarily work for another. Therefore, what public education needs to do is stop worrying about structures and bureaucracies and bigness and worry about what is not working for these children. What do we do to provide a different environment? Do we divide up our campuses in a number of smaller schools? Do we build schools in office buildings—small schools, maybe with a hundred youngsters—so children can be closer to their families? What do we do? What new models do we look at?

All this Mayor is saying is these are failing schools. Why should the poor child not have the same access as the wealthy child does? That is all he is asking for. He is saying let's try it for 5 years, and then let's compare progress and let's see if this model can work for these District youngsters.

Interestingly enough, I am looking at the list of failing schools, and I see four are elementary, four are middle/junior high; and then it jumps to eight for senior high. What is the lesson in that one statistic? The lesson in that one statistic is if you have four elementary schools failing, you are going to add to that in high school; you are going to have more high schools failing and more difficulty in high school.

Mr. President, I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUMBER OF STUDENTS IN FAILING SCHOOLS, DISTRICT OF COLUMBIA PUBLIC SCHOOLS, ENROLLMENT FOR SELECTED SCHOOLS AS OF SY 02–03

Schools	Enrollment
Elementary	
Bruce-Monroe ES	370
Stanton	622
Wilkinson	508
Fletcher-Johnson EC	528
Middle/Junior High	
Evans MS	259
Sousa MS	420
Johnson JHS	646
R.H. Terrell JHS	294
Senior High	
Anacostia SHS	693
Ballou SHS	964
Coolidge SHS	843
Eastern SHS	968
Roosevelt SHS	821
M.M. Washington CSHS	329
Woodson SHS	788
Total kids low performing schools	9049

Mrs. FEINSTEIN. Mr. President, the Mayor has asked for a 5-year pilot. He said it would be for the less affluent. They are defined by families of 4 at 185 percent of poverty. This is a family of 4 that earns $34,000 a year, or below, and these children would be given priority by lottery to have an opportunity to go to another school. It is like a golden key. It gives them an opportunity to try something else. It is voluntary. Nobody is forced to do it. Why is everybody so threatened by it? No one is forced to do it. If a family wants to try it, this provides them with that opportunity.

Again, these are schools identified for improvement, corrective action, or restructuring. That is the language from the bill. And priority is given to students and families who lack financial resources to take advantage of educational opportunities. That is the language in the bill. So for $7,500 a child, 2,000 youngsters will have an opportunity to try this, to see if it makes a difference.

It might offer some smaller classes, or uniforms; it might offer more attention; it might offer an easier learning environment; it may offer better discipline. Certainly, there will be some curriculum changes. There will certainly be more emphasis on reading, writing, and arithmetic—the basics, if you will.

Now we have in the Appropriations Committee, thanks to the accommodation of Senator DEWINE and Senator JUDD GREGG, made several changes in the original bill. It was brought to my attention to take a look at the Zelman Supreme Court case. Senator VOINOVICH mentioned that to us. I believe he was Governor of Ohio when Cleveland put forward this program, and it went up to the Supreme Court in a case called Zelman v. Simmons-Harris. So we took that case and this bill and we tried to bring them together so that we added religion to the general nondiscrimination clause, which also covers race, color, national origin, and sex, and extend the nondiscrimination clause to both schools and the entity operating the voucher program. We added language clarifying that the bill does not override title VII to ensure that we don't change title VII's provisions permitting religious discrimination under certain circumstances.

We deleted certain other language which we thought might impact the establishment clause. We increased the role of the Mayor to make the Mayor responsible for the details and functioning and accountability of this program, and to ensure the proper use of public funds by the schools participating in this voucher program.

The amendment I have sent to the desk is an additional strengthening of the testing and evaluation components of the bill to try to ensure that scholarship students are taught by quality teachers. Essentially what this bill says is every voucher child must be taught by a teacher that at least has a college education. Additionally, we have changed the testing requirements. I have had a conversation with Cardinal McCarrick. Since about one-third of the private schools in the Districts are Catholic schools, I talked to the Cardinal about the advisability of having the same tests given to a student on a voucher in a parochial, or secular school, as would be given to a student in the public school. He agreed that would be a very significant thing to do.

I would like to read into the RECORD a portion of the letter from Cardinal McCarrick.

. . . I want to assure you that we are not only open to being accountable for any public funds which the families of our students receive, but anxious to be able to prove the value of our education. This would mean being willing to administer the same set of examinations that are given in the public school system.

I was happy to be able to tell you that in the District of Columbia 47% of our students are non-Catholic—

Forty-seven percent of the students in the DC Catholic schools are non-Catholic—

and in the heavily impacted inner city areas it goes up to 67% or higher. My great predecessor, Cardinal Hickey, used to say that we don't educate them because they are Catholic, but because we are Catholic and we accept this as a responsibility for being good neighbors and committed to serving the community.

I ask unanimous consent that the full text of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARCHDIOCESE OF WASHINGTON,
Washington, DC, September 8, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: It was good to be able to speak to you on the phone on Friday. I promised to send you this letter to clarify the situation of our Catholic schools in the District of Columbia. First of all, I want to assure you that we are not only open to being accountable for any public funds which the families of our students receive, but anxious to be able to prove the value of our education. This would mean being willing to administer the same set of examinations that are given in the public school system.

I was happy to be able to tell you that in the District of Columbia 47% of our students

are non-Catholic and in the heavily impacted inner city areas it goes up to 67% or higher. My great predecessor, Cardinal Hickey, used to say that we don't educate them because they are Catholic, but because we are Catholic and we accept this as a responsibility for being good neighbors and committed to serving the community.

I am so greatful to you for your concern for the parents of these children. So many of our parents work three jobs and more to be able to afford the education in our schools. The help that this legislation would make available would be such a blessing for them.

If there is any further information that you might find useful, please do not hesitate to have your staff contact me.

With every good wish and deepest gratitude, I am

Sincerely,

THEODORE CARDINAL MCCARRICK,
Archbishop of Washington.

Mrs. FEINSTEIN. We have a provision in this bill that a scholarship recipient would essentially be tested against a control group with the same test given in the public school setting as in the private school setting.

The first component of my amendment requires that the managing entity that will run the voucher program give voucher students—not every student in private school—the same assessments they took in public schools. It also requires that the Secretary of Education, in conjunction with the Mayor, appoint an independent evaluator to study all aspects of the voucher program, with a strong focus on the academic progress of the students in the program.

The independent evaluator, which could be a think tank, could be an independent entity, will be required to evaluate the test scores of voucher students over the 5-year period, as well as the scores of a randomly selected group of comparable students who applied for vouchers but did not get them.

The test scores of the control group for which no voucher is available will be studied and measured against the scores of the voucher students.

The evaluator will be required to report back to the Congress every year on the progress, for the duration of the 5-year pilot. This amendment also requires that the test scores of both recipients and the student control group, as I said, would be studied, obviously, against one another.

I think we have a very practical, very doable trial proposal. I know on this side of the aisle there are a lot of objections to it, and I must say I am deeply puzzled by them because I do not understand what the fear is. Traditionally, the argument against vouchers always has been it takes money away from the public school. This does not. It adds money to the public school. Another argument always has been, how do we really know the students will do better? We have the testing and evaluation component in place.

Finally, the program is restricted to those most in need. These will be the poorest families in DC who will participate. They will all be families of four, earning under $34,000 a year. So for 5 years, a child who is not making it, whose parent may be at wit's end, will have an opportunity to say, aha, I might be able to get one of those vouchers. Let's see if John, Sam, Gloria, or Betty can make it in another setting. In other words, let's try another model for our child.

Affluent people do this all the time. Affluent people have that opportunity. If their child does not do well in one setting, they can place their child in another setting. Why shouldn't the poor person have that same opportunity? This is the weight of our argument. This is the candor of our argument. I hope this is the caring point of our argument, because if this passes, 2,000 children will be able to take that pilot and 5 years from now we will know a lot more than we know today.

I have gotten a lot of flak because I am supporting it. And guess what. I do not care. I have finally reached the stage in my career, I do not care. I am going to do what I sincerely believe is right. I have spent the time. I have gone to the schools, I have seen what works, I have seen what does not work. Believe it or not, I have always been sort of a political figure for the streets as opposed to the policy wonks. I know different things work on the streets that often do not work on the bookshelves. So we will see. It is kind of interesting.

I have a member of my own staff who I do not think was very much in favor of me trying this, but at one point she came up to me and said: I must tell you something. I grew up in Anacostia. My parents could afford to send me to a Catholic school, and I went to that school. I saw so many of my peers get into such trouble and it conditioned the whole remainder of their life. Now today, she is a distinguished attorney with a solid career and a solid job.

My concern in education has always been K–6. It has always been teaching the basic fundamentals to kids so they could go on and learn, because if they do not have the basic fundamentals, it is so humiliating.

As mayor, I used to go out to Bayview Hunter's Point every Monday. I spent the afternoon with children. I talked to children. It took me 6 months to get them to look me in the eye, to be able to pronounce their names, to be able to talk directly to another human being. It took the time, the energy, and the effort. Through no fault of their own, in many cases our public institutions are so overburdened, with so many different issues, that it is difficult to provide everything for every child. Obviously, some children need more than they are getting.

I hope there will be others on my side of the aisle who will give this program a chance. I believe it will meet the test of constitutionality. I believe it is a bona fide pilot. I intend to stay with it and see what happens and see that the evaluation and the testing is adequate and carried out correctly and see what we learn for the future for our children.

Once again, I thank Senator DEWINE for his courtesy in working with me. He really has been terrific and I appreciate it very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from California for a wonderful speech, but, more important than that, for her commitment to the children of the District of Columbia. Her position on this issue is so typical of her career and what I have seen her do during the time I have been in the Senate, during the time I have served with her. That is, she does not necessarily take the conventional position. She studies issues. She goes out and looks at the issue. She goes out and sees what the issues are and tries to understand them. As she says, she listens to the street. She listens to the people. She finds out what is going on, and that clearly is what she has done in this particular case.

Again, as I have said on this floor before, I applaud her. I applaud her for her contribution to this bill. This is a better bill than it would have been but for the Senator from California. I thank her for her contribution.

Mrs. FEINSTEIN. May I say one more thing? Will the Senator yield to me for a moment?

Mr. DEWINE. I yield to my colleague from California.

Mrs. FEINSTEIN. First of all, again, I thank the Senator. It has been a great pleasure for me to work with him. I really appreciate it.

I have just been alerted that the Mayor is here. I understand the Mayor of the District of Columbia can come on the floor of the Senate. I believe very strongly, because mayors run their cities, they are responsible. Yet, in education, it is very often so frustrating because they do not have control. This is the Mayor who wants to leave a legacy of an improved education system for the District.

Those of us who read the Washington Post this morning, and the Mayor's comments addressed, I guess, to the editorial board of the Washington Post, understand the frustration. I have always been one who had a great appreciation for Dick Daley, of Chicago, who went to the State legislature and said: Give me control of appointment of the school board. And they did. He appointed some of his people to the school board and turned around the Chicago public schools. I think in a way that has set a real pattern for public education in America. I had the privilege of visiting those schools and spending a day in Chicago.

I ask consent that the Mayor be allowed to come on the floor of the Senate?

The PRESIDING OFFICER. The Mayor of the District of Columbia is authorized to be on the floor of the Senate under the rules.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Just to continue on for a moment, I think what's going to happen in America is that more mayors of big cities will get more control over the schools, whether it is by appointing the school board or whether it is by having a separate entity involved in it. In the case of Chicago, I remember the Mayor appointed his chief of staff as head of the school board and his budget person, Paul G. Vallas, as superintendent of public instruction. So they had a working team to really turn the public school system around.

I would like to welcome the Mayor of the District of Columbia to the floor of the Senate.

Welcome, Mr. Mayor. Thank you very much.

I want everybody to know this is your request and your program. I don't know how many votes on our side of the aisle we will have for it, but I think it is a very important program to try. I think it is very important. I think because of the testing we have built into it, the same tests, the evaluation component, the fact is that your feet are going to be to the fire because this is your program and it is going to succeed or fail based on your energy, your staying power, your drive, your motivation. And I know it is there.

To the Presiding Officer, and to the manager of the bill, I have made my arguments. I am happy to answer any questions there may be, but I am hopeful this amendment will be agreed to and we will have an opportunity to try this pilot program.

I yield the floor.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I appreciate the Senator from Ohio giving me the opportunity to speak at a time while the Senator from California is still in the Chamber and the Mayor of the District of Columbia is still here.

I greatly respect the leadership shown by the Mayor of the District of Columbia and by the Senator from California, who are willing to take a fresh look at children who need help. This leadership is based upon their own experiences and common sense, and wisdom to try something different.

I listened very carefully to the Senator from California. I was thinking the Senate is a good place for someone with a lot of experiences on the street and in the Mayor's office, in political campaigns, and in legislative bodies. She is someone who has enough experience to come to her own conclusions.

This is a terribly important decision. It would not even be before us if the Mayor and other local officials in the District of Columbia had not asked for it because too many of the changes that have been suggested in education are often suggested in the tone of: This is good for you. But, it rarely ever happens unless somebody says: I want this for my child, or my school district.

I remember in Milwaukee 15 years ago, there was a strange confluence of circumstances that led Milwaukee to try to give the poorest families in the city more choices of school for their children. It only happened because Polly Williams, who was the State representative and was the leader of Jesse Jackson's campaign in Wisconsin, and the Democratic mayor of Milwaukee, and the Republican Governor, Governor—now Secretary—Thompson, all happened to come to the same conclusion. They all thought outside the box. They all did things that were different.

But the person that really made the most difference, with great respect to the mayor and with great respect to the Governor at that time, was Polly Williams, who represented parents who said: I want this for my child.

What we are hearing today in the Senate, and what the Senator from California has so beautifully stated, and the Mayor has brought to our attention, is that we have several thousand families in the District of Columbia who are saying to us: We want this for our child. We see the results. We see the figures the Senator from California cited: In eighth grade only a few children are reading at the eighth grade level, so few children are able to do math, this lack of academic success is almost a guarantee of a lack of success in life.

I was glad I had the assignment of being the Presiding Officer at the time when the Senator from California made her speech. I wanted to add to that in a couple of ways.

I think she beautifully distinguished between this proposal and a broad voucher program. We have argued those up and down the street for years. But here is what the Senator from California reminded us is different about this proposal:

No. 1, the Mayor wants it. If we were in a State, if we were in the State of California, or Tennessee, or Ohio, the money we are talking about would really be the State's money; in effect, it would be money the State was spending the way the State wanted to spend it. We just happen to be in the District of Columbia where the money is collected a little differently. This is money that local people really ought to be able to decide how to spend, and they want to spend it this way. That is one big difference.

The Senator from California said this is a pilot program. One might argue that there is not such a thing in Federal Government; that every program lasts forever. But it doesn't have to last forever. This is a chance to try to give 2,000 poor children from failing schools one option to see if they can succeed in their educational life.

We don't have many pilot programs with this idea. We have one in Milwaukee where it worked well, I thought. I have been to those schools. We learned a lot. We have some programs in Ohio, which the Presiding Officer helped to implement.

In the Nation's Capital, it might be good to have a look and see whether this idea works or not. The Senator from California suggested in her amendment some provisions which will help make sure that it gets a fair test—requiring scholarship students to take tests similar to other students in the District, requiring the Secretary of Education and the Mayor to select an independent entity for evaluation, and to say that the teachers of these children who are on scholarships should be as well qualified as possible. Those are very sensible additions.

The Mayor wants it. It is a pilot program. And it helps 2,000 of the poorest children in failing schools by giving them $7,500 a year of new money. This comes from no other educational program. If it is not spent for this, it goes right back into the Federal budgets. It is new money to give them that choice.

Pilot programs and studies sometimes help us learn things. For example, Vanderbilt University did a very interesting report that was published in September of 2001.

The Senator from California and the Mayor of the District of Columbia might be interested in this, too. They took a group of schools, all of which have the characteristics of potential failing schools. In this group of schools, 35 percent of the students changed school every year, and 50 percent of the students qualified for free or reduced-price lunches.

The parents of the children in those schools had a modest education themselves. It is a recipe for failure when compared to most of our schools. Yet in these schools—instead of having only 1 of 10 or 1 of 20 8th graders who score proficient in math or reading, these schools are first in the country and second in the country among African-American students, according to the National Assessment for Educational Progress in Math and Reading.

What schools are these? These are the schools on the military bases across the country. All of us can speculate as to why that is true. There might be more discipline in a military school or military environment. Another one might be that the school reports to the commanding officer of the base.

The Senator from California has just increased the accountability of the schools in these scholarship programs by saying the Mayor is directly responsible. The Mayor of the District of Columbia is going to be paying attention to these schools and these scholarship kids.

There is another thing we might learn from this study of the military. There is one other provision which I found very interesting. At the military post schools where the military children who live on the base go to school, parents must go to the parent-teacher conference. They don't have a choice. They can be court-marshaled if they don't go. They are ordered to go. I guess that might be the single most important thing.

If this education has all of these aspects—and everyone is an expert. Everybody has 1,000 ideas. There are two

things we know for absolute sure. The thing that makes the most difference in a child's education is the parent and the second thing is the teacher. Everything else all added up into a lump counts for relatively little compared to those first two.

It might be that if there are 2,000 families who go to the trouble of helping their kids move from a failing school into another school that these parents will have increased parental involvement. This might be what makes the difference in terms of their child's success. But we don't know that unless we try to find out, which we can do over the next 5 years if we support the Senator's amendment and then we support the bill that is reported.

There are a couple of other things I would like to say. The Senator from California said that she has lived long enough to do what she thought was right and that she was puzzled by the opposition to this program. I have to admit that I am puzzled, too. On my side of the aisle, I am not always in lockstep with all of the Republican ideas that come along because I have lived long enough to make up my own mind about things.

But on the idea of saying that poor children shouldn't have the same choices of schools that middle-income and rich kids have, I have never really understood the opposition. It has always puzzled me.

Let me give an example of why. This is not some idea from the Moon. The idea of giving families choices in educational institutions has been the single most successful social program we have ever had in our country's history. Most people would say that the GI bill after World War II has been our most successful social program. What happened after World War II?

At a time when only 5 or 10 percent of Americans were going to college, the Government said to the veterans: When you come home, to pay you back, we are going to give you a scholarship to go wherever you want to go to school. They said: You may go to Berkeley. You may take this money to Fisk University. You might go to Hastings in California. You can to Vanderbilt, you can go to the University of Tennessee, you can go to Ohio State, or to Notre Dame, or Kenyon. You can go to Yeshiva. You can go to a Brigham Young University. Wherever you want to go you can go to an accredited university.

A great many of the veterans returning from World War II used their GI bills to go to high schools. Many of them went to Catholic high schools. At that time, we began to allow Government scholarships to follow students to the educational institutions of their choice.

At that time, about 20 percent of our higher educational institutions were public. About 80 percent of the students went to private schools.

It sounds strange today because now we have big public universities. In Ohio you had all of those wonderful institutions—Miami, Kenyon, Oberlin—all the colleges in Ohio. And Ohio State wasn't all that big at the end of World War II. A lot of the colleges that are universities today were just small teachers colleges.

What has been the effect of allowing Federal dollars to follow students to the educational institution of their choice since World War II? What happened is that it has created more opportunities for Americans more than any other program we have ever passed. It has created not just some of the best universities in the world but almost all of the best universities in the world. It continues today in the form of the Federal Pell grant and the Guaranteed Student Loan Program. One-half or more of students who go to colleges or universities in California or in Ohio or in Tennessee go to college with a Federal grant or with a loan following them to the college or university of their choice.

When I was president of the University of Tennessee, it never occurred to me to come to the Senate and say: Senator DEWINE, I hope you will pass a law that keeps Federal dollars from following a Tennessee student to Vanderbilt or to Fisk or to Maryville College or Carson-Newman College or Howard University or Brigham Young or Yeshiva because they are private, public, or parochial. It never occurred to me. I wanted the students to have all of those choices. It helped them and it helped our university.

If we have the tradition of choice in America, and if we have 60 years of funding educational institutions by allowing the money to follow the student to the school of their choice, it has always puzzled me as to why we exempt grade schools and high schools. We even allow Federal scholarships to let money follow preschoolers to Head Start or the child care program of their choice. Many States allow juniors and seniors in high school to let money follow them to the college of their choice.

We have gotten in this rut, and it is not clear how we got there but some people are determined to keep it forever. The ones paying the price are the poor kids of America.

We just finished what has turned out to be a very unpopular set of tests in Tennessee and America, the leave no child behind test. In our State, some of the superintendents and teachers were up in arms. They said: We are not a failing school.

I said: I would not get too proud or too embarrassed about the scores in Tennessee or California because all the leave no child behind tests are demonstrating is what we already know, which is that in most of our schools in America, even some of our finest schools, there are some children who are not learning to read. They are not learning to compute. Almost all of those children are disadvantaged.

We can ignore that and adopt a new slogan that says leave no more than 35 percent of our children behind and go right on to decide to try some other things.

As the Senator from California said, one thing we could try is to allow the District of Columbia to spend its money helping 2,000 of those children who are poor and in failing schools, help them go to a school of their parents' choice and see whether that helps.

Some people say the school choice plan is a think-tank plan, maybe a conservative plan, maybe even a Republican plan. It is none of that. Let me give an example. One of the most distinguished educators in America is a man named Ted Sizer, at Harvard University, a graduate student during the Lyndon Johnson days. He was a ''power to the people,'' Johnson liberal Democrat. As his graduate degree thesis in the late 1960s, Ted Sizer published a proposal called ''The Poor Kids Bill of Rights.'' The idea was that part of the war on poverty, under the LBJ programs, the Federal Government should give $5,000, in 1969 dollars, to every poor kid—he defined poor as middle income or below; which meant half the kids—give $5,000 to half the children in America and let it follow them to the school of their choice.

That proposal came out of the 1960s from Ted Sizer, out of Harvard, out of Lyndon Johnson's philosophy. It is as true to that philosophy as it is to Milton Friedman's philosophy.

I like better what the Senator from California said. She was not so interested in a philosophy. She was interested in parents and kids on the street. That is who we should be listening to. If the Mayor and the chairman of the city school board say: We have tried everything. We are spending $11,000 per kid; we are putting more money into charter schools; we are improving our schools, but we have all these children who are not learning to read, could we not try to give them a chance to go to some of the same schools that they could go to if their parents had some money? That is all they are saying.

I am very glad to have been here today to hear the Senator from California address the Senate. I am glad she is here to make a difference. I am glad the District of Columbia Mayor is here to make a difference too.

Everyone, after being here for a while, looks to the end of their careers and wonders what it will look like when looking back. My guess is when the Senator from California and the Mayor of the District of Columbia look back—these decisions, which are courageous in a political sense, are decisions they will take great pride in years to come.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to support the inclusion of the District of Columbia School Choice Program contained within the fiscal year 2004 District of Columbia appropriations bill. I urge my colleagues to defeat any attempt to weaken or remove the program.

I also rise to support the amendment of Senator FEINSTEIN which strengthens that provision in the appropriations bill.

First of all, I applaud the efforts of my friend, the senior Senator from Ohio, Mr. DEWINE, for his efforts to expand school choice for the parents and schools of the District. I also applaud the leadership of Senator GREGG moving this issue forward. I also applaud Senator FEINSTEIN for her courageous support of this program and her very thoughtful amendment to the amendment to the appropriations bill.

My father, a first generation American, used to say that America enjoys more of the world's bounty than any other nation because of the free enterprise system and our educational system. This is true today as it was years ago. It we expect to remain competitive in the world marketplace and maintain our standard of living, this country needs to rededicate itself to the free enterprise and most importantly our educational system.

Some in Congress believe rededicating ourselves to this Nation's educational system means simply throwing more money at the issue, closing our eyes, hoping it will solve itself.

If spending alone ensured a quality education, the District would be one of the best school systems in the Nation. For the school year that ended June 2001, the District spent an average of $10,852 per student. That is the third highest in the Nation. However, the 2002 national assessment of educational progress showed fourth grade students in the District held the lowest scores for writing and tied with Los Angeles for the lowest score in reading. That means 27 percent of fourth graders in the District scored below the basic level in writing, and 69 percent tested below the basic level in reading.

What a dismal message on the state of education for the families who live in the shining city on the hill, the Nation's Capital. What a terrible record to send throughout the country and the world.

We, in Congress, are obligated to do more to help the children in our Nation's Capital. I have often said that the greatest thing one could do for their fellow human being is to help them fully develop their God-given talents so they can take care of themselves, their families, and make a contribution to society. We need to empower families and children with more than just additional funding.

When I was first elected Governor of Ohio in 1990, I pledged to the people that I would draw a line in the sand for this generation of children in Ohio by making their health education my administration's top priority. As I look back, I am proud of that record in Ohio. When I left the Governor's mansion in 1998 for the Senate, Ohio led the Nation in State funding for Head Start. Every eligible child whose parents wanted them in a Head Start Program, early education had a place for them. Many of these Head Start facilities were sponsored by religious organizations and located on the premises of religious organizations.

We were among the Nation's leaders in providing health care for uninsured children. Ohio increased funding for children and family programs by 47 percent while holding State spending to its lowest rate in 30 years. These actions and accomplishments were rooted in the belief that future generations of Ohioans would be served by a government that strived to empower families.

As the Presiding Officer knows, education begins with a family. A parent must be a child's first teacher. It was in this context that Ohio became one of the first States to undertake the challenges of implementing school choice. My colleagues in the Senate know how tumultuous a battle that program faced. It went on for years and finally ended up in the Supreme Court.

At the beginning of the Cleveland scholarship program, we provided 2,000 scholarships to children in grades kindergarten through third grade that would follow them through the eighth grade. Depending on the family's income level, the State paid between 75 and 90 percent of the cost of education. The scholarship amount did not exceed $2,250, which provided a significant portion of the tuition at one of the participating nonpublic schools in Cleveland. The State also provided an equal number of $500 tutoring grants to those students who did not receive scholarships but whose parents felt they needed additional help for their children.

The response to our program was overwhelming. The State received nearly 7,000 applications from Cleveland parents. More than half of the applicants were from households dependent on welfare, and half were from minorities. It was evident from the sheer number of applicants that parents were demanding options that the Cleveland Scholarship Program provided.

Today, the program has expanded. Effective July 1, 2003, students who had previously received a scholarship are now eligible to receive a scholarship for grade 9 in the 2003–2004 school year. And beginning in the 2004–2005 school year, a student who received a scholarship in the 9th grade will be eligible to receive a scholarship in the 10th grade. We are moving them along. Additionally, the scholarship amount has increased. The capped tuition for the 2003–2004 school year is now $3,000.

From its humble beginnings in 1996, with 2,000 students, and total scholarships of $2.9 million, the program has more than doubled its enrollment. Today it covers some 5,200 students. Additionally, total scholarship amounts have increased to almost $10 million.

Since 1998, Indiana University's Center for Evaluation has been conducting longitudinal studies regarding the Cleveland Scholarship Program. So we have been watching it. We put the money out so we could watch how this thing has progressed.

In its most recent study, the center found that students who have participated in the Cleveland Scholarship Program since kindergarten have achieved significantly higher levels than public school students in reading and language skills.

I would also like to call my colleagues' attention to the results of an evaluation of the Cleveland voucher program that was conducted 2 years after it began by Paul Peterson of Harvard University.

In his study, Dr. Peterson found that parents of voucher recipients were consistently more satisfied with many aspects of their child's education than were parents of students in the Cleveland Public Schools. From the quality of academic programs to school discipline, teachers' skills, class size, and so forth, parents whose children were participants in the Cleveland Scholarship Program showed greater satisfaction and enthusiasm than did parents in the Cleveland Public School System.

The Cleveland Scholarship Program is merely one component of a renewal in our education system that needs to occur. I do not stand before the Senate and claim it is a cure-all for all troubled school districts. I think it is very important. Those of us who are supporting Senator DEWINE's and Senator FEINSTEIN's amendment are not claiming this is going to be the cure-all for troubled school districts. What we are saying is that it is another option on the education smorgasbord. And as the Presiding Officer so eloquently stated, why not look at some other programs that are out there? A business that is not doing very well starts to look at itself saying: What are other things we could be doing? Let's do some research and development. Let's look at some new ideas. Let's try something else.

I must tell you, as chairman of the Governmental Affairs subcommittee with jurisdiction over the District of Columbia, I support this as one of many options. We need to expand our vision. Instead of putting on our blinders, let's look at some other programs. The legislation offers the positive step toward empowering parents in the District by increasing their involvement in their child's education and offering them more choices.

Families in the District of Columbia have limited opportunity for choice in their children's education, and families have wholeheartedly embraced school choice. In 1996, the first charter schools opened in the District. The 39 charter schools operating in the District of Columbia only educate 1 in 7 children in the District. That is 15 percent of the students. Hundreds—hundreds—are on waiting lists.

Additionally, the Washington Scholarship Fund, a private, nonprofit organization, that provides scholarships for economically disadvantaged families, received over 7,500 applications for 1,000 available scholarships. It is clear that the parents of children in the District of Columbia want more options.

When I came to the Senate, I said I would not mandate a scholarship program on any jurisdiction; they had to want it. It is clear to me that the District of Columbia wants this. And it is just as clear that the District is within the responsibility of the Congress. They are our responsibility. We are not mandating every school district in America. We are increasing options for families in the District of Columbia.

Some would contend this is going to be running throughout the United States of America. We are concentrating our attention on our responsibility: the city on the hill, the Nation's Capital—our responsibility. And we are saying we want to give the parents of those children more options.

The most important thing is that this proposal for fiscal year 2004 has been drafted in consultation with and has the approval of Mayor Anthony Williams—I have talked to him about it; he is passionate about it—Council Member Kevin Chavous, chair of the Council's Committee of Education, Libraries, and Recreation; and Ms. Peggy Cooper Cafritz, president of the DC Board of Education. They are for this. They want this for their children. They are asking us for it.

The bill also contains $13 million for charter schools and $13 million for public schools to assist them with requirements under No Child Left Behind for teacher recruitment, training, and similar programs. Combined, the funds for these three programs represent the largest Federal contribution to the District of Columbia in the history of this country.

Unfortunately, the debate is not focused on the $39 million in new funds for the District. Oh, no. It is on the $13 million being considered for the scholarships. The proposed scholarship program would be authorized for 5 years, giving Congress the opportunity to monitor and evaluate the progress of schools and students—5 years. Let's watch it, just as we did in Cleveland with the longitudinal studies. Let's see how it works out. It would be overseen by the District of Columbia and the U.S. Secretary of Education.

Finally, it is a scholarship program that will help the neediest families in the District, the ones about whom the Presiding Officer so eloquently spoke. Eligible students are children attending low-performing public schools and whose household incomes do not exceed 200 percent of the poverty level. We are talking about a relatively small number of students. I think it is something like 2,000 students who would be eligible for the program.

I would like to stress to my colleagues that this is all new Federal money for students in the District of Columbia. Let me repeat: This is all new money. These scholarships are one piece of a larger proposal to address the educational needs in Washington, DC.

Certainly there is a role for Congress to play. We in Congress have increasingly recognized the need for the Federal Government to serve as the State for the District, a necessity considering the unique relationship between the District of Columbia and the Federal Government.

For example, just 4 years ago, I was the chief sponsor in the Senate of the DC Tuition Assistance Grant Program, which was enacted in 1999. This program provides grants for students graduating from DC high schools to attend public universities and colleges nationwide at in-State tuition rates. In other words, we put the students in the District in the same position as if they lived in the State of Tennessee or the State of Ohio. There is a subsidy by the State so they could go on and get higher education.

It also provides smaller grants for students to attend private institutions in the DC metropolitan area and private historically black colleges and universities nationwide. So we have expanded it beyond just public. We now have private and historically black colleges included. This program has been enormously successful.

There is one final point I would like to discuss. Critics of scholarships argue that scholarships are ways for private schools, especially religious schools, to get rich quick. Incredible, just incredible. It is not true. As my colleagues may know, tuition for a student does not cover the full cost of educating a child. The difference currently is made up by private donations.

Many schools in the District run by the Archdiocese of Washington are struggling financially and would not be able to support a large influx of students. The Archdiocese estimates needing an additional $5 million in the first year alone, should the Archdiocese fill all open seats in their schools with students on scholarships. It basically means, if they opened their doors and took advantage of the scholarship program, for them to do that, they would have to go out and find $5 million someplace in order to educate these children.

It is the same thing in the city of Cleveland, with our nonpublic schools. We have hundreds of low-income kids who are not Catholic who are attending Catholic schools. My mother was a volunteer librarian at one of them where 70 percent of the kids were non-Catholic. There was not any proselytizing going on.

The reason they opened their doors is they believed in the two great commandments—love of God and love of fellow man. They believed the best way they could witness their faith is by reaching out and making a difference in the lives of these children, developing their God-given talents so they can take care of themselves and their families and make a contribution to society.

I will never forget one of those students was a player on the Ohio State football team. He was a big center. He went to the school where my mom was a librarian. I went out there to one of their practices. He almost picked me up, and he looked at me and said: Are you Mrs. Voinovich's son?

I said: Yes, I am.

And he talked about the wonderful experience he had at St. Aloysius and the difference it made in his life so he could go on to high school and get a scholarship to play football.

This is what we are talking about. Why anyone would deny a student in the District the opportunity that students have had in the city of Cleveland and other places throughout the United States is simply beyond me. It is not the end of the world, if this is adopted. That is ridiculous. This is a small experiment to give people an option in their children's education.

Over the years it was argued that the Cleveland scholarship program was unconstitutional. I argued it was constitutional. I am not going to make that argument because the Presiding Officer made it in his presentation just before me, in terms of kids having money. The money goes to them, and then they can go wherever they want to go. That is in the American tradition. That is how thousands of Americans got their college education through the GI bill. The Supreme Court, on June 27, 2002, upheld the Cleveland scholarship program. When they did that, I labeled it a victory for hope. We have seen wonderful successes in Cleveland of children excelling in school, when the doors of opportunity were opened and parents could choose to offer what they believed is the best education. I believe all families deserve those options. I urge my colleagues to support this legislation for the families in our Nation's capital.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, as a member of the DC Appropriations Subcommittee, I thank Senator DEWINE and Senator LANDRIEU and their staffs for their hard work on this important legislation.

This is never an easy bill. I have been ranking member of this subcommittee in years gone by. It appears every Senator or Congressman, whoever in their weakest moment or wildest dreams wanted to be a mayor or a member of a city council, decides they can play the role when it comes to the DC appropriations bill. Thank goodness for Delegate ELEANOR HOLMES NORTON who has stood fast year after weary year, beating off every assault on home rule with some success and a few setbacks. But this bill is a tough one. It is always a tough one.

Members of Congress will do on this bill what they wouldn't dare do in their own districts or State. They will force on the District of Columbia things they would never even consider doing at home. They think it is easy. This is an area of America which, sadly, does not have a vote in Congress nor in the Senate. Frankly, they don't have to answer to the voters of the State. So

when it comes to experimenting and doing what you would never suggest at home, it is usually the DC appropriations bill that becomes that laboratory, that political playground.

Senators DEWINE and LANDRIEU, with very few exceptions, have done their level best to make certain this year's appropriations bill did not deteriorate into that particular situation. I want to take a few minutes to underscore that there is much in this District of Columbia spending bill that merits our collective endorsement.

As has been outlined, this bill provides $545 million in Federal funds, the bulk of which will fund the District of Columbia Courts, Defender Services, and the Court Services and Offender Supervision Agency, CSOSA, for the District of Columbia.

Since the enactment of the District of Columbia Revitalization Act of 1997, these three entities are funded entirely by Federal appropriations. The Revitalization Act made substantial changes in the financial relationship between the Federal Government and the District of Columbia and in management of the DC government.

Under revitalization, the Federal Government's cash contributions to the District budget were substantially reduced. In exchange, financial responsibility for several governmental functions was transferred from the District's budget to the Federal Government.

This year additional resources are being provided to the DC courts to integrate the 18 different computer systems that track offender and litigant information. In addition, the bill provides an increase of $6.8 million over the President's budget request which will allow CSOSA to enhance its supervision of high-risk sex offenders, offenders with mental health problems, and domestic violence offenders.

In addition, the bill continues level funding for the DC resident tuition program, a very successful initiative Congress established in 1999 which permits DC high school graduates to attend out of State schools at in-State tuition rates.

Among other items, the bill also provides Federal funding for hospital bioterrorism preparedness; for security costs related to the presence of the Federal Government in the District of Columbia; for support of the Anacostia Waterfront Initiative; and for the Children's National Medical Center.

It is important to recognize and emphasize that about 93 percent of the funds contained in this bill—fully $7.43 billion, $6.33 billion in operating expenses plus $1.1 billion in capital outlay funds—are not Federal funds, but locally-generally revenue which must be approved by Congress before the mayor can execute his budget and begin spending these local funds.

The District of Columbia does not enjoy autonomy over the local portion of its budget but must await a congressional imprimatur. Senator SUSAN COLLINS has introduced bipartisan legislation designed to change that, which I hope we will have an opportunity to consider during this session of Congress.

Senator DEWINE and Senator LANDRIEU have collaborated on producing a thoughtful product. We owe them a debt of gratitude for tenaciously juggling municipal needs, amid Federal funding constraints.

I have been in their shoes as either chairman or ranking member of the District of Columbia Subcommittee and was honored to serve. I quickly learned from that experience that while the DC spending bill is technically the smallest of the 13 appropriations bills we consider each year, it usually is among the more contentious ones.

The issue before us is the issue of school vouchers. It is not just another debate about another DC appropriations measure. If this is adopted, it will be the first time in the history of the United States that the Federal Government will pay for private school vouchers in grades K through 12.

This issue was brought up a few years ago when President Bush suggested sweeping reform of public education and some of his allies said: Let's put in school vouchers for private schools at the same time.

In the Senate we took a vote on that issue. If I am not mistaken, the vote was 41 in favor of school vouchers, 58 opposed. I raise that vote because it will be of interest to see what happens now when this issue goes beyond a national program and is confined to the District of Columbia. I suspect many of those who said ''we don't want school vouchers in our State'' are going to say ''but we will allow them to have school vouchers in the District of Columbia.'' That is unfortunate. It reflects an attitude toward the District of Columbia which is not complimentary. Mayor Williams is here on the floor with Delegate NORTON. I respect him very much. We agree on much more than we disagree, though we disagree on this particular issue. He was treated with a Faustian bargain. Here was the bargain the Republicans offered to him. They said: If we give you $13 million for your public schools that you had not anticipated and $13 million for your charter schools that you had not anticipated, will you sit still for and embrace and endorse and help us pass the first federally funded voucher program for private schools in America?

The District of Columbia struggles with a lot of spending problems. There are a lot of reasons for it I will not go into. I know he must have looked at this long and hard and thought: This is something I will have to agree to. To get $26 million for public schools and charter schools, I am going to support the Republican voucher program.

That, unfortunately, was the decision he made. I say ''unfortunately'' because my respect for him has not diminished, but I am concerned that the decision he made for the District of Columbia is a departure from where the District of Columbia has been year after year when this appropriations bill has come up. For year after year the District of Columbia has said to Congress, respect home rule. Let us make our own decisions. Now this year they have done 180 degrees. The Mayor has said: When it comes to our schools, which is the responsibility of DC local government, we are going to allow the Federal Government—in this case the Congress—to create a school scholarship program, vouchers for private schools.

DC could have done this on their own. They could have done it over the years. They didn't. There was a reason they didn't. It isn't that they didn't consider the possibility of vouchers for private schools. They considered it and voted on it and overwhelmingly voted against it. The residents of the District of Columbia, in referendum, overwhelmingly opposed vouchers for private education, overwhelmingly opposed diverting public money from public schools into private schools. That is what the people think about the concept.

It isn't confined to that concept. The Mayor's own city council opposes this, and the elected members of the school board also oppose it. But the Mayor and the president of the school board support it. They have entered into this bargain with the Republicans to go forward with a voucher program, the first federally funded diversion of public funds from public schools to private schools in the history of the United States.

It is momentous. What is particularly noteworthy is that this measure comes to us not after committee hearings, deliberation, a markup process with amendments, but comes to us, frankly, in a package in this appropriations bill which we are now changing with some drama on the floor of the Senate even as I speak.

Senator FEINSTEIN of California came forward with an amendment. She had made it clear in the Senate Appropriations Committee that she supported the voucher plan for the District of Columbia. Many of us pointed out in that hearing some deficiencies in this plan. Understand, we were given this voucher program in the Appropriations Committee where we don't usually entertain anything of that complexity—not that it isn't done, but it is done rarely—and we were given it on a take-it-or-leave-it basis. As we considered what was proposed to us, a lot of questions were raised.

Let me cite an example of one amendment I offered in the Appropriations Committee to give an idea about the mindset that is pushing this forward. I offered an amendment which said: You cannot give vouchers to a private school—public money to a private school—unless the teachers in the private school receiving the voucher money have a college degree and the

school physically complies with the life, health, and safety code of the District of Columbia.

That seems fairly reasonable for my colleagues who have voted for No Child Left Behind. Remember the President's program? The President not only required college degrees for teachers, but imposed even higher standards of excellence over the years. So to require a college degree at the private schools where we are sending public tax dollars is not a huge leap or a radical idea. It is consistent with what the overwhelming majority of the Senate said would be the minimum standard for public schools in America. To say that any private school that is supported with public taxpayer dollars has to be safe for the children—fire escapes, and alarms, the appropriate exit doors, and the like—it seems to me is just common sense. I am sorry to report to my colleagues that amendment was defeated.

Senator FEINSTEIN and the Republicans who support this DC voucher bill opposed my amendment which would have required a college degree of teachers at the private schools and would have required that those schools comply with the life, health, and safety code of the District of Columbia. I might add something. Per capita, the District of Columbia has the largest number of charter schools, which are exceptions to the traditional public school system, of any place in the United States. And even in the DC charter schools there is a requirement that teachers at these charter schools have a college degree.

When I offered the amendment in committee, you should have heard the debate. I actually heard my colleagues say: Senator DURBIN, you don't understand. These private schools are going to be experimental. We are going to try innovative approaches.

One Senator said that would rule out home schooling. Home schooling? Is that what DC vouchers are about? It strikes me as odd that we would want to engage in an experiment in private schools with standards far lower than what we are demanding of our public schools. I have to add, too, that Senator FEINSTEIN's effort to correct that problem, I don't believe, has been successful.

Let me give an example. In this amendment Senator FEINSTEIN offers, which is presently before us, there is a section on teacher quality. In describing it, she stated that all teachers in the schools receiving voucher funds must have a college degree. That is not what the amendment says. What it says is that only those teachers who teach the students on vouchers need a college degree. So this means, frankly, a school could put all of the students on vouchers in one classroom with a teacher with an associate's degree, which is a college degree. So I don't believe it was very carefully drawn. It doesn't meet the minimum standards we expect of schools in America.

Let me tell you what else is deficient in the Feinstein amendment. The amendment falls short of the requirements that we all voted and imposed on public schools in America, where we said it is not enough to have a college degree. We said in public schools we are going to require not only a bachelor's degree, but certification of ability to teach, and particularly ''subject area mastery.'' What does that mean? If you want to stand in front of a high school class and teach chemistry, you must demonstrate that you have taken the appropriate amount of training in college to teach chemistry. Our understanding is that all of the statistics show that when the teacher in front of the classroom has not studied the subject, is merely reading a chapter ahead to stay ahead of the children, the students don't learn much. So we have said for public schools across America, this is our minimum standard—a college degree, bachelor's degree, certification, and evidence of mastery of the subject.

It means in some of my schools in Illinois that they are saying we know you have taught biology for many years and you are good at it, but you don't have the requisite number of college degree hours to meet President Bush's requirements of No Child Left Behind. You have to take biology classes in college to meet President Bush's minimum requirements for public schools.

Turn the page to this debate. In this debate, we hear from Senator FEINSTEIN and supporters of the DC voucher program that we are not going to hold the teachers in the private schools receiving Federal tax dollars to the same standards as teachers in the public schools in the District of Columbia. Something is wrong with this picture. Either we were mistaken in imposing the standard on public education, or they are lax and deficient in not requiring the same standards of teachers in private schools in the District of Columbia where these children are going to go to school.

Some of them have said this is just an experiment, and we are just going to see what happens. I can recall when my own kids were growing up and the school year started. After a few weeks, you get to meet the teacher. Before that, you may have said to your son or daughter, how are things going? They might say: Oh, I really like this teacher, or I am not getting along with the teacher. And you thought to yourself, I am going to work with my son or daughter and talk to the teacher and try to make things right. But there is a real possibility that students in some schools, public and private, can be thrust into a situation where they not only have a bad year, they have two straight bad years—bad years with teachers who are not up to the academic levels that we should require. The experiment may fail for those students. They may be in classrooms where the teachers are not ready to teach and where, frankly, the teachers don't have the background to even consider teaching.

What happens to that student after one bad year in this experiment? Can they catch up? It is possible but more difficult. Now give them a second bad year.

This is an experiment with the lives of students. To think that a child can have a bad experience in the fourth grade and fifth grade and then catch up in the sixth grade may be wishful thinking. Some students are struggling with challenges that I never had and that my kids, thank goodness, never faced. To put them in this experimental atmosphere where teachers are not required to have the same basic minimum qualifications as teachers in public schools is a disservice to those children and their families.

We hear about experiments taking place in other places, such as Cleveland and Milwaukee. We read about one in the Washington Post the other day, where a convicted rapist, a fellow, started Alex's Academics of Excellence. He received $2.8 million from the State of Wisconsin. It turned out that the students were not getting the kind of education they deserved there. They said it was very difficult for anybody to say no to someone who opened a school and said they were going to abide by all of the requirements of the law. That experiment failed, but it didn't just fail for those who wrote the law, it failed for those kids and their families.

Why would we say, if there is going to be a DC voucher program, that the teachers in private schools wouldn't at least meet the standards we require of teachers in public schools? Sadly, the Feinstein amendment doesn't do that. That may have been her intent, but I am afraid she didn't quite reach it in terms of satisfying that need.

There is another point that concerns me, too, and that is testing. If this is to be legitimate and honest, you would have to take the students who are in private schools and test them with exactly the same tests students in public schools take. Then you could at least compare progress. These students may be somewhat self-selected because they decided to go to a private school. At the end of the day, you ought to be able to compare test scores, in fairness, to not only the private schools but to the public schools.

Listen to what the Feinstein amendment says. It says: Student assessments are not a requirement imposed on the school; rather, it is placed on the fund recipient—a very unusual allocation of responsibility—the fund recipient that administers the voucher payout. I don't understand why the schools don't have this requirement.

The amendment goes on to say that the tests for voucher students must be the ''same as'' school year 2003–2004. In a way that seems to answer my challenge that the same tests be administered in the private schools as in the

public schools. But read it more closely. If these are the same tests as required in school years 2003 and 2004, consider that this is proposed as a 5-year program. So what this means is that all of the students in all grades would have to be tested as required by No Child Left Behind for public schools. Why? Because the requirements for testing in No Child Left Behind take effect and change each year.

So what Senator FEINSTEIN set up as a standard is a testing for this year only, instead of just saying pointblank the students in these schools will be tested with the same frequency and the same tests as No Child Left Behind, she has instead said only one year's testing standards, 2003–2004.

For example, by 2007, there will be a science assessment required under No Child Left Behind. So public schools across America will be taking tests indicating competency in science. Under the Feinstein amendment, they do not have to worry about that. They are only held to the standard of 2003–2004.

There is no duty in this law, as we read it, to report the findings of those tests publicly, even to the parents, only to the Secretary of Education. Why not? Where I live, the State of Illinois—the State of Ohio and other States—school test scores are reported publicly so the parents know, taxpayers know, whether the schools are performing. The Feinstein amendment does not require this.

Now here is another thing I find curious. The Feinstein amendment requires the comparison made for those students tested must include testing not just students still in public schools and students who are now in private schools being funded with public funds, under vouchers, but also a third class, those students who applied for vouchers and were rejected. So we have a third category of students who are going to be a control group for testing.

I do not quite understand this, but I do think the concept is at least challengeable, because there is no doubt in my mind that the private schools are not going to rush to accept students who are going to be problem students and challenging students. So there will be the rejected students having been controlled out into a cherry-picked group being tested separately.

It is possible these students are likely to test worse. The private schools did not want to take them in because they are going to be held accountable for some 2003–2004 tests. Why the Senator has decided to include this, I do not know.

So when we look at this bill overall and consider the elements in it, I am afraid Senator FEINSTEIN's attempt to correct the problems does not quite solve the problem. We still have some major deficiencies in this bill.

What bothers me, too, I read in the paper this morning that the Mayor has said he wants new authority over education in the public schools of the District of Columbia. At the risk of stepping on the toes of some of my friends, I think the Mayor is on the right path. The reason I say it is this: Many of the people who are supporting voucher programs have given up on public education, for a variety of reasons. For some political reasons, they believe the teachers' unions support Democrats and they are going to go after public education and they are going to fight the teachers' unions. Others have said, just look at the results. Some of the public schools are not very good. Therefore, there should be an alternative.

If one takes an honest approach to this, the first obligation of elected officials in this country is to the system of education which built America and the system of education which serves more than 90 percent of America's school children, and that is the public school system.

I say to the Mayor of Washington, who has joined us today, and all those who are following the debate, do not give up on public education. Things are happening that are positive in the District of Columbia. Frankly, I think they have been ignored and played down and there has been a disservice by some of the rhetoric we have heard about DC public schools.

There are good things happening: Charter schools and transformational schools, big changes that are moving in the right direction. I ask the Mayor, before he gives up on the public school system and says we have to have vouchers, that there is no other way but to take public tax funds and send them to private schools, before he gives up on public education, come to Chicago. Come and look at what has happened there. In our Chicago public school system, we have 95 percent minority students and 85 percent students under the poverty level. Yet in a rather brief period of time we have seen dramatic increases in test scores because the mayor of the city of Chicago assumed a personal responsibility for the public school system, brought in some of the most talented people he could find, challenged the parents, the teachers, the principals, and the students to do a better job and got the results to show for it.

My colleagues do not have to give up on public education. They do not have to say there is no alternative but to let kids escape public education and go to private schools. There is a lot more that can be done. It takes some hard-nosed, tough-minded leadership, but I think the Mayor may be on the right path in what he said this morning. He is willing to accept more of this responsibility personally and maybe that is what is necessary.

The Chicago experience tells me it has been a good experience. When the mayor had the power and the responsibility, good things happened. Come with me to the city of Chicago and take a drive through many tough parts of that great part of town. Homes will be found where people in the lower and middle income are struggling to keep it together and then, like a mirage or an oasis, one will see the public school where over the last several years the Chicago public school system has dedicated dramatic amounts of money to renovate these schools and bring them back to a source of pride in the community.

No graffiti will be seen on the walls of the school. Flowers will be seen planted outside and the people in this neighborhood point to that public school with pride, because the mayor was proud of those schools and because the people in the neighborhood are, too.

If that mayor or any mayor had said these public schools are a failure, we are walking away from them, then frankly it would have created a negative environment. We need a positive environment for education. Moving to this voucher plan, without adequate hearing, without the consideration of the options that are available to us, frankly is a move in the wrong direction.

I also say to my colleagues that as I read through this bill, they must, I hope, acknowledge the fact there are several things that could happen they do not anticipate. For example, there is no prohibition in this bill that the 1,000 to 2,0000 vouchers that are created, whatever number they turn out to be, will all be given to children who are already in private schools. There is no prohibition against that. Though they start with a premise and a goal of moving kids from lower performing public schools to higher performing private schools, in fact the testing is not there for comparison.

Second, there is no requirement that the family of the student receiving the voucher actually bring the student from a public school to a private school. This could end up diverting a substantial amount of money to students, and their families, already enrolled in private schools. Like it or not, the bill is inartfully drawn, and having been so poorly drawn, that could be the outcome. So they will not be proving much of a case there, will they, if students are already in the private schools?

I can go on for some time about the experiments with vouchers in private schools. I want to close, because I see Senator KENNEDY is in the Chamber and I imagine he would like to make a comment on this bill. If he does, he is certainly welcome to.

I will close my comments on the Feinstein amendment by urging my colleagues to oppose it. Senator FEINSTEIN has identified the problem. She has not identified solutions, not good solutions, not solutions that are worthy of the first-ever program in the history of the United States to divert funds from public schools to private schools under a voucher program.

From my point of view, private schools in many communities add a lot to education. I am not an enemy of private education. I am a product of

Catholic education. My wife and I both attended Catholic schools, as did our children. But we understood our responsibility. Our responsibility was first to pay our public property taxes, to support public education, and then if we chose, for religious reasons or whatever reasons, to send our children to a Catholic school, we accepted the financial responsibility of paying tuition. It was a sacrifice for many families. I think they add a lot.

I think we should take care here. We are creating a new system in the District of Columbia, and there are few protections and safeguards, if any, to stop the possibility that at some point after we have passed this bill that some group will decide to open up a private school and draw in hundreds of thousands of dollars of public taxpayer funds and the teachers in those schools may not have college degrees, only associate degrees, the testing in those schools may not match what is going on in the public schools, and the schools will be allowed to discriminate against students for such things as disabilities where they will not allow any children in who have any kind of learning disability or any physical or mental disability, which would be allowed, incidentally, under this proposal.

Is that what we want to see happen? Is that what should be the first test case of this experiment in the voucher program? I think not. I urge my colleagues to oppose this amendment. I urge them to think long and hard that if they voted against vouchers for their States, why is it now we are making an exception because the case in point involves the District of Columbia?

These students and their families deserve the same respect as the students and families in all of our States, and I urge my colleagues to keep that in mind as we consider this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, my friend and colleague from Illinois has once again demonstrated why he is known as certainly one of the best, if not the best, debater in the Senate. He does an absolutely excellent job. I always enjoy debating with him. I thank him for his contribution to this debate. I know we will have the opportunity to continue to debate in the days ahead.

My colleague from California, Senator FEINSTEIN, will, in a moment, talk about her amendment and will respond to Senator DURBIN's comments about her amendment. But I would like to make a couple of comments first about Senator DURBIN's comments.

My colleague from Illinois talked about where this plan came from. I talked earlier about the fact that it is a three-pronged program. That is what I like about it. I happen to like the fact that a third of the money goes to the public schools, a third of the money goes to the charter schools, and a third of the money goes to this new voucher program.

Somehow, my colleague seems to know—I don't know how, but he seems to know how this program started. Somehow he seems to know in his wisdom that this program was some sort of bargain deal. The House Republicans came to the Mayor and said: Mayor, here's the deal.

It is a funny thing. The Mayor, under the rules of the Senate, cannot come down here and speak. But if someone would happen to ask the Mayor, not on the floor—you can't do that; that is against the rules, but if someone someday would happen to ask the Mayor what the truth is, what the Mayor would say is that is not true, and this was the Mayor's idea; that the Mayor and his people said they wanted. This is the program we want. We want a balanced program because what we want is a choice for the children and the families of the District of Columbia. We want a balanced program.

Yes, we want more assistance for the public schools—and the Mayor has a consistent record of trying to get more money for the public schools of the District of Columbia, and he is not bashful about that. He should not be bashful about it. And he is proud about it. Yes, he wants more money to create more charter schools. Everyone who will vote on this bill needs to understand when the issue comes, when Senator DURBIN tries to strike the money, what you will be striking is $13 million which will create more charter schools, four or five more charter schools in the District of Columbia. Everyone needs to understand that.

The Mayor is proud of the fact that the District of Columbia has created more charter schools. I must say my colleague, Senator LANDRIEU, has been integrally involved in creating those charter schools. It is something she cares passionately about.

Mr. DURBIN. Will my colleague yield for a question?

Mr. DEWINE. If I may finish the thought and then I will yield.

The Mayor also said: I want more money for my public schools. I want to continue to improve them. I want more money for the charter schools. We are proud of what we are doing in that area. And third, I want to create the voucher program.

So let's clear that up. If anyone has any doubt about it, ask the Mayor. Go to the source. What the Mayor will say is: It was my idea. I am the one who had the idea. My people put the program together. We requested it. This is what we want.

I will be more than happy to yield, not the floor, but for the purpose of conversation with my colleague.

Mr. DURBIN. I thank my colleague from Ohio.

I would like to ask through the Chair, I certainly will be ready to yield whenever he would like to ask me a question because I think this is an important part of the debate, but I ask my colleague if he is aware of two things. First, the amendment I am going to offer will take the $13 million out of the school voucher program and divide it equally among the public and charter schools. The money goes back into public and charter schools, so they will end up with about $20 million each, instead of $13 million.

Mr. DEWINE. In response, I have not seen the amendment of my colleague.

Mr. DURBIN. I thank him for acknowledging that.

Second, I ask my friend and colleague from Ohio if he is aware the Executive Office of the President released a Statement of Administration Policy on September 24. In reference to this particular program it said as follows:

> The administration is pleased the committee bill puts $13 million for the President's School Choice Incentive Fund Initiative. . . .

It doesn't refer to Mayor Williams' School Choice Incentive Fund Initiative.

Mr. DEWINE. In respond to my colleague, we all like to take credit for many things. I am sure the President is taking credit for this. I am sure I will probably take credit for it, too, if it passes. There will be many fathers and mothers of this program.

All I know is what the Mayor will tell us. The Mayor will say this is a program he put together.

What I would emphasize to my colleague is that this is a program that the Mayor says is a balanced program.

I will quote from a letter the Mayor has sent to me. I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Washington, DC, September 11, 2003

Hon. MIKE DEWINE,
Chairman, Senate Committee on Appropriations, Subcommittee on the District of Columbia, Washington, DC.

DEAR CHAIRMAN DEWINE: Thank you for your leadership on the District of Columbia's FY 2004 Appropriations bill. By any measure, it is a great bill for the city. In particular, I am grateful for your support for the District of Columbia School Improvement Initiative, which will help us advance the important school reform efforts underway. Certainly, the private school scholarship element has generated significant debate, and I hope that I have made the case to your colleagues that its passage is consonant with home rule and will strengthen our public education system.

I, along with the Chair of the District Council's Education Committee, Kevin Chavous, and the School Board President, Peggy Cooper Cafritz, believe that we must continue to do everything possible to strengthen our nation's public schools. This is why, in addition to a private school scholarship program, we have insisted on strong federal financial support for both the District of Columbia Public Schools (DCPS) and the public charter schools.

Since becoming Mayor, I have overseen an increase in the public education budget by more than 50 percent. This demonstrates my commitment to public schools as tremendously important institutions in our city. This increase has allowed our charter school movement to expand to 40 schools and has permitted us to launch the Transformation Schools Initiative in 15 DC public schools,

which we hope will revitalize our lowest-performing schools. After consulting with education officials, however, I have concluded that these aggressive reforms, while promising, will take years to reach most of our children. So, as these foundations expand and improve, I think it is prudent to look to the assets provided by our private schools, at least for a limited period of time.

The proposed scholarship initiative will not drain resources from our public school system. I have agreed to hold the public schools harmless from any loss of local funding arising from students' enrollments in private schools through the federally funded scholarship program. Moreover, because Title I funding is based largely on census data, we do not anticipate that DC will lose significant federal funding as a result of this program. Thus, under the scholarship initiative, our public schools will receive the same amount of funds as they otherwise would have, in order to educate fewer students.

Since our city began to debate the issue of expanded school choice, there has been speculation that this initiative will have an impact far beyond the borders of Washington, DC. Some say that what we do in the District will affect national education policy and the likelihood of pilot programs in other cities. For me, however, the issue of vouchers is more localized.

This initiative was designed by District leadership for District residents and is not being imposed on the District from outside, as some would have you believe. As mayor, I am trying to make the best choices for the residents of this city, and without a state government to which, under normal circumstances, I would make this request. In this regard, I believe it is appropriate for the federal government to act on behalf of the nation's capital when the local mayor and school board president seek assistance.

You have been a strong supporter of the District of Columbia and of our aspirations for self-government. Our city continues to improve in many ways. I hope we can count on affirmative action from the Senate in support of the School Choice Improvement Initiative and the entire FY 2004 District of Columbia Appropriations bill.

Again, I thank you for the extraordinary leadership and commitment you have shown toward the District. I look forward to continuing to work closely with you in taking the necessary actions to support the District of Columbia.

Sincerely,

ANTHONY A. WILLIAMS,
Mayor.

Mr. DEWINE. This is a letter dated September 11, 2003, to me as chairman of the Subcommittee on the District of Columbia, a two-page letter from Mayor Williams to me.

I would like to quote a part of this letter to my colleagues. This is the third paragraph:

Since becoming Mayor, I have overseen an increase in the public education budget by more than 50 percent. This demonstrates my commitment to public schools as tremendously important institutions in our city. This increase has allowed our charter school movement to expand to 40 schools and has permitted us to launch the Transformation Schools Initiative in 15 DC public schools, which we hope will revitalize our lowest-performing schools. After consulting with education officials, however, I have concluded that these aggressive reforms, while promising, will take years to reach most of our children. So, as these foundations expand and improve, I think it is prudent to look to the assets provided by our private schools, at least for a limited period of time.

What the Mayor clearly is saying is that as we improve our public schools, as we have the charter schools, we need another alternative for some of our students.

Let me quote again, if I could, from the letter:

The proposed scholarship initiative will not drain resources from our public school system. I have agreed to hold the public schools harmless from any loss of local funding arising from students' enrollments in private schools through the federally funded scholarship program. Moreover, because Title I funding is based largely on census data, we do not anticipate that DC will lose significant federal funding as a result of this program. Thus, under the scholarship initiative, our public schools will receive the same amount of funds as they otherwise would have, in order to educate fewer students.

Let me quote another part of the letter:

This initiative was designed by District leadership for District residents and is not being imposed on the District from outside, as some would have you believe. As mayor, I am trying to make the best choices for the residents of this city. . . . In this regard, I believe it is appropriate for the federal government to act on behalf of the nation's capital when the local mayor and school board president seek assistance.

At this point, before I yield to my colleague, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CARPER. Will the Senator make the request again?

The PRESIDING OFFICER. The Senator has requested the yeas and nays.

Mr. DURBIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will withhold.

The question is on the call for the yeas and nays. Is there a sufficient second?

At the moment there is not a sufficient second.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

I very much disagree with the position of the Senator from Illinois. I understand this is something that is new. I understand it is something being tried. I understand it turns counter to a lot of what has been done in the educational establishment today. But that doesn't mean it shouldn't be tried.

I wish to correct one point. I asked the Mayor if he believed he got a Faustian bargain. He said no, he didn't. He said: As a matter of fact, I proposed the three-pronged asset portion of this. In other words, one-third of the money would be new money to the schools, one-third of the money would be new money to charter schools, and one-third of the money would be new money to try this special scholarship program for poor children.

I would like the RECORD to reflect the rationale for the language in my amendment on the testing. In order to guarantee a valid and statistically reliable evaluation, we are told it is vital that we have the scholarship student and those students who applied for the scholarship but didn't get it take the same test for all 5 years. If the District should switch tests at some point in the 5-year duration of the program, we need to continue giving the test to start with, which today in the District is the Stanford 9 test. That is a norm-referenced test which is given all over the country, and it would preserve the evaluation. The use of the same exact test for all 5 years is critical to be able to compare apples to apples. If the District changes tests during these 5 years, you have a false comparison; you have apples to oranges. That is the reason the language is as it is.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. FEINSTEIN. May I finish?

Any parent applying for this scholarship must agree that their child will take the Stanford 9 test for all 5 years regardless of whether they receive a scholarship or not.

Let me tell you what this is all about. I recognize the Senator doesn't like it. That is fine. He doesn't have to vote for it. But what this is all about is that 76 percent of DC fourth graders performed below basic in math, and only 10 percent read proficiently. Only 12 percent of eighth graders read proficiently.

That is what this is all about—to see if, by learning some of the basics, these children have a better start in education in a different model, in a different setting, with a different structure than currently exists in public education. It may work. It may not work. But these are all poor children. They are all in failing schools. Why not give them a chance?

I suppose you could fault it by saying, well, everyone who instructs one of these children in these schools should have more than a college degree. Sure. I would like to do it. I don't know that we can condition the requirement in every private secular school or every private parochial school that may accept one of these children.

I took high school classes from nuns who didn't have college degrees. And guess what. I got into Stanford based on what I learned in high school. So I came to realize that these absolute requirements may be right if we are going into this on a permanent basis, but we are not; we are going into it on a temporary basis. This pilot gives us an opportunity to see whether these children progress better in different settings. What is the difference if those different settings happen to be private parochial, or they happen to be private secular school settings?

I cannot tell you how many parents write to me and ask: Can you help me get my child into a private school? Please help me. These are parents who have funds. What about the parents who do not have funds? They don't have a chance at this. All this does is give them that opportunity.

If you do not like it, don't vote for it. That is easy. But some of us want to see what works and what doesn't work.

They said the same thing to Oakland Mayor Jerry Brown about his idea to start a military school in Oakland. A public military school? Horrors. The school board voted it down. Fortunately, the Mayor of Oakland is a persistent personality. He went to the State and got a special charter to open a military school so that youngsters from the deeply troubled socioeconomic areas in the city of Oakland would have a shot of going to college. Now they have 350 kids who are 3 years into the program, and they are testing as the second best middle school in Oakland. That is discipline. It is amazing. Different models work for different youngsters.

That is why I am supporting this approach.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. FEINSTEIN. You might not find the ''i'' dotted or the ''t'' crossed exactly the way you would like to have the ''i'' dotted or the ''t'' crossed.

This isn't a program that is national. It is not a program that is going to exist for 50 years. It is a program that is going to be tried for 5 years. Either poor children will do better or they won't. And the test is going to be—

Mr. DURBIN. Will the Senator yield for a question?

Mrs. FEINSTEIN. I don't know whether I want to yield to the Senator or not.

Mr. DURBIN. Just say no. No is also an answer.

Mrs. FEINSTEIN. I beg your pardon?

Mr. DURBIN. No is an answer, if you don't want to answer.

Mrs. FEINSTEIN. I am thinking about it.

Mr. DURBIN. It is your prerogative.

Mrs. FEINSTEIN. Yes. I yield.

Mr. DURBIN. I thank my friend and colleague from California.

I have no doubt that she offered this amendment—I say through the Chair—to address some of the concerns raised in the committee.

I ask my friend from California to turn to page 2 of her amendment and consider paragraph B on page 2. I will read it. It says:

> Use the same assessment every school year used for school year 2003–2004 by the District of Columbia public schools to assess the achievement of DC public school students.

I will ask the question, and then I will sit down.

Mrs. FEINSTEIN. Fair enough.

Mr. DURBIN. Currently, the DC Public School System, like many public school systems, is in transition under the No Child Left Behind Act and the 2005 requirement that students be tested every year. Currently, their public school students are only tested every other year.

By establishing as a standard for the next 5 years for the District of Columbia voucher program using the 2003–2004 assessments, the Senator is saying they will only be tested every other year, while students in public schools by the year 2005 have to be tested every year.

If the Senator had said here that you will comply with the No Child Left Behind Act testing requirement, it would have been easy. But instead, you picked one particular year, and I don't think you reach the standard which you have described to our colleagues.

Is that true or not?

Mrs. FEINSTEIN. What you have just stated and what I have been told is that in order to have a fair test evaluation and compare apples to apples, the same test has to be used, which in the District is the Stanford 9, for the 5-year period. So that is the test now being given. If the District changes—I think it is called a criterion-based test—and I gather the District is considering changing them, this control group would still have to take the Stanford 9 to see if they have progressed.

Now I am told if somebody says, I am happy to change it, I am told you cannot get a fair test if we change it.

Mr. DURBIN. If the Senator will yield the floor, I would like to ask this question.

Does the Senator understand that by the year 2005 under No Child Left Behind, every public school in America, including the District of Columbia, will have to test every grade every year; but in the current school year, schools are moving toward that goal. In the District of Columbia they are only testing every other year.

It is not a question of changing the test. I am asking the Senator from California, does she understand if we stick to the 2003–2004 standard, she will only be testing every other grade while every public school in the District of Columbia and across the Nation will be moving to every grade, every year by 2005? Her bill, her standards, will not be following that same assessment.

Mrs. FEINSTEIN. As I understand it, the Stanford 9 is a nationally norm-referenced test. It can certainly be given every year, and I believe the Mayor will agree to that.

If your question is, Are you saying the students will be tested every other year instead of every year, what I am saying is we can use it every year. If you are saying we want the test to change in the middle of the test period, I am being told that will mess up any fair evaluation.

Mr. DURBIN. Will the Senator yield?

Mrs. FEINSTEIN. Yes.

Mr. DURBIN. I am not suggesting changing the test. The same test should be administered in a private school as administered in a public school.

I am suggesting to the Senator, as she has written this amendment, the 2003–2004 testing in the D.C. public schools, her standard for 5 years only tests every other grade. By 2005 every grade will be tested. It is not the substantive test that is the issue. It is a question of whether every grade will be tested every year.

The reason I raise this, and I hope the Senator agrees, should have been worked out in the education committee after hearings and markup in the amendment process. We are doing it on the fly, on the floor, creating the first private school voucher program in America and discussing as we go.

That is my concern.

Mrs. FEINSTEIN. I appreciate the Senator's concern.

If the Senator from Ohio agrees, I am very happy to have my amendment modified to provide that the voucher recipients and the students in the control group be given the same test that all District public schools students are given.

With respect to this being done in the education committee, I probably agree, except it would probably get bogged down one way. The reason it is in the appropriations bill is because the Mayor has come to us and asked us for the additional money. The additional money is what brought this on. Once the additional money was in the bill, then the terms of the money came to bear and the bill had to be written.

It is not easy. There are powerful forces against it. People do not want to try it. I do. I hope a majority want to try it. We have tried to do the best we can.

Even more importantly, what has been developed here is a relationship between the city and Members of this Senate with this Mayor. I happen to respect this Mayor. I am a taxpaying citizen of this District. I have been so for 10 years. I used to go down the street where there was a pothole so big somebody plugged it up with a mattress. I am very pleased to say, Mr. Mayor, that pothole is gone now. The District is in much better shape. People are coming back to the District. He wants this.

The question was also raised, it is easy to do it here. I am not in my own jurisdiction. I tried to point out, the mayor of Oakland came to me in my own jurisdiction to do something that was a new model; I agreed to it. I am going to look at new models and try to support them where I can, also support teachers, also support Title I, and also support public education.

AMENDMENT NO. 1787 TO AMENDMENT NO. 1783, AS MODIFIED

I ask the Member from Ohio if he would be in agreement that we submit a modification and ask our amendment be modified to reflect that the test be given annually?

Mr. DEWINE. I would certainly have no objection to that. It at best is ambiguous. It is always good to clarify.

Mr. REID. Mr. President, may I direct a question to the Senator from Ohio?

The PRESIDING OFFICER (Mr. CRAPO). The Senator from California has the right to modify her amendment. However, to do so, she would have to send it to the desk.

Mrs. FEINSTEIN. I modify the amendment on page 2, line 3, strike ''that are used for school year 2003–2004.''

I send that modification to the desk.

The PRESIDING OFFICER. The Senator has the right to make that modification to her amendment. However, she needs to send a modification to the desk.

Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 1787), as modified, is as follows:

On page 31, strike line 13 and all that follows through page 32, line 2, and insert the following:

(c) STUDENT ASSESSMENTS.—The Secretary may not approve an application from an eligible entity for a grant under this title unless the eligible entity's application—

(1) ensures that the eligible entity will—

(A) assess the academic achievement of all participating eligible students;

(B) use the same assessments every school year that are used by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), to assess participating eligible students in the same grades as such public school students;

(C) provide assessment results and other relevant information to the Secretary or to the entity conducting the evaluation under section 9 so that the Secretary or the entity, respectively, can conduct an evaluation that shall include, but not be limited to, a comparison of the academic achievement of participating eligible students in the assessments described in this subsection to the achievement of—

(i) students in the same grades in the District of Columbia public schools; and

(ii) the eligible students in the same grades in District of Columbia public schools who sought to participate in the scholarship program but were not selected; and

(D) disclose any personally identifiable information only to the parents of the student to whom the information relates; and

(2) describes how the eligible entity will ensure that the parents of each student who applies for a scholarship under this title (regardless of whether the student receives the scholarship), and the parents of each student participating in the scholarship program under this title, agree that the student will participate in the assessments used by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), for the period for which the student applied for or received the scholarship, respectively.

(d) INDEPENDENT EVALUATION.—The Secretary and Mayor of the District of Columbia shall jointly select an independent entity to evaluate annually the performance of students who received scholarships under the 5-year pilot program under this title, and shall make the evaluations public. The first evaluation shall be completed and made available not later than 9 months after the entity is selected pursuant to the preceding sentence.

(e) TEACHER QUALITY.—Each teacher who instructs participating eligible students under the scholarship program shall possess a college degree

Mrs. FEINSTEIN. I yield the floor.

Mr. DEWINE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

(The remarks of Mr. REID are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER (Mr. SMITH). The Senator from Arizona.

DO-NOT-CALL REGISTRY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3161, the FTC's ratification of authority for the Do Not Call Registry, under the following conditions: 45 minutes under the control of the chairman of the Commerce Committee or his designee, and 45 minutes under the control of the ranking member or his designee; of the time under the control of the ranking member, the following Senators be recognized to speak for up to 5 minutes each: Senators HOLLINGS, DORGAN, CONRAD, KOHL, PRYOR, SCHUMER, and FEINSTEIN, with the remaining time under the control of the Democratic leader or his designee; further, that no amendments be in order to the bill; and that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, reserving the right to object, I only ask that the ranking member, Senator HOLLINGS, be given up to 10 minutes out of the 45 minutes under his control.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

Mr. REID. Mr. President, I think everyone should be advised that if all the time is used, we will vote at about 5:35 on final passage of this most important legislation.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will be glad for the time to be 10 minutes for Senator HOLLINGS, but I remind my friend from Nevada, Senator HOLLINGS will be controlling the time. So he will be granting himself as much time as he may use because the unanimous consent request is that the time will be under the control of the ranking member or his designee.

Mr. REID. Mr. President, I say to my friend from Arizona, Senator HOLLINGS is the ranking member, and the unanimous consent request does say that. However, he is going to speak and then turn the time over to the ranking member of the subcommittee, Senator DORGAN of North Dakota.

Mr. MCCAIN. Good. But I have always proceeded under the assumption that Senator HOLLINGS can speak whenever he wants to, for however long he wants to. I have found that it has improved our relationship.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3161) to ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, does the Senator from South Carolina care to speak at this time?

Mr. President, I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, marketers assault Americans' privacy every day. Businesses track everything we buy and everything we do. It seems the marketers know more about our lives than we do ourselves. It is intrusive, and Americans want the tools to fight back.

But those of us who work to protect Americans' privacy are thwarted every step of the way. The marketers oppose antispam legislation. The marketers oppose decency limits on advertising to children. And the marketers oppose legislation that would allow Americans to ''opt-out'' of the sharing of their personal information, including financial records.

The one success we have had is the Do Not Call list. The public's vociferous reaction to the court decision yesterday shows the country's desire to win refuge from the marketing onslaught. The public wants the Do Not Call registry. And the public wants the registry to become active next week. We will make sure that happens.

But we have several Johnny-Come-Latelys to our cause. When I was chairman of the Commerce Committee last Congress, we worked with the FTC to create the Do Not Call Registry. But we didn't get much help from the other side. Instead we were unfairly criticized by interest groups for jeopardizing their funding.

We fought to win $18 million for the registry in the omnibus appropriations bill last year. But the House wanted language that would prohibit using that funding absent explicit Congressional authorization. The House language could have stopped the registry. Again, it was an uphill battle, and we had few allies. But we eventually got the bad language removed, giving the FTC the funds to implement the Do Not Call Registry.

Once the FTC opened the list to registration, the response from the American public was overwhelming. By yesterday, Americans had registered more than 50 million phone numbers. South Carolinians have registered 685,393 phone numbers—486,533 through the FTC Web site, 198,855 via phone, and 5 through hearing-impaired devices. The marketers argued that Americans did not want the Do Not Call list, but the American public proved them wrong. Americans want this tool. They want the assault on their privacy to stop. Once news reports showed the Do Not

Call Registry was popular, many converted to the cause. And some of them are leading the charge today. We appreciate their support now as we try to overturn a clearly flawed court decision.

To prepare for compliance on October 1, 2003, nearly 5,000 telemarketers have purchased all or parts of the list. Therefore, telemarketers acting in good faith are ready to comply next week.

A telemarketer that ignores the Do Not Call list is subject to an $11,000 fine for each call to a phone number on the Do Not Call Registry. The law requires telemarketers to search the registry every 3 months and synchronize their call lists.

Once consumers register a number on the Do Not Call list, telemarketers are prohibited from calling the number for the purpose of selling goods and services. Consumers who receive sales calls after their number has been in the registry for three months can file a complaint on the FTC web site or call 1–888–382–1222.

The Do Not Call list will not hurt charities seeking to raise money for worthy causes. Charities may still hire professional telemarketers to seek donations. But calls during which a charity or telemarketer seeks to sell something are prohibited to phone numbers on the Do Not Call Registry.

This Do Not Call Registry has been a long time in coming. We are going to take the final step today. The court decision yesterday may even have given the Do Not Call Registry more publicity, encouraging even more people to register their phone numbers.

Opponents of Americans' privacy should take notice: Americans want tools and choices, such as the Do Not Call Registry, to protect their precious time with their families. They also want to protect their private medical and financial information and protect their children from indecent advertising. We will keep fighting.

Mr. President, let's thank Chairman Tim Muris of the Federal Trade Commission, who came to the Commerce Committee last year. And we put in S. 2946, the Do Not Call bill, with some $5 million that was requested. Later on, we found there were well organized holds, whereby we could not even get this bill up for consideration. Yes, we reported it favorably from the Commerce Committee, but we could not get it on the floor to pass it. And it was needed.

Chairman Muris came to me and said he needed $15 million. I talked with Chairman GREGG earlier this year, and in the omnibus bill, with the Federal Trade Commission appropriations, we increased it to $18 million. We could see the demand and see the interest and see the need. So we did just that.

It is good that my distinguished chairman, the Senator from Arizona, is on the Senate floor because the opposition was that it was not authorized. I go right to my experience for over 30 some years on the State-Justice-Commerce Committee, where we have had difficulty over the years passing, for example, an FBI authorization bill.

I remember for a period of almost 20 years we had no authorization. We worked with the chairman of the Judiciary Committee to make sure their wants were taken care of. But we provided the bill; the same with respect to State Department authorization.

So I would only admonish the distinguished jurist who made this ruling about authorization that, yes, the Senator from Arizona is jointly correct with respect to the rules of the Senate but not with respect to the Constitution.

Once you receive three readings in the House and three readings in the Senate, and it is signed by the President of the United States, we have no doubt that law would take effect and this order of the court would be set aside.

However, the triggering date is the first of October, next week, and so I commend my House colleagues and those on the Senate side, and my chairman, Senator MCCAIN, in taking this up at this particular time so we can go ahead and take the House bill.

There are many interested in separate bills, and what have you. But right to the point, time is of the essence. Fifty million Americans cannot be wrong, they are all interested in stopping the calls.

With that, let me yield, then, to the distinguished chairman, and then to Senator DORGAN, who will control the time on the floor.

I thank the chairman.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

First of all, I thank Senator HOLLINGS for all his efforts on this legislation. I think he was not a Member of the Senate when the Federal Trade Commission was created, but very close to it, and he has been heavily involved with all the issues surrounding the FTC and the good works they do.

I will speak very briefly. I would like to thank Senator ENSIGN and Senator FEINSTEIN, Senator DORGAN, Senator DEWINE, and many other Senators, but particularly those including the distinguished ranking member, Senator HOLLINGS, for all their efforts regarding this legislation and, more importantly, this issue.

Two days ago, a Federal district court in Oklahoma issued an opinion that could stall the FTC's implementation of a National Do Not Call Registry scheduled to go into effect next Wednesday. The court opined that the FTC was not authorized to create a Do Not Call Registry. I must say that opinion came as an amazing surprise to those of us who have been involved in this issue, and served as a rallying cry for tens of millions of Americans households that have signed up for the registry.

I understand the judge received so many calls from irate Americans that the FTC could not get through to the court regarding the Commission's appeal. Clearly, the court's decision was misguided.

The measure before us makes crystal clear that the Commission can and should proceed as planned with the Do Not Call list. Earlier this year, in two separate measures, Congress ratified the FTC's Do Not Call Registry by explicitly providing for the Commission to collect fees to pay for it. Today Congress is once again saying, dispositively and unambiguously, that the FTC has the authority it needs to create a National Do Not Call list.

When the FTC proposed to create this registry, I don't think they or even Members of this body had any idea how strongly it would be embraced by a public tired of having their precious leisure time filled with a seemingly incessant string of telephone solicitations.

I understand the FTC's Web site for registering on the Do Not Call list became the fastest growing Web site in history.

One of my favorite programs is ''Seinfeld.'' In one of the episodes that has become famous in reruns, Jerry Seinfeld answers the phone and it is a telemarketer. He says: I am busy right now. Can I call you back at home?

And of course the telemarketer says: No, you are not allowed to do that. You wouldn't like that. Well, neither do I. And he hung up the phone.

Obviously, the issue of telemarketing involves the free enterprise system. Nothing in this legislation would inhibit their ability from practicing that, but it also balances the right of private citizens not to be disturbed if they choose not to be.

During a peak period, the FTC's Web site received approximately 1,000 hits per second. On the first day alone, 3.4 million consumers visited the Web site. In the first 10 days, 10 million phone numbers had been registered. Within the first month, the number had risen to 28 million—quite a remarkable evolution. To date, over 50 million phone numbers have been registered, including nearly 1.2 million in my State of Arizona.

Congress is often accused of being slow to respond. Thankfully, that charge can't be leveled here. Just a few hours ago the House passed this legislation by a vote of 412 to 8. Whenever you see a number like that, you are always curious who the eight are, but the curious decision of one court should not be allowed to frustrate the clear will of Congress and the even clearer will of tens of millions of Americans.

Obviously, we urge our colleagues to support the measure, give consumers what they want by empowering them to say no to what they clearly do not want.

I thank all of my colleagues who have responded to the predictable but certainly overwhelming response to the

court's decision in the State of Oklahoma. That judge in the district court will become well known to many Americans as well.

I thank all my colleagues for coming and speaking on this issue. I thank them for their support. Although there is not a need for the yeas and nays, some of our colleagues may want to be on record. So we may want to do so depending on the desires of my friend from North Dakota, a man who understands the will of the populace especially where telecommunications issues are concerned.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I compliment my colleagues, Senator MCCAIN and Senator HOLLINGS. This is an important issue, one we believed we had previously resolved only to learn that a court ruled that the Do Not Call list developed by the Federal Trade Commission was ''not authorized.''

Most of us in Congress and the Senate are surprised by that. Clearly, we authorized that. But if a court needs another authorization, it is something we can certainly do on a Thursday afternoon at 4:15. So this will be done with the support of many colleagues, and I am pleased to say that this is good public policy.

Let me make a couple of comments about the substance. There may be some people who are terribly lonely and whose phone seldom rings except to have an advertiser of a credit card or a long-distance service call during meal time just wanting to visit about their product. There may be some people who welcome those calls, just talk the ear off these telemarketers. I can't say that for sure, but this country is full of very interesting people. As for me and for most of the American people, getting a telephone call in the middle of a meal or getting a telephone call at all hours of the day and night to have someone tell us that we really need a new long-distance service or a preapproved credit card gets a little annoying. Unsolicited phone calls are an intrusion on the phone line that most American people pay every month to have in their home.

I come from a sparsely populated State, a wonderful place. It is 10 times the size of the Massachusetts landmass, with 642,000 people. It is spread out. We understand the importance of communications. We understand the importance of telephones. It took a long while to get telephones to the outer reaches of our country, including rural areas. Now with modern communications, we also understand that we are not alone in our homes.

There are those who are working in large banks of employees who are randomly, with computers, calling telephone numbers from banks of telephone books, getting people on the line. And by the way, because these computers dial multiple numbers at once, when one person answers, perhaps a second person is answering a nanosecond later, no one will be on the line when they answer. That happens often. People should understand that comes from unsolicited phone calls with computer banks making calls. One person answers; the other doesn't get an answer. That is what is happening. It is enormously annoying.

Do people have an inherent right to make solicitation calls? Yes. But the other question is, Do people who pay for their telephone service each month have a right to put their name on a registry saying: I really don't want these calls; don't have them come into my telephone instrument; I pay for the instrument and I don't want to be annoyed and I don't want to be interrupted by them? Do people have that right? Of course, they do. That is what this issue is about.

As chairman of the Subcommittee on Consumer Affairs in the Commerce Committee last year, I held hearings on this. At one of the reauthorization hearings for the FTC, we had an entire panel devoted to the discussion of a do not call registry. We had a hearing in which the Federal Trade Commission came up, the Commissioners themselves, and talked to us about this issue. I had a member of the Federal Trade Commission come to Fargo, ND. We held a public hearing there on this subject. This is not a foreign or strange subject to me nor to most of my colleagues. As a result of that, we took action in reauthorizing the Federal Trade Commission to include funding to allow them to put together a Do Not Call Registry.

If you wonder whether the American people care about this, just remember these numbers. They put together a Do Not Call Registry and said to the people: If you think these unsolicited telephone calls are bothersome to you, if it is an intrusion on your family and an interruption to your life and annoying to you and you want to stop them, call and put your telephone number and your name on this registry.

Guess what. In virtually a nanosecond, 50 million Americans have said: Count me out. I don't want to be a part of this unsolicited phone call mess going on. Put my name on the list and get rid of these phone calls. In the State of North Dakota, 131,000 people said: We don't want these calls. We don't want the interruptions. We don't want the annoyance. Stop it.

Now one court has said somehow this is not operative, effective, because it is not authorized. So this afternoon the House will authorize it, the Senate will authorize it, and the bill will go to the President and be signed.

I hope this court will understand that not only was it authorized, but we were pleased this afternoon to authorize it a second time just to reinforce our determination with the American people that we believe they have the power and they ought to have the ability to stop these calls.

Let me make just a couple of additional points. Some say this is an important industry making these telephone calls, doing marketing. The answer is, sure, it is. It employs people. We are not saying with this legislation that you cannot make unsolicited phone calls. We are saying the American people, however, have a right to decide they don't want to be part of it; I don't want to receive them. This is empowering the American people.

If there are people, as I said, who are lonely, have no one to talk to, who sit around all day with a desire to visit with somebody, if they want to get these phone calls, God bless them. Let them get the phone calls, let them get the credit cards and sign up for multiple long-distance services, and let them visit until they are visited out. I assume there are a few of those people. But in most cases the American people are saying: Put my name on the list. I don't want to be interrupted. I don't want unsolicited phone calls, especially during mealtime.

There is this peculiar quality of this industry to call only when dinner or supper is ready. Lord only knows how that occurs, but it does. So today we have said we are going to authorize this explicitly once again, so that this Do Not Call list will not be interrupted. People whose names are on that list will be assured they will not receive unsolicited calls.

I say to my colleague, Senator ENSIGN, I know he is working on this issue and has introduced legislation, and my colleague, Senator FEINSTEIN, and others—again, we have worked hard on this in the Commerce Committee, going back to last July—July 17, at the reauthorization hearing I chaired. I will not go through all the negotiations that went on with appropriations and the reauthorization, but suffice it to say we believed very strongly the FTC should have taken the action they did. We provided the funding. We implicitly provided authorization for it, and today we are once again reauthorizing that which we have previously done just to satisfy some court in some corner of America, and in order to give comfort to those 50 million Americans and the at least 130,000 North Dakotans who have said: Take my name off this list. The American people have that right. This legislation allows them to keep that right. It is very important.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I yield myself such time as I may consume.

Mr. President, I thank the cosponsors of our legislation, especially my chief cosponsors, Senator FEINSTEIN from California, Senator DORGAN, Senator MCCAIN, and Senator DEWINE, as well as the 47 original cosponsors. I thank them all for being original cosponsors.

The legislation, however, we are dealing with now is identical legislation sent over by the House because of a procedural matter. I am very excited that this legislation is going to be

passed in just a little over an hour from now, because I think this is very important legislation just for the peace of mind of a lot of the people at home.

People say, ''Have you heard about this from your constituents?'' A lot of people who don't follow politics are talking about this issue in the last couple of days. They have talked about it for years, but they have heard about it in the news. They are talking about it around the water cooler and they are talking about it wherever there is a coffee shop, wherever they are, because they want to make sure that on October 1, when the Do Not Call list is supposed to be starting to be enforced, that it actually happens.

There are over 50 million Americans, as was said, who have signed up for this service. I am hazarding a guess, but I would say in the coming months there are going to be tens of millions more who will sign up for this because so many people don't want to be bothered. As Senator DORGAN talked about, the people who don't mind being bothered—for them, they don't have to sign up for the Do Not Call list. If they want to continue to receive all those offers at home from telemarketers who are trying to sell a product—if people want to receive those calls at home—I don't, but a lot of people probably want them—it is their right to have that coming into their household. I know in our household we get bothered by this a lot, and you hate being rude to people when they call up on the telephone. Nobody likes to get a call during dinner. You happen to have the phone all the way across the room. You get up and you walk across the room, and all of a sudden you realize it is a telemarketer. You are a little irritated and you don't want to be mean, but at the same time you don't want to be bothered. This Do Not Call list stops that from happening because the penalties in the Do Not Call list legislation are such that these telemarketers are going to stop.

So it is, to me, very exciting that we are actually going to act very quickly after what I believe the judge did was wrong. But that is fine; the Senate and the House have quickly acted on this bill. We are going to make sure there is no question in the court's mind that this bill is authorized.

I will conclude with this, and I will yield 5 minutes to my friend from Montana. It is really summed up in the Jerry Seinfeld episode where a telemarketer calls him and he asks the telemarketer, ''Can I have your phone number?'' The telemarketer says, ''Why?'' Jerry says, ''Because I want to call you during dinnertime and bother you.'' Of course, the telemarketer doesn't want to do that. But that is how people feel. They want to call them and bug them to let them know how they feel. That is the way people feel all across America.

It is important that we pass this legislation, and it is great to see the bipartisan support for it.

I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I thank my friend from Nevada. I am wondering if the Senator from California wants to speak, if we are going back and forth here. I don't want to preempt her.

Mrs. FEINSTEIN. There is no problem. I merely wanted to thank everybody. We heard about this through my Judiciary counsel, who follows the courts, and we came to the floor and indicated we were going to put this together and we got a number of cosponsors. It was really Senator DORGAN who worked out all of the protocols involved.

I thank the Commerce Committee, Senator MCCAIN, and Senator HOLLINGS, for their work on this issue. I didn't realize the depth of involvement that had existed. I find the court's decision so out of whack with what has happened. So I am very pleased and I thank the Senator from Montana for his courtesy.

I am glad to see that so many of our fellow colleagues, from both sides of the aisle, have joined us in this important and urgent effort, and that we were able to take up this legislation so quickly, in record time. It was only about 24 hours ago that I first raised this issue on the Senate floor.

Our bill is identical in language to the bill introduced in the House of Representatives, and we expect one or both of the bills to pass today.

The bill simply confirms what we all already thought was true, that the Federal Trade Commission has the authority to implement a ''Do-Not-Call'' Registry.

We in Congress must act quickly, because this registry is due to go into effect in just 1 week on October 1. Literally tens of millions of Americans have registered their phone numbers not to be called by telemarketers.

I have rarely seen an issue where so many millions of Americans have made their strong preferences known.

Are we going to simply tell them that this was all a myth? Or is Congress going to act to honor our earlier commitments and to protect this important right to privacy? These citizens expect us to act—and I believe that the momentum is clearly on our side.

If allowed to stand, the decision made by an Oklahoma district court judge that the National Do-Not-Call-Registry would strike a powerful blow against the basic private interests of millions of Americans.

Right now, these people are subjected to unwanted and annoying marketing calls to their homes at all times of the day, including the dinner hour.

According to industry estimates, about 60 million telemarketing calls are made daily. With advances in technology and declining telephone costs, consumers would face the prospect of an unprecedented barrage of calls. And this is why the registry is so important.

The FTC's registry will give Americans who want to avoid these unsolicited sales pitches a chance to stop annoying intrusions into their home.

As we know, tens of millions of Americans have registered more than 50 million phone numbers for this program. In the end, the Federal Trade Commission expects 60 percent of the Nation's households with approximately 60 million home phone lines to sign on to the registry.

This registry is crucial because it puts consumers in charge of the number of telemarketing calls they receive. Telemarketers who disregard the registry could be fined up to $11,000 per call.

The Oklahoma district court yesterday ruled that the Do Not Call Registry is ''invalid''—that is the word the judge used in his decision—because it was created without congressional authority.

I find this conclusion surprising since Congress passed H.R. 395, the Do-Not-Call Implementation Act on February 13 of this year. The legislation clearly authorizes the Federal Trade Commission and the Federal Communications Commission to collect fees sufficient to implement the registry. And the Appropriations Committee granted $18 million for the program.

I also note that the FTC's rule came after an exhaustive comment period. The FTC announced its plan to proceed with the registry on December 18, 2002, after receiving 64,000 comments. The overwhelming majority of these comments favored the creation of the registry.

Millions of Americans were promised protection from annoying, unwanted telemarketing calls starting October 1. They are outraged—and so are we—by this setback.

Congress must move now and unanimously adopt and pass legislation which grants the authority to the FTC, clearly and unequivocally—so that no Federal judge can misunderstand it.

Many of us were taken by surprise yesterday, but by putting this legislation to a vote now, we are doing the right thing. On October 1, let's make sure that the millions of Americans who want their privacy protected from these telemarketers are not disappointed.

I urge my colleagues to vote in favor of this legislation.

Mr. BURNS. Mr. President, I thank the chairman of the Commerce Committee and everybody on the committee. You are probably hearing from the core of that committee today, reacting to the disappointment that we have gotten from the Oklahoma Federal District Court preventing the Federal Trade Commission from going forward and implementing the Do Not Call list.

The Do Not Call legislation turned out to be the most popular and probably the most necessary consumer initiative we have ever passed in the history of this body. From day one, people started to sign up; that was June 26. Up until now—you have heard the figures—over 50 million people have registered, and 138,000 of those are in Montana.

So urgent was the public's need to stop intrusive telemarketers that in the first 14 hours of enrollment on June 16, 650,000 people called up. That gives us some idea of how consumers think of these telemarketers.

The ill-considered decision yesterday by the Federal District Court in Oklahoma would prevent the Do Not Call list from going into effect next Wednesday. The decision is dead wrong and its core assumption is that the FTC acted without statutory authority in creating and administering the Do Not Call list.

Let us make it very clear, Congress clearly granted the FTC the authority to set up the Do Not Call list by passing the Do Not Call Implementation Act in February of this year. The act gave the agency authority to collect fees from telemarketers and to establish and enforce the list. In fact, the Omnibus Appropriations Act in February also authorized the FTC to enforce the Do Not Call list.

Rather than waiting around for an appeals court to overturn this wrongheaded decision, I am certainly glad the Congress has taken action very swiftly. It did not take long. In fact, one of my good friends who does not serve in this body anymore, who served from North Carolina, said this is almost a june bug issue, and it really is. We do not have to put Americans through unwarranted intrusions into their lives by telemarketing, and so we will pass this today.

I tell my good friend from North Dakota, my wife has it all figured out about telemarketers. We both may be home; the call comes in: Is Mr. BURNS there? She says: I will call him—whether I am there or not. She lays the phone down and goes off and leaves it until we hear the little disconnect: ''If you are trying to place a call, please hang up and try again.'' So that is our attitude towards that.

By any estimate, telemarketers attempt almost 105 million calls daily. The implementation of the Do Not Call list would reduce these calls by almost 80 percent, and those are figures that are out now. So if they do not get the message by talking to a telephone that does not have an ear on the other end of it, then we will take care of it this way.

People are rightly sick and tired of this endless interruption into their private lives. So I urge my colleagues to support this bill.

I thank my good friend from Nevada for allowing me this time, and Senator DORGAN and the chairman of the full committee for acting this swiftly, because this takes care of it.

Let's make no bones about it, they clearly had the authority. They clearly had the funds to implement it. We gave it to them in appropriations and we gave them the authority this year. The telemarketers did not choose to abide by that law. So I heartily commend my good friends for offering this legislation.

By the way, if I am not on the list, you may put me on the list.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to add Senator INOUYE as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I was just recollecting, as the Senator from Montana was speaking, telemarketing is, of course, a legitimate business. It is an important business in many respects. But the point that my colleague, Senator ENSIGN, made is the American people also have their right, and their right is to put their name on a list to say, I do not want unsolicited calls.

They call almost everyone. I received a call some long while ago from a telemarketer. I answered the phone, and the telemarketer said: May I speak to Haley Dorgan please? I could tell immediately it was a telemarketer. I said: You could, but I do not think she is going to buy anything. She is 4 years old.

They get lists and they just blizzard the country with telephone calls to young and old. It is indiscriminate, and that is why this fervor has grown in this country to do something about giving the American people the right to say they do not want these unsolicited calls. That is what this legislation will do.

I yield 5 minutes to the Senator from Wisconsin, Mr. KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Yesterday, a Federal judge in Oklahoma voided the Federal Trade Commission's national Do Not Call list that was set to go into effect next week. This action frustrates the wishes of more than 48 million Americans who have signed up for the list.

I am pleased that we will overturn that judge's questionable decision today. Americans have spoken very clearly on this issue and it is our responsibility to respond. Though a judge ruled that the FTC lacked congressional authority to create this national Do Not Call Registry, I strongly disagree and believe that earlier this year Congress explicitly granted the Commission both the authority and the funding to create the registry.

Indeed, absent congressional action, the FTC's Do Not Call initiative would have failed to become a reality this year. I discussed the matter with FTC Chairman Tim Muris at a hearing before the Antitrust Subcommittee last September. He asked me for help in getting congressional authority in order to raise fees necessary to implement the Do Not Call list. We were able to grant the Commission this authority in the consolidated appropriations resolution which passed in February of this year. We further authorized the FTC's list in the Do Not Call Implementation Act on March 11, 2003.

These actions more than authorized the FTC's rulemaking in my view. That said, this bill will make it crystal clear that Congress endorses, supports, and authorizes the FTC to create a national Do Not Call Registry.

I commend the FTC's hard work to create a national Do Not Call list. Such action was long overdue. The deluge of telemarketing sales calls is the number one consumer complaint in this country. It is a problem that has gotten out of control. The average American receives two to three telemarketing calls per day. Some estimate that the telemarketing industry is able to make 560 calls per second or roughly 24 million calls per day. No wonder people feel like they are under siege in their own home.

Wisconsin recently implemented a similar, statewide Do Not Call list last year. During the first 3-month registration period, more than 2 million residents placed their phone numbers on the list, which is 40 percent of Wisconsin's population. Such a positive response demands further action at the Federal level. That is why we in Congress acted earlier this year to ensure that the FTC's Do Not Call list became a reality. Should we need to do more to overcome a court's objections, we can and shall do it today. Providing consumers the option to stop telemarketing calls is something on which we can all agree.

Given the enormous response of nearly 50 million Americans who have signed up in less than 3 months, the Do Not Call list is clearly needed. Though I am troubled by the court's decision, we can set the record straight and authorize the FTC's action. I urge quick passage of this legislation so that the Do Not Call list can start up as scheduled on October 1, 2003.

Mr. DORGAN. Mr. President, unless the Senator from Nevada has time he wants to consume, I yield 5 minutes to the Senator from Arkansas, Mr. PRYOR.

Mr. PRYOR. Mr. President, I thank my colleagues for their hard work on this issue. It is a very important issue for people all across the country.

Yesterday, I received the news that the Federal court in Oklahoma had decided that we had no authority over the Federal Do Not Call list.

I must tell you that as a United States Senator and as a former attorney general and as a lawyer and just as a citizen, I have all the respect in the world for our Federal courts and our judges and our legal system. I just happen to think they were wrong in this ruling.

At the same time, I am proud to join with my colleagues, both in the Senate and in the House, in efforts to try to

make sure the courts understand that very clearly there is authority for the Federal Trade Commission to establish a National Do Not Call list.

I think it is very clear that the people have spoken on this issue. Back in February of this year, the Congress passed what we thought was the authorization and the funding for Do Not Call. Then, just a few weeks later, President Bush signed it into law.

I know a lot of people have been sharing their stories about telemarketers. I can tell you from firsthand experience, from back in 1998 when I traveled the State of Arkansas extensively, running for attorney general—that is what I did before I was elected to this august body—everywhere I went, it seemed as though every community I went into, every group I talked to, it didn't matter who they were, what they had on their mind, they wanted to talk about telemarketing. They would say: Please, is there anything you can do to have these telemarketers stop calling us?

I said: Yes. We in Arkansas had one of the first—not the very first but one of the first—State do not call systems that we passed in 1999. It had very few exceptions to it. It was something we were proud of. We had to charge $5 because, where Congress appropriated some dollars for this Federal system, we did not have a State legislative appropriation for our State system. But regardless of that, even though we charged for it, we had thousands upon thousands of Arkansans sign up for our State do not call system.

I tell you, everywhere I go in Arkansas today, people still thank me for the State's do not call system.

One thing we learned during that process was that for most people, telemarketers' calls are an annoyance. People get tired of being bothered during dinnertime, when they are trying to do the homework with the children, when they are trying to put the kids down—whatever the case may be. But for some Americans, a small percentage, telemarketing also has the element of fraud to it.

Many people in this country—mostly seniors but not all, but many people in this country are taken advantage of via the telephone. If you look at the FBI statistics—I haven't seen the most recent round, but I was familiar with them in my 4 years in the attorney general's office—it is a small percentage of fraud, but let me tell you, it is a lot of dollars every single year. It is millions upon millions of dollars that are swindled away from people by use of the telephone.

I want to touch on something that Senator DORGAN said a few moments ago. The telemarketing industry is not evil. They are just doing their job. We understand that. We appreciate that. It is a legitimate industry. It is an industry that has a lot of hard-working people in it. They do a lot of great things. We are not critical of the industry per se.

We know there are some bad actors out there. I think a National Do Not Call program will help clear up those bad actors, just like we have been able to do on a State-by-State basis, when the States pass these kinds of provisions.

But telemarketing is, for many Americans, an annoyance that they just do not want to have. After all, we are talking about the privacy of people's homes. They should be able to have some control over the types of calls they get.

If they get solicitations, if they don't want those, there should be some mechanism where they can shut those off on the front end. That is what the Federal Do Not Call program will do. That is why I think you have seen so many people in the House and in the Senate come to the respective floors today and argue that we should take this step that we are about to take today.

One last point. In the last few weeks, ever since it was announced with toll-free numbers and Web sites that there would be a Federal Do Not Call program, and how to sign up, et cetera, there have been about 50 million phone numbers added to this list. That is an amazing number. Fifty million Americans can't be wrong.

I yield the remainder of my time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. I ask unanimous consent Senator REID of Nevada be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Might I just in less than a minute say we have not mentioned on the Senate floor, and we should, that the Federal Communications Commission took action that was complementary and action that coordinates with the Federal Trade Commission because action was needed by the Federal Communications Commission with respect to common carriers in areas under their jurisdiction to also create a do not call list, which is expansive.

So while I, with some of my colleagues, have been critical of the Federal Communications Commission on other issues on the Senate floor in recent weeks, I did want to say that the Federal Communications Commission deserves our plaudits and deserves credit for moving very quickly to fill in a gap with respect to a do not call list. All of our discussion is about the Federal Trade Commission, but, again, I think the Federal Trade Commission has contributed substantially, and I compliment them for that, with the leadership of Michael Powell and all the Commissioners.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I ask unanimous consent Senator Don Nickles be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I want to spend a couple of minutes talking a little more about this legislation. First of all, this chart that we have in back of us—this graphs the calls and online registering to the Do Not Call center. This started June 27, 2003, which is the far left side of the graph. In blue or purple there is the amount of e-mails that came in, the way the people registered on line.

In the middle is 1–888–382–1222, the telephone number. About 11 million came in there. In the yellow at the bottom which started in July, about 8.5 million people came in. Those were numbers that came in from the States.

There are over 31 million people just since June 27 who have registered online. So we see, for a total of a little over 50 million people, how rapidly people have signed up to say we do not want to receive telemarketing phone calls.

The key is people are saying we don't want to be bothered. Part of freedom, it seems to me, is the freedom from being bothered by people when you are in your own home. Telemarketers contend that, just as if they are sending mail, somebody who is sending mail to somebody's home, they have the right to call somebody in their home.

The American people are saying no; we don't want to receive those phone calls. Mail they can just glance at and throw away. They don't actually have to get on the telephone and speak to somebody. Telemarketers require somebody to pick up the phone. If it is ringing, you have to go because you don't want to miss an important phone call. Maybe your kids are out or something, you don't want to miss an important phone call, and it turns out to be a telemarketer.

Nowadays, because of answering machines, you have a situation where you come home and it says: Hi, this is Fred—or this is Lisa or whoever it is. Please give me a call my number is, and you don't know who it is.

Then you call the number back and you find out it is a telemarketer. So you have just now wasted the time listening to the message, and you have wasted the time making the telephone call.

So we have people stealing valuable time, and time is our most precious commodity. That is why so many people want to sign up for the Do Not Call list.

We want to remind people—and I think this is going to happen a lot—that the telephone number is 1–888–382–1222. That is the number that people will be able to call, and can call today to sign up for when this goes into effect on October 1. They just call up, very simple, add their name, give them their telephone number, add it to the list.

If they want to register on line, it is on the World Wide Web, donotcall.gov. It is all small letters. They go on there, they sign up, put their telephone numbers in, and they are added to the list.

It is simple for people to do. I think the simplicity is why it has been so wildly successful up to this point.

On October 1, when it goes into effect, that is when people will start having some peace of mind at home. At a time where families need more time together, they need more time to talk, I think it is important, especially around dinnertime when there are so many distractions—that is a prime time for telemarketers to call, at dinner time. Families don't have enough time together as it is now. I think to have those distractions around dinnertime is even more disruptive of that important family time.

We need to encourage families to be together. This certainly will result in fewer interruptions around the dinner table. That is why I so strongly support the legislation and why I sponsored this legislation to repeal what the Federal judge did in Oklahoma.

I don't currently see anyone who wishes to speak. I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. 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. ENSIGN. Mr. President, I yield 5 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I come to the floor today to address the judicial action that would temporarily prevent the National Do Not Call Registry from going into effect.

This privacy-oriented program was recently implemented by the Federal Trade Commission and was supposed to go into effect by October 1. That is just about a week away.

I am proud to join my colleague from Nevada, the ranking member of the Commerce Committee, Senator ENSIGN, in cosponsoring this bill. This bill ratifies the authority of the FTC to establish the National Do Not Call Registry and allows the program to go into effect as drafted by the FTC.

As you may or may not know, Alaska is about a 4-hour time difference from Washington, DC. It seems like just about my dinner hour in Alaska when telemarketers throughout the country get kicked into full gear. I know when my family and I are interrupted at the dinner table by these calls, we feel invaded. I can only imagine that my other friends and neighbors are equally upset. Sometimes we are outraged that our right to privacy is invaded every night when we are sitting down to have dinner with our families. Our lives are busy enough throughout the day with work, school, homework, and just catching up with one another and preparing for the next day. The last thing in the world we want when we sit down for the quiet time is to be interrupted by the telemarketing company that believes it is their right to disturb us during our few minutes of family time.

Those who seek to stop the implementation of this program assert that they are protected by the right to free speech. I say it is the people who have the right to decide that they do not want to be hounded by telemarketers and those who would interrupt the sanctity of their homes.

The entire purpose of the FTC's National Do Not Call Registry program is to allow Americans to opt out of receiving these annoying phone calls. In my judgment, the court's decision to stop this program tilts the privacy rights out of balance in favor of those telemarketing companies.

In June, the Anchorage Daily News—which is my hometown newspaper—published an editorial supporting the National Do Not Call Registry. They wrote about an Alaskan by the name of Ron Hammett who says he sometimes gets two or three calls a day. Mr. Hammett is a 76-year-old retiree who spent more than 2 hours waiting to get through the registration process once the FTC rule came out. Now he is going to wake up today—or he woke up this morning—to find out that his time and the time of many other Alaskans was wasted.

In just a few short months since the FTC adopted these rules, nearly 50 million people have registered to stop these phone calls.

My State of Alaska has its own do not call program that was created in 1996—it is called the Black Dot Program—which allows telephone subscribers to elect to have a black dot placed next to their name in the Alaska phone books.

A computerized version of the list is made available to the telemarketers, but the problem is they are not required to use it. If they call any telephone customer with a black dot next to his or her name, they are subject to a fine of up to $5,000, whether the telemarketer uses the list or not.

The problem with Alaska's statute is that there has been only one complaint filed since it was implemented. Most of the telemarketers are located outside the State of Alaska, and the State law doesn't have the teeth that the FTC rule contains to go after these outside groups. Alaskans, quite honestly, are looking forward to the implementation of this FTC rule to give them the peace and the quiet they have sought for so long. We need this FTC rule to protect our citizens and their privacy.

Americans have spoken. They don't like to be disturbed by unwanted and harassing phone calls from people selling products over the phone. Through this legislation we can have that peace and privacy within our own homes.

I am proud to cosponsor this legislation. I hope the body will act quickly on this measure. I am very pleased to see us moving so rapidly at this point.

Thank you, Mr. President.

Mr. ENSIGN. Mr. President, I ask unanimous consent that Senator PRYOR be added as a cosponsor to S. 1655.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Mr. President, I believe I have 5 minutes.

Mr. PRYOR. Yes. I yield 5 minutes of my time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Thank you, Mr. President.

I rise in strong support of this legislation. In my time in the Senate, I have never seen legislation move so quickly through the House and Senate for any issue.

Why? There are three reasons. The first is, of course, the need for this legislation. Fifty million people have signed up on a registry and are expecting it to work October 1. We should fulfill those expectations. None of us, me included, because this has happened to my family when we sit down to dinner all the time, hopping up and down like jackrabbits to answer the phone and then hear someone on the phone trying to sell you something. It drives you crazy. No. 1 is the need.

No. 2 is the fact the court decision was so goofy. The bottom line is, if you read the legislative language, if you read the statutes, in my judgment, there is no question we granted authority. I think the judge went out of his way to try to throw out this list. This may be an example of judges making law rather than interpreting law that we have talked about for so long. On this, we all agree that we do not want the judge making law, particularly making law that so goes against the will of this Congress and the American people.

The bottom line is, our intent was clear from the language of the February 13, 2003, statute called the Do Not Call Implementation Act. I cannot understand how a court would conclude Congress would have directed the FTC to implement the registry if it had not assumed that it had authorized the FTC to make the registry, either in previous law or through the implementation act itself.

If this were not enough to demonstrate Congress's intent on this issue, on February 20, 2003, the Omnibus Appropriations Act was signed into law which authorized the FTC to ''implement and enforce the do not call provisions of the Telemarketing Sales Act.''

That is as clear as the nose on your face. The court's decision is based on an overly technical view that ignores the clear intent of Congress. So the second reason we are moving so quickly is this law was so poorly interpreted by the judge.

The third is this has a consensus behind it. It is needed. There are a lot of laws that are needed but do not have a consensus. It was thrown out by a court in a strange decision. There is almost a universal consensus that this is the right thing to do.

The telemarketing industry feels badly about this. I understand there are many people who work in this industry. They are going to have to find a way to telemarket—which is a good thing when people want telemarketing—they will have to refine their processes. I would not mind refining this list and allowing people to file, if we could technically, to say I only want to get calls about mortgages or I only want to get calls about garden tools, but not to subject everyone to answer the phone, particularly at dinner time and evening time when the family is home alone and relaxing. This has happened in my family. It does not make any sense.

It is a good law. I wish there were more days in Congress that we do important things in a bipartisan way without tarrying. Let's savor it while we can.

I make one additional point. This approach can also work for another problem facing American consumers very similar to the annoying telemarketing call: e-mail spam. As in telemarketing calls, spam traffic is also growing at a geometric rate. It has become more than an annoyance. It is now a real danger to the future of the e-mail part of the Internet. Fifty percent of all e-mail is spam. What was a simple annoyance last year has become a major concern this year and could cripple one of the greatest inventions of the 20th century next year if nothing is done. We should be doing the same thing against spam.

Admittedly, it is easier to cut off a telemarketer than a spammer, but the same basic concept applies and the telemarketing provisions worked. The anti-e-mail spam provisions are the best we have to deal with spam right now.

This morning the Judiciary Committee passed the Criminal Spam Act of 2003. I was proud to cosponsor that along with my colleagues, Senator HATCH and Senator LEAHY. For the first time that will criminalize some of the spammer's favorite tricks. Those that repeatedly use predatory practices to evade filtering software will face stiff punishment, including the potential of jail time, but we should add the registry to those provisions. I did not do that in committee today, but I hope we can do it on the floor when it comes forward.

A spam registry such as the Do Not Call Registry has broad consumer support. It has bipartisan support. Senator GRAHAM of South Carolina and I are the lead sponsors. The registry provides parents with the unique opportunity to register their children's e-mail addresses to prevent unwanted advertisements that go to our children for pornography and lots of things the kids should not see.

I commend my colleagues for moving so quickly to defend consumers against unwanted telemarketing calls. Fifty million people cannot be wrong. I hope we will do the same and move with the same speed and urgency when we deal with e-mail spam and create an anti-e-mail spam registry as well.

I yield the floor.

Mr. PRYOR. Mr. President, we all know that fraud can be very much a problem when it comes to telemarketing, but we also know a Do Not Call registry is a very positive consumer tool against fraud. By that I mean if you signed up for the National Do Not Call plan and you still get a call, you know something is up. That ought to be your first tip that something may be amiss with this call. This is another reason I thank my friend from New York for his very wise comments.

I yield the remainder of my time to the Senator from Nevada.

Mr. REID. Mr. President, I appreciate very much the Senator yielding to me. We are in the position of being able to yield back all of our time except 6 minutes for the Senator from Connecticut, Mr. DODD.

The PRESIDING OFFICER. The Senator from Alaska.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Ms. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that following the next vote on passage of the Do Not Call legislation, the Senate immediately proceed to executive session and two consecutive votes on the following nominations on today's Executive Calendar: Calendar Nos. 359 and 360.

I further ask unanimous consent that there be 4 minutes equally divided between the two leaders or their designees prior to the second and third vote; further, that following the votes, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. I yield back all time on our side.

Mr. REID. As soon as Senator DODD arrives, we will use the remainder of our time. We have been told he is on his way—from where, we do not know.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I yield the remaining time on our side to Senator DODD from Connecticut.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut has 6 minutes.

Mr. DODD. Mr. President, I am confident my colleague from North Dakota will probably want to use 5 minutes of that 6 minutes. He probably has not exhausted every thought on the subject matter. I will be happy to yield back some of my time to him.

I wish to add my voice and thanks to the managers of this proposal and to commend the other body for their efforts in acting as quickly as they have on the subject matter. I am familiar enough with it because I introduced legislation about 2 years ago in this area. Connecticut was one of the early States—I know there have been a number of States that have adopted a do not call list—to adopt a do not call list in the year 2000. In December 2001, I introduced a bill very similar to the one Connecticut has produced. Either since then or before then, other States—including Alabama, Alaska, the home of the distinguished Senator MURKOWSKI, Arkansas, Florida, Georgia, Idaho, Kentucky, and others—have also enacted legislation.

This is a very positive outcome. Clearly, what has happened is, as we are talking about the use of the telephone, the telemarketing idea, America has phoned in and said to please give them some relief. We just would like a few minutes of privacy and quiet. It is hard enough to get a family together with all the pressures on them today. When you might just be able to get them to sit down for a meal, that phone starts ringing. What they are saying is: Give me the choice of saying I don't want to be bothered and buy this. They ought to have that right.

The obvious problem with this bill—I say it is a problem, but I am confident we can correct it; it is the difference between the bill I introduced several years ago and the one before us today—is the loophole that allows any prior business relationship to be an exception to the otherwise clear prohibition supported by this legislation.

As was pointed out in one news account in the last day or so, there has been a tremendous surge of telemarketing in the last number of weeks by businesses trying to establish a ''prior business relationship'' with a customer base in this country which would then allow them to become part of the exception even under this legislation.

The point I am making is, even though we will pass this bill—and I am very glad we are doing so; again, I commend the authors for moving as rapidly as they are on this legislation—we have not heard the end of this issue. There are going to be people coming back, once they discover that any prior business relationship pretty much will allow the exception to occur, which means you will have that phone continue to ring. And I presume they are going to be asking us to come back and even close the loophole down further.

Much as we have in Connecticut and as other States are doing this. As I've

said, Connecticut has enacted legislation and the bill I introduced mirrors my State's efforts in that regard.

Justice Brandeis said it so eloquently years and years ago, as he always could, this wonderful, brilliant mind of a Supreme Court Justice. He always had the ability of taking a difficult concept and simplifying it in terms that were so understandable by everyone. He said: Privacy is nothing more than the simple right to be left alone. That is what we are really talking about. He couldn't have imagined, when he said that, the technology that would make it possible for telemarketing to occur. But the right to be left alone is really at the heart of what we are talking about—the right to say to someone: You don't have the right to call me anytime you want. I should have some ability to control that intrusive invasion in the privacy of my family's life.

I am glad the Federal Trade Commission acted. It certainly made a difference. But clearly we need to respond to the court's decision in this matter, and we are doing that by adopting this legislation.

I am pleased to add my name as a cosponsor. I implore my colleagues in their respective committees to take a look at the bill I have introduced. I know others have introduced legislation, but take a look at this bill. Let's monitor what happens over the coming months to see if we are achieving the desired results that this legislation is designed to achieve. If not, we may have to go a bit further along the lines I have suggested. I am sure others have as well.

With that, I am pleased to be a part of this effort and congratulate the authors of it.

I yield back the remainder of the time.

Ms. SNOWE. Mr. President, yesterday, the United States District Court for the Western District of Oklahoma declared the Federal Trade Commission's national Do-Not-Call registry invalid after concluding that the Commission lacked the authority to implement the rule. Today, I stand here with my colleagues to set the record straight—H.R. 3161, which the House passed earlier this morning by a vote of 412–8, provides congressional authorization for the creation and implementation of the Do-Not-Call registry.

The Do-Not-Call registry provides a very important service—preventing undue intrusions from marketers. Citizens should have the right not to be disturbed by unsolicited calls in their own homes and the Do-Not-Call registry empowers citizens to stop these calls.

Support for the registry is unprecedented. To date, after only four months, the registry contains over 50 million phone numbers. In Maine alone, over 241,000 phone numbers have been registered and this number is growing everyday. Ultimately, the Federal Trade Commission expects 60 percent of the Nation's households to sign onto the registry potentially blocking eighty percent of telemarketing calls.

Specifically, the Federal registry will supplement State Do-Not-Call lists. It works by requiring telemarketers to search the registry every 3 months and synchronize their call lists with the phone numbers on the registry. If you don't want to be disturbed by marketing calls, you simply register online with the FTC or call a toll free number and request that your telephone number be added to the registry. More importantly, this law has enforcement power—a telemarketer who disregards the national Do-Not-Call registry could potentially be fined up to $11,000 for each call.

I urge my colleagues to support this measure.

Mr. BURNS. Mr. President, I rise today to express my disappointment at the Oklahoma Federal district court decision preventing the Federal Trade Commission from going forward on implementing the Do Not Call list.

The Do Not Call list has proven to be one of the most popular and necessary consumer initiatives in history. From the day consumers have been able to sign up for the Do Not Call list on June 26, over 50 million Americans have registered, including 138,841 in Montana. So urgent was the public's need to stop intrusive telemarketers that in the first 14 hours of enrollment on June 26, over 650,000 citizens added their numbers to the list.

Yesterday's ill-considered decision by the Federal district court in Oklahoma would prevent the Do Not Call list from going into effect next Wednesday. The decision is dead wrong in its core assumption that the FTC acted without statutory authority in creating and administering the Do Not Call list. In fact, Congress clearly granted the FTC the authority to set up the Do Not Call list by passing the Do Not Call Implementation Act in February of this year. This act gave the agency authority to collect fees from telemarketers to establish and enforce the list. The Omnibus Appropriations Act in February also authorized the FTC to enforce the do not call provisions.

Rather than waiting for an appeals court to overturn this wrongheaded decision, we must act quickly so that Americans do not have to suffer the needless and unwarranted intrusions into their lives by aggressive telemarketing. Unwanted telemarketing calls have reached unacceptable levels in our country. By one estimate, telemarketers attempt almost 105 million calls daily; implementation of the Do Not Call list would reduce these calls by almost 80 percent.

Americans are rightly sick and tired of these endless interruptions in their private lives, which often take place during the dinner hour, or at times when parents wish to spend uninterrupted quality time with their children. By responding rapidly to overturn this reckless and sloppy decision by the Oklahoma district court, Congress sends a clear message that this destructive hyper-marketing will no longer be tolerated. I urge my colleagues to support this legislation that would leave no doubt in anyone's mind as to the FTC's authority to maintain and implement the Do Not Call Registry.

Mr. LAUTENBERG. Mr. President, I was disappointed to learn that early this week a Federal district judge issued a ruling to delay the October 1 implementation of the national Do Not Call Registry.

Sign-up for the national Do Not Call list began June 27. To date, the registry has grown to 50 million Americans who submitted their telephone numbers and unequivocally said they do not want to receive business solicitation calls.

There has been near unanimity that the Oklahoma Federal judge simply got it wrong when he found that Congress did not give the Federal Trade Commission the requisite statutory authority to create and implement a nationwide Do Not Call Registry.

To clarify the matter once and for all, the pending bill explicitly authorizes the Federal Trade Commission to compile and implement a Do Not Call Registry, pursuant to the Telemarketing and Consumer Fraud and Abuse Prevention Act.

The bill also ratifies the relevant provisions of the Telemarketing Sales Rules promulgated by the Commission early this year.

A nationwide Do Not Call Registry is particularly important to the citizens of New Jersey. Although 27 States already have local do not call lists, some States, such as my home State of New Jersey, have not yet enacted do not call legislation.

A New Jersey State law is expected to go into effect next spring, but the residents of New Jersey and the other 23 States deserve the protection that the FTC rule provides.

The FTC's rules are reasonable. They require telemarketers to check the Do Not Call list every 3 months to see who does not want to be called. Those who call listed people face fines up to $11,000 for a violation. Consumers would be allowed to file complaints to an automated phone or online system.

There are about 166 million residential phone numbers in the United States and an additional 150 million cell-phone numbers. The FTC expects 60 percent of the Nation's households to sign onto the registry.

I urge my colleagues to support this bill which ratifies the FTC's Do Not Call Registry, permitting implementation of the registry on October 1.

Mr. FEINGOLD. Mr. President, I am proud to be an original cosponsor of this important measure, which will likely pass the House and Senate by an overwhelming margin and in record speed. This bill makes it perfectly

clear that the Federal Trade Commission, FTC, has the authority to implement and enforce the Do Not Call program that until yesterday's court ruling was scheduled to go into effect on October 1. I am usually not in favor of quick legislative reaction to lower court decisions. We have an appellate process to determine if a lower court is mistaken, as this one surely was, and that process serves us well. However, this case is different, and I am pleased that this Congress is prepared to react so quickly and so decisively.

There is no doubt in my mind that the FTC has the authority to create the Do Not Call program. It is true that the Telephone Consumer Protection Act, TCPA, passed in 1991, allowed the Federal Communications Commission, FCC, not the FTC, to create a national database of telephone numbers from Americans who wanted to avoid telephone solicitation. But in 1995, in the Telemarketing and Consumer Fraud and Abuse Prevention Act, TCFAPA, Congress also directed the FTC to establish rules on telemarketing activities. The FCC and the FTC have jurisdiction over different telemarketers, so it makes sense that there is some overlapping authority.

The FTC initially promulgated the Telemarketing Sales Rule, TSR, which contained a variety of restrictions on telemarketing, such as prohibiting such calls between the hours of 9 pm and 8 am and requiring telemarketers to cease making calls to consumers who specifically request not to be contacted again. Complaints about telemarketing continued and in 2000, the FTC began a proceeding to consider revisions to the TSR. That led to the adoption of the national Do Not Call Registry. The FTC announced the final rule on December 18, 2002.

Just a few months ago, in March 2003, Congress passed and the President signed Do Not Call Implementation Act, DNCIA. That statute authorized the FTC to collect fees sufficient to create and administer the database. The Consolidated Appropriations Act passed a month earlier also authorized the FTC to collect fees for the enforcement and implementation of the program, estimated at $18.1 million for fiscal year 2003. With this history, it is as clear as day that Congress has at least ratified the FTC's view of its statutory authority to create the Do Not Call list. Simply put, the district court decision yesterday was wrong.

Mr. President, the public response and support for the Do Not Call program have been tremendous. Americans have voluntarily registered over 50 million phone numbers on the database. They have waited a long time for this measure to finally be implemented. Months ago, they began adding their phone numbers to the list with the expectation that on October 1, finally, the calls would stop. That is why we must act decisively to reverse the court decision. It adversely affects millions of people. It thwarts a good program that has received overwhelming public support and participation. And it ignores clear evidence of congressional authorization. Even the few months that it would take to reverse the decision, and I am convinced it ultimately would be reversed, would be too long. The time has come for the national Do Not Call program to go into effect, and for Americans to be able to eat dinner or watch TV with their families free of interruptions by telephone solicitors. I am proud to support this bill.

Mr. LEAHY. Mr. President, I support the FTC's authority to establish a Do Not Call Registry, I find myself in good and widespread company. Many in the Senate, like many of my constituents in Vermont, share the frustration that I have with the recent district court decision striking down the Do Not Call Registry established at the Federal Trade Commission. Apparently we in Congress need to make things a little more clear, and this is what we are doing with this legislation: We authorize the FTC to set up and operate such a registry.

Vermont has been a leader in protecting the privacy and peace of its households from unwanted telemarketing calls. Federal law currently requires individual companies to remove consumers from their calling lists if the consumers ask them to do so. There is also a national ''telephone preference service'' registry to which consumers can submit their names and which telemarketers can consult to avoid calling those who do not wish to hear from them—but industry compliance is entirely voluntary. Two years ago, Vermont enacted a law which gives consumers a private right of action against companies that continue to call after being requested to cease. Vermonters can also sue if they are called by a telemarketer after they have put their name on the national ''telephone preference service'' registry. The FTC has expressed no intention of attempting to pre-empt such state systems, and I hope that federal agencies continue to respect the efforts and institutions established at the state level. Federal agencies should not be in the business of undercutting state efforts that are pursuing these same goals.

Those goals are simple and laudable. People should be able to enjoy the peace and quiet of their own homes, undisturbed by unsolicited sales calls. Of course, some consumers welcome such calls, and they certainly should be able to receive them. But for the thousands of Vermonters, and the millions of other Americans, who do not want to receive such calls, the FTC's Do Not Call Registry is a long-awaited relief. I understand that more than 50 million households have signed up, many of them, on-line, to be included in the Do Not Call Registry, which is set to begin its operations next week. This is an astonishing number of people, and this overwhelming response to the FTC's announcement is the best possible affirmation of the need for and of the good sense of the plan.

The Do Not Call Registry should also appeal to enlightened telemarketers. They do not, of course, want to waste time and effort talking to people who do not wish to hear from them, for whatever reason. Once the registry is operational—and I hope that this bill will meet with speedy approval and make that so—telemarketers will be able to focus their resources, their time and personnel, on the households for which they provide a useful service. Consumers will be better served, the companies seeking to make sales will be better off, and telemarketers will be more effective for both their corporate clients and the potential customers they contact.

So I urge all of my colleagues to vote in favor of this bill, H.R. 3161. The national Do Not Call Registry is a sensible way to protect the privacy of the American people. It deserves our support, and it deserves this effort to allow the registry to begin serving the public.

The PRESIDING OFFICER. All time has expired.

The question is on the third reading of the bill.

The bill (H.R. 3161) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Ms. MURKOWSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG), is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''aye''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 365 Leg.]

YEAS—95

Akaka	Brownback	Collins
Alexander	Bunning	Conrad
Allard	Burns	Cornyn
Allen	Byrd	Corzine
Baucus	Campbell	Craig
Bayh	Cantwell	Crapo
Bennett	Carper	Daschle
Biden	Chafee	Dayton
Bingaman	Chambliss	DeWine
Bond	Clinton	Dodd
Boxer	Cochran	Dole
Breaux	Coleman	Domenici

Dorgan	Kohl	Reid
Durbin	Kyl	Roberts
Ensign	Landrieu	Rockefeller
Enzi	Lautenberg	Santorum
Feingold	Leahy	Sarbanes
Feinstein	Levin	Schumer
Fitzgerald	Lincoln	Sessions
Frist	Lott	Shelby
Graham (SC)	Lugar	Smith
Grassley	McCain	Snowe
Hagel	McConnell	Specter
Harkin	Mikulski	Stabenow
Hatch	Miller	Stevens
Hollings	Murkowski	Sununu
Hutchison	Murray	Talent
Inhofe	Nelson (FL)	Thomas
Inouye	Nelson (NE)	Voinovich
Jeffords	Nickles	Warner
Johnson	Pryor	Wyden
Kennedy	Reed	

NOT VOTING—5

Edwards	Gregg	Lieberman
Graham (FL)	Kerry	

The bill (H.R. 3161) was passed.

EXECUTIVE SESSION

NOMINATION OF DANA MAKOTO SABRAW, OF CALIFORNIA, TO BE A UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider calendar No. 359, which the clerk will report.

The assistant legislative clerk read the nomination of Dana Makoto Sabraw, of California, to be a United States District Judge for the Southern District of California.

Under the previous order, there will now be a period of 4 minutes for debate equally divided between the leaders or their designees.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the next two votes be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, I am pleased to offer my support for the nominee for the Southern District Court of California, Dana Makoto Sabraw.

I want to emphasize the excellent process that we have in place to select District Court nominees in California. In a truly bipartisan fashion, the White House Counsel, Senator FEINSTEIN and I worked together to create four judicial advisory committees for the State of California, one in each Federal judicial district in the State.

Each committee has a membership of six individuals: three appointed by the White House, and three appointed jointly by Senator FEINSTEIN and me. Each member's vote counts equally, and a majority is necessary for recommendation of a candidate.

The nominee before the Senate this evening was reviewed by the Southern District Committee and strongly recommended. I continue to support this excellent bipartisan process and the high quality nominees it has produced.

Judge Sabraw has roots in my area of California, Marin County. From there, he has embarked on a very impressive legal career and served the people of my State with distinction. He currently is a judge on the San Diego Superior Court.

He is a graduate of San Diego State University and the McGeorge School of Law at the University of the Pacific.

Beyond his service on the bench, he is very involved with the community, receiving commendation from the Pan Asian Lawyers of San Diego for his community outreach efforts.

The Southern District will benefit greatly from the exemplary services of Judge Sabraw, and I fully support confirmation of this nominee.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, we yield back the remainder of our time.

Mr. SANTORUM. We yield back our time.

Mr. HATCH. Mr. President, I rise today to voice my support for the nomination of Dana Makoto Sabraw for the United States District Court for the Southern District of California.

Judge Sabraw has nearly two decades of experience as a litigator and as a jurist. He began his legal career as an associate with the firm of Postel & Parma in 1985, then joined the nationally recognized firm of Baker & McKenzie in 1989.

In 1995, he was appointed to the North County Municipal Court of San Diego County, where he was named Presiding Judge in 1998. That same year, he was appointed to the San Diego Superior Court, and in 2000 was named Criminal Presiding Judge.

Judge Sabraw is a proven scholar, a disciplined judge, and a noted humanitarian. He will make an outstanding addition to the Federal bench of the Southern District of California. I urge my colleagues to join me in supporting his nomination.

Mr. LEAHY. Mr. President, I am pleased that we are now turning to the nomination of Dana Makoto Sabraw for the Southern District of California. This well-qualified nominee is the product of the exemplary bipartisan commission that Senators FEINSTEIN and BOXER have worked so hard to maintain. It is a testament to their diligence that we have such stellar nominees heading to California's Federal courts.

Judge Sabraw has served for 8 years on the State trial bench. Prior to his appointment to the bench, Judge Sabraw was a partner and associate at Baker & McKenzie in San Diego. In addition to Judge Sabraw's public service as a judge, he has also been active in his community.

As an attorney, he received Certificates of Appreciation from the Pan Asian Lawyers of San Diego for his service to the association and its community outreach programs and recognition New Entra Casa for his pro bono work. Also as a private attorney, Mr. Sabraw provided pro bono services to the Legal Aid Society of Santa Barbara Project Outreach for several years. He also founded Positive Impact Program in 1998, a program in which the court, its staff, the Bar Association of North San Diego County, the local DAs office and others partnered with the local school districts to educate fifth graders about the justice system. The program involved a class curriculum, school assembly, mock trial, tour of the courthouse, and essay contest and reached approximately 6,000 students in lower socioeconomic neighborhoods.

The Southern District of California is the busiest Federal district in the Nation. In light of their demanding caseload, the Judiciary Committee expedited consideration of nominations to the Southern District. The Judiciary Committee held hearings for Dana Makoto Sabraw and Judge Burns, also nominated to this Southern District, just before the August recess and they were unanimously reported by the Judiciary Committee at our first meeting on September 4. That was 3 weeks ago. It is unfortunate that Judge Sabraw has been pending on the floor all month but I am pleased that we are voting on him today. Two more nominees to two additional vacancies recently created for the Southern District of California were voted out of the Judiciary Committee today.

Senator FEINSTEIN also deserves much credit for working so hard to create these additional judgeships in the Department of Justice authorization we passed in 2002. These judgeships are among those we created for border districts that have a massive caseload and that needed more Federal judges. We did what the Republican majority refused to do in the years 1995 through 2000 when there was a Democratic President, namely, create additional needed judgeships for the Southern District of California. We did so under Senate Democratic leadership with a Republican President. They have been available to be filled since July 15. The expedited path of Judge Sabraw's nomination demonstrates the fact that the Senate can act expeditiously when we receive well-qualified, consensus nominations on courts that need additional judges. I regret that the nomination has languished on the Senate calendar for most of the month for no reason. This nomination will undoubtedly be confirmed without a single dissenting vote in the Senate. Democratic Senators have been ready and willing to vote at any time. The Republican leadership will have to explain to the Chief Judge in the Southern District of California and the people of southern California what took so long.

I congratulate the California Senators on their outstanding work and this nominee and his family on this confirmation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Dana Makoto Sabraw, of California, to be a United States District Judge for the Southern District of California?

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL, I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARD), 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 ''aye.''

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 366 Ex.]

YEAS—95

Akaka	DeWine	Lugar
Alexander	Dodd	McCain
Allard	Dole	McConnell
Allen	Domenici	Mikulski
Baucus	Dorgan	Miller
Bayh	Durbin	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Fitzgerald	Pryor
Breaux	Frist	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Smith
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Thomas
Craig	Leahy	Voinovich
Crapo	Levin	Warner
Daschle	Lincoln	Wyden
Dayton	Lott	

NOT VOTING—5

Edwards	Gregg	Lieberman
Graham (FL)	Kerry	

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, after the next vote we will resume the DC appropriations bill and expect to be on the DC appropriations bill tonight and tomorrow. There will be further debate tonight. I encourage Members with amendments to come forward so we can continue to make progress on the DC appropriations bill.

I understand the two managers will not require any more rollcall votes on any action on the bill tonight or tomorrow. Thus, the next rollcall vote will be the last rollcall vote for tonight and for tomorrow. Again, we will be in session tomorrow for further debate on the DC appropriations bill.

With regard to Monday's schedule, we will be announcing what Monday's schedule will be in terms of voting. We will have votes on Monday in the late afternoon. We will have further announcements on that tomorrow. The Democratic leader and I have had discussions over the course of the day, and from where we started early this morning they have settled a lot in terms of looking forward to the next week and a half. I can tell all Members no more rollcall votes after this vote tonight, no rollcall votes tomorrow; DC appropriations.

Mr. BYRD. Will the distinguished majority leader yield?

Mr. FRIST. Yes, sir.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I would rather my leader propounded this question but inasmuch as I am the ranking member of the Appropriations Committee, the reason I hoped all Members would sit—although there is no requirement they have to in the rules, unless the Chair insists on it—we have a problem. I think the full Senate ought to know about it. That is why I have urged Senators sit if they will; then they will be more comfortable. I don't know how long it will last. I hope it will not last long.

We have a problem in that we have the Iraq appropriations measure before the Senate Appropriations Committee. We have had hearings Monday, Tuesday, Wednesday, and Thursday in that committee. There have been other committees that have been having hearings, too; I believe the Foreign Relations Committee, and I know the Armed Services Committee has had hearings.

Here is my problem as ranking member of the Appropriations Committee. We had hearings this past Monday on the Iraq bill. Our members were not fully informed that there would be hearings on Monday but we proceeded with hearings, in any event. Several of the members could not get there until very late. I have protested pretty consistently in that committee, saying we need more hearings, that we do not need to rush that bill through. It would be well to have the House act, let us see that bill so we would better know what amendments we should try to offer.

I have urged that outside witnesses be called. Why should we just hear one side of the question, that being, of course, the administration's position? But we could be wiser, I think, if we had outside witnesses. That has been rejected. That proposal has been rejected. So we have pressed on, against my wishes. I believe we ought to have more hearings.

Now we come down to this point. We have completed what hearings we are going to have, as I understand it, in the Appropriations Committee.

Now the pressure is on to have the bill marked up. When? Monday. We all know that Senators, in recent years especially, are more likely to be late getting in on Monday. They have faraway points of the compass to come from, and some of them have made appointments that will cause them not to get in until Tuesday morning perhaps. And yet we are being forced to have a markup on this coming Monday. This greatly creates a disadvantage to many of our Appropriations members.

So I have expressed the hope we would not have that markup on Monday. There is no great reason to begin to have this markup. But we have been pressed hard to get through these hearings, and now we are being pressed to mark up the bill on Monday.

Many of our Members cannot be here Monday. So I have acquainted my leader and my side of the aisle with this problem. And I have said we could have a markup on Tuesday. But my wife—and I hesitate to continue to inject my own personal problems into this matter—I said my wife has to have an operation on Tuesday morning. Not a major operation, but any operation at our age—if I were 40 or 50 or 60 again, I would say: You go on and have your operation and I'll see you at suppertime; see you tonight. That is not the way she wants it. That is not the way I want it.

I have said this afternoon, speaking to Mr. REID, and to Mr. STEVENS: If you want to have this on Tuesday, go ahead. If I am 2 hours there or 3 hours or 5, I will come when I can. But go ahead and have the markup Tuesday. The word comes back that the Republicans say: OK, but there is a little catch to that: We will wait till Tuesday, but you have to give consent to take up the bill on the next day. That consent could be objected to, of course, causing a little longer wait.

So now we are faced with: OK, you can take it up Tuesday—I hope I am not misrepresenting anyone here; at least this is the way I understand it—so you can have it on Tuesday, but you have to give consent to go to it Wednesday on the floor.

I don't want to enter into that deal. In the first place, I don't think there is a necessity for our having that markup on Monday or on Tuesday. I think we ought to have more hearings. I think we are entitled to more hearings. I see this bill as being ramrodded through the Senate, when there is no necessity for that.

I will not go into that further except to say, I am willing to proceed on Tuesday, but I am not willing for it to be in accordance with a deal. Call it a deal. Call it whatever you want—an agreement, whatever—''yes, we'll do that if.'' There are times when we do that around here, but on this occasion I don't think we ought to take it up on the floor that fast. We need more time on the floor. So I am unwilling to say: OK on Tuesday, but we will agree to taking it up on the floor on Wednesday.

So here we are, Thursday afternoon, with no votes tomorrow, I guess, and many Members going home, and a Jewish holiday tomorrow. Here we are

under this kind of pressure: You can have it on Tuesday, but you have to give us consent to take it up on Wednesday.

I understand now the—this is just my understanding—the other side is not willing to go on Tuesday without such an agreement. As I further understand it, they are saying—I may be wrong about this, but that is what I understand—that the majority is saying: OK, you don't want any deal; we will do it on Monday. So there is where it creates a great hardship on the part of a lot of our Senators and, I suppose, on Senators on the other side.

I think we are in a quandary, and we just ought to open it up here and have a full discussion of it rather than have the onus on me as the old plebeian soldier around here. OK. I don't want to cause my comrades on either side to have to come here on Monday and mark this up.

There is some reason it has to be Monday or else. This bill is being pushed through, rammed through, and I think we ought to take more time on it. I think the American people are entitled to more time on it.

Why don't we have more hearings? Is it that the majority is afraid to have questions asked? Do the questions hurt? What is the problem? Why do we have to have this—we are just not up against it. We passed the Defense appropriations conference report today.

I would like to know, I say to the leader, why we have to mark up this bill in the Appropriations Committee Monday or Tuesday, and why, if we push it—if the majority is willing to go over to Tuesday—why they are going to exact that pound of flesh: OK, we will go over, but let us take it up on the following day.

I am not willing to do that. If it were absolutely necessary to do that, I would be willing to do it. But that is not necessary. And in all my years here, I have never—I have never—seen the Appropriations Committee of the Senate, and especially the minority—this place is for the protection of the minority, a minority of Senators. I have said that many times.

But to jam us up here against a Sunday and a Jewish holiday just preceding it, and then to come in here and say, you have to have this markup on Monday or you have to let us take it up on the floor on Wednesday, I have to say, I think that is very unfair. I have argued this out in the committee under the public eye, and I have talked with my colleague, Senator STEVENS. I know he is under great pressure.

I would hope to have a response to that. More than that, I would hope we would not have to mark it up Monday or Tuesday.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the question is really centered on the debate, which we want to do in a thorough way. And the distinguished Senator from West Virginia, from day 1, has encouraged me to allow for adequate time for debate and amendment.

Starting about 2½ weeks ago, I made it very clear that the President of the United States would shortly deliver a supplemental—which was now about a week ago—that I wanted to take 2 weeks—and it could be longer or it could be shorter—that we can focus on it in an organized way, and an organized way is to spend time in hearings.

Indeed, after a lot of discussion, we organized hearings in such a way, as you pointed out, that the Armed Services Committee has had hearings on it, the Foreign Relations Committee has had hearings on it, the Appropriations Committee has had hearings on it. And, indeed, we have had at least seven committee hearings in the Senate. The House is having hearings at the same time.

We have had interested parties engaged in formal discussions coming by your party lunch, coming by our party lunch to have the discussion with the goal that we would focus on this issue. Indeed, we have done a good job this week. My goal was expressed 9 days ago. I didn't know about the surgery of your wife. Although the Jewish holiday begins tonight, we are not voting tomorrow because of a request from your side of the aisle. The Jewish holiday begins late tomorrow afternoon. But because of very specific requests from two of your Members through the assistant leader, we are bowing down once again to you for scheduling, which is fine, and I agree. If they need to travel back and there is no other way to get back, I am going to pay respect to their religion, just as I want to pay respect to you in every regard we can.

So there goes your Friday. So don't blame us on that. I don't think that is fair. It is not fair as we go forward, if you are looking at equity or fairness.

On this floor about 2 months ago—it was a little bit later at night—you came to me and said: We can't operate this place working 2 days a week or 3 days a week. And I agree. You have been in this particular situation in terms of scheduling. You know it is challenging, just like votes for tomorrow. That is why 9 days ago I said, we are going to spend all next week on the floor, if possible, debating and amending freely. And the Democratic leader and I talked earlier today. We want to stay on the bill. We don't want any trips or punches thrown that are not fair, but we will have a good discussion through next week. My objective is to bring it to the floor.

The question as to why? Because we are in a war. We are in a war against terrorism that our President has done, I think, an excellent job of spelling out. He has delivered to us, on behalf of the 150,000 military men and women there, a call for emergency funding through a supplemental that, although there is disagreement, the administration has said it is urgent we address.

Thus, when we can work on Monday, we should work on Monday. And I would argue Tuesday, Tuesday morning, Tuesday night, Wednesday morning, Wednesday night, Thursday morning, Thursday night, Friday morning and Friday night, in response to that emergency request for funding that the experts have told us is an emergency.

To say, well, people aren't going to be back Monday and therefore let's do Tuesday, but, no, we can't do it Tuesday because of other scheduling reasons, therefore, let's put this off later. I can tell you—you know this; again, I should be speaking to the Chair—if we say Monday it is just too difficult for people to come back, when there are people at war and there are people dying every day when we turn on the news, because of a lack of security, and we know this funding supports security, how can we say, it is inconvenient Monday and Tuesday? Although, again, I say this with deep respect for your personal situation and your wife's surgery in the morning, but we need to respond.

I think you know, if we wait until Wednesday to mark it up, or Thursday, the same thing, maybe a little bit different, Thursday, and you know this, Thursday people will say, we are getting out of here. We don't have time to debate this. Let's do it 2 weeks from now.

Once again, we are on recess during that period of time. I am going to have a hard time leaving here on recess with the American people saying: The President of the United States delivered this urgent request to you for funding, and have the news every day of people dying, with people having told us that it does have to do with security and the war on terrorism. That is the why and the reason.

I think we just need to be addressing this up front. The dialog between our leadership has been good. I know it is challenging our committee members with all of the hearings we have had day in and day out. I know people are worn out. But it is a war, and it is a war on terrorism. I think the American people deserve that debate on the floor of this body—freely debating, freely amending, starting as soon as we can that is reasonable. That is why I continue to request that the Appropriations Committee mark up the bill Monday, if it can—if it can't, it is just convenience. I think that is hard to answer—or Tuesday. And then there is no quid pro quo. I would like to get it to the floor so people can debate it before we go on recess in the next few weeks. But if there is objection to bringing it to the floor, that is your right as we go forward. But I do want the American people to know we are ready to address this bill and debate it fully, looking at everybody's schedule in a very personal way. The reason is, we are at war. That is it.

Mr. BYRD. Mr. President, will the distinguished leader yield further?

Mr. FRIST. Yes.

Mr. BYRD. Let me emphasize I am not asking that it be put off until

Tuesday because of my wife's little problem. I said, go ahead, if I am 2 hours or 3 hours or 5 hours, I will get there when I can. I would rather you didn't, but in any event, if you do, I am going to be with her. That is an easy choice for me. But I didn't intend to get into the debate about the so-called war on terrorism as being the war in Iraq. I won't do that now. But the distinguished majority leader has opened an avenue for a great deal of debate in which I will partake, if the good Lord lets me live. I am not going to lie down and roll over for that argument that, oh, we are in a war and we have to press ahead here; we have people dying and so on, and we have to do this on Monday or Tuesday. I am as concerned about the people dying as is the distinguished majority leader. I was not for sending our people over there to die. But we won't get into that here. The distinguished Republican leader brought that up.

I am only saying I would hope that we would stage the markup at a time when we could have full attendance on both sides.

Mr. NICKLES. Will the majority leader yield?

Mr. FRIST. I am happy to yield.

Mr. NICKLES. There is a nomination of Judge Mosman. I wonder if it would be possible to vote on that nomination by voice vote or begin that vote momentarily for the convenience of all Members?

Mr. FRIST. Mr. President, I am happy to propound that unanimous consent request for a voice vote on the judge under consideration.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, the ranking member is not here. I am sure if he was, he would ask that we have a rollcall vote. We ought to.

Let me just say, I don't think there is any question that we have to move forward and have an opportunity to debate this in a much more meaningful and thorough way. The way we will do that is through a markup in the Appropriations Committee and through votes on the Senate floor. Throughout the day the majority leader and I have been trying to figure out a way to work through the schedule, and it is obvious there are differences of opinion about what the schedule should entail. Yes, there should be more hearings. Yes, there ought to be more accountability as to how we make these decisions. If we had our choice, we would bifurcate this request, send the money to the troops to make sure they get all they need to conduct their responsibilities, but then have a more deliberate and thoughtful debate about this aid for reconstruction. That would be our desire. We will have amendments in that regard whenever the bill comes to the floor.

We need to get on with the vote on the judge, and then we will talk further about schedule as the schedule presents itself.

NOMINATION OF MICHAEL W. MOSMAN TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Michael W. Mosman, of Oregon, to be United States District Judge for the District of Oregon.

Mr. HATCH. Mr. President, I rise today to express my unqualified support for the nomination of Michael Mosman for the United States District Court for the District of Oregon and to urge my colleagues to confirm this fine nominee.

Mr. Mosman has excellent academic and professional qualifications for the federal bench. After graduating magna cum laude from the J. Reuben Clark Law School at Brigham Young University, he clerked first for D.C. Circuit Judge Malcolm Wilkey and then for Supreme Court Justice Lewis Powell.

Mr. Mosman also has impressive courtroom experience. As an Assistant U.S. Attorney and U.S. Attorney for the District of Oregon, Mr. Mosman has worked on cases in all four prosecuting units in his office: narcotics, violent crimes, organized crime, and fraud. He has tried about 50 cases, including large multidefendant drug conspiracies, international money laundering, multimillion dollar counterfeiting cases, and multidistrict immigration fraud.

Mr. Mosman also displayed stellar leadership and integrity in the wake of the September 11 tragedy. He deftly guided his office in the apprehension and prosecution of several would-be terrorists, all the while taking steps to ensure that those individuals' civil liberties were not violated.

Mr. Mosman is an exceptional nominee. He merited an ABA rating of unanimously well-qualified, and I fully expect him to serve with distinction on the federal bench in Oregon.

Mr. SMITH. Mr. President, I rise today to speak about my good friend and fellow Oregonian Michael Mosman.

Recently, the ABA rated Mr. Mosman as well qualified for the position of District Court Judge. Those of us from Oregon, however, have long been aware of Mr. Mosman's stellar legal credentials and talents. It would be an honor to have Mr. Mosman serve our state as the next U.S. District Judge in Oregon. He has distinguished himself as a leader in our state and in the legal community. Since 1988, Mr. Mosman has worked for the United States Attorney's office in Oregon. First joining the Department of Justice as an Assistant U.S. Attorney, he was subsequently promoted to the position of U.S. Attorney for the District of Oregon in 2001.

In addition to his public service, Mr. Mosman has worked in private practice with the Portland law firm of Miller Nash LLP. He clerked for Judge Malcolm Wilkey of the U.S. Court of Appeals for the DC Circuit—and for U.S. Supreme Court Justice Lewis Powell. Graduating with highest honors, he received his undergraduate degree from Utah State University and his law degree from BYU's J. Reuben Clark Law School.

With his academic and legal background—both in private and public practice—Mr. Mosman will bring a wealth of knowledge and, most importantly, compassion to the bench. In 2001, Senator WYDEN and I convened a bipartisan blue ribbon panel to interview applicants for the position of U.S. attorney—our unanimous No. 1 recommendation was Mike Mosman. Earlier this year, we convened another bipartisan blue ribbon panel to interview applicants for the U.S. District Court. Once again, our unanimous No. 1 recommendation was Mike Mosman.

It is, therefore, with great pleasure that I highly recommend to you my friend, Mr. Mosman, and urge my colleagues to vote in favor of his confirmation as United States District Judge for the District of Oregon.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEAHY. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Michael W. Mosman, of Oregon, to be United States District Judge for the District of Oregon? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote ''yea''.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''aye''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 367 Ex.]

YEAS—93

Akaka	Breaux	Cochran
Alexander	Brownback	Coleman
Allard	Burns	Collins
Allen	Byrd	Conrad
Baucus	Campbell	Cornyn
Bayh	Cantwell	Corzine
Bennett	Carper	Craig
Biden	Chafee	Crapo
Bingaman	Chambliss	Daschle
Boxer	Clinton	Dayton

DeWine	Jeffords	Pryor
Dodd	Johnson	Reed
Dole	Kennedy	Reid
Domenici	Kohl	Roberts
Dorgan	Kyl	Rockefeller
Durbin	Landrieu	Santorum
Ensign	Lautenberg	Sarbanes
Enzi	Leahy	Schumer
Feingold	Levin	Sessions
Feinstein	Lincoln	Shelby
Fitzgerald	Lott	Smith
Frist	Lugar	Snowe
Graham (SC)	McCain	Specter
Grassley	McConnell	Stabenow
Hagel	Mikulski	Stevens
Harkin	Miller	Sununu
Hatch	Murkowski	Talent
Hollings	Murray	Thomas
Hutchison	Nelson (FL)	Voinovich
Inhofe	Nelson (NE)	Warner
Inouye	Nickles	Wyden

NOT VOTING —7

Bond	Graham (FL)	Lieberman
Bunning	Gregg	
Edwards	Kerry	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider has been laid upon the table. 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.

The Senator from Ohio.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Continued

AMENDMENT NO. 1787, AS MODIFIED

Mr. DEWINE. Mr. President, in regard to the Feinstein amendment, the yeas and nays have been ordered.

I ask unanimous consent that order be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1787), as modified, was agreed to.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2004

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 69, the continuing resolution, which is at the desk; provided further that the resolution be read a third time and passed, and the motion to reconsider be laid upon the table.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 69) was read the third time and passed.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Continued

Ms. LANDRIEU. Mr. President, I thank the leadership on both sides for allowing us the opportunity to get back to the DC appropriations bill, a bill Senator DEWINE and I have worked very hard on over the last, actually, several months. We are very proud of so many portions of this bill that do such good work for the District, and do so in conjunction with the leadership of the District and the residents of the District. So we are thankful that as it has worked out today, we can actually get back on this bill.

It is my hope, and I think the chairman of this committee shares this goal, since there are a couple of points in this bill that warrant further debate, the most obvious one being the issue of education improvement in the District of Columbia, it would be my idea, and I hope it is shared by my colleagues and even on the other side, that we give as much time to this debate as possible because it is a very important issue, not just for the District but for the whole Nation. As a public policy, we would be hard pressed to find a public policy that is more important right now, other than, of course, national defense and homeland security. I think we all agree the challenge to our public education system is one that continues to warrant our attention.

Tonight it is my intention, and Senator DEWINE understands, to speak for a minute about an amendment Senator CARPER and I want to lay down at some time, and to talk in detail about what that amendment is. He and I are prepared to talk for maybe an hour about the details of it.

I understand there are other Members who might want to speak tonight. We have no intention, obviously, of having the vote tonight or tomorrow, but we hope next week to proceed with some voting on this very important bill.

The way I would like to start, just for a few moments, though, is to say the reason our amendment would be necessary and other amendments would be warranted is because the debate will show the publicly stated goals, however laudable—and we have read those goals in the newspaper, we have read them in press releases, we have heard the goals stated by the voucher proponents, that the aim of this is to help children in failing schools, poor children in failing schools have options—this debate will show the bill itself does not actually do that. Even with the Feinstein amendment, the bill does not do that.

There is another really puzzling aspect to this. I want to submit something for the record to show why I will say it is puzzling. We received today the Statement of Administration Policy. I would like to read it for the record and then explain why it is confusing. This is the Statement of Administration Policy that was issued today on the DC bill. This policy, not from the House but from the White House, says this: We like the DC bill, basically. I am paraphrasing the first part. The administration looks forward to working with Congress to ensure its priorities and amounts of money are within the overall budget goal.

Additional Administration views regarding the Committee's version of the bill are, [No. 1], School Choice Incentive Fund.

The Administration is pleased the Committee bill included $13 million for the President's School Choice Incentive Fund. This innovative reform will increase the capacity of the District to provide parents—particularly low-income parents—with more options for obtaining a quality education for their children who are trapped in low-performing schools. The Administration appreciates the Committee's support for strengthening the District's school system and strongly urges the Senate to retain this initiative.

The puzzling thing about this is the White House has said they support the Mayor's position. The Mayor was on the floor today. Mayor Williams is one of the most honorable people I know. He is a reformer for public education. But I don't know if the White House realizes that is not the Mayor's position.

The Mayor's position is a three-pronged approach: A third for vouchers, a third for charter schools, and a third for improvements to public schools. That is because the Mayor has suggested that vouchers-only is insufficient, and the Mayor has also said some other things about the voucher-only proposal. So I just lay this down.

I ask the chairman if perhaps he could get to the bottom of this. I don't know why the White House wouldn't say we understand the Senate bill has three clear sections on this issue. We like all those sections. We ask you to keep them all in the bill. But it doesn't say that.

I am going to have this printed in the RECORD. That is why we are going to have a lot of debate on this, because we have to get clear what the administration is really asking for or advocating.

I ask unanimous consent to print the Statement of Administration Policy in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 24, 2003.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

S. 1583—DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FY 2004

(Sponsors: Stevens (R), Alaska; Byrd (D), West Virginia)

The Administration supports Senate passage of the FY 2004 District of Columbia Appropriations Bill, as reported by the Appropriations Committee.

While this bill exceeds the President's request by $145 million, the Administration looks forward to working with the Congress to ensure that the FY 2004 appropriations bills ultimately fit within the top line funding level agreed to by both the Administration and the Congress. The President supports a discretionary spending total of $785.6

billion, along with advance appropriations for FY 2005—consistent with his Budget and the FY 2004 Congressional Budget Resolution. Only within such a fiscal environment can we encourage increased economic growth and a return to a balanced budget. The Administration looks forward to working with the Congress to ensure that its priorities are met within that overall total.

Additional Administration views regarding the Committee's version of the bill are:

SCHOOL CHOICE INCENTIVE FUND

The Administration is pleased the Committee bill includes $13 million for the President's School Choice Incentive Fund initiative. This innovative reform will increase the capacity of the District to provide parents—particularly low-income parents—with more options for obtaining a quality education for their children who are trapped in low-performing schools. The Administration appreciates the Committee's support for strengthening the District's school system and strongly urges the Senate to retain this initiative.

FEDERAL FUNDING FOR DC

The Administration applauds the Committee for fully funding the President's request for $17 million for District resident tuition support, as well as $15 million for emergency planning and security costs in the District.

ATTORNEY'S FEES UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

The Administration is pleased that the Committee has retained the provision that caps the award of plaintiff's fees in cases brought against the District of Columbia Public Schools (DCPS) under IDEA. The Administration strongly supports the education of children with disabilities according to the principles embodied in IDEA, and it is in the best interest of the District's children if DCPS uses its limited resources to improve its special education programs rather than pay excessive attorneys' fees.

LOCAL BUDGET AUTONOMY

The Administration continues to support local budget autonomy, which would free the District's local funds from any delay in the appropriations process past the beginning of the fiscal year. We appreciate Congress' consideration of this proposal and recognize Congress would continue to ensure responsible use of Federal and local funds through the enactment of the District's annual appropriations bill.

OTHER ISSUES

The Administration is disappointed that the Senate version of the bill modifies current law with respect to allowing local funds to be used for needle exchange.

The Administration is concerned with the number of unrequested earmarks contained in the Committee bill, including $20 million provided to the District of Columbia Chief Financial Officer for a variety of unspecified projects.

Ms. LANDRIEU. I would like to start with the Landrieu-Carper amendment that we will offer at some time, and describe again why it is puzzling that we are having difficulty with the administration and the voucher proponents coming to some agreement. I am going to read the simple text, and without any rhetoric or signs or charts or anything, I am going to read the text of it because it is quite simple. I want the people who are listening—and, of course, there is alot of interest in this—to understand what basically has been rejected.

Before I do that, I will give a very brief history of how we got here because it will help to set this debate.

Three years ago we were in what I would call a quandary in public education in the Nation. That quandary was this: Our schools were improving but not fast enough. We had a lot of kids who needed help. We really had to do something.

There were a group of people who wanted to give up on public schools and go to vouchers and say we can't, we tried, nothing is working, let's go to vouchers. There was a group of people who said no, what we need is just more money, the same thing, pump the money in and more resources will do it.

Both proposals were rejected. They were rejected by a broad-based coalition of Democrats and Republicans who rejected both. We said no to vouchers which will undermine public schools; no, vouchers will not work. And, no, just dumping more money in the system, as much needed as the money is, just dumping money is not going to help.

We found a third way called Leave No Child Behind which the President himself led. Many of us were proud to work with him to do that. We crossed party lines. Republicans went to the Democratic side. Democrats went to the Republican side. There were great coalitions forged to get that done.

Here we are not even 2 years into Leave No Child Behind and there are still grumblings on both sides. You can understand why. The money we promised isn't forthcoming. So people have a legitimate argument. They say: We haven't received the money. I understand. I keep saying: Let us go forth.

I know people want vouchers. No matter what we do, they want vouchers. They want them yesterday, today, and tomorrow. That is just what they want.

Here we are with Leave No Child Behind. One would think if the administration wanted to prove something, they would try to prove it anywhere in the country—the District, New Orleans, Louisiana, Ohio—that Leave No Child Behind could work.

There is some confusion. From my point of view, I think what would come out of the President's proposal is something like this: I am sorry. We are short of money. I am sorry. We can't fund everything that we thought we could fund, but let me just give enough money to the District of Columbia, which is a city and a symbol, and let me fully fund Leave No Child Behind. Let me double the amount for charter schools. Let me push contracts for public schools. Let me increase tutorial services. Let me have afterschool and let us implement early childhood education.

As a person who helped write the bill that laid those principles down, that is what I would fully expect. I would have stood shoulder to shoulder with him, and I would have said with the Mayor's help, with the Congresswoman's help, with the Republicans' help and the Democrats' help, let us show the country what we meant when we passed the bill. They don't believe it. Neither sides believes it. So let us show them what we meant. Instead, we get the same old, tired, worn out, inadequate vouchers—vouchers, vouchers.

Mr. CARPER, the Senator from Delaware, and I, and others who worked very closely, think we are not hearing correctly. We think this couldn't possibly be. So we tried. The chairman could not have been more gracious. We tried. We think maybe it is something we don't understand. So we tried to talk. The talks aren't going very well.

So we think: Let us just put it down in an amendment form and see maybe if we are missing something. This is our amendment. I will read for the RECORD what the gist of the amendment is because it is very simple. Tomorrow I will have this blown up so when I speak on it next week people can see what it is.

This is what we said. Even though you don't want to fund title I in the District, you don't want to double the amount of charter schools, you don't want to have private contracts which the law allows, you don't want to increase tutorial services, you don't want to have afterschool, you don't want to have early childhood, we will just take what the administration thinks—or what the voucher proponents think—and we will just go back to see if we can make vouchers work.

We say: OK. We will do a couple of things. If you will agree that the same children will take the same test because the administration was very strong on tests—they wanted the same test—that took a little work but we finally got the same test.

Then they said last year that it is very important for teachers in public schools to have a college education. That was a big deal. We said, yes, at a minimum. They can have alternative certifications but you have to have a college education. Let us have a college education for teachers who would be teaching students using public money to go to private schools. That has been agreed to.

Because one of the problems with this debate is that nobody has the research to tell whether it really works or not—we agree with that—we said, let us have a very rigorous evaluation so that after 5 years we would know for sure, I mean for positive.

Let me speak for a minute about this. The Milwaukee program has been going on for 13 years. There are 11,000 children in vouchers and there are 89,000 children who aren't in vouchers. The Senators from that State can talk more about the details than I can. But what I do know about it is many studies have been conducted, and there is still no definitive data that I have been able to find—that anybody has been able to find—about whether those children are doing better academically. There is some evidence to suggest that

some parents are happier and more satisfied. I acknowledge that. That is very good.

I remind this body that we did not start down this road to make parents happy. That is not what the President said. We want parents to be satisfied. We want parents to be satisfied, but that is not the goal. It is desirable. But the goal is a quality education with public accountability because public dollars are being spent. We don't know after 13 years.

We said: OK. Let us have an evaluation component. The evaluation component in this bill, to date, is inadequate to, even after 5 years, give us those answers, and we think that is a real problem.

This is the most important. All of these are important, but this is really the telling portion of why I think we are at a real standstill and a crossroads.

We said in our amendment that you say you want to limit this or you want to help children who are in a trap. That is what this says. I want to read it again. This is the administration's policy. This is for children who are trapped in low-performing schools, which would mean trapped in failing schools. That is what we can do in Leave No Child Behind. We said no more of this. You have to be good. If you are not good and you are a failing school, you need improvement or you have to close and be reconstituted. We said let us limit it to children in failing schools. That is part of our amendment.

The word back so far is, no, I am sorry we can't limit this to children in failing schools because we want this to be available to children in all schools.

The sixth provision that we asked is to make sure all the civil rights laws which are required in Leave No Child Behind are adhered to. The other side said that wouldn't be a problem. We assumed that would be fine. But it is not in this bill.

The other part of our amendment says make sure the scholarship itself—whether it is $7,500 or $3,500 or $1,000—is sufficient to actually get a child by lottery from a failing school into another school. The school can't discriminate. The child gets to go. But that language was rejected.

I don't know what the other side is thinking. If a school costs $15,000 and the voucher is only worth $7,500, we can't figure out how that child gets to the school if their voucher is only worth $7,500. We wanted to make sure that the voucher would be received as payment in full so a parent couldn't be told: We would love to take your child into the school but your voucher is only worth $7,500 and we need $15,000. I am sorry. Our private scholarship fund is out of money. We would love to help you, Ms. Jones. We really know that your two sons would do great in our school. We would love to give them vouchers. You can either have a bake sale or raise money from your neighbors or go into your savings account, but we can't put up the other $7,500.

Senator CARPER and I thought it would be reasonable to say the voucher—no matter where you get the money—has to get the kid in the school.

The seventh thing we asked was—because this White House, when we were debating Leave No Child Behind, insisted on yearly progress reports for children in public schools—we would like to craft a way to make sure these 2,000 slots available that we are talking about, where they take the same test that has been agreed to—we would have these yearly progress reports as defined by Leave No Child Behind. The same reports, no difference. No, I am sorry, we can't do that. We cannot have yearly progress reports. So, again, accountability is out the window.

And finally, our amendment said, OK, we do not believe this should be a Federal mandate. We are being told by the voucher opponents, that the city wants this; it is the choice of the city. I said, fine, remove the language that makes the money contingent because in committee I asked the Senator handling the bill if he could just state for the record: Does Mayor Williams have a choice? In other words, in order to get any money, does he have to take the voucher money? To get any money, does he have to take vouchers? The answer was yes.

I and others strongly opposed forcing any city, anywhere, at any time, being held hostage by voucher opponents that would say: We are happy to give you $40 million; we are glad to give you $20 million; we are glad to give you $8 million; but you have to institute a voucher program. And not just vouchers for children in failing schools, but you must have a voucher program for children in all schools.

That proposal will not pass with much Democratic support, let me assure Members.

This has been rejected today. Maybe cooler heads will prevail. The Senator from Delaware and I are still open to discussion. Why? I would stay here all night, all next week, all next month, all next year. My children are home; I would like to get home. His children are home. But that is how important this education reform is for this country. It was a hard fought victory and a wonderful victory and a powerful victory.

The ink is not even dry and we are talking about undoing it, unraveling it, undermining it. I don't understand it.

Senator CARPER will talk, and then I will finish with a few more comments about our amendment. I would like Senator CARPER to explain from his perspective what our amendment hoped or sought to do.

Mr. CARPER. I thank the Senator from Louisiana for yielding. Before I was elected, I served as Governor of Delaware for 8 years, following Mike Castle, who launched near the end of his second term education reform. What we began in his last term and I tried to do in the 8 years I was privileged to serve as Governor was to focus more on raising student achievement than on anything else. We were willing to experiment rather boldly to try to accomplish that. We established rigorous academic standards, not standards in math, science, English, and social studies that the politicians thought were important, but we gathered the best teachers in the State, the best scientists, to develop academic standards of what we expected kids to know at different grade levels in their academic careers.

We wanted to test students objectively, measure whether they were making academic progress to the standards. We wanted to be objective.

And, finally, we wanted to make sure we held everyone accountable—students, schools, school districts, even the educators. Trying to hold parents accountable would be the hardest part of all.

During the course of those reforms, we sought to identify what was working to raise student achievement. Did smaller class sizes work? If so, the idea was to replicate that and do that in other schools. We eventually found that smaller class sizes in kindergarten and classes for age 7 had the most impact.

We learned investment in early childhood paid huge dividends and concluded that in the first 6 years of our life, by the time we are age 6 and in first grade, we have learned about half of what we are going to learn in our lives. If we waste the first 6 years, it is hard to catch up later on.

We learned that if we can harness technology, we can help equalize the playing field for a whole lot of kids. We learned that it is not just enough to hook up classrooms to the Internet. It is not enough to have even decent computers. If you do not have teachers comfortable in using the technology to bring the outside world into the classroom and making the learning come alive and using it effectively as a tool, the money for all the wiring and the computers is money that is not well spent. Teachers have the professional development and the familiarity of using this technology lining up with the curriculum, the lesson plan, and making the learning come alive.

We learned in the course of our experiments in Delaware that all kids can learn. Some learn more quickly than others. Mary might learn faster than Tom, but Tom could learn. He just might need extra time or be taught in different ways. We learned maybe longer school days are helpful for doing that, afterschool programs, and maybe summer schools. We have schools, for example, for kids who are entering ninth grade. We can bring those kids in for a month or so in the summer before they go into ninth grade, put them in a summer academy, and they have a better chance of helping the kids to meet the standards they need in ninth grade.

We did all this in an effort to try to learn what worked to raise student achievement. We did so because we wanted to be able to invest the limited dollars that we had in programs that would raise student achievement. Of all the things we did in my State during the time that I served as its Governor, preparing the workforce for the 21st century was most important. If we are going to be successful as a nation, it will be because we prepare and create a workforce that is able to beat any workforce in the world.

What does that have to do with what we are talking about? The schools in the District of Columbia are not doing the job for many of the kids who live there. The public schools in this District are not doing the job for many of the kids who live there. And a good deal is being done to try to turn that around. This District has begun to experiment rather boldly with charter schools, some of the things I talked about earlier—extra learning time, technology, and professional development—in order to raise student achievement. They have a long way to go.

As we dealt with the issue and tackled the issue of leaving no child behind in a failing school, we did not say that the Federal Government would go out there and establish academic standards. We said, we will let the States establish their own academic standards. Let them figure it out and know what they should be doing. We said the same thing about the District of Columbia. They develop their academic standards in the District of Columbia. We do not do that.

No Child Left Behind also says we expect kids to make progress every year. We expect all kids can learn, and over a period of a decade or so we expect virtually all children to be able to reach the academic standards, whether it is the District of Columbia, Delaware, Ohio, Louisiana, or Alabama. Of the public schools in the District of Columbia, or Minnesota or Delaware, under No Child Left Behind, if a school does not meet adequate yearly progress for 1 year, that school is essentially put on notice that they are deficient.

If they continue to not meet the adequate yearly progress for a second or a third year, there are consequences for the failure to do so. By the fourth year, if a public school—4 years in a row, in any of our States or in the District of Columbia—fails to meet adequate yearly progress, there are consequences that can be rather severe. The school can be closed and restructured, the faculty changed, leadership changed. The school can be transformed into a charter school. Public school choice can be demanded, required, including the funding of transportation to other public schools. But the consequences are severe.

If a charter school in Minnesota, where I think charter schools may have originated, or in any of the other States that are represented here is deficient, and the students there—for 1 year or 2 years or 3 years or 4 years—do not demonstrate adequate yearly progress, or those schools do not show progress year after year, then there are consequences as well. There is also help. We try to provide extra help: extra money, tutorial assistance, that kind of thing. But in the end, if there is not progress, we do not want to continue to throw good money after bad.

I want to talk about an area we got hung up on, and it is a little complicated; but I want to take a minute to talk about it anyway. I said earlier, if you have kids in public schools in this District of Columbia who are not making adequate yearly progress, there are consequences for those schools. There are efforts to help them, but there are also consequences.

For charter schools here, if kids are not making progress, if you continue year after year to fall short, there are consequences for that school, and in the end fairly severe ones. If instead of taking this $13 million and distributing it in vouchers to send the kids to, let's say, 80 different schools—instead of doing that, with maybe 25 kids to a school—instead, we are going to take that $13 million and fund one new school for 2,000 kids, and maybe have 80 classrooms, with 25 kids in a classroom, if we use the $13 million in that way, we would expect that school and those students under No Child Left Behind to make progress and to make adequate yearly progress. And if they did not, under No Child Left Behind, that school would get help. And eventually, if they continue to fail, they would face dire consequences.

Stick with me on this, if you will. What we propose to do with this voucher demonstration is to take $13 million, and instead of creating one school with 80 classrooms, we might take the $13 million and give it to kids who will go to 80 different private schools somewhere here in the District; and it might be roughly 25 kids in each of those schools, but they add up to 2,000.

Some will go to schools, and they are going to be tested, and they will do pretty well. Some will go to schools, and they will be tested, under the District's test, and they are not going to do so well; and they may not do so well next year and the year after that and the year after that.

I wish it were possible somehow to take the results of those 2,000 kids who are going to be spread, in this example, in 80 schools across the District to actually bring back, to aggregate, and to see how well they did in making adequate yearly progress. And as it turns out, we could actually do that. We would not have to impose No Child Left Behind on the individual private schools. I would not want to do that. But we can certainly find out how those kids are doing in those private or parochial schools, and see if they are making, collectively, adequate yearly progress.

Earlier this year—I wish I could find the quotation—President Bush was talking—I think it was maybe in July—about this experiment with vouchers in the District of Columbia.

If you bear with me, I want to see if I can find that quotation. At the very least, I will give you part of it. He said words to this effect: It is the taxpayers' money. We want to know. We want to know in a public school or in a private school whether or not the children are learning.

Bear with me just for one moment. The quote is too good to miss. I will find it, and then I will be able to read it in its entirety. Here is what the President said. And again, this is from July of this year. I am going to read it because I think he has it right. This is absolutely on the money talking about his vision for a DC voucher program. This is what he said:

> The same accountability system applies to the recipient school as it does the public schools in Washington. After all, it's taxpayers' money. We want to know. We want to know in a public school or a private school whether or not the children are learning.

I could not have said it better myself.

The negotiations we have had with our friends on the other side—and I just want to say to Senator DEWINE, I said this privately, and I will say it publicly, I very much admire the way he and Senator LANDRIEU work together as the chairman of the subcommittee and as ranking member. I thank them very much for the good faith that I think they and their staff demonstrated in trying to find a middle ground on some of these complex and admittedly difficult issues.

While I believe it is important that the kids who will use these vouchers in this experimental program come out of schools that are failing—not everyone thinks that; I think so—I think it is important that the voucher actually offsets the cost of the tuition fully. Not everyone agrees with that. I certainly think so.

I think the teachers in those private and parochial schools have to meet certain standards or credentialing qualifications. We could probably work through most of that.

We fell apart in our negotiations on three points. One was this idea of: Is there some way we can fairly reasonably make sure we hold those who are using public dollars, Federal dollars—for the first time, I think, for vouchers—can we hold them accountable under No Child Left Behind, and in a way somewhat as we hold charter schools and other public school kids accountable?

I had a conversation with an administration official this afternoon, and I thought it was a telling conversation. She said to me—words to this effect—we can't agree with doing what you and Senator LANDRIEU want because the kids who are coming from these schools, who will be using these vouchers—falling under certain income limits; 185 percent of poverty—they are going to be some of our toughest kids

to help raise student achievement and to demonstrate adequate yearly progress. And there was just a reluctance and a fear they were setting themselves up for failure under this demonstration program.

What the President said is the same accountability system applies to recipient schools as it does to the public schools of Washington, DC.

We have to be smart enough to figure out a way to put that kind of accountability plan in place in a voucher program so that it does not discourage private or parochial schools from joining in this experiment. And if the kids who use those vouchers and go to the public and private schools don't make adequate yearly progress, we should not continue to fund those programs.

One of the great frustrations for me with what we are setting up here, without the kind of provisions Senator LANDRIEU and I are talking about, is we will end up not knowing for sure at the end of the day, and for 5 years, or whatever, whether this actually works to raise student achievement, comparing apples and apples, oranges and oranges, being able to compare those 2,000 kids with another 2,000 kids in charter schools and 2,000 kids in public schools. We will not know absolutely. And we should know.

For people who don't like vouchers, for those who think we should not put a dime in vouchers, they should know after 5 years that it works. And maybe we should consider, as we said, other school districts. By the same token, for those who think vouchers are the best thing since sliced bread, it would be great to have an experiment that demonstrated that at the end of 5 years, maybe it does not work. And other schools around the State, other cities or school districts would say: They tried it in DC. It was a fair experiment, and it didn't work. They could decide to go ahead and have their own experiment and do it themselves. But we need a test and experiment that nobody can question at the end of the day that it wasn't done fairly and squarely on all counts.

I feel disappointed tonight. I really do. I am not angry, but I am disappointed. I have invested some personal time. My staff has. Senator LANDRIEU has invested a whole lot more. I know Senator DEWINE has. I don't feel good about this because we ended up having spent all this time without coming to the kind of consensus I hoped we could. I fear we will pass a bill ultimately that will be flawed, not flawed in the sense of the Senate version, but the House version, because that is a badly flawed voucher proposal. I fear we will pass something that is not what it could be. We will go to conference and what comes out of conference will be a whole lot worse than what is being contemplated here in the Senate.

The last thing I want to say is this: If we had been able to reach agreement that these vouchers would only be used for some of the 9,400 kids who are today in failing schools in the District, we would have eliminated a real stumbling block going forward. If we had been able to work out with smart people in the administration, smart people who work around here, a way to make sure that the same accountability or some comparable accountability system that we used under No Child Left Behind for charter schools and public schools—that we can apply that in the way I described earlier for these 2,000 kids—if we can do that, we have eliminated a major stumbling block.

Senator LANDRIEU and I are reluctant, though, even if we passed a measure that had those provisions in it and the other principle she has talked about already, to go to conference even with a good bill without the assurance that what is going to come out of conference will be consistent with those principles. I would feel pretty foolish if we struck a good agreement, a sound agreement that we felt proud of, and went to conference and ended up with something else that was a horse of a different color.

We are not going to come to agreement, I am afraid, on those two major principles that we talked about here tonight, if our friends on the other side can't give us an assurance that even if we were, those principles would survive the conference. I understand that is a difficult thing to do. Having said that, I must say that that understanding doesn't diminish at all my disappointment that we have fallen short.

I yield back.

Ms. LANDRIEU. Mr. President, I thank the Senator from Delaware who, as usual, has described beautifully his position and the position which several of us on this side, who are cosponsors of the No Child Left Behind Act, believe in strongly. I would like to add to what he said briefly by referring to what President Bush, 2 years ago in August, as we were preparing for this debate, wisely said:

> Accountability is an exercise in hope. When we raise student standards, children raise their academic sights. When children are regularly tested, teachers know where and how to improve. When scores are known to parents, parents are empowered to push for change. When accountability for our schools is real, the results for our children are real.

This would be part of the Landrieu-Carper amendment that was, in essence, rejected. So it becomes a question, Is it just accountability for taxpayer money when it comes to public schools but not taxpayer money when it goes to private schools? Again, let me say, if we started out on this course with a goal, the only goal being parental satisfaction, we should never have started, because no amount of money in the Treasury will ever make every parent in America happy. It would be a false, foolish journey to that end.

That wasn't why we started. We started to say the public money, if spent and managed correctly, could provide a very good education measured by academic performance. And along the way, if we could increase parental satisfaction and taxpayer confidence, that would be the best we could hope for. Yet proponents want to twist that debate, forget the accountability piece, and just keep saying: If parents are happy, we have accomplished our goal. That is not our goal. We want parents to be satisfied, but that is not our goal.

Accountability is an exercise in hope. When we raise student standards, children raise their academic sights. When children are regularly tested, teachers know how to improve. When scores are known to parents, parents are empowered to push for change. When accountability for our schools is real, the results for our children are real and the taxpayers get their money's worth. That is what this issue is about.

I will close, because my chairman has been very gracious, with a quote from another President, John Kennedy, on a similar subject.

I thank, again, my chairman, who has been more than gracious in terms of the time on this, and his staff. The two of us can come to a lot of agreements. It is just other Members, other interests. So we will soldier on. But I just want him to know that he continues to have my greatest respect as we work through this very important debate.

Let me close with a quote from a former President on another equally urgent matter to sort of capture my disappointment. I am not angry, but I am disappointed. President Kennedy, many years ago when our Nation was faced with being left behind in the space race, as we are challenged today being left behind in public education, to marshall the forces necessary to achieve the goal at that time, which was to win the race to space and put a man on the Moon, said:

> We possess all the resources and all the talents necessary. But the facts of the matter are that we have never made the national decisions or marshaled the national resources for such leadership. We have never specified long-range goals on an urgent time schedule, or managed our resources and our time so as to ensure their fulfillment . . .
>
> Let it be clear that I am asking the Congress and the country to accept a firm commitment to a new course of action—a course which will last for many years and carry very heavy costs . . . [but] if we were to only go halfway, or reduce our sights in the face of difficulty, it would be better not to go at all.

He was right. We didn't go halfway; we didn't go part of the way. We didn't go for 2 years and then say I am sorry, we made a mistake, let's go to another proposal. We stayed the course and, because of that, less than 8 years later, we landed a man on the moon. In June in 1969, 8 years and 1 month after the speech, Neil Armstrong and Buzz Aldrin landed on the moon and Neil Armstrong said, ''One small step for America, one giant leap for mankind.''

Mr. President, I will tell you as firmly—as I represent the people of my State—and as strongly as I can express

it, if we would stay the course, we would meet the goal. If we would marshal the resources, we would meet the goal. But this debate, getting us off course, going in a different direction, undermining what we are doing and underfunding what we are doing, will never get us there. That is what this debate is about.

I thank the chairman for allowing us to talk tonight. We will proceed with this debate over the course of the next week until we can come to some agreement as to how to proceed.

I yield back my time, and I thank the Senator from Ohio.

Mr. DEWINE. Mr. President, again, I thank the ranking member, Senator LANDRIEU, for her good comments and, more importantly, I thank her for her good work on this bill.

There is a lot more to this bill, frankly, than just the scholarship portion of the bill. You would not know that by the debate, but there is an awful lot in this bill on which we all agree. Frankly, there is a lot on the education part we agree on as well.

I thank my colleague from Delaware for his good statement. They have both contributed a lot to the debate tonight. I appreciate their good faith and their commitment to the children and their good comments.

I want to take a moment before my friend from Alabama speaks, who has been on the floor for some time, to, at least from my perspective, explain where I think these negotiations are and what happened with them. I am afraid my perspective is a bit different than what my colleague said, but I hope not too different. We negotiated in regard to the topics my colleagues have just discussed for 2 or 3 days. These were negotiations that went on at the staff level, but they also went on at the Member level. All three of us were directly involved. We spent all day yesterday involved in negotiations.

Quite frankly, the issues they have raised on the floor, I felt, and continue to feel, are very legitimate issues. These are not trivial issues; these are important issues. I felt and still feel at this moment—I guess I am an eternal optimist—that these issues could be resolved on a policy basis among the three of us. I still feel they can be resolved. The negotiations, candidly, broke down, as my colleague from Delaware said, when my two colleagues on the other side of the aisle came to me and said there is one condition you have to meet that is not negotiable, and that condition is you have to guarantee these items will come out of conference. That is one thing as chairman of the subcommittee I cannot guarantee. I can guarantee I will fight for them in conference. I can guarantee I will represent the Senate position and that I will do everything I can to get as much of what we agree on through the conference; but what I am not in a position to do is to give any kind of ironclad guarantees to my colleagues—as much as I would like to—that every single thing we would agree to, every single sentence, paragraph, word, comma, will come out of the conference committee with the other body. That just cannot be done. I am not in a position to do that and to tell them that in good faith. I suppose I can tell them that and it would not happen, but I am not going to do that. So that is when the negotiations broke off.

I want the other Members of the Senate, both on my side of the aisle and the other side of the aisle, to understand that that is when the negotiations broke off. If that is the condition of making an agreement on this amendment we all could agree on, and that we can get this bill passed, then that is not going to happen.

Now if it is trying to work out all the very legitimate issues my colleagues have just raised, then we can continue these negotiations. I am an eternal optimist, and I think we can work these out. I have told both of my colleagues that. I don't think we are that far apart. These are legitimate issues, and we can work them out.

I see my colleague on her feet. I will not yield the floor, but I will yield for a question.

Ms. LANDRIEU. Mr. President, did the Senator know—and I fully appreciate his position and I most certainly understand that even as the powerful chairman he is, he is not able, of course, to make those confirmations. I also know there are powers that can make such arrangements, and the chairman is well aware of that. So we offer this amendment in good faith, recognizing that if there truly is a view or a desire to create a real, accountable pilot for children in failing schools in the District of Columbia that would show definitively whether it works or not in 5 years, that meets the parameters of Leave No Child Behind, that could be something that could be reached. That is what my intention would be. That is not the position of every single member of the Democratic caucus. So as ranking member, I will also represent their position. But at this point, we don't see the possibility of that. I thank the chairman. I understand his position.

We look forward to continuing to lay down amendments that will try to improve and perfect this proposal, or eventually to strike the language and try to move on a bill without any reference to the voucher proposal.

Mr. DEWINE. I appreciate my colleague's comments. Let me take a moment to state where I think this bill is. My colleagues have talked about some of the improvements they would like to make in the bill. I was given a list here. We don't have an amendment before us. At this point we don't have an amendment, but I think they are going to present one at some point. So we don't have all the language to go through, but we have talking points or some power points to look at. I will go through a couple of these points.

The first point is that eligible participating students must take the same tests as kids in public schools. That was met and that is now part of the bill, as amended by Senator FEINSTEIN's amendment. So we appreciate that contribution that now is a part of the bill as amended by Senator FEINSTEIN, which the Senate just adopted about an hour ago.

The second provision talks about eligible participating students are taught by a teacher who holds a college degree. That part of No. 2 is now in there as far as Senator FEINSTEIN had that in the amendment.

No. 3 requires a full and independent evaluation for the scholarship program. The Feinstein amendment that was passed by voice vote by this body about an hour ago does require a full, independent evaluation.

I say to my colleague, the ranking member of the subcommittee, Ms. LANDRIEU, that we are more than happy to incorporate the Senator's specific evaluation concerns that she has outlined and to work with her on additional language as far as incorporating that into the bill.

Her fourth point, scholarships are limited to students attending failing schools, the bill's language provides priority for students who are in failing schools. They are going to be the ones who get the priority. I point out to my colleagues that they are going to be the ones who are going to be first in line. So that is the state of play. That is where we are.

Let me make a couple of other additional points before I turn to my colleague from Alabama. One is, my colleague asked, what is the administration's position? Reference was made to the fact that in their letter the administration did not say they were for this three-pronged approach.

My colleague will be getting a letter from the administration outlining that, yes, they very definitely are for this three-pronged approach. They are for it. They are 100 percent behind it. They back it, and there will be a letter coming to her shortly and to this Senate outlining the administration's support of the three-pronged approach.

Earlier today we talked about the fact—I think it is significant—that it was the Mayor and the Mayor's team who originally decided and came to the Senate and the House and said: This is what we want; we want this three-pronged approach. We want the additional money, this add-on money, for the public schools.

We need to keep in mind that it has been this Mayor who has sought out additional money for the last several years for the public schools in the District of Columbia. So this is consistent with what he has done in the past. He sought this additional $13 million. It is consistent with what he has done when he has asked for additional money for the charter schools. So in this bill we have an additional $13 million for the charter schools, again what the Mayor requested.

The third prong, of course, is the $13 million for the scholarships. So it is

the program of the Mayor of the District of Columbia. It is a very balanced approach, new money, not taking any money away from the public schools but, in fact, doing just the opposite, new money for the public schools, new money for the charter schools, and new money for this new scholarship program. I think it is very important for us to keep this in mind.

My colleagues who are concerned about this bill have talked about No Child Left Behind. My esteemed colleague from Louisiana has talked about this and has inferred that this is not really consistent with No Child Left Behind. It strikes me, with all due respect, that this is so consistent with our program of No Child Left Behind, because if there is anyplace in this great country of ours where children have been left behind, it is the District of Columbia. Through no fault of their own, the children of the District of Columbia have truly been left behind.

What a great tragedy it is, when people come to the District of Columbia, they come to our Nation's Capital and they see the great monuments, they see this great building, they see the great White House, they see this body, and yet if they truly understand what is going on here, they understand that there are children who are not getting the education they deserve. They are not getting the education other children across this country are getting.

With this bill and with this very balanced approach, we are taking a step towards giving the parents of these children more choices and giving more opportunity to these children. I truly believe this is consistent with our idea that there should be no child in this country left behind.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Ohio for his leadership and hard work on this issue and the Senator from Louisiana who, I know, has also worked hard.

Education is a very important thing in this country. The title of the original education program proposed by President Bush, No Child Left Behind, is a powerful phrase. As the Senator from Ohio explained, this nation does not need to allow children to fall behind. We need to know what is going on. We need to find out how they are doing.

President Bush has proposed, and this Congress has passed, larger increases in funding for education in the last three years than we saw in the previous eight. We have had a tremendous increase in education funding from the Federal Government, but the problem was, and the challenge and the important impact of No Child Left Behind is, that we are not just going to put money into systems that are not operating effectively and efficiently; systems that are allowing children to fall behind.

Parents wake up, and their child is in the ninth or tenth grade and cannot do basic reading or basic math. They drop out of school, become a discipline problem, and the child's life is not what it ought to be. They will not reach the full potential that they ought to reach.

My wife taught four years, and I taught one year in public schools. We care about education. Good friends of mine, as well as people we associate with, are full-time teachers and we try to keep up with education. We were active, particularly my wife, in our children's education. We talked about how things were going at the school. We wanted to know.

My two daughters graduated from a large inner-city high school, racially fifty-fifty, in Mobile, Alabama. They have done very well. They loved that high school, and it was very important to them. They are still loyal to Murphy High School.

This is a defining issue. That is why it has received so much attention. The Senator from Ohio is exactly correct, there are a lot of good things in this bill other than just the scholarship portion. However, it is a big deal. What we are saying is that we care about children more than we care about bureaucracies, laws and regulations that do not work. We are saying that what life gives in the form of education to children is important.

Make no mistake about it, this is about power. A middle-income child or a poor-income child in this city is in a certain school district. They cannot do anything with that. Maybe their parents bought a house there 10 years ago. Maybe they can't afford to sell it. Maybe the price has gone down. Or whatever—they are in that district. Then they are assigned to a certain school. If that school does not perform, what happens? They go to the school board, and they say sorry, that is your district.

The parent says: I don't like this school.

It doesn't make any difference. Doesn't make any difference to us. You don't like this school? By law you must go to this school. They are sent there by order of the State or the city or the school system, and they have no choice in the matter.

Some schools in this very District, and some schools all over the country, are not working. Some of them are not safe. Some of them are not effective or efficient. Some of them are not producing the quality of education they could produce. The children who are sent to those schools are sentenced to a situation that makes it far more difficult for them to achieve success in their educational life than they would any other way. It is a big deal.

What happens when Senators and Congressmen are in that situation? They just decide to move out to the Maryland or Virginia suburbs and buy a $300,000 or $500,000 house and they put their kids in a school they like. Vice President Gore sent his kids over to St. Albans. That probably costs as much or more than the University of Alabama for a year. That is what they do because they can do those things.

But what happens to average Americans who cannot do that? They are stuck where the State sends them.

Dr. Paige, our Secretary of Education, himself a teacher of education and a former superintendent of the Houston school system, reformed that school system dramatically. Do you know what he said about it? He said: When I was there and we were losing students to private schools, my view was I cared about the kids. If they could get a better education in a private school, so be it. I hope they can go there. It doesn't hurt me. My job is to make this system work so they can be educated here. He said: With the money we have from the Government and advantages we have, there is no way we ought not to be able to compete with the private school system.

He said we lost kids, but he took firm control of discipline. He took firm control of the mismanagement. He took firm control by testing, and he made sure test scores were going up. He said in 5 years we were gaining kids back from private schools. They were happy to be in our school system. Not that it was a huge number one way or the other, but people did choose in that fashion.

But the average working American does not have those choices. It is just not financially possible for them. The wealthy can do it but not the poor. They are stuck. So this is what it is all about. You have the Mayor of this city, the leader of the school board of this city, and they care about children, too. They love the children; they want to see them succeed. When they have concluded that this program would help the children, why are we so upset about it? Why are we so determined and frustrated about it? Why do we get frustrated about it? I ask that question.

I think there is a resistance to change here. It has been said that they have totally eliminated religion from public schools. But within the establishment of the public schools, I would say that is not true, really. There is at least some religion left. There is one law that goes beyond logic to the point I would say of religion, and that is: Thou shalt not spend one dollar on schools that doesn't go through a system that the American Education Association doesn't have something to do with.

It is our money, they think. It has to be spent on our schools. Not one dime can be allowed to be spent by a child who might want to have an alternative or choice in their education. Frankly, I think we do not need to be that uptight about it.

The way this thing came up, we talked about it in the Senate and there was an effort in the No Child Left Behind bill to allow all the States to have scholarship programs. That did not go into the bill. It just was a fight we were not prepared to make at the time.

There was not agreement or consensus on it. But this is not a State. It

is the Federal District of Columbia. It is part of the Federal Government. It is an area that we do not have a separation of Federal and State governments, where there is not a State's rights question about these matters. It is a matter within our jurisdiction, No. 1.

No. 2, the Mayor and the school board president want it. They asked us for it.

The people want it. They have children lined up to get into this program. I love educators, and I love and appreciate education. I believe the public schools do a terrific job for the most part in America. I have been pleased with the public schools my children have attended. But if they were not getting a good education there, one that was sufficient, I would have done what I could to make sure they got a good education. I think most Americans would. But for the poor, they don't have that option. They can't send their children to St. Albans. They can't send their kids to some other school if they are not happy, and I think we need to deal with that.

I salute the chairman, Senator DEWINE. I suggest the Feinstein amendment does many of the things that Senator LANDRIEU wants to do. I could support that, and I am comfortable with the Feinstein amendment. But if we are going to come up with an amendment that makes it so difficult for the schools in this area who have agreed to take children at a discount of 40 percent or more from the cost that is being expended for education in the District, that they will not accept them or it creates a bureaucracy—which is one of the things that makes it more difficult for public schools to perform well—if we are going to do that, I am not for it.

I know Senator DEWINE will be wrestling with that and listening to the Senators and their suggestions. But I would note we have a reality and that is there are two bodies, a House and a Senate. The House of Representatives deserves equal sway in these matters. That shouldn't change just because a few Senators believe something is important—I believe a lot of things are important and I have not been able to have them come out exactly as I want.

I think the Feinstein amendment does what Senator LANDRIEU wants. We have not seen the exact wording of Senator LANDRIEU's amendment, so I guess we will have to look at it to know. This body needs to act in the best interests of the schoolchildren of the District of Columbia. We have a Mayor elected to take care of them. We have a school board president who loves our children and wants them to succeed. They have said this program is the way to do it. This is what we need to improve their chances at a better life. I believe it is, too. I see no danger in going forward with it.

If the program turns out to be a failure, so be it. We will end it. I don't know that it will. Frankly, I think it is more likely to be a success than not.

I am glad the Senator from Ohio is leading this effort, and I look forward to working with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from Alabama for his very fine statement. I think he is absolutely right. This is a pilot program. But it is a chance we have to take. These are children who need this opportunity. Their parents need this opportunity.

As we have talked about before on the Senate floor, you have the Mayor of this city coming to this Congress and saying: Give me the tools. Give me the tools to help shape the educational system in the District of Columbia. For us to turn our back on the Mayor, to turn our back on children, and the parents, I think would be a very serious mistake.

We have the opportunity to do something very positive. I think we should take that opportunity.

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILLING VETERANS FOR HOSPITAL FOOD

Mr. REID. Mr. President, I take a brief few minutes to say a few words about a situation that I think is a slap in the face to a brave Nevadan but also to thousands of others who wear the uniform of our great Republic.

Bill Murwin is a deputy sheriff in Lyon County, one of 17 Nevada counties. It is a rural county, even though it is becoming more urban all the time with the tremendous growth in Fernley and Silver Springs. Still we think of it as a rural county, a little over 60 miles outside of Reno.

In addition to Bill being deputy sheriff, he is also a staff sergeant in the Marine Corps Reserve. When his country called, he left his family and went to fight in Iraq. He was wounded a few months ago when a grenade exploded in a vehicle in which he was riding. He was treated at a military hospital in Germany and then because of the seriousness of his injury he spent 4 weeks at Bethesda. I am sorry to say this, but at Bethesda Naval Hospital he had to have part of his left foot amputated.

Obviously, we owe a debt of gratitude to Sergeant Murwin, just as we owe a debt of gratitude to all those who bravely fought for our freedom over the years, particularly in the sands and cities of Iraq.

Instead of gratitude—it is hard to comprehend—Bill Murwin got a bill from the Government in the amount of $243. Three days later he got a second bill, along with a threat that his account would be turned over to a collection agency if he did not pay up immediately.

For what did he owe this large sum of $243? I say that somewhat facetiously, but to him $243 was a large amount of money. It was for the food he ate when he was having his foot amputated. It seems that military personnel who do not eat in a messhall, including those who have families, receive a monthly allowance for their food. But when our troops are wounded, they eat in a hospital, they are billed by the Government $8.10 a day for their hospital meals.

I found out what happened to Sergeant Murwin when a coworker sent an e-mail to my office. I was disillusioned, disappointed, and somewhat upset to learn we have a policy and it has been in place for 22 years.

Our troops in combat who are eating field chow are already allowed to keep their food allowance. Certainly, the same policy should apply to those who are in a hospital recovering from the injuries they received in the field.

When a soldier is wounded in combat, we should not add insult to injury by making him pay for his hospital food. I am proud of Sergeant Murwin for coming forward to shed light on this mistaken policy.

Today, he told a member of my staff:

> This isn't about me. There are guys in the hospital who are 18 or 19 years old and have been there for three months or longer. . . .Some of them are expecting bills of $1,000 or more. They [are] really fretting those bills.

I think it is a national disgrace that anyone in this country has to worry about decent health care—and 44 million people have to worry about decent health care. But, really, when a soldier who is wounded in combat lies in a hospital bed worrying about a bill from his own Government for the food he is eating in the hospital, that is a little too much.

I also acknowledge my friend, the Congressman from Florida, Representative YOUNG. When he heard about this, he sent a bill to the Government to repay this bill for Sergeant Murwin. So I publicly acknowledge and appreciate what I read in the paper that my friend, Congressman YOUNG, had done.

I am proud to cosponsor Senator GRAHAM's bill that would correct this ridiculous policy. I salute, as I said, Congressman YOUNG for introducing a similar bill in the House and for paying the bill, literally, of my constituent.

I hope every Member of both Chambers will act quickly to correct this outrage. And it is an outrage.

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, four 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 is 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. Young's record of 15 games for 15 seasons had stood for 98 years, since 1905.

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.''

Anybody who is a baseball fan, as I am, would be proud to know Greg Maddux. But he is more than a great athlete. He is 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, helping even more kids.

Greg's brother Mike also has a foundation that helps children. And he happens to be a pretty good pitcher in own right.

Mike Maddux began his major league career in 1986 with the Philadelphia Phillies, and played in the big leagues for 15 seasons. He, like his brother Greg, is a role model for Nevadas' and our voting youth.

Both of the Maddux brothers are great baseball players, but even more important, they are great neighbors.

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 generous contributor to our community.

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget through September 22, 2003. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 Concurrent Resolution on the Budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is above the budget resolution by $3.092 billion in budget authority and by $3.005 billion in outlays in 2003. Current level for revenues is $1 million below the budget resolution in 2003.

Per section 502 of H. Con. Res. 95, provisions designated as an emergency are exempt from enforcement of the budget resolution. As a result, the following current level report excludes budget authority of $984 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003, P.L. 108–69.

Since my last report, dated July 30, 2003, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues: Family Farmer Bankruptcy Relief Act of 2003, P.L. 108–73; an act to amend title XXI of the Social Security Act, P.L. 108–74; Chile Free Trade Agreement Implementation Act, P.L. 108–77; and, Singapore Free Trade Agreement Implementation Act, P.L. 108–78.

I ask unanimous consent that the letter and tables be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 23, 2003.

Hon. DON NICKLES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached tables show the effects of Congressional action on the 2003 budget and are current through September 22, 2003. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted. Per section 502 of H. Con. Res. 95, provisions designated as an emergency are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes budget authority of $984 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003 (Public Law 108–69).

Since my last report, dated July 28, 2003, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues:

Family Farmer Bankruptcy Relief Act of 2003 (Public Law 108–73);

An Act to amend Title XXI of the Social Security Act (Public Law 108–74);

Chile Free Trade Agreement Implementation Act (Public Law 108–77); and

Singapore Free Trade Agreement Implementation Act (Public Law 108–78).

The effects of these new laws are identified in Table 2.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2003, AS OF SEPTEMBER 22, 2003

[In billions of dollars]

	Budget resolution	Current level[1]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	1,874.0	1,877.1	3.1
Outlays	1,826.1	1,829.1	3.0
Revenues	1,310.3	1,310.3	–*
OFF-BUDGET			
Social Security Outlays	366.3	366.3	0
Social Security Revenues	531.6	531.6	0

[1] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

*= Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2003, AS OF SEPTEMBER 22, 2003

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,359,834
Permanents and other spending legislation	1,013,810	977,842	n.a.
Appropriation legislation	1,133,856	1,160,341	n.a.
Offsetting receipts	−369,104	−369,106	n.a.
Total, enacted in previous sessions:	1,778,562	1,769,077	1,359,834
Enacted this session:			
Emergency Wartime Supplemental Appropriations Act, 2003 (P.L. 108–11)	79,190	42,024	2
Postal Civil Service Retirement System Funding Reform Act of 2003 (P.L. 108–18)	3,479	3,479	0
Gila River Indian Community Judgment Fund Distribution Act of 2003 (P.L. 108–22)	1	1	0
Unemployment Compensation Amendments of 2003 (P.L. 108–26)	3,165	3,165	0
Jobs and Growth Tax Relief Reconciliation Act of 2003 (P.L. 108–27)	11,347	11,347	−49,489
Veterans' Memorial Preservation and Recognition Act of 2003 (P.L. 108–29)	0	0	*
Welfare Reform Extension Act of 2003 (P.L. 108–40)	64	26	0
Burmese Freedom and Democracy Act (P.L. 108–61)	0	0	−1
Family Farmer Bankruptcy Relief Act of 2003 (P.L. 108–73)	0	0	*
An Act to amend Title XXI of the Social Security Act (P.L. 108–74)	1,259	20	0
Chile Free Trade Agreement Implementation Act (P.L. 108–77)	0	0	**
Singapore Free Trade Agreement Implementation Act (P.L. 108–78)	0	0	**
	98,505	60,062	−49,488
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	0	0	n.a.
Total Current Level[1,2]	1,877,067	1,829,139	1,310,346
Total Budget Resolution[1,2]	1,873,975	1,826,134	1,310,347
Current Level Over Budget Resolution	3,092	3,005	n.a.
Current Level Under Budget Resolution	n.a.	n.a.	1

[1] Per section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as an emergency are exempt from enforcement of the budget resolution. As a result, the current level excludes budget authority of $984 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2003 (P.L. 108–69).

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Notes.—n.a. = not applicable; P.L. = Public Law; * = less than $500,000; ** = revenue effects begin in fiscal year 2004.

Source: Congressional Budget Office.

HISPANIC HERITAGE MONTH

Mr. SARBANES. Mr. President, every year since 1968, in the period between September 15 and October 15, our Nation observes Hispanic Heritage Month. This month-long celebration offers us a special opportunity to reflect on and pay tribute to the innumerable ways that Hispanic Americans, and Hispanic culture, enrich both our daily lives and the diverse heritage of the Nation.

According to the Census Bureau, some 38 million Hispanic Americans today live in the United States—and increasingly, in every corner of the United States. While many Hispanic Americans choose to live in parts of the country with proud and long-established Hispanic traditions; others are finding work, raising families and building vigorous Hispanic communities in places where, until recently, they did not exist or were little noticed. In politics, the arts, the media, sports, our colleges and universities, Hispanic Americans are a vital presence—architects of the American spirit. Even our taste in food reflects the degree to which Hispanic traditions are now woven into the fabric of our lives: tortillas are as much a staple of the national diet as pizza and bagels, and salsa has ended the reign of ketchup as the nation's most popular condiment.

Hispanic Americans bring to American life not one culture but many. Their roots reach to Central and South America and the Caribbean, and beyond, to Europe and Africa; every community enriches a great, underlying cultural foundation with its own distinctive variations. My own State of Maryland offers a brilliant example. There are some 228,000 Hispanic Americans in the State, a number that has increased by 82 percent since the 1990 census. Marylanders today are fortunate to have co-workers and neighbors from Europe, Africa, South and Central America and close cultural ties to the Caribbean, Spain and Portugal. From Puerto Ricans in New York to the Mexican communities of California, Hispanic Americans are changing the face of America and teaching us to celebrate the glory of the multi-faith, multi-cultural family that constitutes this great country. In my own State of Maryland, there are 228,000 Hispanic Americans, an increase of more than 82 percent since 1990, and they come from at least a dozen countries. In every county in Maryland, from the Eastern Shore to the western reaches of the State, Hispanic Americans have found a home.

Nonetheless, across the country Hispanic Americans face numerous challenges. Eager to work, too often they can find only low-paying jobs; the income level of Hispanic households is on average $15,000 less than that of white households, and almost one-third of Hispanic Americans live below the official poverty line. While Hispanics make up about 13 percent of the U.S. population, a study by the Hispanic Association on Corporate Responsibility found that Hispanics account for only 4.6 percent of U.S. firms' company officials and managers. Despite a 10 percent increase in population in just the last two years, Hispanic voting participation remains worryingly static.

In the great tradition of newcomers to the United States, Hispanic Americans come in search of better lives, decent jobs, and a chance to raise their families in peace and prosperity. Many of us in the Congress, whose families came here in an earlier time for just those reasons, know full well what that means. As public servants we have an opportunity, and indeed I would say an obligation, to ensure that every generation of Americans has access to the opportunities that were given to us. In doing so we keep our Nation on course to achieving the principles set out in the founding documents of our Nation.

We must not let language or economic or social status stand in the way of the full participation of all our people in our community life, and we must not permit these factors to become a barrier to our public institutions and services. In the history of this country no opportunity has been more important than the chance to go to school—important to the individual, with incalculable benefits to the society as a whole. That is why I have cosponsored S. 1545, the Development, Relief, and Education for Alien Minors (DREAM) Act, which would make it easier for States to provide in-state tuition status to students without regard to immigration status, and allow some immigrant students who have been in this country for five years or more to apply for legal status. It is my hope that for thousands of our newest Americans the DREAM Act will prove to be an important step along the way to living a rewarding and productive life.

As Hispanic Americans move proudly into the mainstream of American life, Hispanic Heritage Month is our time to celebrate all their accomplishments and contributions and to commit us anew to ensuring that all Americans have access to the wondrous opportunities our Nation offers.

MATTHEW J. RYAN VETERINARY HOSPITAL

Mr. SPECTER. Mr. President, I have sought recognition regarding the renaming of the Veterinary Hospital of the University of Pennsylvania in memory of the former Speaker of the Pennsylvania House of Representatives, Matthew J. Ryan.

Matt Ryan, whom I knew for many years, cared deeply for the people of Pennsylvania. He loved the Pennsylvania House of Representatives and made service his calling. Elected in 1962, he was one of its longest serving members and one of its longest serving Speakers, presiding for six terms.

As much as Speaker Ryan loved Pennsylvania, the people of Pennsylvania and his colleagues from both parties loved him. Known on both sides of the aisle for the fair manner in which he presided over the House, Matt was a

committed leader, tough debater, parliamentary tactician, and Pennsylvania booster. He spoke with great passion, and often was praised for his statesmanship, compassion, openness, Irish wit, and intelligence.

Upon his death earlier this year, he became the first person whose body lay in state in the Capitol Rotunda in Harrisburg since Abraham Lincoln.

A true friend of animals—especially his black Labrador, Magic—Matt Ryan was very proud of the University of Pennsylvania School of Veterinary Medicine. It is in no small part because of his decades of support that the school today is one of the finest in the world.

Founded in 1884, the University of Pennsylvania School of Veterinary Medicine was established at the urging of Penn's School of Medicine. It was recognized that prevention and control of animal diseases had important implications for human health. This is as true today as it was then—perhaps even more so—as we face a future in which advances in veterinary medicine's ability to understand biological threats will be critical in our ability to fight bioterrorism.

In February 2003, the month before Matt's untimely death, the University decided to honor his support by renaming the Veterinary Hospital after him. Benjamin Franklin is the only other State politician for whom a building on the University's campus has been named.

The renaming ceremony took place on Friday, September 19, 2003, and so I ask my colleagues to join me in reflecting on the legacy of Speaker Matthew J. Ryan, one of the truest Pennsylvanians and a champion of people.

VOTE EXPLANATION

Mr. DODD. Mr. President, I was necessarily absent from the Senate earlier this week and missed rollcall votes Nos. 358 through 363. There were two reasons for my absence. First, I hosted a ceremony at the University of Connecticut honoring Bertie Ahern, Taoiseach of Ireland, and Tony Blair, Prime Minister of Great Britain. Second, I attended memorial services yesterday and today for Jack Bailey, the former Connecticut Chief State's Attorney and a close friend to both me and my family. Had I been present, I would have cast my votes as follows: on rollcall vote 358: aye; on rollcall vote 359: nay; on rollcall vote 360: nay; on rollcall vote 361: aye; on rollcall vote 362: aye; and on rollcall vote 363: aye.

TRIBUTE TO RALPH RAY MITOLA

Mrs. CLINTON. Mr. President, I take time today to tell the Senate about a hero who made the ultimate sacrifice on behalf of his Nation—a young man who died in the Korean war. His name is Ralph Ray Mitola.

He came from Broad Channel, NY. For those Senators who are not familiar with Broad Channel, it is a populated island in Jamaica Bay. It is part of Queens County, which is one of the boroughs of the City of New York. Cross Bay Boulevard connects Broad Channel to the Rockaways, which are a magnificent gateway to the Atlantic Ocean.

The American Legion Broad Channel Memorial Post 1404 recently honored the memory of Ralph Mitola, and four other young men from Broad Channel who died in the Korean war. The occasion for the ceremony was the 50th anniversary of the armistice in Korea, which was observed by American Legion Post 1404 as part of the 85th Annual Queens County Convention Parade. Mr. President, July 27, 1953 is the day in history when negotiators signed the armistice agreement at Panmunjom. The armistice led to a North Korean withdrawal across the 38th parallel, and the Republic of South Korea regained its status as a free and democratic nation. Korea was a critical battleground in the defense of liberty against the totalitarian ideologies of the 20th century. Ralph Mitola left his home and traveled half a world away to the Korean Peninsula to defend freedom.

Corporal Mitola was a member of Company C, 1st Battalion, 23d Infantry Regiment, 2d Infantry Division. On August 1, 1952, during a night attack on ''Old Baldy'' in North Korea, he was killed by small arms fire. Corporal Mitola was awarded the Purple Heart, the Combat Infantryman's Badge, the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal and the Korean War Service Medal.

As our Nation's soldiers are once again fighting for the cause of freedom overseas, it is all the more important to remember those who helped protect America on the Korean Peninsula a half century ago.

Ralph Mitola, born April 10, 1931, killed in action, August 1, 1952.

Mr. President, his loved ones and comrades in arms are eternally proud of him. I honor his memory.

TRIBUTE TO WALTER FRANCIS GROSS

Mrs. CLINTON. Mr. President, I take time today to tell the Senate about a hero who made the ultimate sacrifice on behalf of his Nation—a young man who died in the Korean war. His name is Walter Francis Gross.

He came from Broad Channel, NY. For those Senators who are not familiar with Broad Channel, it is a populated island in Jamaica Bay. It is part of Queens County, which is one of the boroughs of the City of New York. Cross Bay Boulevard connects Broad Channel to the Rockaways, which are a magnificent gateway to the Atlantic Ocean.

The American Legion Broad Channel Memorial Post 1404 recently honored the memory of Walter Gross, and four other young men from Broad Channel who died in the Korean War. The occasion for the ceremony was the 50th anniversary of the armistice in Korea, which was observed by American Legion Post 1404 as part of the 85th Annual Queens County Convention Parade. Mr. President, July 27, 1953 is the day in history when negotiators signed the armistice agreement at Panmunjom. The armistice led to a North Korean withdrawal across the 38th parallel, and the Republic of South Korea regained its status as a free and democratic nation. Korea was a critical battleground in the defense of liberty against the totalitarian ideologies of the 20th century. Walter Gross left his home and traveled half a world away to the Korean Peninsula to defend freedom.

Private First Class Gross was a member of Company C, 1st Battalion, 19th Infantry Regiment, 24th Infantry Division. He was taken Prisoner of War while fighting the enemy in South Korea on January 1, 1951 and died while a prisoner on July 31, 1951 at POW Camp 12 near Pyektong, North Korea. Private First Class Gross was awarded the Prisoner of War Medal, the Combat Infantryman's Badge, the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal and the Korean War Service Medal.

As our Nation's soldiers are once again fighting for the cause of freedom overseas, it is all the more important to remember those who helped protect America on the Korean Peninsula a half century ago.

Walter Gross, born May 13, 1928, died while a prisoner of war, July 31, 1951.

Mr. President, his loved ones and comrades in arms are eternally proud of him. I honor his memory.

TRIBUTE TO THOMAS W. AUGUST

Mrs. CLINTON. Mr. President, I would like to take some time today to tell the Senate about a hero who made the ultimate sacrifice on behalf of his Nation—a young man who died in the Korean war. His name is Thomas W. August.

He came from Broad Channel, NY. For those Senators who are not familiar with Broad Channel, it is a populated island in Jamaica Bay. It is part of Queens County, which is one of the boroughs of the City of New York. Cross Bay Boulevard connects Broad Channel to the Rockaways, which are a magnificent gateway to the Atlantic Ocean.

The American Legion Broad Channel Memorial Post 1404 recently honored the memory of Thomas August, and four other young men from Broad Channel who died in the Korean war. The occasion for the ceremony was the 50th anniversary of the armistice in Korea, which was observed by American Legion Post 1404 as part of the 85th Annual Queens County Convention

Parade. July 27, 1953 is the day in history when negotiators signed the armistice agreement at Panmunjom. The armistice led to a North Korean withdrawal across the 38th parallel, and the Republic of South Korea regained its status as a free and democratic nation. Korea was a critical battleground in the defense of liberty against the totalitarian ideologists of the 20th century. Thomas August left his home and traveled half a world away to the Korean peninsula to defend freedom.

Private First Class August was a member of the 224th Infantry Regiment, 40th Infantry Division. He was killed in action while fighting the enemy near Satae-ri, North Korea on November 17, 1952. Private First Class August was awarded the Purple Heart, the Combat Infantryman's Badge, the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal and the Korean War Service Medal.

As our Nation's soldiers are once again fighting for the cause of freedom overseas, it is all the more important to remember those who helped protect America on the Korean peninsula a half century ago.

Thomas August born February 13, 1932, killed in action November 17, 1952.

His loved ones and comrades in arms are eternally proud of him. I honor his memory.

TRIBUTE TO JOSEPH DE PIETRO

Mrs. CLINTON. Mr. President, I would like to take some time today to tell the Senate about a hero who made the ultimate sacrifice on behalf of his Nation—a young man who died in the Korean war. His name is Joseph De Pietro.

He came from Broad Channel, NY. For those Senators who are not familiar with Broad Channel, it is a populated island in Jamaica Bay. It is part of Queens County, which is one of the boroughs of the City of New York. Cross Bay Boulevard connects Broad Channel to the Rockaways, which are a magnificent gateway to the Atlantic Ocean.

The American Legion Broad Channel Memorial Post 1404 recently honored the memory of Joseph De Pietro, and four other young men from Broad Channel who died in the Korean war. The occasion for the ceremony was the 50th anniversary of the armistice in Korea, which was observed by American Legion Post 1404 as part of the 85th Annual Queens County Convention Parade. July 27, 1953 is the day in history when negotiators signed the armistice agreement at Panmunjom. The armistice led to a North Korean withdrawal across the 38th parallel, and the Republic of South Korea regained its status as a free and democratic nation. Korea was a critical battleground in the defense of liberty against the totalitarian ideologies of the 20th century. Joseph De Pietro left his home and traveled half a world away to the Korean Peninsula to defend freedom.

Private De Pietro was a member of Company H, 2nd Battalion, 38th Infantry Regiment, 2nd Infantry Division. He was killed in action during an attack on Hill 905 along ''Heartbreak Ridge'' near Sanggonbae, North Korea on October 10, 1951, while assisting a wounded comrade. Private De Pietro was awarded the Purple Heart, the Combat Infantryman's Badge, the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal and the Korean War Service Medal.

As our Nation's soldiers are once again fighting for the cause of freedom overseas, it is all the more important to remember those who helped protect America on the Korean Peninsula a half century ago.

Joseph De Pietro, born August 3, 1932, killed in action October 10, 1951.

His loved ones and comrades in arms are eternally proud of him. I honor his memory.

TRIBUTE TO JAMES F. FARRELL

Mrs. CLINTON. Mr. President, I would like to take some time today to tell the Senate about a hero who made the ultimate sacrifice on behalf of his Nation—a young man who died in the Korean war. His name is James F. Farrell.

He came from Broad Channel, NY. For those Senators who are not familiar with Broad Channel, it is a populated island in Jamaica Bay. It is part of Queens County, which is one of the boroughs of the City of New York. Cross Bay Boulevard connects Broad Channel to the Rockaways, which are a magnificent gateway to the Atlantic Ocean.

The American Legion Broad Channel Memorial Post 1404 recently honored the memory of James Farrell, and four other young men from Broad Channel who died in the Korean war. The occasion for the ceremony was the 50th anniversary of the armistice in Korea, which was observed by American Legion Post 1404 as part of the 85th Annual Queens County Convention Parade. July 27, 1953, is the day in history when negotiators signed the armistice agreement at Panmunjom. The armistice led to a North Korean withdrawal across the 38th parallel, and the Republic of South Korea regained its status as a free and democratic nation. Korea was a critical battleground in the defense of liberty against the totalitarian ideologies of the 20th century. James Farrell left his home and traveled half a world away to the Korean Peninsula to defend freedom.

Private First Class Farrell was a member of Company K, 3rd Battalion, 9th Infantry Regiment, 2nd Infantry Division. On November 10, 1952, he was defending ''Old Baldy'' in North Korea when he was struck by enemy artillery fire. Private First Class Farrell was awarded the Purple Heart, the Combat Infantryman's Badge, the Korean Service Medal the United Nations Service Medal, the National Defense Service Medal and the Korean War Service Medal.

As our Nation's soldiers are once again fighting for the cause of freedom overseas, it is all the more important to remember those who helped protect America on the Korean Peninsula a half century ago.

James Farrell, born August 7, 1933; killed in action November 10, 1952.

Mr. President, his loved ones and comrades in arms are eternally proud of him. I honor his memory.

INTERNET DOMAIN NAME ADDRESSING SYSTEM

Mr. BURNS. Mr. President, last week the Department of Commerce signed the sixth amendment to a memorandum of understanding between the Internet Corporation of Assigned Names and Numbers, ICANN, and the Commerce Department. The first agreement was signed in 1998 to establish an organizational body to manage the technical coordination of the Internet Domain Name Addressing System. In the subsequent years the agreement has been amended to reflect the needs of the organization to accommodate the industry and constituency it was created to support.

The Department of Commerce is hopeful this will be the last agreement they have to sign with ICANN. The hope is for ICANN to show they have become a responsible organization and there can be a transition of the Domain Name System, DNS, management to private sector control, out of the hands of the department permanently.

Several items of interest have been brought to my attention during our oversight hearing on ICANN that I would like the Department of Commerce to consider before ICANN receives the freedom they want as an independent organization. They must first prove they are doing their job. I would encourage the Department of Commerce to establish dates of accomplishment to the milestones they have set out in their most recent memorandum of understanding with ICANN.

Specific, quantifiable goals will help ascertain if ICANN has created a stable environment where innovation and competition can flow freely for the area surrounding the DNS.

It was noted before Congress in the July 31, 2003, hearing that ICANN should be the organization to provide a forum for best practices for the naming and numbering system. The recent amendment to the memorandum of understanding notes the need to continue to develop and test accountability mechanisms. I would ask the department to set a date to determine if these best practices guidelines focusing on stability, security and interoperability have been determined and a set time for their implementation. The initial best practices could be established by a working group by the beginning of 2004 with a follow-up strategic plan for

implementation of the first best practice guideline for the industry with in the first 6 months of 2004.

The memorandum of understanding recommends the continued development and implementation of transparent procedures. I would again call for a date certain to ensure the decisionmaking process set by ICANN is transparent, predictable and timely for all parties involved in the decisions ICANN influences. Established procedures for a transparent decisionmaking process should be established by the end of this year to ensure ICANN has this as a top priority and as a signal to ensure the industry and constituents involved in ICANN can begin to plan for a process that will be applied equally across all parties and in a predictable fashion.

One concern that has been noted through our congressional oversight hearing is that parties with contractual obligations to ICANN are disadvantaged in providing services that non-ICANN contracted parties are free to offer. There is reason for this discrepancy to exist in an open market. ICANN should take into consideration the entire global Internet industry when making decisions. Disadvantaging contracted parties should be a thing of ICANN's past and new service level agreements should be negotiated with all ICANN participants that allow the rights of a registry and root zone operator to independently determine functionality, pricing and operations of existing services and sue services as part of their new agreement with the Department of Commerce.

The decisionmaking process needs visible criteria and independent arbitration procedures to ensure no party is being unjustly prosecuted by decisions made at the hands of the ICANN board. Ensuring that ICANN is considered a decisionmaker in global economic commerce hinges on their ability to reach agreements with the other international bodies. They have been required in previous memorandums of understanding to reach agreements with the other country code operators. I would call on the Department of Commerce to put a target date in place for ICANN to reach an agreement with a majority of the other country code operators.

The new leadership of both ICANN and at the National Telecommunications Information Administration should be able to take a fresh look at the challenges that lie before ICANN and its partners and bring a more orderly and professionally accountable way of doing business that encourages competition, innovation and stability for the global internet structure.

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 in Boston, MA. On November 16, 2002, a 31-year-old Pakistani man was physically assaulted at a convenience store where he was working. Three men, believing the store clerk was from Afghanistan and associated with the September 11, 2001 terrorist attacks on America, shouted racial slurs at the man and then proceeded to kick, punch and throw things at him. The trio were later charged with a hate crime violation.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

IRAQ SECURITY AND STABILIZATION FUND ACT

Mrs. FEINSTEIN. Mr. President, I have joined with Senators BIDEN, KERRY and CORZINE to introduce legislation that will provide us with the necessary financial footing to appropriately execute our obligations in Iraq and Afghanistan.

In 1998, following nearly 30 years of deficits and a 17-fold increase in Federal debt from $365.8 billion to $6.4 trillion, bipartisan cooperation brought the budget back into balance once again. For the first time in more than a generation, some of the funds which would have gone to pay interest on the debt were instead spent actually paying down the debt.

Now, deficits and interest costs are growing once again. Net interest payments on the Federal debt will increase sharply, from approximately $170 billion in 2003 to more than $300 billion by 2012.

We face a host of new challenges, particularly the war on terror, the war in Iraq, and the threat of North Korea. This has necessarily led to a shift in government spending toward improving our defense and homeland security capabilities. Yet many of the challenges predating September 11 are still with us: improving education, updating infrastructure, and preparing for the retirement of the baby-boom generation, which will severely strain the Social Security and Medicare trust funds.

The Congressional Budget Office predicts that the Federal deficit for fiscal year 2004 will top $500 billion. A portion of every dollar we spend from this day forward until the end of September 2004 will be borrowed money—money that our children and grandchildren will have to repay.

It is no secret that if citizens wish to receive services or undertake activities as a Nation, they have the right to levy a tax upon themselves to achieve those ends. We have somehow lost this sense of obligation and have concluded that providing for our national defense or for the education of children requires no more than charging the costs to a government credit card. This must stop.

We are spending our way into economic oblivion. The President has decided that the best way to reelection is to cut taxes and leave spending alone. He refuses to make the tough decisions. So, with my colleagues in the Senate, I will help him. If the President wishes to engage our troops in Iraq, a decision that I agreed with and continue to support, then he must agree to pay for it.

By seeking a modest increase in the tax rate that affects those making more than $310,000 in taxable income we can pay for the President's most recent supplemental request. This bill generates precisely $87 billion—enough to cover a portion of the cost of the war in Iraq and an even smaller part of our obligation in Afghanistan.

This bill is a first step toward putting our fiscal house in order. It would pay for the President's supplemental spending request and it does not revoke the 2001 reduction in the top income tax rate. Nor would it affect any other element of the 2001 tax package. It would merely temporarily raise the marginal income tax rate on the richest in our society. These individuals would continue to benefit from the other aspects of the 2001 and 2003 tax cuts, many of which predominantly accrued to them.

Nearly a decade ago, thanks to the commitment of Senators from both parties and all ideological persuasions, we were able to put in motion a successful plan to balance the Federal budget, and laid the groundwork for an unprecedented period of economic growth and prosperity.

I believe this bill moves us back to this path and represents our understanding that we have an obligation as a society to raise money from time to time to pay for those activities we deem important to our national well-being.

ADDITIONAL STATEMENTS

HONORING THE 55th ANNIVERSARY OF BLACK HILLS NATIONAL CEMETERY

• Mr. JOHNSON. Mr. President, today I wish to express our Nation's gratitude for the respectful services provided by Black Hills National Cemetery near Sturgis, SD. This year marks the 55th anniversary of the cemetery, and comes at a time when all Americans have been painfully reminded that our freedom is preserved by brave men and women in uniform who are willing to risk their lives in service to our Nation.

In the summer of 1862, thousands of soldiers had already died in a terrible

war that few believed would last more than a matter of months. On July 17 of that same year, Congress enacted legislation that would authorize the President to purchase cemetery grounds to be used as national cemeteries for soldiers who died while in service to the country. It was not long after that, in 1873, that all honorably discharged veterans became eligible for burial in national cemeteries. According to local legend, the hoofbeats of Custer's Cavalry may still be faintly heard today in the shadows of the Black Hills, where the Black Hills National Cemetery has provided a dedicated area for the honored burial of past and present South Dakota members of our Nation's armed forces and their eligible dependents for the past 55 years.

Too often, it seems that Congress forgets those men and women who sacrificed a part of their lives to serve their country. In a Nation as wealthy as ours, the very least we can do to repay veterans for their service is to provide them with the final resting place they deserve. Today, the National Cemetery Association ensures our veterans have a proper burial, while also maintaining the national cemeteries as shrines to their memory. In the words of Abraham Lincoln, the ''nation must care for him who shall have borne the battle, and for his widow and his orphan.''

The Black Hills National Cemetery has long been part of that respected tradition since World War II, when the first four burials were conducted on September 27, 1948. Three additional burials were done before the official dedication of the Black Hills National Cemetery on October 3, 1948. Since those initial entombments, the remains of more than 17,000 courageous soldiers who have served their country have been laid to rest there, including South Dakota's only casualty from Operation Iraqi Freedom, Hans Gukheisen.

The Black Hills National Cemetery is also the final resting place to such notable men as United States Senator Francis H. Case, who also gave the dedication address in 1948, suggesting that the Black Hills National Cemetery be the ''Arlington of the West,'' and Brigadier General Richard E. Ellsworth, Commander of the Rapid City Air Force Base, which was later renamed Ellsworth Air Force Base in his honor, was also laid to rest there.

As the father of a soldier who has recently returned from Iraq, I have made it a priority to give veterans the recognition and treatment they deserve for their outstanding service to our country. I am proud to have the Black Hills National Cemetery located in my home State of South Dakota, and I am honored today to congratulate the Black Hills National Cemetery on their first 55 years of service. I know that our entire Nation shares in this expression of gratitude.●

MILLIE MAIRS AWARDED 2003 ''ANGELS IN ADOPTION'' AWARD

● Mr. ROCKEFELLER. Mr. President, I rise today in honor of Mrs. Millie Mairs, a woman who has demonstrated her enormous capacity for love by serving some of West Virginia's most vulnerable children. Through her work with the West Virginia Children's Home Society Adoption Program, Millie has touched the lives of many new families in my home state and is a cornerstone of adoption services there. Later this month, Millie will be honored alongside other ''Angels in Adoption.'' This is a special award created by the Congressional Adoption Caucus. I would like to take a moment to tell you more about the work and accomplishments of this quiet, gentle lady who has worked on behalf of children for more than twenty years at the West Virginia Children's Home Society.

The West Virginia Children's Home Society was created in 1896 and has long provided care for children in need. Today, the Society offers adoptive, child protective, and emergency services through an expanded mission. Twenty-eight years ago, Millie Mairs came to the Children's Home Society Adoption Program as an adoption secretary in order to assist West Virginia families who hoped to adopt a child. Since then, Millie has served those families in a variety of roles and has maintained a strong relationship with many of them, including some of her very first clients. From administering support services to meeting with perspective parents to guiding birth mothers through appropriate after care, Millie's name has become synonymous with adoption advocacy in West Virginia.

Those who know Millie best say that no one is better suited to serve as an adoption advocate than she. Her colleagues use words such as ''rare,'' ''special,'' ''kind,'' and ''considerate'' in order to describe her. Her clients depend on her as they complete necessary paperwork and interviews, and as they work through the many emotions that adoption brings. And while Millie serves as a valuable resource for those entering into the adoption system today, her knowledge of previous adoptions is priceless to those who seek even the smallest amount of information about their past. Millie has provided a comforting ear and soothing words to these individuals since her first days at the Children's Home Society and has also reunited birth mothers and their children from that time. She has always understood and has tried to convey to others that adoption is a selfless act of love from the perspective of both birth mothers and adoptive parents. As you can imagine, this has brought great comfort to children, birth mothers, and adoptive parents alike.

The Angels in Adoption Award recognizes individuals like Millie who work every day to better the lives of others through the field of adoption. On September 30, Millie and other Angels will come to Washington in order to be recognized for their good works. While they will look just as any other visitors to the Capitol complex that day, I have been assured by Millie's colleagues and by others that they truly are angels in our midst. I hope that you will help me in welcoming them and honoring them. Further, I hope that you will carry their message with you: that all children deserve a safe, healthy, and permanent home and that, for some children, this is only possible through adoption.

I have worked for many years in bipartisan coalitions to promote adoption and improved services for abused and neglected children. While these issues rarely command headlines, they change the lives of children and families across our country. People like Millie Mairs and programs like Angels in Adoption remind us of the importance of our adoption and child welfare programs. In 1997, Congress passed the Adoption and Safe Families Act to ensure that a child's health and safety are paramount, and to express the belief that every child deserves a permanent home. Since then, adoptions from foster care have nearly doubled. While this is wonderful news, more than 100,000 children remain in foster care. As Millie and her peers would tell us, we clearly have more work to do.

I am delighted to have had this opportunity to tell you more about Millie Mairs and her work with the West Virginia Children's Home Society. I have long believed that the people of West Virginia are its greatest resource; individuals such as Millie prove this point again and again.●

HONORING JUDY HADLEY OF LINCOLN, RHODE ISLAND

● Mr. CHAFEE. Mr. President, I wish to share with my colleagues a story demonstrating one person's ability to protect the environment from the threat of pollution, for the benefit of wildlife and human enjoyment alike.

Thirty years after the passage of the Clean Water Act, the Blackstone River has shaken off a legacy of neglect and re-emerged as a vital community asset. The water quality has improved, a bikeway is under construction, and mill buildings are being restored as apartments and condominiums. The National Park Service is promoting a new appreciation for the work and culture of the families who have made the Blackstone Valley their home. And just last week, I joined the Army Corps of Engineers in celebrating the restoration of wetlands in a floodplain that had been paved over for 50 years. So there is a great deal of activity on the banks of the Blackstone.

While the Federal Government has been a major player in the river's rebirth, none of these exciting developments would have been possible without the personal commitment of Blackstone Valley residents. It is their hard

work and, more importantly, their heightened vigilance and renewed sense of ownership of the river that have helped it to thrive.

One such resident is Judy Hadley of Lincoln, RI a town of about 21,000 people, located on the Blackstone River. As the chair of the Lincoln Land Trust, Judy is a staunch defender of her town's remaining open spaces and a passionate advocate on behalf of the Blackstone. She is active in a number of other local organizations, including the Friends of the Blackstone River, the Blackstone River Watershed Council, and the Lincoln Tree and Trail Commission. She has organized river cleanups and educated her fellow residents about the impact that stormwater has on the Blackstone and its wildlife population.

For many years, a 60-ton excavator sat abandoned on a man-made island in the river a relic of an old gravel mining operation. It was an eyesore and a potential environmental hazard. Two years ago, Judy Hadley went to work: canvassing State and Federal authorities, trying to find the best solution for this problem. No agency seemed to have the right equipment or the resources to handle such an unusual request, but Judy persisted. If she could have dismantled it herself and taken it away piece by piece, I think she would have.

Fortunately, it did not come to that. Last year, the Rhode Island Department of Environmental Management removed more than 300 gallons of diesel fuel and other fluids from the machinery. The excavator itself was finally taken away this summer by the Army Corps via a temporary land bridge, as part of the wetland restoration project I mentioned earlier.

This was a great triumph, and Judy Hadley's dedication has been cheered by many local residents. Without her persistence, the excavator would still be slowly degrading, leaving open the possibility that oil and fuel would seep out, fouling valuable marsh habitat downstream. Walkers and canoeists would still be shaking their heads at the sight of a rusting hulk across the river. But Judy refused to accept the excavator as just another part of the landscape, insisting that it be removed. In so doing, she has reminded us of the Blackstone River's great worth, as well as its vulnerability, and inspired us to be better stewards of a rediscovered resource.

I know my colleagues join me in saluting Judy Hadley on this achievement.●

HONORING DONALD P. OULTON

● Mr. KENNEDY. Mr. President, I bring to your attention today the exemplary work and most commendable service to one of our country's outstanding public servants. Mr. Donald P. Oulton, Chief of the International Law Branch, Office of the Staff Judge Advocate, U.S. Air Force Electronic Systems Center, Hanscom Air Force Base, MA. Mr. Oulton retired on September 1, 2003, following an extraordinary career of more than 30 years of service to the Nation.

Born in upstate New York at the beginning of the Great Depression, Mr. Oulton was one of 10 children. Part of a close and loving family, at an early age he and his siblings became accomplished singers and dancers, helping support their large family performing ''minstrel shows'' through those challenging years. Mr. Oulton became a one-handicap golfer in his teenage years while working as a caddy at a local country club. He had aspirations to become a professional golfer, but his plans were cut short by the call to service in the Korean war.

An outstanding marksman, Mr. Oulton served as an intelligence and reconnaissance scout with the Seventh Infantry Division in the Chorwon Valley. There, he spend much of his time in outposts far in front of the main line of resistance, scouting out enemy positions and coordinating artillery and mortar fire by American and United Nations forces. He performed these duties repeatedly under hostile fire and in extremely harsh and primitive conditions. Of his great physical courage and devotion to duty there can be no doubt.

After more than 9 months of combat at or in front of the main line of resistance, Mr. Oulton returned to the United States and was assigned to the United States National Honor Guard in Arlington, VA. Upon his honorable discharge from the Army he relocated to the greater Boston area, married his lovely wife Carol, and started his devoted family of four children David, Nancy, Sarah and Carol. After more than a decade, he also began to pursue his boyhood dream of becoming an attorney. In 1970, he achieved that goal, and after three years servicing as an Assistant District Attorney in Middlesex County, MA, he began his long association with the United States Air Force, and the Electronic Systems Center at Hanscom Air Force base.

Mr. Oulton's contributions have been monumental. He was on the ground floor of many novel, complex issues arising from the passage of the Arms Control Act of 1976. He quickly became, and remains, one of the Department of Defense's leading experts on the act, security assistance, and foreign military sales. His contributions over three decades are too numerous to recount, but among the most significant have been as the lead attorney for the sale of the Airborne Warning and Control System, AWACS, to a variety of U.S. allies, including the United Kingdom, France, Turkey, Australia, Japan, and most notably NATO. In the build up to, and in the wake of, Operation Desert Storm, Mr. Oulton provided the expert legal advice that served as the foundation for the early deployment of the Joint STARS aircraft before the Air Force formally accepted it. His efforts have been instrumental in promoting the common defense and freedom throughout the world.

A well-recognized legal expert, Mr. Oulton was the 1980 recipient of the James O. Wrightson Award, as the outstanding Air Force civilian attorney. In 1983, he was selected as the outstanding senior civilian in the electronic systems division of Air Force Systems Command, and presented the Harold M. Wright award. He is widely published and cited in the field of security assistance and foreign military sales, has been an adjunct faculty member at Western New England College, and has been a guest lecturer on International Law at Harvard University.

I ask that my colleagues join me and Mr. Oulton's many friends and family in saluting his many distinguished years of selfless service to the United States of America. I know our Nation, his wife Carol, and his family are extremely proud of his accomplishments. It is fitting that the Senate honors this true patriot today.●

LIEUTENANT GENERAL EMIL R. ''BUCK'' BEDARD, UNITED STATES MARINE CORPS

● Mr. DAYTON. Mr. President, I would like to pay tribute to LTG Emil R. ''Buck'' Bedard, who will retire Monday and return to private life after more than 36 years of selfless service to our Nation as a United States Marine. I have had the pleasure to work with Lieutenant General Bedard on matters of importance to the U.S. Marine Corps and to our Nation's defense. His experience and expertise will be missed by many of us in the Senate, as will his integrity, keen insight, and good judgment.

Buck Bedard was born in Argyle, MN, where he graduated from Argyle high school. He then slipped away from Minnesota's grasp and attended the University of North Dakota. Following his graduation, he was commissioned a second lieutenant in the Marine Corps in December 1967. General Bedard also holds a master of science degree, and his formal military education includes the U.S. Army Advanced Infantry Course, the Armed Forces Staff College, and the Army War College.

While he was a lieutenant, Buck Bedard served as a rifle platoon commander and company executive officer with 2d Battalion, 27th Marines, and 3d Battalion, 3d Marines, in the Republic of Vietnam. Subsequently, he was ordered to Quantico, VA, where he served as a staff officer and then as the commander with Schools Demonstrations Troops.

Then-Captain Bedard was assigned to the U.S. Army Intelligence School as an instructor, and he later served as a company commander in the 3d Marine Division in Okinawa, Japan. Following that tour of duty, Captain Bedard became the Marine officer instructor at the Naval Reserve Officer Training Unit at Vanderbilt University and was

a Platoon and Company Commander at the Marine Corps Officer Candidate School in Quantico, VA. Following his promotion to major, he served as the Logistics Officer, 7th Marines, and then as the executive officer, 3d Battalion, 7th Marines.

Then-Lieutenant Colonel Bedard served as the assistant operations officer, 1st Marine Amphibious Force, G–3, Pacific Plans Officer, and finally as the G–5. Assigned to NATO and stationed in Holland, LTC Bedard served in the Central Region Operations Division in charge of reinforcement operations of Allied Forces to Central Europe.

Then-Colonel Bedard was reassigned to Twenty-Nine Palms, California, where he directed the Combined Arms Exercise Program at the Marine Corps Air Ground Combat Center. He became the Assistant G–3 for Operations for the 7th Marine Expeditionary Brigade and the 1st Marine Expeditionary Force during Operations Desert Shield and Desert Storm. From May 1991, through June 1993, Colonel Bedard commanded the 7th Marine Regiment, which deployed to Somalia in December, 1992. In July, 1993, he was assigned as the Assistant Division Commander for the 1st Marine Division, Camp Pendleton, California, and in October 1993, he was reassigned as J–3 Operations Officer, Joint Task Force, Somalia.

In June, 1994, Colonel Bedard was advanced to Brigadier General and was assigned as the President, Marine Corps University and Commanding General Marine Corps Schools, Marine Corps Combat Development Command, Quantico, Virginia. His next assignment in June, 1995, was as the Deputy Commander, Marine Forces Pacific, Camp H.M. Smith, Hawaii. General Bedard assumed command of 2d Marine Division in July 1997, and was promoted to Major General on September 1, 1997. He assumed command of 2d Marine Expeditionary Force in July 1999. On June 29, 2000, General Bedard relinquished command of Second Marine Expeditionary Force and was advanced to his current rank. Lieutenant General Bedard has been the Deputy Commandant of Plans, Policies and Operations at Headquarters, U.S. Marine Corps, since July 2000, where he has skillfully guided Marine Corps operations following September 11th, 2001, and during Operations Enduring Freedom and Iraqi Freedom.

Throughout his career as a U.S. Marine, Lieutenant General Bedard has demonstrated his outstanding character, discerning wisdom, and deep sense of duty to his Country, his Corps, his Marines, and their families. On behalf of the U.S. Senate I thank Lieutenant General Bedard for his exemplary career, his many accomplishments, and his devoted service to our Nation. We also thank his wife, Linda, and their three children for sharing him with his country. Congratulations, Lieutenant General Bedard; your mission has been very well accomplished.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3087. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H.R. 3146. An act to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

H.J. Res. 69. A joint resolution making continuing appropriations for the fiscal year 2004, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. HOBSON, Mr. FRELINGHUYSEN, Mr. LATHAM, Mr. WAMP, Mrs. EMERSON, Mr. DOOLITTLE, Mr. PETERSON of Pennsylvania, Mr. SIMPSON, Mr. YOUNG of Florida, Mr. VISCLOSKY, Mr. EDWARDS, Mr. PASTOR, Mr. CLYBURN, Mr. BERRY, and Mr. OBEY.

The message further announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion: Mr. CHABOT, and Ms. LOFGREN.

At 12:12 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2555. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

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

S. 111. An act 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.

S. 233. An act 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.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

At 12:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3161. An act to ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1657. A bill to amend section 44921 of title 49, United States Code, to provide for the arming of cargo pilots against terrorism.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 25, 2003, she had presented to the President of the United States the following enrolled bills:

S. 111. An act 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.

S. 233. An act to direct the Secretary of the Interior to conduct a study of Coltsville in the State Connecticut for potential inclusion in the National Park System.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4397. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Determination of Interest Rate'' (Rev. Rul. 2003–104) received on September 22, 2003; to the Committee on Finance.

EC–4398. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''The Jobs and Growth Act of 2003—Information Reporting for Payments in Lieu of Dividends'' (Notice 2003–67) received on September 22, 2003; to the Committee on Finance.

EC–4399. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled

''Built-in Gains or Losses Under Section 382(h)'' (Notice 2003–65) received on September 22, 2003; to the Committee on Finance.

EC–4400. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled ''Import Restrictions Imposed on Archaeological Materials from Cambodia'' (RIN1515–AD34) received on September 22, 2003; to the Committee on Finance.

EC–4401. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the audit of the Telecommunications Development Fund; to the Committee on Finance.

EC–4402. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, a report entitled ''Steel: Monitoring Developments in the Domestic Industry''; to the Committee on Finance.

EC–4403. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–4404. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended: Automatic Visa Revalidation; Final Rule'' (22 CFR Part 21) received on September 22, 2003; to the Committee on Foreign Relations.

EC–4405. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, the Department's annual report relative to grants streamlining and standardization; to the Committee on Governmental Affairs.

EC–4406. A communication from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, transmitting, a report relative to the effects of regulation and paperwork on the economy and Federal agency consultations that take place with State, local, and Tribal governments; to the Committee on Governmental Affairs.

EC–4407. A communication from the Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Emergency Evacuations'' (RIN1219–AB33) received on September 22, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4408. A communication from the Directorate, Directorate of Construction, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Safety Standards for Signs, Signals, and Barricades'' (RIN1218–AB88) received on September 17, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4409. A communication from the Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Race, Color, or National Origin in Programs Receiving Federal Assistance; Nondiscrimination on the Basis of Handicap in Programs Receiving Federal Assistance; Nondiscrimination on the Basis of Age in Programs Receiving Federal Assistance'' (RIN1190–AA49) received on September 22, 2003; to the Committee on the Judiciary.

EC–4410. A communication from the Director, Regulations Management, Veterans Health Administration, transmitting, pursuant to law, the report of a rule entitled ''VA Homeless Providers Grant and Per Diem Program'' (RIN2900–AL30) received on September 22, 2003; to the Committee on Veterans' Affairs.

EC–4411. A communication from the Director, Regulations Management, Veterans Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Eligibility for an Appropriate Government Marker for a Grave Already Marked at Private Expense'' (RIN2900–AL40) received on September 22, 2003; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment and with a preamble:

S. Res. 98. A resolution expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 209. A resolution recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. Res. 222. A resolution designating October 17, 2003 as ''National Mammography Day''.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1293. A bill to criminalize the sending of predatory and abusive e-mail.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1451. A bill to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Gordon England, of Texas, to be Secretary of the Navy.

Air Force nomination of Lt. Gen. Lance L. Smith.

Air Force nomination of Lt. Gen. William R. Looney III.

Army nomination of Colonel Dennis P. Geoghan.

Army nomination of Maj. Gen. Claude V. Christianson.

Army nomination of Lt. Gen. William E. Ward.

Navy nomination of Rear Adm. (lh) Peter L. Andrus.

Navy nomination of Rear Adm. (lh) James M. McGarrah.

Navy nomination of Capt. Richard E. Cellon.

Navy nomination of Capt. Ben F. Gaumer.

Navy nomination of Rear Adm. Henry G. Ulrich III.

Navy nomination of Rear Adm. John G. Cotton.

Navy nomination of Vice Adm. Timothy J. Keating.

Navy nomination of Capt. Robert F. Burt.

Marine Corps nomination of Maj. Gen. Jan C. Huly.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the Records on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Mark T. Allison and ending Frederick M. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2003.

Air Force nominations beginning Geoffrey H. Hills and ending John B. Steele, which nominations were received by the Senate and appeared in the Congressional Record on September 2, 2003.

Air Force nominations beginning Craig H. Morris and ending Sherice D. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 2, 2003.

Air Force nomination of Brian P. Olson.

Air Force nominations beginning Teri L. Poulton-Consoldane and ending Sheldon G. White, which nominations were received by the Senate and appeared in the Congressional Record on September 2, 2003.

Air Force nominations beginning Scott G. Book and ending Sara K. Slavens, which nominations were received by the Senate and appeared in the Congressional Record on September 2, 2003.

Air Force nominations beginning Stephen W. Humphrey and ending Randy J. Yovanovich, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2003.

Air Force nomination of Gerilyn A. Posner.

Army nominations beginning William T. Barbee, Jr. and ending Kenneth W. Yates, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2003.

Army nominations beginning Stephen W. Austin and ending Nathan L. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Army nominations beginning Michael J. Bullock and ending Paul A. Trapani, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Army nominations beginning Madelfia A. Abb and ending X0007, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2003.

Army nominations beginning Richard K. Addo and ending Veronica S. Zsido, which nominations were received by the Senate and appeared in the Congressional Record August 1, 2003.

Army nominations beginning Bryan K. Adams and ending Joseph M. Yoswa, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2003.

Army nominations beginning Scott E. Alexander and ending William H. Woods, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2003.

Army nomination of Kevin J. Chapman.

Navy nominations beginning Michael S Agabegi and ending Reid J Winkler, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Navy nominations beginning John R Anderson and ending Nicolas D I Yamodis, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Navy nominations beginning Alan L Adams and ending Georges E Younes, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Navy nominations beginning James D Abbott and ending Robert W Zurschmit, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Navy nominations beginning Tim K Adams and ending Timothy P Zinkus, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

By Mr. HATCH for the Committee on the Judiciary.

Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2006.

Carlos T. Bea, of California, to be United States Circuit Judge for the Ninth Circuit.

Marcia A. Crone, of Texas, to be United States District Judge for the Eastern District of Texas.

William Q. Hayes, of California, to be United States District Judge for the Southern District of California.

John A. Houston, of California, to be United States District Judge for the Southern District of California.

Ronald A. White, of Oklahoma, to be United States District Judge for the Eastern District of Oklahoma.

Robert Clive Jones, of Nevada, to be United States District Judge for the District of Nevada.

Phillip S. Figa, of Colorado, to be United States District Judge for the District of Colorado.

John Francis Bardelli, of Connecticut, to be United States Marshal for the District of Connecticut for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

Army nomination of Mary M. McCord.

Army nomination of Charles A. Jarnot.

Army nomination of Joseph T. Ramsey.

Army nomination of John B. Munozatkinson.

Army nomination of Andrew D. Stewart.

Army nominations beginning Tyrone C. * Abero and ending X3713, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2003.

Army nomination of Gregory S. Johnson.

Army nomination of Timothy C. Kelly.

Army nominations beginning Paul D. Harrell and ending William S. Lee, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Marine Corps nomination of Bryan D. McKinney.

Marine Corps nomination of Jon C. Rhodes.

Marine Corps nomination of Colin D. Smith.

Navy nominations beginning Stephen M. Saia and ending David A. Tubley, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Roland E. Arellano and ending Marva L. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Vida M. Antolinjenkins and ending Dominick G. Yacono, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning James J. Anderson and ending John F. Zollo, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Michael T. Akin and ending Peter G. Woodson, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Richard E. Aguila and ending Scott D. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Linda M. Acosta and ending Joan L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Leanne K. Aaby and ending Michael J. Zucchero, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Lee A. Axtell and ending Dennis W. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 30, 2003.

Navy nominations beginning Emma J.M. Brown and ending Marcia L. Ziemba, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2003.

Navy nominations beginning Brent T. Channell and ending Matthew W. Edwards, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2003.

Navy nominations beginning Marc E Boyd and ending Wendy L Snyder, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Olivia L Bethea and ending Theresa A Talbert, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Jason B Babcock and ending Timothy J Zinck, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Reid B Applequist and ending Bret A Washburn, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Tracie L Andrusiak and ending Robert A Wolf, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Timothy A Anderson and ending Douglas T Wahl, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Sowon S Ahn and ending Scott D Young, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Leon S Abrams and ending Carl Zeigler, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nominations beginning Rafael A Acevedo and ending Todd A Zirkle, which nominations were received by the Senate and appeared in the Congressional Record on September 3, 2003.

Navy nomination of Paul C. Brown.

Navy nomination of Paul H. Evers.

Navy nomination of Robert E. Stone.

Navy nominations beginning William K. Bane and ending Andy J. Lancaster, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Navy nominations beginning Bradley A Appleman and ending Florencio J Yuzon, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

Navy nominations beginning Erskine L Alvis and ending Randy E Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2003.

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. ENSIGN (for himself, Mrs. FEINSTEIN, Mr. DORGAN, Mr. DEWINE, Mr. MCCAIN, Mr. STEVENS, Mr. LEAHY, Mr. KOHL, Mr. SCHUMER, Mr. FEINGOLD, Mr. HARKIN, Mr. LEVIN, Mr. LAUTENBERG, Mr. PRYOR, Mr. VOINOVICH, Mr. BIDEN, Mr. GRASSLEY, Mr. DURBIN, Mr. KENNEDY, Mr. JEFFORDS, Mr. CORZINE, Mr. LIEBERMAN, Mr. EDWARDS, Mr. KERRY, Mr. GRAHAM of South Carolina, Mr. ALEXANDER, Ms. LANDRIEU, Mr. ALLEN, Mr. CORNYN, Ms. CANTWELL, Mr. SMITH, Mr. SARBANES, Mr. GRAHAM of Florida, Ms. MURKOWSKI, Mr. NELSON of Florida, Mr. DOMENICI, Mr. REED, Mr. WARNER, Mr. FRIST, Mr. BURNS, Mr. LUGAR, Ms. MIKULSKI, Mr. FITZGERALD, Mr. COLEMAN, Mr. DASCHLE, Mr. AKAKA, Ms. COLLINS, Mr. ENZI, Mr. CHAFEE, Ms. SNOWE, Mr. JOHNSON, Mrs. MURRAY, Mr. BAYH, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. INOUYE, Mr. REID, Mr. DODD, Mr. NICKLES, Mr. CAMPBELL, Mr. WYDEN, Ms. STABENOW, and Mr. SPECTER):

S. 1655. A bill to ratify the authority of the Federal Trade Commission to establish the do-not-call registry; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE:

S. 1656. A bill to address regulation of secondary mortgage market enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUNNING (for himself and Mrs. BOXER):

S. 1657. A bill to amend section 44921 of title 49, United States Code, to provide for the arming of cargo pilots against terrorism; read the first time.

By Mr. DASCHLE (for Mr. GRAHAM of Florida):

S. 1658. A bill to make residents of Puerto Rico eligible for the earned income tax credit, the refundable portion of the child tax credit, and supplemental security income benefits; to the Committee on Finance.

By Mr. SCHUMER:

S. 1659. A bill to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the ''John G Dow Post Office Building; to the Committee on Governmental Affairs.

By Mr. CAMPBELL (for himself, Mr. DOMENICI, Mr. ALLARD, and Mr. REID):

S. 1660. A bill to improve water quality on abandoned and inactive mine land, and for

other purposes; to the Committee on Environment and Public Works.

By Mr. DODD:

S. 1661. A bill to require the Federal Trade Commission to establish a list of consumers who request not to receive telephone sales calls; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 1662. A bill to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit to include trade adjustment assistance as a targeted group; to the Committee on Finance.

By Mrs. DOLE:

S. 1663. A bill to replace certain Coastal Barrier Resources System maps; to the Committee on Environment and Public Works.

By Mr. COCHRAN (for himself, Mr. HARKIN, Mr. ROBERTS, Mr. CRAIG, Mr. CRAPO, Mr. CHAMBLISS, Mr. MILLER, Mr. COLEMAN, Mr. NELSON of Nebraska, Mr. KOHL, Mr. TALENT, Mr. LUGAR, Mr. CONRAD, Ms. LANDRIEU, and Mr. BREAUX):

S. 1664. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself and Mr. LEVIN):

S. Res. 234. A resolution honoring the Detroit Shock on winning the Women's National Basketball Association Championship; considered and agreed to.

By Mr. DAYTON (for himself and Mr. COLEMAN):

S. Res. 235. A resolution honoring the life of the late Herb Brooks and expressing the deepest condolences of the Senate to his family on his death; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 55

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 55, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 573

At the request of Mr. FRIST, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 573, a bill to amend the Public Health Service Act to promote organ donation, and for other purposes.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from New Mexico (Mr. DOMENICI) 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. 659

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 659, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

S. 695

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 695, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 853

At the request of Ms. SNOWE, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 853, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program.

S. 854

At the request of Mr. DAYTON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 854, a bill to authorize a comprehensive program of support for victims of torture, and for other purposes.

S. 859

At the request of Mr. CORZINE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 859, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1032

At the request of Mr. SARBANES, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1032, a bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public.

S. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1222, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

S. 1234

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1234, a bill to reauthorize the Federal Trade Commission, and for other purposes.

S. 1261

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1261, a bill to reauthorize the Consumer Product Safety Commission, and for other purposes.

S. 1297

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1297, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag.

S. 1431

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1431, a bill to reauthorize the assault weapons ban, and for other purposes.

S. 1494

At the request of Mr. BUNNING, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1494, a bill to amend the Internal Revenue Code of 1986 to extend the special 5-year carryback of certain net operating losses to losses for 2003, 2004, and 2005.

S. 1558

At the request of Mr. ALLARD, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

S. 1622

At the request of Mr. GRAHAM of Florida, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Nevada (Mr. REID), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Georgia (Mr. MILLER) 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. 1642

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1642, a bill to extend the duration of the immigrant investor regional center pilot program for 5 additional years, and for other purposes.

S. 1645

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of 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.

S. 1654

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1654, a bill to ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

S. CON. RES. 21

At the request of Mr. BUNNING, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

S. RES. 222

At the request of Mr. BIDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 222, a resolution designating October 17, 2003 as ''National Mammography Day''.

AMENDMENT NO. 1786

At the request of Mr. PRYOR, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Minnesota (Mr. DAYTON), the Senator from Michigan (Mr. LEVIN), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 1786 intended to be proposed to H.R. 2765, a bill 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, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE:

S. 1656. A bill to address regulation of secondary mortgage market enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORZINE. Mr. President, I rise to introduce The Federal Housing Enterprise Oversight Modernization Act of 2003, legislation to establish a new, world-class regulator for our housing Government Sponsored Enterprises (GSEs)—Fannie Mae and Freddie Mac—as an agency within the Department of Treasury.

There is no doubt that housing finance is essential to our economy and has been one of our Nation's few economic bright spots in recent years. Given its critical role, and the size and complex financial structures of the GSE's, which account for billions of mortgage-finance dollars, we need a credible, world-class regulator that can provide effective oversight.

Regrettably, the current system of GSE supervision fails to meet that standard.

This legislation has four primary objectives: establishing a new, independent regulator that is credible and capable; ensuring safe and sound capital; promoting market discipline and transparency through enhanced disclosures; and providing an incremental approach to ultimately consolidating supervision of the Federal Home Loan Banks under the regulatory framework contained in this legislation.

The proposal also recognizes the importance of the GSEs' underlying housing mission and leaves responsibility for establishing the GSEs annual housing goals and overseeing their compliance with fair housing laws with the Department of Housing and Urban Development (HUD).

The legislation would create a new agency, the Office of Federal Housing Enterprise Supervision (OFHES), as a bureau within the Department of the Treasury, with a structure similar to that of the Office of the Comptroller of the Currency (OCC) and the Office of Thrift Supervision (OTS).

The agency would have general regulatory, supervisory and enforcement authority with respect to the enterprises, be independent of Treasury with regard to its comments and congressional testimony, and have a director, appointed for a five-year term, who would be given a seat on the Federal Financial Institutions Examination Council (FFIEC). To ensure that the enterprises' activities remain consistent with the scope of their charter, the agency would be authorized to approve all new enterprise programs, but in close consultation with HUD.

Additionally, the agency would be given broad new authority to hire experienced personnel, a significant portion of whom will be designated specifically to carry out examinations and supervisory activities, to make certain that the agency can fulfill its safety and soundness responsibilities.

Central to that oversight function is ensuring that the enterprises maintain safe and sound capital through vigorous, continuous monitoring. The legislation therefore requires the new agency to ensure that the enterprises remain in continuous compliance with their statutorily prescribed minimum capital holding requirements.

By ensuring that the GSEs maintain adequate capital, we will mitigate the risks to the enterprises, and our financial markets, from unforeseen shocks that can, and do, occasionally occur in our financial markets. To accomplish this, the legislation takes a multi-pronged approach to the issue of risk-based capital.

First, the legislation requires the new agency to continually monitor the risk-based capital held by the enterprises, but it also provides the new agency's director with the flexibility to adjust the risk-based capital level of the enterprises in order to ensure their safe and sound financial operation.

The legislation also authorizes the new agency to conduct a comprehensive review of the enterprises' risk-based capital rule every five years. Part of the review would include a report to Congress entailing what, if any, proposed changes the new agency believes are needed to the risk-based capital rule to better align the capital held by the enterprises with risk, and reflect evolving best practices for risk-based capital standards for large, complex financial institutions. However, on a continual basis the Director would have the authority to adjust elements to the enterprises' stress test other than those specifically prescribed in the risk-based rule.

With regard to the GSE non-mortgage related investments, this legislation affirms the notion that those investments should be of the highest quality and within the scope of the enterprises' respective charters. It does so by requiring the new agency to continuously monitor the appropriateness of the investments in the liquid and non-liquid portfolios of the GSEs and by certifying that the liquidity management practices of the enterprises coinform with recommendations contained in the ''Sound Practices for Managing Liquidity in Banking Organizations'' established by the Basel Committee.

The capital and liquidity management provisions of this legislation are balanced. They ensure that the enterprises maintain appropriate minimum capital and are adequately capitalized relative to their risks. They also empower the new agency to take appropriate action if enterprises become undercapitalized, and promote sound liquidity management practices. At the same time, the bill is not so overly prescriptive that it would undermine the

essential liquidity the enterprises' provide, which has enabled America's housing markets to become the envy of the world.

The third element of this bill that should dramatically improve the GSE's regulatory framework promotes transparency through enhanced disclosures requirements.

This legislation statutorily requires Fannie Mae, Freddie Mac and the Federal Home Loan Banks to disclose a variety of information that will provide the public, investors, and Congress with a better understanding of the underlying financial health of our housing enterprises.

First, the legislation requires the GSEs to register their equities under the Securities Exchange Act of 1934, and to comply with SEC disclosure and reporting requirements contained under sections 12 (Registration Requirements for Securities), 14 (Proxy Voting Information) and 16 (Insider Sales) of the 1934 Act.

These disclosures are consistent with the highest standards of corporate governance and disclosure required of other public companies and in my mind there is no reason why the GSEs should not be required to do so as well.

Second, this legislation would require Fannie Mae and Freddie Mac to disclose information regarding their interest rate and credit risks. Specifically, each enterprise would regularly report the impact on their mortgage portfolios of a 50 basis point change in interest rates and a 25 basis point change in the slope of the yield curve. They would also be required to disclose, on a quarterly basis, the financial impact on each enterprise of an immediate 5 percent decline in U.S. home prices.

Additionally, the bill requires the GSEs to acquire credit ratings from an SEC-recognized credit rating agency to provide an assessment of the risk to the government and independent financial health of each enterprise. This ''stand-along'' rating would be derived from the underlying credit quality of each enterprise and assume no direct support from the Federal Government.

These disclosures will ensure that the standards of financial disclosure of the GSEs are in line with the rest of corporate America, making the enterprises subject to public scrutiny and market disciplinary forces.

Finally, the bill takes an incremental approach towards incorporating oversight of the Federal Home Loan Banks into the new regulatory framework created under this bill.

The bill requires Treasury, in consultation with HUD, to issue a report to Congress no later than six months after the date of the bill's enactment on the appropriate manner upon which to consolidate the responsibilities of the Federal Housing Finance Board, and oversight of the Federal Home Loan Banks (FHLBs), into the regulatory framework contained under this bill.

And as I mentioned earlier, the FHLBs would be required to immediately comply with financial disclosure and reporting requirements under the 1934 act in a manner similar to those required of Fannie Mae and Freddie Mac under this bill.

Lastly, the legislation would authorize the Secretary of the Treasury to designate an individual to serve as one of the five Federal Housing Finance Board members. This authority, transferred from HUD, would immediately involve Treasury in the regulatory rubric of the FHFB and ease the transition of the consolidation of the FHFBs regulatory responsibilities into this new agency.

In conclusion, the reforms contained in this proposal are very important. They would establish a new regulatory framework that promotes sound and safe financial operations at the GSEs. They would promote stability in our capital markets by providing investors with better information about the financial health of the enterprises. They would affirm the GSEs' critical role in our nation's housing market. And they would protect investors and taxpayers, while preserving the opportunity of millions of families to pursue the American dream of homeownership.

I urge my colleagues to support this, important legislation.

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. 1656

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Housing Enterprise Oversight Modernization Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—REFORM OF REGULATION OF FANNIE MAE AND FREDDIE MAC

Subtitle A—Improvement of Supervision

Sec. 101. Establishment of Office of Federal Housing Enterprise Supervision in the Department of the Treasury.
Sec. 102. Duties and authorities of Director and HUD.
Sec. 103. Examiners and accountants.
Sec. 104. Regulations.
Sec. 105. Assessments.
Sec. 106. Independence of Director in congressional testimony and recommendations.
Sec. 107. Nonmortgage-related investments.
Sec. 108. Reports.
Sec. 109. Review of enterprises.
Sec. 110. Risk-based capital test for enterprises.
Sec. 111. Minimum and critical capital levels.
Sec. 112. Required disclosures.
Sec. 113. Federal Housing Finance Board.
Sec. 114. Definitions.

Subtitle B—Prompt Corrective Action

Sec. 131. Capital classifications.
Sec. 132. Supervisory actions applicable to undercapitalized enterprises.
Sec. 133. Supervisory actions applicable to significantly undercapitalized enterprises.

Subtitle C—Enforcement Actions

Sec. 151. Cease-and-desist proceedings.
Sec. 152. Temporary cease-and-desist proceedings.
Sec. 153. Removal and prohibition authority.
Sec. 154. Enforcement and jurisdiction.
Sec. 155. Civil money penalties.
Sec. 156. Criminal penalty.

Subtitle D—General Provisions

Sec. 161. Conforming and technical amendments.
Sec. 162. Effective date.

TITLE II—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY

Sec. 201. Abolishment of OFHEO.
Sec. 202. Continuation and coordination of certain regulations.
Sec. 203. Transfer and rights of employees of OFHEO.
Sec. 204. Transfer of property and facilities.

TITLE I—REFORM OF REGULATION OF FANNIE MAE AND FREDDIE MAC

Subtitle A—Improvement of Supervision

SEC. 101. ESTABLISHMENT OF OFFICE OF FEDERAL HOUSING ENTERPRISE SUPERVISION IN THE DEPARTMENT OF THE TREASURY.

(a) IN GENERAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

''SEC. 1311. ESTABLISHMENT OF OFFICE OF FEDERAL HOUSING ENTERPRISE SUPERVISION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established the Office of Federal Housing Enterprise Supervision, which shall be an office in the Department of the Treasury.

''(2) AUTHORITY.—The Office shall succeed to the authority of the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the general regulatory and any other authority of the Secretary of Housing and Urban Development with respect to the enterprises (except as specifically provided otherwise in this title, the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.), or any other provision of Federal law).

''(b) PROHIBITION OF MERGER OF OFFICE.—Notwithstanding any other provision of law, the Secretary of the Treasury may not merge or consolidate the Office, or any of the functions or responsibilities of the Office, with any function or program administered by the Secretary.

''(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C does not in any way limit the general supervisory and regulatory authority granted to the Director under subsection (a).

''SEC. 1312. DIRECTOR.

''(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Office of Federal Housing Enterprise Supervision, who shall be the head of the Office.

''(b) APPOINTMENT; TERM.—

''(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States.

''(2) TERM.—The Director shall be appointed for a term of 5 years.

''(3) VACANCY.—

''(A) IN GENERAL.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1).

''(B) TERM.—The Director appointed to fill a vacancy under subparagraph (A) shall be appointed only for the remainder of such term.

''(4) SERVICE AFTER END OF TERM.—An individual may serve as Director after the expiration of the term for which the individual was appointed until a successor has been appointed.

''(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development on the date of enactment of the Federal Housing Enterprise Oversight Modernization Act of 2003, shall serve as the Director until not later than 1 year after the date of enactment of that Act.

''(c) PROHIBITION ON FINANCIAL INTERESTS.—The Director shall not have a direct or indirect financial interest in any enterprise, nor hold any office, position, or employment in any enterprise.''.

(b) APPOINTMENT OF DIRECTOR.—Notwithstanding the effective date under section 162, or any other provision of law, the President may, at any time after the date of enactment of this Act, appoint an individual to serve as the Director of the Office of Federal Housing Enterprise Supervision, as established under this Act, in accordance with section 1312 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by subsection (a) of this section.

SEC. 102. DUTIES AND AUTHORITIES OF DIRECTOR AND HUD.

(a) IN GENERAL.—Section 1313 of the Housing and Community Development Act of 1992 (12 U.S.C. 4513) is amended to read as follows:

''SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

''(a) DUTIES.—

''(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be to ensure that the enterprises—

''(A) operate in a financially safe and sound manner;

''(B) carry out their missions in a financially safe and sound manner, and only through activities that have been authorized under, and are consistent with the purposes of, the provisions of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), and the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.), as applicable; and

''(C) remain adequately capitalized.

''(2) OTHER DUTIES.—To the extent consistent with paragraph (1), the Director shall be exercise general supervisory and regulatory authority over the enterprises, in accordance with this title, the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.), and any other applicable provision of law.

''(b) AUTHORITY EXCLUSIVE OF SECRETARY.—Except as specifically provided under this title, the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, or any other provision of Federal law, the authority of the Director with respect to the enterprises shall not be subject to the review, approval, or intervention of the Secretary of the Treasury.

''(c) DELEGATION OF AUTHORITY.—The Director may delegate to officers and employees of the Office any of the functions, powers, and duties of the Director, with respect to supervision and regulation of the enterprises, as the Director considers appropriate.''.

(b) PRIOR APPROVAL AUTHORITY FOR NEW PROGRAMS.—Part 1 of Subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by adding at the end the following:

''SEC. 1319H. PRIOR APPROVAL AUTHORITY FOR NEW PROGRAMS.

''(a) IN GENERAL.—The Director, in consultation with the Secretary of Housing and Urban Development, shall require each enterprise to obtain the approval of the Director, in the manner prescribed by regulation of the Director, for any new program of the enterprise before implementing the program.

''(b) STANDARD FOR APPROVAL.—The Director shall approve any new program of an enterprise for purposes of subsection (a), unless—

''(1) in the case of a new program of the Federal National Mortgage Association, the Director determines that the program is not authorized under section 304 or paragraph (2), (3), (4), or (5) of section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b));

''(2) in the case of a new program of the Federal Home Loan Mortgage Corporation, the Director determines that the program is not authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.); or

''(3) the Director determines that the new program is inconsistent with or undermines the safe and sound operation of the enterprise, consistent with section 1313(a)(1).

''(c) PROCEDURE FOR APPROVAL.—

''(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a new program under this section that describes the program in such form as prescribed by regulation of the Director.

''(2) RESPONSE.—

''(A) IN GENERAL.—Not later than 45 days after the date of submission of a request for approval under paragraph (1), the Director shall—

''(i) approve the request; or

''(ii) deny the request and submit a report explaining the reasons for the denial to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

''(B) EXTENSION.—The Director may extend the time period under subparagraph (A) for a single additional 15-day period only if the Director requests additional information from the enterprise.

''(3) FAILURE TO RESPOND.—If the Director fails to approve a request for approval under this section, or fails to submit a report under paragraph (2)(A)(ii) during the period provided, the request shall be considered to have been approved by the Director.

''(4) REVIEW OF DISAPPROVAL.—

''(A) SUBMISSION OF NEW INFORMATION.—If the Director submits a report under paragraph (2)(A)(ii) denying a request for reasons listed under paragraph (1) or (2) of subsection (b), the Director shall provide the enterprise submitting the request with a timely opportunity to review and supplement the administrative record.

''(B) NEW PROGRAMS NOT IN THE PUBLIC INTEREST.—If the Director submits a report under paragraph (2)(A)(ii) denying a request after finding that the program is inconsistent with or undermines the safe and sound operation of the enterprise, as described in subsection (b)(3), the Director shall provide the enterprise with notice and opportunity for a hearing on the record regarding such denial.''.

(c) REPEAL OF HUD AUTHORITY.—Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1321 and 1322.

(d) AUTHORITY OF HUD FOR HOUSING GOALS.—

(1) IN GENERAL.—Section 1331 of the Housing and Community Development Act of 1992 (12 U.S.C. 4561) is amended—

(A) in the first sentence of subsection (a), by inserting ''of Housing and Urban Development'' after ''The Secretary''; and

(B) by adding at the end the following:

''(d) DEFINITION.—For purposes of this part, the term 'Secretary' means the Secretary of Housing and Urban Development.''.

(2) ANNUAL REPORT ON HOUSING GOALS.—Section 1324 of the Housing and Community Development Act of 1992 (12 U.S.C. 4544) is amended by inserting ''of Housing and Urban Development'' after ''Secretary'' each place such term appears.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 302(b)(6) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(6)) is amended by striking ''Secretary under section 1322'' and inserting ''Director under section 1319H''.

(2) FREDDIE MAC.—Section 305(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(c)) is amended by striking ''Secretary under section 1322'' and inserting ''Director under section 1319H''.

(3) FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.—Section 1004(a) of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3303(a)) is amended—

(A) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(B) by adding at the end the following:

''(6) the Director of the Office of Federal Housing Enterprise Supervision.''.

SEC. 103. EXAMINERS AND ACCOUNTANTS.

(a) EXAMINATIONS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended—

(1) in the second sentence of subsection (c), by striking ''The'' and inserting ''During the 3-year period beginning on the date of enactment of the Federal Housing Enterprise Oversight Modernization Act of 2003, the''; and

(2) in subsection (d), by striking ''Federal Reserve banks'' and inserting ''Director of the Office of Thrift Supervision''.

(b) ENHANCED AUTHORITY TO HIRE EXAMINERS AND ACCOUNTANTS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following:

''(g) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, AND EXAMINERS.—

''(1) APPLICABILITY.—This section applies with respect to any position of examiner, accountant, and economist at the Office, with respect to supervision and regulation of the enterprises, that is in the competitive service.

''(2) APPOINTMENT AUTHORITY.—

''(A) IN GENERAL.—The Director may appoint candidates to any position described in paragraph (1)—

''(i) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

''(ii) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.

''(B) RULE OF CONSTRUCTION.—The appointment of a candidate to a position under this paragraph shall not be considered to cause such position to be converted from the competitive service to the excepted service.

''(3) REPORTS.—

''(A) IN GENERAL.—Not later than 90 days after the end of fiscal year 2003 (for fiscal year 2003) and 90 days after the end of fiscal year 2005 (for fiscal years 2004 and 2005), the Director shall submit a report with respect to the exercise of the authority granted to the Director by paragraph (2) during such fiscal years to the—

''(i) Committee on Government Reform and the Committee on Financial Services of the House of Representatives; and

''(ii) Committee on Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate.

''(B) CONTENTS.—The reports submitted under subparagraph (A) shall describe the changes in the hiring process authorized by paragraph (2), including relevant information related to—

''(i) the quality of candidates;

''(ii) the procedures used by the Director to select candidates through the streamlined hiring process;

''(iii) the numbers, types, and grades of employees hired under the authority;

''(iv) any benefits or shortcomings associated with the use of the authority;

''(v) the effect of the exercise of the authority on the hiring of veterans and other demographic groups;

''(vi) the way in which managers were trained in the administration of the streamlined hiring system; and

''(vii) a list of the specific functional responsibilities of Office personnel (such as examinations, supervision, regulatory oversight, and risk analysis) and the percentage of the total personnel employed within the Office that are engaged in each such activity.''.

(c) ALLOCATION OF PERSONNEL RESOURCES.—Section 1315 of the Housing and Community Development Act of 1992 (12 U.S.C. 4515), as amended by this Act, is amended by adding at the end the following:

''(f) MAINTENANCE OF ADEQUATE EXAMINATION AND SUPERVISORY PERSONNEL.—In carrying out this Act, the Director shall ensure that a significant amount of the Office resources allocated for the hiring and support of personnel are applied to personnel engaged in the examination and supervision of the enterprises.''.

SEC. 104. REGULATIONS.

Section 1319G of the Housing and Community Development Act of 1992 (12 U.S.C. 4526) is amended in subsection (c), by striking ''Committee on Banking, Finance and Urban Affairs'' and inserting ''Committee on Financial Services''.

SEC. 105. ASSESSMENTS.

Section 1316 of the Housing and Community Development Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the enterprises annual assessments in an amount not exceeding the amount sufficient to provide for all reasonable costs and expenses of the Office, including—

''(1) the expenses of any examination under section 1317; and

''(2) the expenses of obtaining any review or credit assessment under section 1319.'';

(2) in subsection (b), in paragraph (2), by moving the margin 2 ems to the right;

(3) in subsection (c), by adding at the end the following: ''The Director may adjust the amounts of any semiannual assessments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by an enterprise, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under subtitles B and C for an enterprise are borne only by that enterprise.'';

(4) in subsection (f), by striking ''Any assessments collected'' and all that follows through the end of the subsection and inserting the following: ''Notwithstanding any other provision of law, any assessments collected by the Director pursuant to this section shall be deposited in the Fund in an account for the Director. Any amounts in the Fund are hereby made available, without fiscal year limitation, to the Director (to the extent of amounts in the Director's account) for carrying out the supervisory and regulatory responsibilities of the Director with respect to the enterprises, including any necessary administrative and nonadministrative expenses of the Director in carrying out the purposes of this title, the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), and the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).''; and

(5) in subsection (g), by striking paragraphs (1) and (2) and inserting the following:

''(1) FINANCIAL OPERATING PLANS AND FORECASTS.—Before the beginning of each fiscal year, the Director shall submit a copy of the financial operating plans and forecasts for the Office to the Director of the Office of Management and Budget.

''(2) REPORTS OF OPERATIONS.—As soon as practicable after the end of each fiscal year and each quarter thereof, the Director shall submit a copy of the report of the results of the operations of the Office during such period to the Director of the Office of Management and Budget.''.

SEC. 106. INDEPENDENCE OF DIRECTOR IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.

Section 111 of Public Law 93–495 (12 U.S.C. 250) is amended by inserting ''the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury,'' after ''the Federal Housing Finance Board,''.

SEC. 107. NONMORTGAGE-RELATED INVESTMENTS.

Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

''Subtitle B—Required Capital Levels for Enterprises, Special Enforcement Powers, and Nonmortgage-Related Assets'';

and

(2) by adding at the end the following:

''SEC. 1369E. NONMORTGAGE-RELATED ASSETS.

''(a) IN GENERAL.—

''(1) LIQUIDITY PORTFOLIO.—On a quarterly basis, the Director shall review and provide written comment to each enterprise on the nonmortgage-related assets held by each enterprise in the liquidity portfolio of such enterprise. The Director shall define the term 'nonmortgage-related asset' for purposes of this section.

''(2) ASSETS OUTSIDE OF LIQUIDITY PORTFOLIO.—The Director may review and provide written comment to each enterprise on the quality and appropriateness of nonmortgage-related assets held by an enterprise outside of the liquid portfolio of such enterprise.

''(b) REPORT.—On a biennial basis, the Director shall submit a report to Congress containing information on—

''(1) any written comments provided to the enterprises under subsection (a)(1) or (2); and

''(2) whether or not each enterprise is in compliance with the Sound Practices for Managing Liquidity in Banking Organisations established by the Basel Committee, or any successor thereto.''.

SEC. 108. REPORTS.

Sections 1327 and 1328 of the Housing and Community Development Act of 1992 (12 U.S.C. 4547, 4548) are amended by striking ''Secretary'' each place it appears and inserting ''Director''.

SEC. 109. REVIEWS OF ENTERPRISES.

Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended—

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

''SEC. 1319. REVIEW OF ENTERPRISES.'';

(2) by inserting after ''any entity'' the following: ''that the Director considers appropriate, including an entity'';

(3) by inserting ''(a) AUTHORITY TO PROVIDE FOR REVIEWS.—'' before ''The''; and

(4) by adding at the end the following new subsection:

''(b) BIENNIAL DETERMINATION OF CREDIT RATING.—

''(1) IN GENERAL.—On a biennial basis, the Director shall provide for 2 entities recognized by the Division of Market Regulation of the Securities and Exchange Commission as nationally recognized statistical rating organizations, each to conduct an assessment of the financial condition of each enterprise for the purpose of determining the level of risk that the enterprise will be unable to meet its obligations, taking into consideration the legal status evidenced by the statements required under—

''(A) the penultimate sentence of section 304(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(b));

''(B) the last sentence of section 304(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(d));

''(C) the penultimate sentence of section 304(e) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(e)); and

''(D) section 306(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(h)(2)).

''(2) CREDIT RATING.—The assessment under paragraph (1) shall include—

''(A) assigning a credit rating for each enterprise, using a scale similar to that used by such organization with respect to obligations of other financial institutions; and

''(B) the report regarding such assessment and the rating in the report of the Director under section 1319B(a).''.

SEC. 110. RISK-BASED CAPITAL TEST FOR ENTERPRISES.

Section 1361 of the Housing and Community Development Act of 1992 (12 U.S.C. 4611) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

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

''(d) PERIODIC REVIEW OF RISK-BASED CAPITAL TEST.—

''(1) IN GENERAL.—Not later than 5 years after the date of enactment of the Federal Housing Enterprise Oversight Modernization Act of 2003, and once every 5 years thereafter, the Director shall conduct a review of the risk-based capital test adopted in accordance with this subtitle and submit a report to Congress on the findings of such review, the appropriateness of the risk-based capital test, and any legislative recommendations that would, as necessary—

''(A) better align capital with risk; and

''(B) reflect evolving best practices for risk-based capital standards for large, complex financial institutions.''

''(2) SAVINGS PROVISION.—Notwithstanding paragraph (1), the Director shall retain all authority under this section to modify the current risk-based capital rule as the Director determines.

''(e) REVIEW OF RISK-BASED CAPITAL LEVEL.—Notwithstanding any other provision of law, if the Director determines that

the risk-based capital level of an enterprise is inadequate, the Director may make such adjustments to the risk-based capital level of that enterprise as the Director determines necessary to ensure the safe and sound financial operation of that enterprise.''.

SEC. 111. MINIMUM AND CRITICAL CAPITAL LEVELS.

Section 1362(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4612) is amended to read as follows:

''(b) AUTHORITY TO ISSUE REGULATIONS.—The Director shall issue such regulations as the Director determines necessary to ensure that the enterprises comply with the requirements of subsection (a).''.

SEC. 112. REQUIRED DISCLOSURES.

(a) FANNIE MAE AND FREDDIE MAC.—Part 1 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 1319I. REGISTRATION OF STOCK AND PUBLIC DISCLOSURES.

''(a) REGISTRATION OF STOCK UNDER THE SECURITIES EXCHANGE ACT.—

''(1) IN GENERAL.—Notwithstanding its status as an exempted security for purposes of the Securities Exchange Act of 1934 pursuant to section 311 of the Federal National Mortgage Association Charter Act and section 306 of the Federal Home Loan Mortgage Corporation Act, as applicable, the common stock of each enterprise shall be subject to—

''(A) section 12(g) of the Securities Exchange Act of 1934; and

''(B) sections 14 and 16 of that Act.

''(2) REVIEW.—All reports, statements, and forms filed with the Securities and Exchange Commission under this subsection shall be reviewed and commented upon by the Commission to the same extent and with the same frequency as comparable reports and materials filed by other issuers.

''(b) CREDIT RATING.—An enterprise shall annually disclose to the public the credit rating of such enterprise.

''(c) MORTGAGE PORTFOLIO.—An enterprise shall disclose to the public, on a monthly basis, the effect on its mortgage portfolio of—

''(1) a 50 basis point change in interest rates; and

(2) a 25 basis point change in the slope of the yield curve.

''(d) CREDIT RISK DISCLOSURES.—An enterprise shall disclose to the public, on a quarterly basis, the financial impact on the enterprise of an immediate 5 percent decline in the average price of single-family housing within the United States.''.

(b) FEDERAL HOME LOAN BANKS.—Section 6 of the Federal Home Loan Bank Act (12 U.S.C. 1426) is amended by adding at the end the following:

''(i) REGISTRATION AND REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Class A stock and Class B stock issued by each Federal home loan bank shall be subject to—

''(A) section 12(g) of the Securities Exchange Act of 1934; and

''(B) sections 14 and 16 of that Act.

''(2) REVIEW.—All reports, statements, and forms filed with the Securities and Exchange Commission under this subsection shall be reviewed and commented upon by the Commission to the same extent and with the same frequency as comparable reports and materials filed by other issuers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, or such later date as determined by the Securities and Exchange Commission.

SEC. 113. FEDERAL HOUSING FINANCE BOARD.

(a) APPOINTMENT OF SECRETARY OF THE TREASURY TO FHFB.—Section 2(11) of the Federal Home Loan Bank Act (12 U.S.C. 1422(11)) is amended by striking ''Secretary of Housing and Urban Development'' and inserting ''Secretary of the Treasury''.

(b) STUDY OF MERGER OF FHFB WITH OFHES.—

(1) IN GENERAL.—The Secretary of the Treasury, after consultation with the Secretary of Housing and Urban Development, shall study and report on any recommendations regarding the consolidation of the responsibilities of the Federal Housing Finance Board, including oversight of the Federal home loan banks, and the Office of Federal Housing Enterprise Supervision of the Department of the Treasury.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to Congress on—

(A) the results of the study conducted under subsection (a); and

(B) any recommendations regarding legislative or administrative changes.

SEC. 114. DEFINITIONS.

Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in each of paragraphs (5) and (14), by striking ''Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place that term appears and inserting ''Federal Housing Enterprise Supervision of the Department of the Treasury'';

(2) in paragraphs (8), (9), (10), and (19), by inserting ''of Housing and Urban Development'' after ''Secretary'' each place that term appears;

(3) by striking paragraph (15);

(4) by redesignating paragraphs (7) through (14) (as amended by this Act) as paragraphs (8) through (15), respectively; and

(5) by inserting after paragraph (6) the following:

''(7) ENTERPRISE-AFFILIATED PARTY.—The term 'enterprise-affiliated party' means—

''(A) any director, officer, employee, or controlling stockholder of, or agent for, an enterprise;

''(B) any shareholder, consultant, joint venture partner, and any other person, as determined by the Director (by regulation or case-by-case), who participates in the conduct of the affairs of an enterprise; and

''(C) any independent contractor (including any attorney, appraiser, or accountant), to the extent that such person knowingly or recklessly participates in—

''(i) any violation of any law or regulation;

''(ii) any breach of fiduciary duty; or

''(iii) any unsafe or unsound practice,

which caused or is likely to cause more than a minimal financial loss to, or a significant adverse effect on, the enterprise.''.

Subtitle B—Prompt Corrective Action

SEC. 131. CAPITAL CLASSIFICATIONS.

Section 1364 of the Housing and Community Development Act of 1992 (12 U.S.C. 4614) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) DISCRETIONARY CLASSIFICATION.—

''(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify an enterprise under paragraph (2), if—

''(A) at any time, the Director determines in writing that an enterprise is engaging in conduct that could result in a rapid depletion of core capital or that the value of the property subject to mortgages held or securitized by the enterprise has decreased significantly;

''(B) after notice and an opportunity for hearing, the Director determines that an enterprise is in an unsafe or unsound condition; or

''(C) pursuant to section 1371(b), the Director deems an enterprise to be engaging in an unsafe or unsound practice.

''(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of an enterprise for any reason not specified in this subsection, if the Director takes any action described in paragraph (1) the Director may classify an enterprise—

''(A) as undercapitalized, if the enterprise is otherwise classified as adequately capitalized;

''(B) as significantly undercapitalized, if the enterprise is otherwise classified as undercapitalized; and

''(C) as critically undercapitalized, if the enterprise is otherwise classified as significantly undercapitalized.'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

''(1) IN GENERAL.—An enterprise shall make no capital distribution if, after making the distribution, the enterprise would be undercapitalized.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit an enterprise to repurchase, redeem, retire, or otherwise acquire shares or ownership interests, if the repurchase, redemption, retirement, or other acquisition—

''(A) is made in connection with the issuance of additional shares or obligations of the enterprise in at least an equivalent amount; and

''(B) will reduce the financial obligations of the enterprise or otherwise improve the financial condition of the enterprise.''.

SEC. 132. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED ENTERPRISES.

(a) EFFECTIVE DATE FOR SUPERVISORY ACTIONS.—Regulations issued by the Director of the Office of Federal Housing Enterprise Supervision under section 1361(e) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by section 161(a)(5)(A) of this Act, shall become effective not earlier than 6 months after the date of enactment of this Act.

(b) SUPERVISORY ACTIONS.—Section 1365 of the Housing and Community Development Act of 1992 (12 U.S.C. 4615) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2) the following:

''(1) REQUIRED MONITORING.—The Director shall—

''(A) closely monitor the condition of any undercapitalized enterprise;

''(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed under this section; and

''(C) periodically review the plan, restrictions, and requirements applicable to the undercapitalized enterprise to determine whether the plan, restrictions, and requirements are achieving the purpose of this section.''; and

(C) by adding at the end the following:

''(4) RESTRICTION OF ASSET GROWTH.—An undercapitalized enterprise shall not permit its average total assets during any calendar quarter to exceed its average total assets during the preceding calendar quarter, unless—

''(A) the Board has accepted the capital restoration plan of the enterprise;

''(B) any increase in total assets is consistent with the plan; and

''(C) the ratio of tangible equity to assets of the enterprise increases during the calendar quarter at a rate sufficient to enable the enterprise to become adequately capitalized within a reasonable time.

''(5) PRIOR APPROVAL OF ACQUISITIONS AND ISSUANCE OF NEW PRODUCTS.—An undercapitalized enterprise shall not, directly or indirectly, acquire any interest in any entity or issue a new product, unless—

''(A) the Director has accepted the capital restoration plan of the enterprise, the enterprise is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

''(B) the Director determines that the proposed action will further the purpose of this section.'';

(2) in the subsection heading for subsection (b), by striking ''FROM UNDERCAPITALIZED TO SIGNIFICANTLY UNDERCAPITALIZED'';

(3) by redesignating subsection (c) (as amended by subsection (a) of this section) as subsection (d); and

(4) by inserting after subsection (b) the following:

''(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to an undercapitalized enterprise, any of the actions authorized to be taken under section 1366 with respect to a significantly undercapitalized enterprise, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.''.

SEC. 133. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED ENTERPRISES.

Section 1366 of the Housing and Community Development Act of 1992 (12 U.S.C. 4616) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking ''DISCRETIONARY SUPERVISORY ACTIONS'' and inserting ''SPECIFIC ACTIONS'';

(B) in the matter preceding paragraph (1), by striking ''may, at any time, take any'' and inserting ''shall carry out this section by taking, at any time, 1 or more'';

(C) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

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

''(5) IMPROVEMENT OF MANAGEMENT.—

''(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the enterprise.

''(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the enterprise to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the date on which the enterprise became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the Director's enforcement powers under section 1377.

''(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the enterprise to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director).''; and

(E) by adding at the end the following:

''(8) OTHER ACTION.—Require the enterprise to take any other action that the Director determines will better carry out the purpose of this section than any of the other actions specified in this paragraph.'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—An enterprise that is classified as significantly undercapitalized may not, without prior written approval by the Director—

''(A) pay any bonus to any executive officer; or

''(B) provide compensation to any executive officer at a rate exceeding the average rate of compensation of that officer (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the enterprise became classified as significantly undercapitalized.''.

Subtitle C—Enforcement Actions

SEC. 151. CEASE-AND-DESIST PROCEEDINGS.

Section 1371 of the Housing and Community Development Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS OF RULES OR LAWS.—

''(1) IN GENERAL.—The Director may issue and serve upon the enterprise or an enterprise-affiliated party a notice of charges under this section if—

''(A) in the opinion of the Director, an enterprise or any enterprise-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the enterprise or any enterprise-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the enterprise or is violating or has violated; or

''(B) the Director has reasonable cause to believe that the enterprise or any enterprise-affiliated party is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the enterprise or any written agreement entered into with the Director.

''(2) LIMITATIONS.—The Director may not enforce compliance with—

''(A) any housing goal established under subpart B of part 2 of subtitle A;

''(B) section 1336 or 1337;

''(C) subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)); or

''(D) subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)).

''(b) ISSUANCE FOR UNSATISFACTORY RATING.—If an enterprise receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the enterprise to be engaging in an unsafe or unsound practice for purposes of this subsection.''; and

(2) in subsection (c)(2), by striking ''or director'' and inserting ''director, or enterprise-affiliated party''.

SEC. 152. TEMPORARY CEASE-AND-DESIST PROCEEDINGS.

Section 1372 of the Housing and Community Development Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GROUNDS FOR ISSUANCE.—

''(1) IN GENERAL.—The Director may issue a temporary order under paragraph (2) if the Director determines that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the enterprise or any enterprise-affiliated party under section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the enterprise, or is likely to weaken the condition of the enterprise prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373.

''(2) CONTENTS OF ORDER.—Upon making a determination under paragraph (1), the Director may issue a temporary order requiring the enterprise or such party to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order may include any requirement authorized under section 1371(d).'';

(2) in subsection (b), by striking ''or director'' and inserting ''director, or enterprise-affiliated party'';

(3) in subsection (d), striking ''or director'' and inserting ''director, or enterprise-affiliated party''; and

(4) by striking subsection (e) and in inserting the following:

''(e) ENFORCEMENT.—

''(1) IN GENERAL.—In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order issued under this section, the Director may apply to the United States District Court for the District of Columbia or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for an injunction to enforce such order.

''(2) ISSUANCE OF INJUNCTION.—If the court determines that there has been a violation or threatened violation or failure to obey a temporary cease-and-desist order under paragraph (1), the court shall issue an injunction against the enterprise to enforce such order.''.

SEC. 153. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act (12 U.S.C. 4501 et seq.) is amended—

(1) by redesignating sections 1377 through 1379B (12 U.S.C. 4637–41) as sections 1379 through 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following:

''SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

''(a) AUTHORITY TO ISSUE ORDER.—

''(1) IN GENERAL.—The Director may serve upon an enterprise-affiliated party a written notice of the Director's intention to remove such party from office or to prohibit any further participation by such party, in any manner, in the conduct of the affairs of any enterprise in any case to which paragraph (2) applies.

''(2) CRITERIA.—The Director may serve written notice under paragraph (1) whenever the Director determines that—

''(A) any enterprise-affiliated party has, directly or indirectly—

''(i) violated—

''(I) any law or regulation;

''(II) any cease-and-desist order which has become final;

''(III) any condition imposed in writing by the Director in connection with the grant of any application or other request by such enterprise; or

''(IV) any written agreement between such enterprise and the Director;

''(ii) engaged or participated in any unsafe or unsound practice in connection with any enterprise; or

''(iii) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

''(B) by reason of the violation, practice, or breach described in any subparagraph of paragraph (1)—

''(i) such enterprise has suffered or will probably suffer financial loss or other damage; or

''(ii) such party has received financial gain or other benefit by reason of such violation, practice, or breach; and

''(C) such violation, practice, or breach—

''(i) involves personal dishonesty on the part of such party; or

''(ii) demonstrates willful or continuing disregard by such party for the safety or soundness of such enterprise.

''(b) SUSPENSION ORDER.—

''(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) to any enterprise-affiliated party of the Director's intention to issue an order, the Director may suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the enterprise, if the Director—

''(A) determines that such action is necessary for the protection of the enterprise; and

''(B) serves such party with written notice of the suspension order.

''(2) EFFECTIVE PERIOD.—Any suspension order issued under this section—

''(A) shall become effective upon service; and

''(B) unless a court issues a stay of such order under subsection (g), shall remain in effect and enforceable until—

''(i) the date on which the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

''(ii) the effective date of an order issued by the Director to such party under subsection (a).

''(3) COPY OF ORDER.—If the Director issues a suspension order under this section to any enterprise-affiliated party, the Director shall serve a copy of such order on any enterprise with which such party is affiliated at the time such order is issued.

''(c) NOTICE, HEARING, AND ORDER.—

''(1) IN GENERAL.—A notice of intention to remove an enterprise-affiliated party from office or to prohibit such party from participating in the conduct of the affairs of an enterprise shall—

''(A) contain a statement of the facts constituting grounds for such action; and

''(B) fix a time and place at which a hearing will be held on such action.

''(2) HEARING.—The Director shall hold the hearing not earlier than 30 days nor later than 60 days after the date of service of notice under paragraph (1), unless an earlier or a later date is set by the Director at the request of—

''(A) the enterprise-affiliated party, and for good cause shown; or

''(B) the Attorney General of the United States.

''(3) REMOVAL OR PROHIBITION.—

''(A) IN GENERAL.—The Director may issue such orders of suspension or removal from office, or prohibition from participation in the conduct of the affairs of the enterprise, if—

''(i) the enterprise-affiliated party named in the notice issued under paragraph (1) fails to appear at the hearing in person, or by a duly authorized representative; or

''(ii) the Director determines, based upon the record of the hearing, that any of the grounds for removal or prohibition specified in the notice issued under paragraph (1) have been established.

''(B) EFFECTIVE DATE OF ORDER.—Any order issued under subparagraph (A) shall become effective at 30 days after service of the order to the enterprise-affiliated party and the relevant enterprise, except in the case of an order issued upon consent, which shall become effective at the time specified therein.

''(C) TERM.—Any order issued under subparagraph (A) shall remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

''(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

''(1) participate in any manner in the conduct of the affairs of any enterprise;

''(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any enterprise;

''(3) violate any voting agreement previously approved by the Director; or

''(4) vote for a director, or serve or act as an enterprise-affiliated party.

''(e) INDUSTRY-WIDE PROHIBITION.—

''(1) IN GENERAL.—Except as provided in subparagraph (2), any person who, pursuant to an order issued under subsection (h), has been removed or suspended from office in an enterprise or prohibited from participating in the conduct of the affairs of an enterprise may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of any enterprise.

''(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date an order is issued under this section which removes or suspends from office any enterprise-affiliated party or prohibits such party from participating in the conduct of the affairs of an enterprise, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the enterprise described in the written consent. If the Director grants such a written consent, the Director shall publicly disclose such consent.

''(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

''(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business enterprise.

''(g) STAY OF SUSPENSION AND PROHIBITION OF ENTERPRISE-AFFILIATED PARTY.—Not later than 10 days after any enterprise-affiliated party has been suspended from office or prohibited from participation in the conduct of the affairs of an enterprise under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the enterprise is located, for a stay of such suspension or prohibition pending the completion of the administrative proceedings pursuant to the notice served upon such party under this section, and such court shall have jurisdiction to stay such suspension or prohibition.

''(h) SUSPENSION OR REMOVAL OF ENTERPRISE-AFFILIATED PARTY CHARGED WITH FELONY.—

''(1) SUSPENSION OR PROHIBITION.—

''(A) IN GENERAL.—Whenever any enterprise-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding 1 year under State or Federal law, the Director may, if continued service or participation by such party may pose a threat to the enterprise or impair public confidence in the enterprise, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any enterprise.

''(B) PROVISIONS APPLICABLE TO NOTICE.—

''(i) COPY.—A copy of any notice under subparagraph (A) shall also be served upon the relevant enterprise.

''(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in such subparagraph is finally disposed of or until terminated by the Director.

''(2) REMOVAL OR PROHIBITION.—

''(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against an enterprise-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the enterprise or impair public confidence in the enterprise, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the enterprise without the prior written consent of the Director.

''(B) PROVISIONS APPLICABLE TO ORDER.—

''(i) COPY.—A copy of any order under paragraph (2)(A) shall also be served upon the relevant enterprise, whereupon the enterprise-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such enterprise.

''(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove such party from office or to prohibit further participation in enterprise affairs under subsection (a), (d), or (e).

''(iii) EFFECTIVE PERIOD.—Any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4) unless terminated by the Director.

''(3) AUTHORITY OF REMAINING BOARD MEMBERS.—

''(A) IN GENERAL.—If at any time, because of the suspension of 1 or more directors pursuant to this section, there shall be on the board of directors of an enterprise less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors.

''(B) SUSPENSION OF ALL DIRECTORS.—In the event all of the directors of an enterprise are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended, cease to be directors of the enterprise and their respective successors take office.

''(4) HEARING REGARDING CONTINUED PARTICIPATION.—

''(A) IN GENERAL.—Not later than 30 days after receipt of service of any notice of suspension or order of removal issued under paragraph (1) or (2), the enterprise-affiliated party may request in writing an opportunity to appear before the Director to show that the continued service to or participation in the conduct of the affairs of the enterprise by such party does not, or is not likely to, pose a threat to the interests of the enterprise or threaten to impair public confidence in the enterprise.

''(B) TIMING.—Upon receipt of a request for a hearing under subparagraph (A), the Director shall fix a time (not more than 30 days after receipt of such request, unless extended at the request of such party) and place at which such party may appear, personally or through counsel, before the Director or 1 or more designated employees of the Director,

to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument.

''(C) NOTIFICATION OF DETERMINATION.—Not later than 60 days after the hearing under this paragraph, the Director shall notify the enterprise-affiliated party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the enterprise will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the enterprise will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for the Director's decision, if adverse to such party.

''(D) RULES.—The Director is authorized to prescribe such rules as may be necessary to carry out the purposes of this subsection.

''(i) HEARINGS AND JUDICIAL REVIEW.—

''(1) VENUE AND PROCEDURE.—

''(A) IN GENERAL.—Any hearing provided for in this section shall be held in the District of Columbia or in the Federal judicial district in which the headquarters of the enterprise is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5, United States Code.

''(B) ISSUANCE OF DECISION.—After a hearing under subparagraph (A), and within 90 days after the Director has notified the parties that the case has been submitted to the court for final decision, the court shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection.

''(C) MODIFICATION.—Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2), and thereafter until the record in the proceeding has been filed as so provided, the Director may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Director may modify, terminate, or set aside any such order with permission of the court.

''(2) REVIEW OF ORDER.—

''(A) IN GENERAL.—Any party to any proceeding under paragraph (1) may obtain a review of any order served pursuant to paragraph (1) (other than an order issued with the consent of the enterprise or the enterprise-affiliated party concerned, or an order issued under subsection (h) of this section) by filing in the United States Court of Appeals for the District of Columbia Circuit or court of appeals of the United States for the circuit in which the headquarters of the enterprise is located, within 30 days after the date of service of such order, a written petition praying that the order of the Director be modified, terminated, or set aside.

''(B) FILING OF RECORD.—A copy of a petition filed under subparagraph (A) shall be transmitted by the clerk of the court to the Director, and thereupon the Director shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

''(C) JURISDICTION.—Upon the filing of a petition under subparagraph (A), the court in which it is filed shall have jurisdiction, which upon the filing of the record shall (except as provided in the last sentence of paragraph (1)) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Director.

''(D) REVIEW.—Review of the petition by the court shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

''(3) PROCEEDINGS NOT TREATED AS STAY.—The commencement of proceedings for judicial review under paragraph (2) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Director.''.

(b) CONFORMING AMENDMENTS.—

(1) 1992 ACT.—Section 1317(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4517(f)) is amended by striking ''section 1379B'' and inserting ''section 1379D''.

(2) FANNIE MAE CHARTER ACT.—The second sentence of subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended by striking ''The'' and inserting ''Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the''.

(3) FREDDIE MAC ACT.—The second sentence of subparagraph (A) of section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended by striking ''The'' and inserting ''Except to the extent action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the''.

SEC. 154. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Housing and Community Development Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.''; and

(2) in subsection (b), by striking ''or 1376'' and inserting ''1376, or 1377''.

SEC. 155. CIVIL MONEY PENALTIES.

Section 1376 of the Housing and Community Development Act of 1992 (12 U.S.C. 4636) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''or any executive officer or'' and inserting ''any executive officer of an enterprise, any enterprise-affiliated party, or any'';

(2) by striking subsection (b) and inserting the following:

''(b) AMOUNT OF PENALTY.—

''(1) FIRST TIER.—Any enterprise which, or any enterprise-affiliated party who—

''(A) violates any provision of this title, the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.), or any order, condition, rule, or regulation under any such title or Act, except that the Director may not enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), or with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f));

''(B) violates any final or temporary order or notice issued pursuant to this title;

''(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such enterprise;

''(D) violates any written agreement between the enterprise and the Director; or

''(E) engages in any conduct the Director determines to be an unsafe or unsound practice,

shall forfeit and pay a civil penalty of not more than $10,000 for each day during which such violation continues.

''(2) SECOND TIER.—Notwithstanding paragraph (1)—

''(A) if an enterprise, or an enterprise-affiliated party—

''(i) commits any violation described in any subparagraph of paragraph (1);

''(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of such enterprise; or

''(iii) breaches any fiduciary duty; and

''(B) the violation, practice, or breach—

''(i) is part of a pattern of misconduct;

''(ii) causes or is likely to cause more than a minimal loss to such enterprise; or

''(iii) results in pecuniary gain or other benefit to such party,

the enterprise or enterprise-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which such violation, practice, or breach continues.

''(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any enterprise which, or any enterprise-affiliated party who—

''(A) knowingly—

''(i) commits any violation described in any subparagraph of paragraph (1);

''(ii) engages in any unsafe or unsound practice in conducting the affairs of such enterprise; or

''(iii) breaches any fiduciary duty; and

''(B) knowingly or recklessly causes a substantial loss to such enterprise or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach,

shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.

''(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in such paragraph is—

''(A) in the case of any person other than an enterprise, an amount not to exceed $2,000,000; and

''(B) in the case of any enterprise, $2,000,000.''; and

(3) in subsection (d)—

(A) by striking ''or director'' each place such term appears and inserting ''director, or enterprise-affiliated party'';

(B) by striking ''request the Attorney General of the United States to'';

(C) by inserting '', or the United States district court within the jurisdiction of which the headquarters of the enterprise is located,'' after ''District of Columbia''; and

(D) by striking '', or may, under the direction and control of the Attorney General, bring such an action''.

SEC. 156. CRIMINAL PENALTY.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377 (as added by this Act) the following:

''SEC. 1378. CRIMINAL PENALTY.

''Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly

participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any enterprise shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.''.

Subtitle D—General Provisions

SEC. 161. CONFORMING AND TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO 1992 ACT.—Title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.), as amended this Act, is amended—

(1) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''OFFICE PERSONNEL'' and inserting ''IN GENERAL''; and

(ii) by striking ''The'' and inserting ''Subject to title II of the Federal Housing Enterprise Oversight Modernization Act of 2003, the'';

(B) in subsection (d)—

(i) in the subsection heading, by striking ''HUD'' and inserting ''DEPARTMENT OF THE TREASURY''; and

(ii) by striking ''Housing and Urban Development'' and inserting ''the Department of the Treasury''; and

(C) by striking subsection (f);

(2) in section 1319A (12 U.S.C. 4520)—

(A) by striking ''(a) IN GENERAL.—''; and

(B) by striking subsection (b);

(3) in section 1319F (12 U.S.C. 4525), by striking paragraph (2);

(4) in the section heading for section 1328, by striking ''secretary'' and inserting ''director'';

(5) in section 1361 (12 U.S.C. 4611)—

(A) in subsection (e)(1), by striking the first sentence and inserting the following: ''The Director shall establish the risk-based capital test under this section by regulation.''; and

(B) in subsection (f), by striking ''the Secretary,'';

(6) in section 1364(c) (12 U.S.C. 4614(c)), by striking the last sentence;

(7) in section 1367(a)(2) (12 U.S.C. 4617(a)(2)), by striking ''with the written concurrence of the Secretary of the Treasury,'';

(8) by striking section 1383;

(9) by striking ''Committee on Banking, Finance and Urban Affairs'' and inserting ''Committee on Financial Services'' each place such term appears in sections 1319B, 1319G(c), 1328(a), 1336(b)(3)(C), 1337, and 1369(a)(3); and

(10) by striking ''Secretary'' and inserting ''Director'' each place such term appears in—

(A) subpart A of part 2 of subtitle A (except in sections 1322, 1324, and 1325); and

(B) subtitle B (except in section 1361(d)(1) and 1369E).

(b) AMENDMENTS TO TABLE OF CONTENTS OF 1992 ACT.—Section 1(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 81 note) is amended—

(1) by striking the matter relating to section 1311 and inserting the following:

''Sec. 1311. Establishment of Office of Federal Housing Enterprise Supervision.'';

(2) by striking the matter relating to section 1313 and inserting the following:

''Sec. 1313. Duties and authorities of director.'';

(3) by inserting after the matter relating to section 1319G the following:

''Sec. 1319H. Prior approval authority for new programs.

''Sec. 1319I. Registration of stock and public disclosures.'';

(4) by striking the matter relating to section 1319 and inserting the following:

''Sec. 1319. Review of enterprises.'';

(5) by striking the matter relating to section 1328 and inserting the following:

''Sec. 1328. Reports by Director.'';

(6) by striking the heading relating to subtitle B of title XIII and inserting the following:

Subtitle B—Required Capital Levels for Enterprises, Special Enforcement Powers, and Nonmortgage-Related Assets'';

(7) by inserting after the matter relating to section 1369D the following:

''Sec. 1369E. Nonmortgage-related assets.'';

(8) by redesignating the matter relating to sections 1377 through 1379B as sections 1379 through 1379D, respectively; and

(9) by inserting after the matter relating to section 1376 the following:

''Sec. 1377. Removal and prohibition authority.

''Sec. 1378. Criminal penalty.''.

(c) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place such term appears, and inserting ''Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury'', in—

(A) section 303(c)(2) (12 U.S.C. 1718(c)(2));

(B) section 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)); and

(C) section 309(k)(1); and

(2) in section 309(n)—

(A) in paragraph (1), by inserting ''the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury,'' after ''Senate,''; and

(B) in paragraph (3)(B), by striking ''Secretary'' and inserting ''Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury''.

(e) AMENDMENTS TO FREDDIE MAC ACT.—The Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.) is amended—

(1) by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place such term appears, and inserting ''Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury'', in—

(A) section 303(b)(2) (12 U.S.C. 1452(b)(2));

(B) section 303(h)(2) (12 U.S.C. 1452(h)(2)); and

(C) section 307(c)(1) (12 U.S.C. 1456(c)(1));

(2) in section 306(i) (12 U.S.C. 1455(i))—

(A) by striking ''section 1316(c)'' and inserting ''section 306(c)''; and

(B) by striking ''section 106'' and inserting ''section 1316''; and

(3) in section 307 (12 U.S.C. 1456)—

(A) in subsection (f)—

(i) in paragraph (1), by inserting ''the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury,'' after ''Senate,''; and

(ii) in paragraph (3)(B), by striking ''Secretary'' and inserting ''Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury''.

(f) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking ''Office of Federal Housing Enterprise Oversight'' and inserting ''Office of Federal Housing Enterprise Supervision of the Department of the Treasury''.

(g) AMENDMENTS TO FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury''.

(h) AMENDMENT TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(i) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

''Director of the Office of Federal Housing Enterprise Supervision, Department of the Treasury.''.

SEC. 162. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 1-year period beginning on the date of enactment of this Act.

TITLE II—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY

SEC. 201. ABOLISHMENT OF OFHEO.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight shall, solely for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight—

(1) manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of any transfer of such employee pursuant to section 203; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) STATUS OF EMPLOYEES AS FEDERAL AGENCY EMPLOYEES.—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as employees of an agency of the United States for purposes of any other provision of law during any time such employee is so employed.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury may use the property of the Office of Federal Housing Enterprise Oversight to perform functions that have been transferred to the Director of the Office of Federal Housing Enterprise Supervision for such time as is reasonable to facilitate the orderly transfer of functions under any other provision of this Act, or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that

are transferred to the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under or pursuant to the title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.), the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.), or any other provision of law applicable with respect to such Office; and

(B) existed on the day before the abolishment under subsection (a) of this section.

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight shall abate by reason of the enactment of this Act, except that the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 202. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

All regulations, orders, determinations, and resolutions that—

(1) were issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight;

(B) the Secretary of Housing and Urban Development and that relate to the Secretary's authority under—

(i) title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.);

(ii) the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.), with respect to the Federal National Mortgage Association; or

(iii) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.); or

(C) a court of competent jurisdiction and that relate to functions transferred by this Act; and

(2) are in effect on the date of the abolishment under section 201(a) of this Act,

shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury until modified, terminated, set aside, or superseded in accordance with applicable law by such Board, any court of competent jurisdiction, or operation of law.

SEC. 203. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) AUTHORITY TO TRANSFER.—The Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury may transfer employees of the Office of Federal Housing Enterprise Oversight to the Office of Federal Housing Enterprise Supervision for employment no later than the date of the abolishment under section 201(a) of this Act, as the Director considers appropriate. This Act and the amendments made by this Act shall not be considered to result in the transfer of any function from one agency to another or the replacement of 1 agency by another, for purposes of section 3505 of title 5, United States Code, except to the extent that the Director of the Office of Federal Housing Enterprise Supervision specifically provides so.

(b) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) DECLINE OF TRANSFER.—The Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(c) REORGANIZATION.—If the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury determines, after the end of the 1-year period beginning on the date of the abolishment under section 201(a), that a reorganization of the combined work force is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(d) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury as a result of a transfer under subsection (a) may retain for 18 months after the date such transfer occurs membership in any employee benefit program of the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury or the Office of Federal Housing Enterprise Oversight, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 201(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Office of Federal Housing Enterprise Supervision.

(2) PAYMENT OF DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by such agency and those provided by this section shall be paid by the Director of the Office of Federal Housing Enterprise Supervision. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

SEC. 204. TRANSFER OF PROPERTY AND FACILITIES.

Upon the abolishment under section 201(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Director of the Office of Federal Housing Enterprise Supervision of the Department of the Treasury.

By Mr. DASCHLE (for Mr. GRAHAM of Florida):

S. 1658. A bill to make residents of Puerto Rico eligible for the earned income tax credit, the refundable portion of the child tax credit, and supplemental security income benefits; to the Committee on Finance.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

Mr. GRAHAM. Mr. President, the Commonwealth of Puerto Rico has been a territory of the United States since 1898. Since 1917, people born in Puerto Rico have been citizens of the United States under Federal laws applicable in the territory.

One of the interesting, and most misunderstood, aspects of Puerto Rico's unique relationship with the United States, is that the U.S. citizens who reside there are not required to file tax returns and pay income tax on the money they earn on the island. That might lead one to conclude that this is a huge benefit to the majority of people who live on the island. The reality, however, is that well over half—and perhaps as much as three-quarters—of Puerto Rican families would likely owe no U.S. income tax if they were taxed in the same manner as other citizens.

Why? Because Puerto Rico struggles with a high rate of poverty. Fifty-eight percent of Puerto Rican children live below the national poverty level—which is an improvement from 67 percent in the early 1990s. That means that today more than one-half of Puerto Rican children live in a family that earns less than $17,000 a year. In contrast, the State with the highest child poverty rate, Mississippi, has a child poverty rate of 27 percent.

For over 30 years, U.S. policy toward improving the economic situation on the island has focused on corporate tax incentives. Today, I am introducing legislation that focuses on providing direct stimulus to the part of economy in Puerto Rico that has been neglected—Puerto Rican families and children. Putting money into the hands of the people who will spend it will provide the most direct stimulus for the economy of the island.

This bill puts Puerto Rican families on par with other families in America by extending to them the benefits of our social safety net. Specifically, the bill makes residents of Puerto Rico eligible for the earned income tax credit, the refundable per child tax credit, and the Supplemental Security Income program.

Although Puerto Rican families are not subject to the Federal income tax, they do pay Federal payroll taxes. Just like other working families in America that work hard and play by the rules, low-income employees in Puerto Rico deserve relief from those payroll taxes. The earned income tax credit and the refundable portion of the child tax credit have long been recognized as an effective way to provide such relief. The Puerto Rico Economic Stimulus Act says that families in Puerto Rico should also be able to claim these credits, in the same way, and subject to the

same limitations, as families in Florida, Tennessee, Texas, or New York.

Workers in Puerto Rico pay payroll taxes like all other Americans. While some may disagree with the notion of providing refundable credits to offset payroll taxes that is a different debate than whether low-income families in Puerto Rico should be treated the same as low-income families in the 50 States. This is a matter of equity, not tax policy.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1658

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 ''Puerto Rico Economic Stimulus Act of 2003''.

SEC. 2. PUERTO RICO RESIDENTS ELIGIBLE FOR EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income) is amended by inserting at the end the following new subsection:

''(n) RESIDENTS OF PUERTO RICO.—

''(1) IN GENERAL.—In the case of residents of Puerto Rico, this section shall be applied—

''(A) by substituting 'United States or Puerto Rico' for 'United States' in subsections (c)(1)(A)(ii)(I) and (c)(3)(E),

''(B) by substituting 'nonresident alien individual (other than a resident of Puerto Rico)' for 'nonresident alien individual' in subsection (c)(1)(E), and

''(C) by substituting 'gross income (computed without regard to section 933)' for 'gross income' in subsections (a)(2)(B) and (c)(2)(A)(i).

''(2) PHASE-IN OF CREDIT.—

''(A) IN GENERAL.—The credit allowable under this section by reason of this subsection shall not exceed the applicable percentage of the amount of credit which would otherwise be allowable under this section (without regard to this paragraph).

''(B) APPLICABLE PERCENTAGE.—The applicable percentage shall be determined as follows:

''In the case of any taxable year beginning in—	The applicable percentage is—
2004	10
2005	20
2006	30
2007	40
2008	50
2009	60
2010	70
2011	80
2012	90
2013 and thereafter	100.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 3. REFUNDABLE CHILD TAX CREDIT ALLOWABLE TO RESIDENTS OF PUERTO RICO WITH LESS THAN 3 CHILDREN.

(a) IN GENERAL.—Paragraph (1) of section 24(d) of the Internal Revenue Code of 1986 (relating to portion of credit refundable) is amended by inserting at the end the following new sentence: ''For purposes of this paragraph, taxable income shall be computed without regard to section 933.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

(c) APPLICABILITY.—

(1) IN GENERAL.—Any credit allowable by reason of the amendment made by subsection (a) shall not exceed the applicable percentage of the amount of credit which would otherwise be allowable under section 24(d)(1) (without regard to this subsection).

(2) APPLICABLE PERCENTAGE.—The applicable percentage shall be determined as follows:

In the case of any taxable year beginning in—	The applicable percentage is—
2004	10
2005	20
2006	30
2007	40
2008	50
2009	60
2010	70
2011	80
2012	90
2013 and thereafter	100.

SEC. 4. SSI TO APPLY TO RESIDENTS OF PUERTO RICO.

(a) IN GENERAL.—Section 1614(e) of the Social Security Act is amended by striking ''and the District of Columbia'' and inserting '', the District of Columbia, and the Commonwealth of Puerto Rico''.

(b) APPLICATION.—Section 1611 of the Social Security Act is amended by adding at the end the following:

''Limitation on Benefits for Residents of the Commonwealth of Puerto Rico

''(j) Notwithstanding any other provision of this title, in the case of an individual who is a resident of the Commonwealth of Puerto Rico who is eligible to receive a monthly benefit under this title, the monthly benefits payable under this title shall not exceed—

''(1) for each month occurring in 2004, 10 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

''(2) for each month occurring in 2005, 20 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

''(3) for each month occurring in 2006, 30 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

''(4) for each month occurring in 2007, 40 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

''(5) for each month occurring in 2008, 50 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

''(6) for each month occurring in 2009, 60 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

''(7) for each month occurring in 2010, 70 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title;

''(8) for each month occurring in 2011, 80 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title; and

''(9) for each month occurring in 2012, 90 percent of the monthly benefits that would, but for the application of this subsection, be paid to the individual under this title.''.

(c) TERMINATION OF OTHER PROGRAMS FOR RESIDENTS OF PUERTO RICO.—

(1) TITLE I.—Title I of the Social Security Act is amended by inserting at the end the following:

''TERMINATION FOR RESIDENTS OF PUERTO RICO

''SEC. 7. This title shall not apply to residents of the Commonwealth of Puerto Rico after 2012.''.

(2) TITLE X.—Title X of the Social Security Act is amended by inserting at the end the following:

''TERMINATION FOR RESIDENTS OF PUERTO RICO

''SEC. 1007. This title shall not apply to residents of the Commonwealth of Puerto Rico after 2012.''.

(3) TITLE XIV.—Title XIV of the Social Security Act is amended by inserting at the end the following:

''TERMINATION FOR RESIDENTS OF PUERTO RICO

''SEC. 1406. This title shall not apply to residents of the Commonwealth of Puerto Rico after 2012.''.

(4) TITLE XVI.—Title XVI of the Social Security Act, as applicable with respect to the Commonwealth of Puerto Rico before the date of the enactment of this Act, shall not apply after 2012.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to benefits payable in months beginning on or after January 1, 2004.

By Mr. CAMPBELL (for himself, Mr. DOMENICI, Mr. ALLARD, and Mr. REID):

S. 1660. A bill to improve water quality on abandoned and inactive mine land, and for other purposes; to the Committee on Environment and Public Works.

Mr. CAMPBELL. Mr. President, I rise today to introduce the Good Samaritan Abandoned and Inactive Mine Reclamation Act of 2003.

I have been involved with efforts to clean up abandoned hardrock mines for a long time. In fact, I was an original cosponsor of a bill in the 106th Congress. The Western Governors Association regarded that the bill as a first step in the right direction, and I am proud to build and improve upon that experience in crafting my own legislation.

Abandoned hardrock mines pose significant environmental and safety hazards to communities across the Western United States. In fact, the Western Governor's Association concluded that there are at least 400,000 such sites across the West, many of which cover our public lands.

The history of abandoned hardrock mines is linked to government policies promoting the westward expansion of our Nation, and Federal policies during times of war. Due to the historic nature of these sites, the party responsible for the environmental problem is not always identifiable or not economically viable to be compelled to clean up the site.

Abandoned mine lands (AMLs) are areas adjacent to or affected by abandoned mines. They often contain unmined mineral deposits, mine dumps, and tailings that contaminate the surrounding watershed and ecosystem. Streams near AML sites—including many in Colorado—may contain metals or be so acidic that fish and aquatic insects cannot live in them. Water too polluted for fish and insects is also water too polluted for people. Further, abandoned mine sites pose very real safety hazards for folks enjoying the West's wild lands.

Although abandoned hardrock mining in the West goes back a hundred years, the Clean Water Act has only been in existence for thirty. The Clean

Water Act was an important and historic piece of legislation that did a lot of good, but it failed to promote the reclamation of abandoned hardrock mine sites. In fact, if an environmental group or county or interested party wanted to clean an abandoned mine site, they would incur liability under the Act.

The Western Governors Association has repeatedly called on Congress to amend the Clean Water Act's National Pollutant Discharge Elimination System permit program. The WGA stated that the NPDES program ''has become an overwhelming disincentive for any voluntary cleanup efforts of AMLs because of the liability that can be inherited for any discharges from an abandoned mine site remaining after cleanup, even though the volunteering remediating party had no previous responsibility or liability for the site, and has reduced the water quality impacts from the site by completing a cleanup project.''

My bill recognizes that there are a lot of good, responsible folks across our Western communities who recognize the environmental harm that AMLs pose and finally gives them the tools to do something about it. My bill establishes a ''Good Samaritan'' permit program under the Clean Water Act, administered by the EPA or a State-approved agency allowing an applicant to develop a strategy to remediate an affected area, and be granted a permit to do the work without penalizing them for their good deed.

In order to be granted a Good Samaritan permit, my bill requires an applicant to meet comprehensive standards ensuring that they have the financial and technical resources to get the job done. An applicant must establish remediation and monitoring schedules for the clean up project and identify funding sources to carry out the plan.

My bill's goal is to promote the clean-up of abandoned hardrock mines. Therefore, it allows communities, interest stakeholder groups, and corporations, as coalitions or individually to be ''Good Samaritans.'' The transparent and publicly open permit application process helps to ensure that permit holders are acting in good faith and have the technical and financial wherewithal to get the job done.

Further, if a permit holder is found to have violated the terms of the permit, he or she could lose their liability protection and subject to an enforcement action.

The West's States, communities, and interested parties have been prevented from cleaning up their own communities for far too long. My bill provides a transparent, flexible, and enforceable permit system that removes the unintentional liability associated with abandoned hardrock mine cleanup.

I look forward to working with my colleagues on speedy passage of this important legislation.

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. 1660

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 ''Good Samaritan Abandoned and Inactive Mine Remediation Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government has encouraged, through various laws and policies, the development of gold, silver, and other minerals, especially in the West;

(2) development of the resources referred to in paragraph (1) has—

(A) helped create a strong economy; and

(B) provided strategic materials to achieve maximum production of the metals that were essential to victory in World War I and World War II;

(3) during World War I and World War II, the Federal Government actively encouraged mining and milling operations, including the design and placement of mine tailings and waste rock piles, practices—

(A) that were not governed by any Federal or State environmental laws during that period;

(B) the impact of which on the environment and public health were unknown; and

(C) that since that period, have been—

(i) found to be harmful to the environment; and

(ii) made illegal;

(4) the result of the practices is a legacy of abandoned and inactive mine sites, many of which are on Federal land, that—

(A) have been unreclaimed or, based on existing environmental standards, inadequately reclaimed; and

(B) continue to pose environmental and safety hazards;

(5) the cleanup of the abandoned and inactive mine sites is hampered primarily by concerns about the potential liability associated with the cleanup.

(b) PURPOSE.—The purpose of this Act is to facilitate the cleanup of abandoned and inactive mine sites by limiting the potential liability of persons cleaning up the sites.

SEC. 3. ABANDONED AND INACTIVE MINE REMEDIATION PERMITS.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(r) ABANDONED AND INACTIVE MINE REMEDIATION PERMITS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ABANDONED OR INACTIVE MINE LAND.—

''(i) IN GENERAL.—The term 'abandoned or inactive mine land' means land—

''(I) that was actively mined for noncoal resources;

''(II) that is not—

''(aa) being actively mined for noncoal resources; or

''(bb) subject to a temporary shutdown; and

''(III) with respect to which there is no identifiable or economically viable owner or operator of record for the mine or mine facilities.

''(ii) EXCLUSIONS.—The term 'abandoned or inactive mine land' does not include—

''(I) a site listed on the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

''(II) a brownfield site (as defined in section 101 of that Act (42 U.S.C. 9601).

''(B) PERMIT.—The term 'permit' means an abandoned or inactive mine remediation permit described in paragraph (2).

''(C) PERMITTING AGENT.—The term 'permitting agent' means—

''(i) the Administrator; or

''(ii) the head of a State program that is authorized by the Administrator to issue and administer permits under this subsection.

''(D) REMEDIATING PARTY.—

''(i) IN GENERAL.—The term 'remediating party' means any of the following persons or entities that carries out the remediation of an abandoned or inactive mine land:

''(I)(aa) The United States, a State, a political subdivision of a State, or an Indian tribe; or

''(bb) any officer, employee, or contractor of the United States, a State, a political subdivision of a State, or an Indian tribe.

''(II) A corporation.

''(III) Any person or entity acting in cooperation with the permittee with respect to the abandoned or inactive mine land.

''(ii) EXCLUSIONS.—The term 'remediating party' does not include a person or entity described in clause (i) that, with respect to the abandoned or inactive mine land that is being remediated, has been determined to be legally responsible or in material noncompliance with section 301(a).

''(E) UNANTICIPATED EVENT OR CONDITION.—The term 'unanticipated event or condition' means an event or condition that was not contemplated by the permit.

''(2) IN GENERAL.—The permitting agent may issue an abandoned or inactive mine remediation permit for the conduct of remediation activities on abandoned or inactive mine land from which there is or may be a discharge of pollutants to bodies of water of the United States.

''(3) APPLICATION FOR PERMIT.—

''(A) COMPONENTS.—

''(i) IN GENERAL.—To be eligible to receive a permit under this subsection, the remediating party shall submit to the permitting agent an application that includes a remediation plan that—

''(I) identifies—

''(aa) the remediating party;

''(bb) any agents or contractors of the remediating party; and

''(cc) any persons cooperating with the remediating party with respect to the remediation plan;

''(II) describes the reasonable efforts of the remediating party to identify current owners, lessees, and claimants of the abandoned or inactive mine land addressed by the remediation plan;

''(III) certifies that the remediating party qualifies as a remediating party under paragraph (1)(D);

''(IV) identifies that the site addressed by the plan is—

''(aa) abandoned or inactive mine land; and

''(bb) eligible for a permit under this Act;

''(V) identifies the bodies of water of the United States affected by the abandoned or inactive mine land;

''(VI) describes the baseline condition of the bodies of water identified under subclause (V), in accordance with requirements established by the permitting authority, as of the date of the permit application (including any conditions that make numeric monitoring of a baseline preexisting discharge physically or economically infeasible);

''(VII) describes the physical conditions at the site that are causing or believed to be causing adverse water quality impacts;

''(VIII) describes the goals and objectives of remediation, including the pollutant or pollutants to be addressed by the remediation plan;

''(IX)(aa) describes the practices that are proposed to reduce, control, mitigate, or eliminate the impacts of adverse water quality, including the preliminary system design

and construction, operation, and maintenance plans; and

''(bb) includes a schedule and estimated completion date of the practices;

''(X) applies site-specific best available technology, using best professional judgment, to explain how the practices described in subclause (IX) are expected to improve the quality of the bodies of water identified under subclause (V);

''(XI) describes—

''(aa) site-specific monitoring or other forms of assessment to be used to evaluate the success of the practices during and after implementation of the remediation plan in improving the quality of the water identified under subclause (V); and

''(bb) the duration of the monitoring or assessment;

''(XII)(aa) describes any extraction, processing, or removal of minerals for remediation or commercial sale; and

''(bb) states that 100 percent of the net profits generated through the use or commercial sale of minerals under item (aa) that will be—

''(AA) used for future remediation; or

''(BB) deposited in a designated remediation fund;

''(XIII) provides a schedule for periodic reporting on progress in implementing the remediation plan; and

''(XIV)(aa) provides a budget for the remediation plan; and

''(bb) identifies any potential funding sources for carrying out the remediation plan.

''(ii) CERTIFICATION BY CORPORATION.—

''(I) IN GENERAL.—In addition to the requirements under clause (i), an application submitted by a corporation shall include a certification in accordance with paragraph (1)(D)(ii) that, based on the knowledge and belief of the officers and directors of the corporation, neither the corporation nor any wholly owned subsidiary of the corporation is legally responsible for or in material noncompliance with section 301(a) or an equivalent State law for the site proposed to be remediated.

''(II) LIMITATION.—If at any time the permitting agent determines that the certification under subclause (I) is incorrect, the corporation—

''(aa) shall not be entitled to the protection under this subsection; and

''(bb) shall be subject to liability under this section or section 301, 302, or 402.

''(B) APPROVAL OR DISAPPROVAL OF APPLICATION.—

''(i) IN GENERAL.—Not later than 120 days after the date of receipt of an application under subparagraph (A), the permitting agent shall approve or disapprove the application.

''(ii) PUBLIC PARTICIPATION.—Before approving or disapproving an application under clause (i), the permitting agent shall provide to the public—

''(I) notice of the application; and

''(II) an opportunity for public comment on the application.

''(iii) APPROVAL.—The permitting agent shall approve an application under clause (i) and issue a permit to the remediating party if the permitting agent determines that—

''(I) the remediating party has made a reasonable effort (relative to the resources available to the remediating party for the proposed remediation activity) to identify persons under subparagraph (A)(i)(II);

''(II) the implementation of the remediation plan would improve the quality of the water identified under subparagraph (A)(i)(V); and

''(III) any Indian tribe with jurisdiction over the abandoned or inactive mine land subject to the permit consents to the issuance of the permit.

''(iv) ACTION FOLLOWING DISAPPROVAL.—

''(I) REVISION.—If the permitting agent disapproves an application under clause (i), the permitting agent shall—

''(aa) notify the applicant of the reasons for disapproval; and

''(bb) allow the applicant 30 days in which to submit a revised application.

''(II) DEADLINE FOR REVISION.—Not later than 30 days after the date on which a revision is submitted under subclause (I)(bb), the permitting agent shall approve or disapprove the revision.

''(4) CONTENTS OF PERMIT.—

''(A) IN GENERAL.—A permit shall—

''(i) provide for compliance with and implementation of the remediation plan; and

''(ii) establish a schedule for review by the permitting agent of compliance with and implementation of the remediation plan.

''(B) LIMITATION.—A permit shall not—

''(i) require the remediating party to comply with any other subsection or section 301, 302, or 402; or

''(ii) except in a case in which the net profits (as stated under paragraph (3)(A)(i)(XII)(bb)) generated through such use or sale of minerals are used for present or future remediation activities, authorize any discharge associated with the extraction, processing, or removal of minerals for commercial use or sale.

''(5) MODIFICATION OF PERMIT.—

''(A) IN GENERAL.—Not later than 90 days after the date of receipt of a written request by a permittee to modify a permit, the permitting agent shall approve or disapprove a modification to the permit.

''(B) APPROVAL.—A modification to a permit approved by the permitting agent under this subsection shall—

''(i) be made by agreement of the permittee and the permitting agent and with the concurrence of any applicable State or Indian tribe with jurisdiction over the abandoned or inactive mine land subject to the permit;

''(ii) be made in accordance with subparagraphs (2)(B) and (3); and

''(iii) take effect on approval.

''(6) FAILURE TO COMPLY.—If a remediating party fails to comply with any term or condition of a permit under this subsection, the failure shall be considered to be a violation subject to enforcement under sections 309 and 505, except in a case in which—

''(A)(i) based on information submitted to the permitting agent by the permittee, the permitting agent determines that the noncompliance was the result of an unanticipated event or condition; and

''(ii) not later than 30 days after the date on which a determination is made under clause (i), the permittee establishes, to the satisfaction of the permitting agent, that the permittee is in compliance with the permit; or

''(B)(i) the permitting agent determines that compliance with the permit is infeasible because of reasons not contemplated at the time at which the permit was issued; and

''(ii) the permitting agent and the permittee modify the permit in accordance with paragraph (5).

''(7) TERMINATION OF PERMIT.—

''(A) IN GENERAL.—The permitting agent shall terminate a permit if—

''(i) the remediating party completes the implementation of the remediation plan;

''(ii) the discharges covered by the permit become subject to a permit that is issued—

''(I) under another subsection; and

''(II) for the extraction, processing, or removal of minerals for commercial sale, the net profits of which shall be used for purposes other than the purposes described in paragraph (3)(A)(i)(XII)(bb)—

''(aa) that is not part of the implementation of the remediation plan; and

''(bb) with respect to which the remediating party is not a participant;

''(iii) an unanticipated event or condition is encountered that is beyond the control of the remediating party; or

''(iv) the permitting agent determines that remediation activities conducted under the permit have resulted in surface water quality conditions that are equal to or better than the baseline condition of the water as of the date of the permit application.

''(B) NO ENFORCEMENT LIABILITY.—If a permit is terminated under subparagraph (A), the remediating party shall not be subject to enforcement under section 309 or 505 for any subsequent discharges from the abandoned or inactive mine land subject to the permit.

''(8) LIMITATIONS.—

''(A) IN GENERAL.—A remediating party issued a permit under this subsection and, for purposes of conducting a preliminary investigation of a site to determine whether to pursue a permit application, a potential applicant for a permit, for a period of not more than 120 days unless otherwise stated by the permitting authority, shall not be considered to be an owner or operator for purposes of—

''(i) this Act;

''(ii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

''(iii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

''(B) PRIOR VIOLATIONS.—With respect to violations of this section, or sections 301, 302, and 402 that occur before the date on which a permit is issued under this subsection, nothing in this subsection—

''(i) precludes an action under section 309 or 505 for such violations; or

''(ii) affects the relief available under section 309 or 505.

''(9) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with State, tribal, and local officials and after notice and opportunity for public comment, shall promulgate regulations that—

''(A) establish requirements for remediation plans under this subsection; and

''(B) provide guidance for the development of State programs for the issuance and administration of permits under this subsection.

''(10) FUNDING.—A remediating party that implements a remediation plan under a permit issued under this subsection shall be eligible for grants under section 319(h).

''(11) EFFECT.—Nothing in this subsection—

''(A) limits the liability associated with any mining or processing activities in existence before, on, or after the date of enactment of this subsection; or

''(B) affects any obligation of a State or Indian tribe under section 303.''.

By Mrs. DOLE:

S. 1663. A bill to replace certain Coastal Barrier Resources System maps; to the Committee on Environment and Public Works.

Mrs. DOLE. Mr. President, I ask unanimous consent that the text of the legislation, ''To replace certain Coastal Barrier Resources System maps'' be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1663

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

SECTION 1. REPLACEMENT OF CERTAIN COASTAL BARRIER RESOURCES SYSTEM MAPS.

(a) IN GENERAL.—The 2 maps subtitled ''NC–07P'', relating to the Coastal Barrier Resources System unit designated as Coastal Barrier Resources System Cape Fear Unit NC–07P, that are included in the set of maps entitled ''Coastal Barrier Resources System'' and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), are hereby replaced by 2 other maps relating to those units entitled ''Coastal Barrier Resources System Cape Fear Unit, NC–07P'' and dated February 18, 2003.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the maps referred to in subsection (a) on file and available for inspection in accordance with the provisions of section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 234—HONORING THE DETROIT SHOCK ON WINNING THE WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Ms. STABENOW (for herself and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas on September 16, 2003, the Detroit Shock won the Women's National Basketball Association Championship by defeating the 2-time defending champion Los Angeles Sparks, 83 to 78;

Whereas the Shock won a league-best 25 games, a year after losing a league-worst 23, becoming the first team in any major sport since 1890 to finish first in the entire league after finishing last the previous season;

Whereas the enthusiasm and support for the Shock by the people of Detroit and of Michigan was clearly demonstrated by the fact that the final game was attended by a Women's National Basketball Association (WNBA) record crowd of over 22,000 people;

Whereas the Shock completed an incredible season with the strong performances of Finals Most Valuable Player Ruth Riley's career-high 27 points, Swin Cash's 13 points, 12 rebounds and 9 assists, and Deanna Nolan's 17 points;

Whereas Cheryl Ford, the 2003 WNBA Rookie of the Year, became the first rookie in league history to average more than 10 points and 10 rebounds per game;

Whereas Detroit Shock Head Coach Bill Laimbeer was named 2003 WNBA Coach of the Year after transforming the Shock into the best team in the league in his first year as head coach;

Whereas in honor of the Shock's championship, the Palace of Auburn Hills is officially changing its address to Three Championship Drive; and

Whereas the Shock have demonstrated great strength, skill, and perseverance during the 2003 season and have made the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Detroit Shock on winning the 2003 Women's National Basketball Association Championship and recognizes all the players, coaches, support staff, and fans who were instrumental in this achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Detroit Shock for appropriate display.

SENATE RESOLUTION 235—HONORING THE LIFE OF THE LATE HERB BROOKS AND EXPRESSING THE DEEPEST CONDOLENCES OF THE SENATE TO HIS FAMILY ON HIS DEATH

Mr. DAYTON (for himself and Mr. COLEMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 235

Whereas the Senate has learned with great sadness of the death of Herb Brooks;

Whereas Herb Brooks, born in Saint Paul, Minnesota, greatly distinguished himself by his long commitment to the game of hockey, the players whom he coached, the State of Minnesota, and the United States of America;

Whereas Herb Brooks was a member of the 1964 and 1968 United States Olympic Hockey Teams;

Whereas Herb Brooks coached the 1980 United States Olympic Hockey Team, also known as the ''Miracle on Ice'', to a sensational victory against the favored Soviet Union team, providing the United States with an unforgettable moment that highlighted American determination, resilience, and spirit;

Whereas the United States Olympic Team continued victoriously on and won the Gold Medal at the 1980 Olympic Games;

Whereas Herb Brooks coached 3 University of Minnesota hockey teams to NCAA National Championships in 1974, 1976, and 1979;

Whereas Herb Brooks subsequently coached the Minnesota North Stars, the New York Rangers, the New Jersey Devils, and the Pittsburgh Penguins;

Whereas Herb Brooks spearheaded the development of the Division I hockey program at Saint Cloud State University by serving as the first coach of the team, obtaining the funding for a world-class ice arena, and recruiting top-level players to the new program;

Whereas in 1990, Herb Brooks was inducted into the United States Hockey Hall of Fame and in 1999 was inducted into the International Hockey Hall of Fame;

Whereas Herb Brooks was a devoted husband to his wife, Patti, and a loving father to his 2 children, Dan and Kelly; and

Whereas his life was remarkable for its constant pursuit of excellence: Now, therefore, be it

Resolved, That the Senate—

(1) pays tribute to the outstanding career, character, and dedicated work of the great American Herb Brooks;

(2) expresses its deepest condolences to the family of Herb Brooks; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Herb Brooks.

AMENDMENTS SUBMITTED & PROPOSED

SA 1787. Mrs. FEINSTEIN proposed an amendment to amendment SA 1783 proposed by Mr. DEWINE (for himself and Ms. LANDRIEU) to the bill 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, and for other purposes.

TEXT OF AMENDMENTS

SA 1787. Mrs. FEINSTEIN proposed an amendment to amendment SA 1783 proposed by Mr. DEWINE (for himself and Ms. LANDRIEU) to the bill 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, and for other purposes; as follows:

On page 31, strike line 13 and all that follows through page 32, line 2, and insert the following:

(c) STUDENT ASSESSMENTS.—The Secretary may not approve an application from an eligible entity for a grant under this title unless the eligible entity's application—

(1) ensures that the eligible entity will—

(A) assess the academic achievement of all participating eligible students;

(B) use the same assessments every school year that are used for school year 2003–2004 by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), to assess participating eligible students in the same grades as such public school students;

(C) provide assessment results and other relevant information to the Secretary or to the entity conducting the evaluation under section 9 so that the Secretary or the entity, respectively, can conduct an evaluation that shall include, but not be limited to, a comparison of the academic achievement of participating eligible students in the assessments described in this subsection to the achievement of—

(i) students in the same grades in the District of Columbia public schools; and

(ii) the eligible students in the same grades in District of Columbia public schools who sought to participate in the scholarship program but were not selected; and

(D) disclose any personally identifiable information only to the parents of the student to whom the information relates; and

(2) describes how the eligible entity will ensure that the parents of each student who applies for a scholarship under this title (regardless of whether the student receives the scholarship), and the parents of each student participating in the scholarship program under this title, agree that the student will participate in the assessments used by the District of Columbia Public Schools to assess the achievement of District of Columbia public school students under section 1111(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(A)), for the period for which the student applied for or received the scholarship, respectively.

(d) INDEPENDENT EVALUATION.—The Secretary and Mayor of the District of Columbia shall jointly select an independent entity to evaluate annually the performance of students who received scholarships under the 5-year pilot program under this title, and shall make the evaluations public. The first evaluation shall be completed and made available not later than 6 months after the entity is selected pursuant to the preceding sentence.

(e) TEACHER QUALITY.—Each teacher who instructs participating eligible students under the scholarship program shall possess a college degree.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 25, 2003, at 9:30 a.m., in open session, to receive testimony on ongoing military operations and reconstruction efforts in Iraq.

Witnesses

Ambassador L. Paul Bremer III, Presidential Envoy to Iraq;

General John P. Abizaid, USA, Commander, United States Central Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. VOINOVICH. 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 25, 2003, at 10:00 a.m. to conduct a hearing on ''Counterterror Initiatives in the Terror Finance Program.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 25, 2003 at 2:30 p.m. to hold a hearing on European Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, September 25, 2003, at 10:00 a.m. in Room 562 of the Dirksen Senate Office Building to conduct a hearing on the reauthorization of the Head Start program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 25, 2003, at 9:30 a.m. in Dirksen Room 226.

Agenda

I. Nominations

Henry W. Saad to be United States Circuit Judge, for the Sixth Circuit; Mauricio J. Tamargo to be Chairman of the Foreign Claims Settlement Commission of the United States; Carlos T. Bea to be United States Circuit Judge for the Ninth Circuit; Charles H. Pickering, Sr. to be United States Circuit Judge for the Fifth Circuit; Marcia A. Crone to be United States District Judge for the Eastern District of Texas; Philip S. Figa to be United States District Judge for the District of Colorado; William Q. Hayes to be United States District Judge for the Southern District of California; John A. Houston to be United States District Judge for the Southern District of California; Robert Clive Jones to be United States District Judge for the District of Nevada; Ronald A. White to be United States District Judge for the Eastern District of Oklahoma; John F. Bardelli to be United States Marshal for the District of Connecticut.

II. Bills

S. 1451, Runaway, Homeless, and Missing Children Protection Act [Hatch, Leahy];

S. 1293, A bill to criminalize the sending of predatory and abusive e-mail [Leahy, Hatch, DeWine, Edwards, Feinstein, Grassley, Schumer];

S. 1580, Religious Workers of Act of 2003 [Hatch, Kennedy, DeWine];

S. Res. 209, Recognizing and honoring Woodstock, Vermont native Hiram Powers for his extraordinary and enduring contributions to American sculpture [Jeffords, Leahy, DeWine, Feinstein, Grassley, Hatch, Schumer, Specter]'

S. Res. 222, Designating October 17, 2003, as National Mammography Day [Biden, Chambliss, DeWine, Edwards, Feinstein, Grassley, Hatch, Kennedy, Leahy, Schumer, Specter];

S. Res. 98, Expressing the Sense of the Senate that the President should designate the week of October 12, 2003, as National Cystic Fibrosis Awareness Week [Campbell, Biden, DeWine, Grassley, Specter].

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the subcommittee on Science, Technology, and Space be authorized to meet on Thursday, September 25, 2003, at 2:30 pm on scientific and medical advances in the field of in utero surgery.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

On Tuesday, September 23, 2003, the Senate passed H.R. 2691, as follows:

H.R. 2691

Resolved, That the bill from the House of Representatives (H.R. 2691) entitled ''An Act to making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

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

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $847,091,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $2,484,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $847,091,000; and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $698,725,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B)

Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,476,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $25,600,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $106,672,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That section 28 of title 30, United States Code, is amended: (1) in section 28f(a), by striking ''for years 2002 through 2003'' and inserting in lieu thereof ''for years 2004 through 2008''; and (2) in section 28g, by striking ''and before September 30, 2003'' and inserting in lieu thereof ''and before September 30, 2008''.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $942,244,000, to remain available until September 30, 2005, of which $1,000,000 may be available for the Wildlife Enhancement and Economic Development Program in Starkville, Mississippi: Provided, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $12,286,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $8,900,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment of this Act: Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $53,285,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition

of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $64,689,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $40,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: Provided, That the amount provided herein is for a Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $86,614,000, of which $36,614,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $50,000,000 is to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $42,982,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $3,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $6,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $75,000,000 to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2004 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2005, shall be reapportioned, together with funds appropriated in 2006, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading ''State Wildlife Grants'' shall be transferred to and merged with this appropriation and shall remain available until expended: Provided further, That up to 10 percent of the funds received by any State under this heading may be used for wildlife conservation education and outreach efforts that contribute significantly to the conservation of wildlife species or wildlife habitat.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 157 passenger motor vehicles, of which 142 are for replacement only (including 33 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,636,299,000, 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 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, of which $10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $96,480,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: Provided further, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,349,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $60,154,000, 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.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $305,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $75,750,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2005: Provided, That, of the amount provided herein, $500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: Provided further, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: Provided further, That of the total amount provided, $32,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $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, 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: Provided, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: Provided further, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of $5,000,000, without prior approval of the House and Senate Committees on Appropriations: 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: Provided further, That this restriction applies to all funds available to the National Park Service, including partnership and fee demonstration projects.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2004 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $158,473,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $104,000,000 is for the State assistance program including not to exceed $4,000,000 for the administration of this program: Provided, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: Provided further, That the National Park Service may make a grant of not to exceed $70,000 for the construction of a memorial in Cadillac, Michigan in honor of Kris Eggle.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2004, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may obligate to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total obligations in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $928,864,000, of which $64,630,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $15,499,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $250,000 may be available to improve seismic monitoring and hazard assessment in the Jackson Hole-Yellowstone area of Wyoming; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $23,230,000 shall be available until September 30, 2005, for the operation and maintenance of facilities and deferred maintenance; of which $169,580,000 shall be available until September 30, 2005, for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $166,016,000, of which $80,396,000 shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $100,230,000 in additions to receipts are not realized from the

sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2005: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $106,424,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2004 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $190,893,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2004: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,912,178,000, to remain available until September 30, 2005 except as otherwise provided herein, of which not to exceed $87,925,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $135,315,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2004, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $458,524,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2004, and shall remain available until September 30, 2005; and of which not to exceed $55,766,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $46,182,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2003 for the operation of Bureau-funded schools, and up to $3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2005, may be transferred during fiscal year 2006 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2006: 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.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $351,154,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2004, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $50,583,000, to remain available until expended; of which $31,766,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 107–331, and 102–575, and for implementation of other enacted water rights settlements; and of which $18,817,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–425, and 106–554.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,797,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize

total loan principal, any part of which is to be guaranteed, not to exceed $94,568,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $700,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $71,343,000, of which: (1) $65,022,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $6,321,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $6,125,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau, section 103(h)(2) of the Compact of Free Association Act of 1985, and section 221(a)(2) of the Amended Compacts of Free Association for the Federated States of Micronesia and the Republic of the Marshall Islands, to remain available until expended.

For grants and necessary expenses as provided for in sections 211, 212, 213, and 218 of the Amended Compact of Free Association for the Republic of the Marshall Islands and as provided for in sections 211, 212, and 217 of the Amended Compact of Free Association for the Federated States of Micronesia, all sums that are or may be required in this and subsequent years are appropriated, to remain available until expended, and shall be drawn from the Treasury, to become available for obligation only upon enactment of proposed legislation to approve the amended Compacts of Free Association as identified in the President's fiscal year 2004 budget.

For grants and necessary expenses, $15,000,000, for impact of the Compacts on certain U.S. areas in this and subsequent years are appropriated, to remain available until expended, and shall be drawn from the Treasury, to become available for obligation only upon enactment of proposed legislation to approve the amended Compacts of Free Association as identified in the President's fiscal year 2004 budget: Provided, That for purposes of assistance as provided pursuant to this appropriation, the effective dates of the amended Compacts of Free Association shall be October 1, 2003.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $78,433,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: 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.

Of the unobligated balances in the Special Foreign Currency account, $1,400,000 are hereby canceled.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, $11,700,000, to remain available until expended: Provided, That from unobligated balances under this heading, $11,700,000 are hereby canceled.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $230,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $50,179,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $37,474,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $219,641,000, of which $75,000,000 shall be available for historical accounting, to remain available until expended: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor,

''Salaries and Expenses'' account; and the Departmental Management, ''Salaries and Expenses'' account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2004, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $22,980,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,633,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management and reform activities.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary

without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2004. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2004 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall hereafter take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2003, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 121. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 122. Of the funds made available under the heading ''Bureau of Land Management, Land Acquisition'' in title I of the Department of the Interior and Related Agencies Appropriation Act, 2002 (115 Stat. 420), the Secretary of the Interior shall grant $500,000 to the City of St. George, Utah, for the purchase of the land as provided in the Virgin River Dinosaur Footprint Preserve Act (116 Stat. 2896), with any surplus funds available after the purchase to be available for the purpose of the preservation of the land and the paleontological resources on the land.

SEC. 123. Funds provided in this Act for Federal land acquisition by the National Park Service for the Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 124. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 125. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 126. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 127. Section 134 of Public Law 107–63 (115 Stat. 442–443) is amended by striking the proviso thereto and inserting the following: ''Provided, That nothing in this section affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001): Provided further, That nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of Public Law 106–291 (114 Stat. 944–945), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.''.

SEC. 128. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 129. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2005 shall not exceed $12,000,000.

SEC. 130. None of the funds in this Act may be used to fund Cooperative Ecosystem Studies Units in the State of Alaska.

SEC. 131. The State of Utah's contribution requirement pursuant to Public Law 105–363 shall be deemed to have been satisfied and within thirty days of enactment of this Act, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to the Wilcox Ranch lands acquired under section 2(b) of Public Law 105–363, for management by the Utah Division of Wildlife Resources for wildlife habitat and public access.

SEC. 132. Upon enactment of this Act, the Congaree Swamp National Monument shall be designated the Congaree National Park.

SEC. 133. The Secretary shall have no more than one hundred and eighty days from October 1, 2003, to prepare and submit to the Congress, in a manner otherwise consistent with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), plans for the use and distribution of the Mescalero Apache Tribe's Judgment Funds from Docket 92–403L, the Pueblo of Isleta's Judgment Funds from Docket 98–166L, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation's Judgment Funds in Docket No. 773–87–L of the United States Court of Federal Claims; each plan shall become effective upon the expiration of a sixty day period beginning on the day each plan is submitted to the Congress.

SEC. 134. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2003 or 2004, funds appropriated for fiscal year 2004 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation and the Bureau of Indian Affairs Regional offices that serve them, on the same basis as funds were distributed in fiscal year 2003. The Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the California Trust Reform Consortium and any other participating tribe having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa–458hh.

SEC. 135. 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.

SEC. 136. (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.

SEC. 137. 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.

SEC. 138. 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''.

SEC. 139. 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)''.

SEC. 140. None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: Provided, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term ''special event'' shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $266,180,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants, and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $295,349,000, to remain available until expended, of which $84,716,000 is to be derived from the Land and Water Conservation Fund: Provided, That each forest legacy grant shall be for a specific project or set of specific tasks: Provided further, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share: Provided further, That up to $2,000,000 may be used by the Secretary solely for: (1) rapid response to new introductions of non-native or invasive pests or pathogens in which no previous federal funding has been identified to address, or (2) for a limited number of instances in which any pest populations increase at over 150 percent of levels monitored for that species in the immediately preceding fiscal year and failure to suppress those popultions would lead to a 10-percent increase of annual forest or stand mortality over ambient mortality levels.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,370,731,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)), of which $200,000 may be for necessary expenses related to a land exchange between the State of Montana and the Lolo National Forest: Provided, That unobligated balances available at the start of fiscal year 2004 shall be displayed by budget line item in the fiscal year 2005 budget justification: Provided further, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros, and for the performance of cadastral surveys to designate the boundaries of such lands from National Forest System lands: Provided further, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That of the funds provided under this heading, $3,150,000 is for expenses required to implement title I of Public Law 106–248, to be segregated in a separate fund established by the Secretary of Agriculture: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2004, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

For an additional amount to reimburse the Judgment Fund as required by 41 U.S.C. 612(c) for judgment liabilities previously incurred, $188,405,000.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,543,072,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: 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: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2003 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $231,392,000 is for hazardous fuels reduction activities, $21,427,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $47,752,000 is for State fire assistance, $8,240,000 is for volunteer fire assistance, and $11,934,000 is for forest health activities on State, private, and Federal lands: Provided further, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands

in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That in using the funds provided in this Act for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: Provided further, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: Provided further, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: Provided further, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $532,406,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which $500,000 may be for improvements at Fernwood Park on the Wasatch-Cache National Forest: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $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 notwithstanding any limitations of the Land and Water Conservation Fund Act (16 U.S.C. 460l–9), the Secretary of Agriculture is henceforth authorized to utilize any funds appropriated from the Land and Water Conservation Fund to acquire Mental Health Trust lands in Alaska and, upon Federal acquisition, the boundaries of the Tongass National Forest shall be deemed modified to include such lands.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,535,000, to remain available until expended, of which not to exceed $100,000 per annum may be used to reimburse the Office of General Counsel, Department of Agriculture, for salaries and related expenses incurred in providing legal services in relation to subsistence management.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all wildfire suppression funds under the heading ''Wildland Fire Management'' are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may

be advanced in a lump sum, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Capital Improvement and Maintenance'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $1,000,000.

From funds available to the Forest Service in this Act for payment of costs in accordance with subsection 413(d) of Title IV, Public Law 108–7, $3,000,000 shall be transferred by the Secretary of Agriculture to the Secretary of the Treasury to make reimbursement payments as provided in such subsection.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

Beginning on June 30, 2001 and concluding on December 31, 2004, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

None of the funds made available in this or any other Act may be used by the Forest Service to initiate or continue competitive sourcing studies until such time as the House and Senate Committees on Appropriations have been given a detailed competitive sourcing proposal (including the number of positions to be studied, the amount of funding needed, and the accounts and activities from which the funding will be reprogrammed), and have approved in writing such proposal.

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.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $97,000,000 shall not be available until October 1, 2004: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected: Provided further, That within 30 days of enactment of this Act, the Secretary is directed to provide the House Committee on Appropriations and the Senate Committee on Appropriations with a plan detailing the proposed expenditure of un-obligated or de-obligated funds from terminated Clean Coal Technology projects in support of the FutureGen project: 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 further, 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: Provided further, That the Secretary shall ensure that the entity provides opportunities for participation by technology vendors, States, universities, and other stakeholders.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $593,514,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; of which not to exceed $536,000 may be utilized for travel and travel-related expenses incurred by the headquarters staff of the Office of Fossil Energy; and of which $130,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in 42 U.S.C. 5903d: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $17,947,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2004 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $861,645,000, to remain available until expended, of which $1,500,000 is for DES applications integration: Provided, That $274,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $230,000,000 for weatherization assistance grants and $44,000,000 for State energy program grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,047,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $173,081,000, to remain available until expended: 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.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $80,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,546,524,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $472,022,000 for contract medical care shall remain available for obligation until September 30, 2005: Provided further, That of the funds provided, up to $27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268,974,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2004, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: Provided further, That of the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska to be distributed as direct lump sum payments as follows: (a) $2,000,000 to the State of Alaska for regional distribution to hire and equip additional Village Public Safety Officers to engage primarily in bootlegging prevention and enforcement activities; (b) $10,000,000 to the Alaska Native Tribal Health Consortium, which shall be allocated for (1) substance abuse treatment including residential treatment, (2) substance abuse and behavioral health counselors through the Counselor in Every Village program, and (3) comprehensive substance abuse training programs for counselors and others delivering substance abuse services; (c) $1,000,000 to the State of Alaska for a school peer counseling and education program; and (d) $2,000,000 for the Alaska Federation of Natives sobriety and wellness program for competitive merit-based grants: Provided further, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: Provided further, That no more than 10 percent may be used by any entity receiving funding for administrative overhead including indirect costs: Provided further, That the State of Alaska, Alaska Native non-profit corporations, and the Alaska Native Tribal Health Consortium must each maintain its existing level of effort and must use these funds to enhance or expand existing efforts or initiate new projects or programs and may not use such funds to supplant existing programs.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $391,188,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,043,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to complete a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided

further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund and remain available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

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.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $13,532,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,250,000, of which $1,000,000 shall remain available until expended to assist with the Institute's efforts to develop a Continuing Education Lifelong Learning Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $487,989,000, of which not to exceed $46,903,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended; and of which $828,000 for fellowships and scholarly awards shall remain available until September 30, 2005; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of maintenance, repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $89,970,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That balances from amounts previously appropriated under the headings ''Repair, Restoration and Alteration of Facilities'' and ''Construction'' shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $85,650,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $11,600,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,560,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $16,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,604,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $117,480,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account and ''Challenge America'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $125,878,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,422,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,000,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,030,000: Provided, That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $39,997,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,700,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. 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. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2003.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2004, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, and 107–63, for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2003 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) (applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2004 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2003 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for

operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2005, qualify for General Service Administration contract airfares.

SEC. 323. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

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, That 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 years 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, That 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.

SEC. 325. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2004, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 326. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 327. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 328. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 329. LOCAL EXEMPTIONS FROM FOREST SERVICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title 31, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Necessary''; and

(2) by adding at the end the following:

''(b) LOCAL EXEMPTIONS FROM DEMONSTRATION PROGRAM FEES.—

''(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the White Mountain National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

''(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.''.

SEC. 330. IMPLEMENTATION OF GALLATIN LAND CONSOLIDATION ACT OF 1998. (a) DEFINITIONS.—For purposes of this section:

(1) ''Gallatin Land Consolidation Act of 1998'' means Public Law 105–267 (112 Stat. 2371).

(2) ''Option Agreement'' has the same meaning as defined in section 3(6) of the Gallatin Land Consolidation Act of 1998.

(3) ''Secretary'' means the Secretary of Agriculture.

(4) ''Excess receipts'' means National Forest Fund receipts from the National Forests in Montana, which are identified and adjusted by the Forest Service within the fiscal year, and which are in excess of funds retained for: the Salvage Sale Fund; the Knutson-Vandenberg Fund; the Purchaser Road/Specified Road Credits; the Twenty-Five Percent Fund, as amended; the Ten Percent Road and Trail Fund; the Timber Sale Pipeline Restoration Fund; the Fifty Percent Grazing Class A Receipts Fund; and the Land and Water Conservation Fund Recreation User Fees Receipts—Class A Fund.

(5) ''Special Account'' means the special account referenced in section 4(c)(2) of the Gallatin Land Consolidation Act of 1998.

(6) ''Eastside National Forests'' has the same meaning as in section 3(4) of the Gallatin Land Consolidation Act of 1998.

(b) SPECIAL ACCOUNT.—

(1) The Secretary is authorized and directed, without further appropriation or reprogramming of funds, to transfer to the Special Account these enumerated funds and receipts in the following order:

(A) timber sale receipts from the Gallatin National Forest and other Eastside National Forests, as such receipts are referenced in section 4(a)(2)(C) of the Gallatin Land Consolidation Act of 1998;

(B) any available funds heretofore appropriated for the acquisition of lands for National Forest purposes in the State of Montana through fiscal year 2003;

(C) net receipts from the conveyance of lands on the Gallatin National Forest as authorized by subsection (c); and,

(D) excess receipts for fiscal years 2003 through 2008.

(2) All funds in the Special Account shall be available to the Secretary until expended, without further appropriation, and will be expended prior to the end of fiscal year 2008 for the following purposes:

(A) the completion of the land acquisitions authorized by the Gallatin Land Consolidation

Act of 1998 and fulfillment of the Option Agreement, as may be amended from time to time; and,

(B) the acquisition of lands for which acquisition funds were transferred to the Special Account pursuant to subsection (b)(1)(B).

(3) The Special Account shall be closed at the end of fiscal year 2008 and any monies remaining in the Special Account shall be transferred to the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'', 16 U.S.C. § 484a) to remain available, until expended, for the acquisition of lands for National Forest purposes in the State of Montana.

(4) Funds deposited in the Special Account or eligible for deposit shall not be subject to transfer or reprogramming for wildland fire management or any other emergency purposes.

(c) LAND CONVEYANCES WITHIN THE GALLATIN NATIONAL FOREST.—

(1) CONVEYANCE AUTHORITY.—The Secretary is authorized, under such terms and conditions as the Secretary may prescribe and without requirements for further administrative or environmental analyses or examination, to sell or exchange any or all rights, title, and interests of the United States in the following lands within the Gallatin National Forest in the State of Montana:

(A) SMC East Boulder Mine Portal Tract: Principal Meridian, T.3S., R.11E., Section 4, lots 3 to 4 inclusive, W½SE¼NW¼, containing 76.27 acres more or less.

(B) Forest Service West Yellowstone Administrative Site: U.S. Forest Service Administrative Site located within the NE¼ of Block 17 of the Townsite of West Yellowstone which is situated in the N½ of Section 34, T.13S., R.5E., Principal Meridian, Gallatin County, Montana, containing 1.04 acres more or less.

(C) Mill Fork Mission Creek Tract: Principal Meridian, T.13S., R.5E., Section 34, NW¼SW¼, containing 40 acres more or less.

(D) West Yellowstone Town Expansion Tract #1: Principal Meridian, T.13S., R.5E., Section 33, E½E½NE¼, containing 40 acres more or less.

(E) West Yellowstone Town Expansion Tract #2: Principal Meridian, T.13S., R.5E., Section 33, NE¼SE¼, containing 40 acres more or less.

(2) DESCRIPTIONS.—The Secretary may modify the descriptions in subsection (c)(1) to correct errors or to reconfigure the properties in order to facilitate a conveyance.

(3) CONSIDERATION.—Consideration for a sale or exchange of land under this subsection may include cash, land, or a combination of both.

(4) VALUATION.—Any appraisals of land deemed necessary or desirable by the Secretary to carry out the purposes of this section shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions.

(5) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land exchanged under this subsection.

(6) SOLICITATIONS OF OFFERS.—The Secretary may:

(A) solicit offers for sale or exchange of land under this subsection on such terms and conditions as the Secretary may prescribe, or

(B) reject any offer made under this subsection if the Secretary determines that the offer is not adequate or not in the public interest.

(7) METHODS OF SALE.—The Secretary may sell land at public or private sale, including competitive sale by auction, bid, or otherwise, in accordance with such terms, conditions, and procedures as the Secretary determines will be in the best interests of the United States.

(8) BROKERS.—The Secretary may utilize brokers or other third parties in the disposition of the land authorized by this subsection and, from the proceeds of the sale, may pay reasonable commissions or fees on the sale or sales.

(9) RECEIPTS FROM SALE OR EXCHANGE.—The Secretary shall deposit the net receipts of a sale or exchange under this subsection in the Special Account.

(d) MISCELLANEOUS PROVISIONS.—

(1) Receipts from any sale or exchange pursuant to subsection (c) of this section:

(A) shall not be deemed excess receipts for purposes of this section;

(B) shall not be paid or distributed to the State or counties under any provision of law, or otherwise deemed as moneys received from the National Forest for purposes of the Act of May 23, 1908 or the Act of March 1, 1911 (16 U.S.C. § 500, as amended), or the Act of March 4, 1913 (16 U.S.C. § 501, as amended).

(2) As of the date of enactment of this section, any public land order withdrawing land described in subsection (c)(1) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(3) Subject to valid existing rights, all lands described in section (c)(1) are withdrawn from location, entry, and patent under the mining laws of the United States.

(4) The Agriculture Property Management Regulations shall not apply to any action taken pursuant to this section.

(e) OPTION AGREEMENT AMENDMENT.—The Amendment No. 1 to the Option Agreement is hereby ratified as a matter of Federal law and the parties to it are authorized to effect the terms and conditions thereof.

SEC. 331. TRANSFER OF FOREST LEGACY PROGRAM LAND. Section 7(l) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(l)) is amended by inserting after paragraph (2) the following:

''(3) TRANSFER OF FOREST LEGACY PROGRAM LAND.—

''(A) IN GENERAL.—Subject to any terms and conditions that the Secretary may require (including the requirements described in subparagraph (B)), the Secretary may, at the request of a participating State, convey to the State, by quitclaim deed, without consideration, any land or interest in land acquired in the State under the Forest Legacy Program.

''(B) REQUIREMENTS.—In conveying land or an interest in land under subparagraph (A), the Secretary may require that—

''(i) the deed conveying the land or interest in land include requirements for the management of the land in a manner that—

''(I) conserves the land or interest in land; and

''(II) is consistent with any other Forest Legacy Program purposes for which the land or interest in land was acquired;

''(ii) if the land or interest in land is subsequently sold, exchanged, or otherwise disposed of by the State, the State shall—

''(I) reimburse the Secretary in an amount that is based on the current market value of the land or interest in land in proportion to the amount of consideration paid by the United States for the land or interest in land; or

''(II) convey to the Secretary land or an interest in land that is equal in value to the land or interest in land conveyed.

''(C) DISPOSITION OF FUNDS.—Amounts received by the Secretary under subparagraph (B)(ii) shall be credited to the Forest Legacy Program account, to remain available until expended.''.

SEC. 332. Notwithstanding section 9(b) of Public Law 106–506, funds hereinafter appropriated under Public Law 106–506 shall require matching funds from non-Federal sources on the basis of aggregate contribution to the Environmental Improvement Program, as defined in Public Law 106–506, rather than on a project-by-project basis, except for those activities provided under section 9(c) of that Act, to which this amendment shall not apply.

SEC. 333. Any application for judicial review of a Record of Decision for any timber sale in Region 10 of the Forest Service that had a Notice of Intent prepared on or before January 1, 2003 shall—

(1) be filed in the Alaska District of the Federal District Court within 30 days after exhaustion of the Forest Service administrative appeals process (36 C.F.R. 215) or within 30 days of enactment of this Act if the administrative appeals process has been exhausted prior to enactment of this Act, and the Forest Service shall strictly comply with the schedule for completion of administrative action;

(2) be completed and a decision rendered by the court not later than 180 days from the date such request for review is filed; if a decision is not rendered by the court within 180 days as required by this subsection, the Secretary of Agriculture shall petition the court to proceed with the action.

SEC. 334. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture may cancel, with the consent of the timber purchaser, any contract for the sale of timber in Alaska if—

(1) the Secretary determines, in the Secretary's sole discretion, that the sale is uneconomical to perform; and

(2) the timber purchaser agrees to—

(A) terminate its rights under the contract; and

(B) release the United States from all liability, including further consideration or compensation resulting from such cancellation.

(b) EFFECT OF CANCELLATION.—

(1) IN GENERAL.—The United States shall not surrender any claim against a timber purchaser that arose under a contract before cancellation under this section not in connection with the cancellation.

(2) LIMITATION.—Cancellation of a contract under this section shall release the timber purchaser from liability for any damages resulting from cancellation of such contract.

(c) TIMBER AVAILABLE FOR RESALE.—Timber included in a contract cancelled under this section shall be available for resale by the Secretary of Agriculture.

SEC. 335. 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.

SEC. 336. 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''.

SEC. 337. 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) DEPOSIT.—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.

SEC. 338. 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''.

SEC. 339. 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.

SEC. 340. 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.''.

SEC. 341. 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.''.

SEC. 342. 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.

SEC. 343. CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION. The first section of Public Law 94–545 (90 Stat. 2517; 102 Stat. 2607) is amended—

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

(2) by adding at the end the following:

''(c) ACQUISITION OF ADDITIONAL LAND.—

''(1) IN GENERAL.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

''(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 4,576 acres of land adjacent to the Monument, as depicted on the map entitled ''Congaree National Park Boundary Map'', numbered 178/80015, and dated August 2003.

''(3) AVAILABILITY OF MAP.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

''(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

''(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

''(6) EFFECT.—Nothing in this section—

''(A) affects the use of private land adjacent to the monument;

''(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

''(C) negatively affects the economic development of the areas surrounding the monument.

''(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres.''.

SEC. 344. Section 104 (16 U.S.C. 1374) is amended 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''.

SEC. 345. The business size restrictions for the rural business enterprise grants for Oakridge, Oregon do not apply.

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 House Concurrent Resolution 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 House Concurrent Resolution 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 House Concurrent Resolution 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 House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2004, is transmitted by the President to the Congress.

TITLE V—THE FLATHEAD AND KOOTENAI NATIONAL FOREST REHABILITATION ACT

SEC. 501. SHORT TITLE. This title may be cited as the ''Flathead and Kootenai National Forest Rehabilitation Act of 2003''.

SEC. 502. 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 Fire 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 Fire 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 title is to accomplish in a collaborative environment, the planning and rehabilitation of the Robert Fire and Wedge Fire and to ensure timely implementation of recovery and rehabilitation projects on the Kootenai National Forest.

SEC. 503. REHABILITATION PROJECTS. (a) IN GENERAL.—The Secretary of Agriculture (in this

title 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 title, the Secretary shall conduct projects under this title 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 title, 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 title, 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 title 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 title, 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 title, 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 title 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. 504. 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 title.

(b) EXEMPTION.—Notwithstanding any other provisions of law, the Secretary may limit competition for a contract or a cooperative agreement under subsection (a).

SEC. 505. MONITORING REQUIREMENTS. (a) IN GENERAL.—The Secretary shall establish a multiparty 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 title.

(b) REPORTING REQUIREMENTS.—The multiparty monitoring group shall prepare annually a report to the Secretary on the progress of the projects conducted under this title 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. 506. SUNSET. The authority for the Secretary to issue a decision to carry out a project under this title shall expire 5 years from the date of enactment.

SEC. 507. 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 percent designated old growth in the project area.

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2004''.

MEASURE READ THE FIRST TIME—S. 1657

Mr. DEWINE. Mr. President, I understand that S. 1657, which was introduced earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1657) to amend section 44921 of title 49, United States Code, to provide for arming of cargo pilots against terrorism.

Mr. DEWINE. I now ask for its second reading and object to its second reading on this matter.

The PRESIDING OFFICER. Objection is heard.

The bill will have its second reading on the next legislative day.

TO REDESIGNATE THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 48 SOUTH BROADWAY, NYACK, NEW YORK, AS THE ''EDWARD O'GRADY, WAVERLY BROWN, PETER PAIGE POST OFFICE BUILDING''

Mr. DEWINE. I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 1591, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1591) to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the ''Edward O'Grady, Waverly Brown, Peter Paige Post Office Building.''

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1591) was read the third time and passed, as follows:

S. 1591

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

SECTION 1. DESIGNATION OF BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, and known as the ''Nyack Post Office'' shall be known as the ''Edward O'Grady, Waverly Brown, Peter Paige 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 shall be deemed to be a reference to the ''Edward O'Grady, Waverly Brown, Peter Paige Post Office Building''.

VIDEO VOYEURISM PREVENTION ACT OF 2003

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 228, S. 1301.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1301) to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1301

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 ''Video Voyeurism Prevention Act of 2003''.

[SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

[(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

[''CHAPTER 88—PRIVACY

[''Sec.

[''1801. Video voyeurism.

[''§ 1801. Video voyeurism

[''(a) Whoever, in the special maritime and territorial jurisdiction of the United States, having the intent to capture an improper image of an individual, knowingly does so under circumstances violating the privacy of that individual, shall be fined under this title or imprisoned not more than one year, or both.

[''(b) In this section—

[''(1) the term 'captures', with respect to an image, means videotapes, photographs, films, or records by any electronic means;

[''(2) the term 'improper image', with respect to an individual, means an image, captured without the consent of that individual, of the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual; and

[''(3) the term 'under circumstances violating the privacy of that individual' means under circumstances in which the individual exhibits an expectation that the improper image would not be made, in a situation in which a reasonable person would be justified in that expectation.''.

[(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

["88. Privacy ..... 1801".]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Video Voyeurism Prevention Act of 2003''.

SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—VIDEO VOYEURISM

''Sec.

''1801. Video voyeurism.

"§ 1801. Video voyeurism

''(a) Whoever, in the special maritime and territorial jurisdiction of the United States, having the intent to capture an improper image of an individual, knowingly does so and that individual's naked or undergarment clad genitals, pubic area, buttocks, or female breast is depicted in the improper image under circumstances in which that individual has a reasonable expectation of privacy regarding such body part or parts, shall be fined under this title or imprisoned not more than one year, or both.

''(b) In this section—

''(1) the term 'captures', with respect to an image, means videotapes, photographs, films, or records by any means or broadcasts;

''(2) the term 'female breast' means any portion of the female breast below the top of the areola;

''(3) the term 'improper image', with respect to an individual, means an image, captured without the consent of that individual, of the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual; and

''(4) the term 'under circumstances in which that individual has a reasonable expectation of privacy' means—

''(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that his or her image was being videotaped, photographed, filmed, broadcast, or otherwise recorded by any means; or

''(B) circumstances in which a reasonable person would believe that his or her naked or undergarment-clad pubic area, buttocks, genitals, or female breast would not be visible to the public, regardless of whether that person is in a public or private area.

''(c) This section shall not apply to any person engaged in lawful law enforcement or intelligence activities.''.

(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

"88. Video Voyeurism ..... 1801".

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing S. 1301, the DeWine-Schumer-Leahy Video Voyeurism Prevention Act of 2003. This bill targets the pernicious practice of invading a person's privacy through the surreptitious use of hidden surveillance equipment. Specifically, the bill makes it a crime to capture an improper, naked or near-naked image of a person without his or her consent, and in such a way as to violate his or her privacy. Any person found guilty of video voyeurism as outlined in the bill may be fined or imprisoned for up to one year, or both.

In recent years, the explosion of micro-camera technology has fed the growing phenomenon of video voyeurism. Hidden cameras have been discovered in bedrooms, bathrooms, public showers, changing rooms, locker rooms, and tanning salons, all aimed at filming unsuspecting victims in various states of undress. Often, the invasion of privacy is exacerbated when captured images are posted on the Internet for all the world to see.

I commend Senators DEWINE and SCHUMER for bringing this invasive practice to the attention of the Judiciary Committee, and for crafting a bill that addresses it in a thoughtful and measured manner. In addition, I thank them for addressing a concern I raised during the Committee's consideration of the bill. As introduced, the bill did not expressly prohibit ''cyber-peeping''—a particularly offensive form of video voyeurism involving the contemporaneous transmission of improper images of a non-consenting person over the Internet through Web cameras and other means. As reported by the Judiciary Committee, the ''cyber-peeping'' loophole has been closed: The bill we pass today covers the simultaneous Web casting of images or any other transmissions that may not be recorded, so that defendants who use this means of violating people's privacy cannot escape punishment.

The National Center for Victims of Crime has dubbed video voyeurism ''the new frontier of stalking.'' The States are already responding to this ''new frontier'' in many different ways. Some have passed video voyeurism laws; others have addressed the conduct within the context of their laws against stalking. The Video Voyeurism Prevention Act brings the Federal criminal laws to bear on those who commit this offense within the special maritime or territorial jurisdiction of the United States. It should be enacted without delay.

Mr. DEWINE. I ask unanimous consent that the committee substitute amendment be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1301), as amended, was read the third time and passed.

FEDERAL MARITIME COMMISSION AUTHORIZATION ACT OF 2003

Mr. DEWINE. I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 245, S. 1244.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1244) to authorize appropriations for the Federal Maritime Commission for fiscal years 2004 and 2005.

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 part shown in black brackets and insert the part shown in italic.]

S. 1244

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Maritime Commission Authorization Act of 2003''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL MARITIME COMMISSION.

There are authorized to be appropriated to the Federal Maritime Commission—

(1) for fiscal year 2004, $18,471,000; [and]

(2) for fiscal year 2005, [$19,500,000]. *$19,500,000;*

(3) for fiscal year 2006, $20,750,000;

(4) for fiscal year 2007, $21,500,000; and

(5) for fiscal year 2008, $22,575,000.''.

SEC. 3. CHAIRMAN DESIGNATED WITH SENATE CONFIRMATION.

Section 102(b) of the Reorganization Plan No. 7 of 1961 (5 U.S.C. 903 nt) is amended by striking ''President'' and inserting ''President, by and with the advice and consent of the Senate,''.

SEC. 4. REPORT ON OCEAN SHIPPING INFORMATION GATHERING EFFORTS.

The Federal Maritime Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report within 90 days after the date of enactment of this Act on the status of any agreements, or ongoing discussions with, other Federal, State, or local government agencies concerning the sharing of ocean shipping information for the purpose of assisting law enforcement or anti-terrorism efforts. The Commission shall include in the report recommendations on how the Commission's ocean shipping information could be better utilized by it and other Federal agencies to improve port security.

Amend the title so as to read ''A bill To authorize appropriations for the Federal Maritime Commission for fiscal years 2004 through 2008.''.

Mr. DEWINE. I ask unanimous consent that the committee reported amendments be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table and 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 bill (S. 1244), as amended, was considered read the third time and passed, as follows:

S. 1244

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Maritime Commission Authorization Act of 2003''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL MARITIME COMMISSION.

There are authorized to be appropriated to the Federal Maritime Commission—

(1) for fiscal year 2004, $18,471,000; [and]

(2) for fiscal year 2005, [$19,500,000]. *$19,500,000;*

(3) for fiscal year 2006, $20,750,000;

(4) for fiscal year 2007, $21,500,000; and

(5) for fiscal year 2008, $22,575,000.''.

SEC. 3. CHAIRMAN DESIGNATED WITH SENATE CONFIRMATION.

Section 102(b) of the Reorganization Plan No. 7 of 1961 (5 U.S.C. 903 nt) is amended by striking ''President'' and inserting ''President, by and with the advice and consent of the Senate,''.

SEC. 4. REPORT ON OCEAN SHIPPING INFORMATION GATHERING EFFORTS.

The Federal Maritime Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report within 90 days after the date of enactment of this Act on the status of any agreements, or ongoing discussions with, other Federal, State, or local government agencies concerning the sharing of ocean shipping information for the purpose of assisting law enforcement or anti-terrorism efforts. The Commission shall include in the report recommendations on how the Commission's ocean shipping information could be better utilized by it and other Federal agencies to improve port security.

Amend the title so as to read ''A bill To authorize appropriations for the Federal Maritime Commission for fiscal years 2004 through 2008.''.

The title amendment was agreed to.

NATIONAL CYSTIC FIBROSIS AWARENESS WEEK

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 290, S. Res. 98.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 98) expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''.

There being no objection, the Senate proceeded to consider the resolution which was reported from the Committee on the Judiciary, with an amendment, as follows:

[Omit the part in black brackets].

S. RES. 98

Whereas cystic fibrosis, characterized by digestive disorders and chronic lung infections, is a fatal lung disease;

Whereas cystic fibrosis is one of the most common fatal genetic diseases in the United States and one for which there is no known cure;

Whereas more than 10,000,000 Americans are unknowing carriers of the cystic fibrosis gene;

Whereas 1 out of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, have cystic fibrosis;

Whereas the average life expectancy of an individual with cystic fibrosis is 33 years;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of those who have this disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to persons afflicted with the disease;

Whereas this innovative research is progressing faster and is being conducted more aggressively than ever before, due in part to the establishment of a model clinical trials network by the Cystic Fibrosis Foundation; and

Whereas education of the public on cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnoses: Now, therefore, be it

Resolved,

SECTION 1. NATIONAL CYSTIC FIBROSIS AWARENESS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week of October 12, 2003 through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''; and

(2) calling on the people of the United States to observe the week with appropriate ceremonies and activities.

[(c) ADDITIONAL ACTION.—The Senate commits to increasing the quality of life for individuals with cystic fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses, more fund-raising efforts for research, and increased levels of support for those with cystic fibrosis and their families.]

Mr. DEWINE. Mr. President, I ask unanimous consent the amendment to the resolution be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 98), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 98

Whereas cystic fibrosis, characterized by digestive disorders and chronic lung infections, is a fatal lung disease;

Whereas cystic fibrosis is one of the most common fatal genetic diseases in the United States and one for which there is no known cure;

Whereas more than 10,000,000 Americans are unknowing carriers of the cystic fibrosis gene;

Whereas 1 out of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, have cystic fibrosis;

Whereas the average life expectancy of an individual with cystic fibrosis is 33 years;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of those who have this disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to persons afflicted with the disease;

Whereas this innovative research is progressing faster and is being conducted more aggressively than ever before, due in part to the establishment of a model clinical trials network by the Cystic Fibrosis Foundation; and

Whereas education of the public on cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnoses: Now, therefore, be it

Resolved,

SECTION 1. NATIONAL CYSTIC FIBROSIS AWARENESS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week of October 12, 2003 through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''; and

(2) calling on the people of the United States to observe the week with appropriate ceremonies and activities.

HONORING WOODSTOCK, VERMONT NATIVE HIRAM POWERS

NATIONAL MAMMOGRAPHY DAY

Mr. DEWINE. I ask unanimous consent that the Senate proceed to the immediate consideration of calendar Nos. 291 and 292, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I ask unanimous consent that the resolutions be agreed to en bloc, the preambles be agreed to en bloc, the motions to reconsider be laid upon the table en bloc; further that any statements relating to these resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 209 and S. Res. 222) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, are as follows:

S. RES. 209

Whereas Hiram Powers is one of the preeminent artists in American sculpture;

Whereas Hiram Powers, in the words of the director and curator of the Houston Museum of Fine Arts, was the artist who ''put American sculpture on the map,'' gaining international fame and providing unprecedented support for the notion of the United States as a country capable of producing artists equal to or better than their international counterparts;

Whereas Powers' 1844 sculpture ''Greek Slave'' became, in the words of Powers biographer Richard Wunder, ''a telling symbol'' of freedom for Americans in the pre-Civil War years and remains unequaled in popularity among American sculptures;

Whereas Powers' bust of President Andrew Jackson is widely considered the finest portrait ever sculpted of the president, as well as one of the noblest examples of portraiture ever created by an American sculptor;

Whereas the Congress of the United States, in recognition of Powers' extraordinary talents, awarded him commissions to execute

the statues of John Marshall, Benjamin Franklin, and Thomas Jefferson that stand today in the United States Capitol;

Whereas Powers preserved through his sculpture the memory of numerous other great Americans, including George Washington, John Quincy Adams, Daniel Webster, John C. Calhoun, Martin Van Buren, and Henry Wadsworth Longfellow;

Whereas Powers was born in 1805 in Woodstock, Vermont, and happily spent his early years in that town;

Whereas throughout his life, Powers held sacred the memories of his childhood in Woodstock and drew upon these memories as inspiration for his work, saying, ''dreams often take me back to Woodstock and set me down upon the green hills''; and

Whereas the citizens of Woodstock, Vermont, are preparing to celebrate the bicentennial of Hiram Powers' birth with exhibits, symposiums, and other commemorative activities: Now, therefore, be it

Resolved, That the Senate recognizes and honors Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. RES. 222

Whereas according to the American Cancer Society, in 2003, 211,300 women will be diagnosed with breast cancer and 39,800 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas African-American women suffer a 30 percent greater mortality from breast cancer than White women and more than a 100 percent greater mortality from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 17, 2003, as ''National Mammography Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

HONORING DETROIT SHOCK ON WINNING WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 234 submitted earlier today by Senators STABENOW and LEVIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 234) honoring the Detroit Shock on winning the Women's National Basketball Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, I offer a resolution congratulating the Detroit Shock for winning the Women's National Basketball Association Championship.

In a remarkable display of talent, hard work and tenacity, the Shock captured the championship in the very next year after placing last in their league. Over the last 100 years, not a single other team in any major sport has been able to accomplish this feat.

Last Tuesday, in front of a WNBA record crowd of 22,000 people at the Palace in Auburn Hills, the Detroit Shock defeated the two-time defending champion Los Angeles Sparks to win Detroit's first WNBA title. Ruth Riley, the game's Most Valuable Player, led the Shock by playing the best game of her career. She scored 27 points and guarded another all-star center. This season's Rookie of the Year, Cheryl Ford, also played a great game. Ms. Ford is the only WNBA rookie ever to average more than 10 points and 10 rebounds a game.

Bill Laimbeer, in his first season as a coach, led the Shock during this remarkable season. Mr. Laimbeer has also brought two back-to-back championship titles to Detroit with the NBA's Detroit Pistons. Soon, the address of the Palace at Auburn Hills will be renamed ''Three Championship Drive'' to honor these accomplishments.

I would like to congratulate all of the players, coaches and support staff that have made this championship possible. This was truly a great victory for fans in Detroit and across the state of Michigan. And next year, we are hoping for a repeat.

Mr. LEVIN. Mr. President, it is my great pleasure to congratulate the Detroit Shock on their victory of the Women's National Basketball Association, WNBA, Championship. Last week, the Detroit Shock defeated the two-time defending WNBA champion Los Angeles Sparks, 83–78. The Detroit Shock victory is the first professional basketball championship for the city of Detroit since the Detroit Pistons won back-to-back championships in 1988 and 1989.

The Detroit Shock's exceptional season broke several WNBA records. I am proud to say that the Shock is the first team in American professional sports since 1890 to go from the worst in their league to the best the following year. The Detroit Shock finished the year with the best record in the league at 25–9. Also, Game 3 of the finals was the highest scoring WNBA finals game in the history of the league, as well as the highest attended game in the league's 7-year history. The Palace of Auburn Hills hosted the sellout crowd of 22,076 fans.

In the final game of the best of three series, Ruth Riley, the 6-foot 5-inch center for the Shock, dominated the court. She scored a career-high 27 points and was named the final's Most Valuable Player. Deanna Nolan from Flint, MI scored 17 points, including a three-point shot with less than a minute left, giving the Shock a 75–73 lead. Swin Cash, the Shock's starting forward, added 13 points, 12 rebounds, and nine assists. The league's rebounds leader and Rookie of the Year, Cheryl Ford, contributed 10 points and 12 rebounds for the Shock. The WNBA Champions were led by their head coach, Bill Laimbeer, himself an instrumental player in the Detroit Pistons' Championship. The finishing touch was added to the season when Coach Laimbeer was named the Coach of the Year.

Detroit Mayor Kwame Kilpatrick declared September 18, 2003 as Detroit Shock Day and the Palace of Auburn Hills has officially changed its address to Three Championship Drive. I am pleased to join Senator STABENOW and my colleagues in the Senate in offering my heartiest congratulations to the Detroit Shock as the players, coaches, staff, and fans celebrate their first Women's National Basketball Association Championship. I look forward to another successful season next year. And, we in Detroit hope that the Shock's worst-to-first season will serve as an inspiration to the Detroit Tigers next year.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 234), with its preamble, reads as follows:

S. RES. 234

Whereas on September 16, 2003, the Detroit Shock won the Women's National Basketball Association Championship by defeating the 2-time defending champion Los Angeles Sparks, 83 to 78;

Whereas the Shock won a league-best 25 games, a year after losing a league-worst 23, becoming the first team in any major sport since 1890 to finish first in the entire league after finishing last the previous season;

Whereas the enthusiasm and support for the Shock by the people of Detroit and of Michigan was clearly demonstrated by the fact that the final game was attended by a Women's National Basketball Association (WNBA) record crowd of over 22,000 people;

Whereas the Shock completed an incredible season with the strong performances of Finals Most Valuable Player Ruth Riley's career-high 27 points, Swin Cash's 13 points, 12 rebounds and 9 assists, and Deanna Nolan's 17 points;

Whereas Cheryl Ford, the 2003 WNBA Rookie of the Year, became the first rookie in league history to average more than 10 points and 10 rebounds per game;

Whereas Detroit Shock Head Coach Bill Laimbeer was named 2003 WNBA Coach of the Year after transforming the Shock into the best team in the league in his first year as head coach;

Whereas in honor of the Shock's championship, the Palace of Auburn Hills is officially changing its address to Three Championship Drive; and

Whereas the Shock have demonstrated great strength, skill, and perseverance during the 2003 season and have made the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Detroit Shock on winning the 2003 Women's National Basketball Association Championship and recognizes all the players, coaches, support staff, and fans who were instrumental in this achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Detroit Shock for appropriate display.

ORDERS FOR FRIDAY, SEPTEMBER 26, 2003

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Friday, September 26. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2765, the District of Columbia appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Mr. President, for the information of all Senators, tomorrow the Senate will resume consideration of the District of Columbia appropriations bill. The two managers will be here tomorrow, and Senators are encouraged to come to the floor to offer and debate their amendments. There will be no rollcall votes tomorrow. Any votes ordered during tomorrow's session will be stacked to occur on Monday at approximately 5:30 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DEWINE. 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 8:26 p.m., adjourned until Friday, September 26, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 25, 2003:

THE JUDICIARY

GREGORY E. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE MILDRED M. EDWARDS, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH L. YAKOVAC JR., 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL A. MANSUETO, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203, 12212 AND 1552:

To be colonel

RONALD C. DANIELSON, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate September 25, 2003:

THE JUDICIARY

DANA MAKOTO SABRAW, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

MICHAEL W. MOSMAN, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON.

EXTENSIONS OF REMARKS

IN HONOR OF CARMEL GALASSO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Carmel Galasso for her outstanding commitment to serving her community. She was presented the Mary T. Norton Memorial Award by the United Way of Hudson County on September 16, 2003, at the Crown Plaza Hotel in Secaucus, New Jersey.

Ms. Galasso has demonstrated a remarkable passion for helping those in need and has provided, and continues to provide, valuable services that have touched many lives throughout Hudson County. As a member of the Saint Peter's College Alumni Board, she currently works on special projects for the college, as well as the community as a whole. Since 1996, she has served as the program coordinator of Catholic Community Services for the Hudson County Parish Access Center in Jersey City.

Over the years, Ms. Galasso has worked tirelessly to improve her community. She began as a grammar school teacher and guidance counselor at Saint Aedan's School in Jersey City, where she taught for 8 years. She then became assistant director of Campus Ministry at Saint Peter's College for 10 years, where she spearheaded food and toy drives and walks against hunger. As program coordinator for the Parish Access Center, Ms. Galasso was instrumental in establishing a registration site for families to apply for New Jersey Kid Care and creating satellite offices that provide critical services for families in need. These offices have provided countless family baskets, Christmas gifts, toiletry items, and food gift certificates.

Ms. Galasso's dedication is also evident in her immediate response to the tragedy of September 11. In the days following the tragedy, Ms. Galasso led efforts to provide sandwiches, water, and other supplies needed to help support those impacted by the World Trade Center disaster. With the help of the United Way of Hudson County, Ms. Galasso was able to process 186 cases for families who were impacted by the attack.

Ms. Galasso continues to be involved with the Resurrection Parish and the Bon Secours Health System. She helps coordinate the Parish Nurse Program, which offers medical care to parishioners at local churches through a holistic approach to physical, emotional, and spiritual needs.

Ms. Galasso was born and raised in Jersey City, New Jersey. She received her bachelor's degree in Education from Saint Peter's College and her master's degree in Adult Christian Community Development from Regis University in Colorado.

Today, I ask my colleagues to join me in honoring Carmel Galasso for her outstanding contributions to the success of community programs that have served countless individuals throughout New Jersey.

PAYING TRIBUTE TO DOUGLAS BROWN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, it is an honor to stand before you today and pay tribute to the career of a dedicated servant from the state of Colorado, Douglas Brown. At the end of this month, Doug will retire from his position as the Director of the Colorado Office of Legislative Legal Services, ending thirty-one years of dedicated service to our state. Doug's hard work and dedication have been instrumental in defining the shape of Colorado's state government, and I am honored to pay tribute to him here today.

Doug began his career as a staff attorney with the Office of Legislative Legal Services in 1972 and was appointed Director of that office eight years later. During his tenure as Director, Doug helped represent the Colorado General Assembly in thirteen cases before the Colorado Supreme Court.

In addition to his duties at the Office of Legislative Legal Services, Doug was also very involved with the National Conference of State Legislatures, serving as a member of the organization's executive committee. Doug also spent a year as an adjunct political science professor at the University of Denver and was a lecturer in law at the University's law school for two summers.

Mr. Speaker, it is truly a privilege to stand here today and honor the career of such a remarkable citizen. Doug Brown's knowledge and expertise will be hard to replace, and I know that his fellow attorneys and the staff at the Office of Legislative Legal Affairs will miss him a great deal. I wish him all the best in his future endeavors.

''PROJECT 90'' CONTRIBUTES TO OUR COMMUNITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. LANTOS. Mr. Speaker, too often the sourge of drug and alcohol addiction permanently destroys lives. For this reason, I invite my colleagues to join with me today in commending Project 90, Inc., for its success in helping to rebuild and reclaim lives which have been shattered by addiction. Project 90, which is located in San Mateo, California, has benefited our community for over 30 years, and it is most appropriate to acknowledge that contribution.

Since 1972, this alcohol and drug rehabilitation program has helped over 6,500 men overcome their addictions. I am proud to note that the success of this program is remarkable, in that, virtually all the men who graduate from Project 90 have successfully eliminated addiction and do not return to drug or alcohol usage. I am also proud to note this program began in my congressional district in San Mateo, California with five men who were determined to overcome the disease of addiction and who were determined to form a recovery process that worked.

Mr. Speaker, Project 90's recovery process is based on ''Project Ninety's Social Model Residential Treatment Program,'' Which is based on the philosophy that an individual must take responsibility for his recovery. The treatment is unique in that it helps addicts learns about the process of recovery, the disease of addiction, and how this has affected their lives. Additionally, the addict learns about the path of self-destruction created by addiction, how circumstances drive him to addiction, and how his behavior perpetuates it.

Treatment services are carried out through written assignments, group and individual counseling, as well as personal work following the twelve-step program of Alcoholics Anonymous. The Substance Abuse and Mental Health Services Administration (SAMHSA) also recently recognized Project 90 for its exemplary data collecting methods, and participants in Project 90 have spoken with other SAMHSA grantees to share record keeping methods developed by Project 90.

Mr. Speaker, Project 90 has expanded its facilities so that it now has the space to handle 223 men and 12 adolescent males. The program can accommodate young men struggling with addiction who face incarceration by providing the alternative of treatment in group homes. The remarkable services that Project 90 provides include a work-training program, transitional housing, clean and sober environments, a strong alumni program, and services for men with mental illness and addiction.

As you know, Mr. Speaker, the benefits of this program include not only the men who have received help, but also their spouses, children, employers and communities. Children have fathers again, domestic violence is reduced, and homes are strengthened. Communities are strengthened as these men become productive members of society and increase work place productivity.

Mr. Speaker, I invite my colleagues to join with me in congratulating Project 90 on its success and wish it continued achievement in helping substance abusers win against their fight with addiction. The organization has shown extraordinary vision and innovation in drug rehabilitation, and it has strengthened our community.

25TH ANNIVERSARY OF LIFEFLIGHT IN PENNSYLVANIA'S FOURTH CONGRESSIONAL DISTRICT

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Ms. HART. Mr. Speaker, I am honored to have the opportunity to pay tribute to a pioneer in the emergency medical services field which serves Pennsylvania's Fourth Congressional District. September 26, 2003 marks the 25th anniversary of Lifeflight, a service providing emergency helicopter and critical care ground transportation services for critically ill and injured patients.

Lifeflight has been awarded some of its industry's most sought-after awards. This year it was named EMS Provider of the Year by the Pennsylvania Emergency Health Services Council. Over the past two years, members of Lifeflight's flight crew have received Pennsylvania Pre-Hospital RN of the Year Awards. Furthermore, in 1999, Lifeflight's medical director was named Pennsylvania Medical Director of the Year.

The times we live in pose never-before-conceived-of threats to our citizens. It is reassuring to know that my constituents are served by this award-winning team of first-responders who are committed to their patients and their community.

I ask all of my colleagues in the House of Representatives to join me in thanking the brave men and women of Lifeflight for their dedication, their ability to work under pressure, and their effectiveness in carrying out their critical mission.

RECOGNIZING THE UNION CITY POLICE DEPARTMENT CARE PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the Union City Police Department's CARE Program. CARE is the acronym for Citizens Aiding Residents and Elderly and is a division of the Union City Police Volunteer Program.

Established in January 2003, CARE is a non-medical, volunteer, in-home visitation program for seniors, shut-ins and dependent adults living in Union City. CARE's four goals are to provide community resources that foster autonomy, independence and individuality, enhance quality of life, provide social and emotional support and provide security and confidence.

CARE volunteers visit the most needy within the Union City community and are trained to recognize signs of elder abuse, malnutrition and other safety and sanitary issues that affect the well being of the CARE clients.

The Union City Police Department has developed collaborative relationships with many organizations that provide CARE clients with necessary services, such as Meals-on-Wheels, Union City Fire Department, Transit Department, Leisure Services and the Senior Commission, Alameda County Injury Prevention Project, local hospitals, and the Alameda County Department on Aging.

CARE is a unique program and is a first in the Bay Area initiated by law enforcement. I applaud the Union City Police Department for spearheading this valuable resource for its residents. I also pay tribute to the CARE volunteers whose commitment and devotion make a difference in Union City.

CONGRESSMAN KILDEE HONORS SUPERINTENDENT REVEREND A.C. LEE, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today to pay special tribute to Superintendent Reverend A. C. Lee of the Greater Bible Way Church of God in Christ in Flint, Michigan for providing continuous leadership and support to the church and community. On September 26, 2003 the Greater Bible Way Church family will salute and honor their pastor during a special celebration.

Superintendent Lee was born in Houston, Texas to John and Minnie Lee. He graduated in 1951 from Charlton Pollard High School in Beaumont, Texas. In 1952 he enlisted in the U.S. Military and was stationed in Germany as an instructor and recreation specialist. After serving in the military, Superintendent Lee returned to the Flint area in 1955 to study Business Administration at Mott Community College. He was employed as a welder at the Chevrolet Frame and Stamping Plant from 1957 to 1964, after which he returned to Houston, Texas for a period of two years. Upon returning to Flint, Michigan he was hired by Buick, where he remained until retiring in November of 1981.

In 1966, Superintendent Lee re-established his membership with the Macedonia Church of God in Christ. He also, during that same year received his ordination from the Holy Convocation of Northeast Michigan Jurisdiction, where the Bishop C.J. Johnson was the presiding prelate. On the first Sunday in June of 1970, Superintendent Lee stepped out on faith and founded the Bible Way Church of God in Christ, located at 801 E. Pasadena Ave., in Flint. The Church blossomed and the vision of the Lord became clear to Superintendent Lee that was time to expand, thus the church relocated to its present place of worship at 1602 Montana Avenue on the East Side of Flint. Superintendent Lee serves on numerous boards and community-based organizations, i.e. Job Central Advisory Board, Metro Housing, Salem Housing and the Genesee County Health Department. His service has not gone unnoticed; Superintendent Lee has attained many accolades for his dedication. These awards include the 2001 Faith Community, Business and Education Leadership Award, 2002 Senator Robert Emerson Award for Volunteer Leadership in Health Care Greater Flint (Michigan) Health Coalition; and the 2003 Certificate of Emeritus in recognition of honorable and distinguished service to the north central jurisdiction as Executive Secretary. In 2000 Superintendent Lee established the Reverend A.C. Lee & Dorothy M. Lee Scholarship fund—Mott Community College.

In addition to being an outstanding leader and role model Superintendent Lee is also a devoted husband to his wife Dorothy M. Lee, affectionately known as ''Lady Lee'' and a supportive father/grandfather to his five children and five grandchildren.

Mr. Speaker, as a Member of Congress, I ask that my colleagues in the 108th Congress join me in saluting Superintendent Reverend A.C. Lee for his undying support and leadership to the populace of Flint, Michigan.

HONORING LT. COL. BYRCE W. McINTYRE, USAF

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. HALL. Mr. Speaker, I proudly pay tribute today to a distinguished officer and an outstanding citizen, the late Bryce W. McIntyre of Bonham, TX, who passed away last year at the age of 85.

Bryce McIntyre, the son of John and Lois Whitney McIntyre, was born on September 15, 1917, in San Diego, California. In 1938 he joined the U.S. Army Air Corps, where he served as a fighter pilot during World War II. Shot down over Germany, he was a Prisoner of War from September 1944 to May 1945. He served again as a pilot in the Berlin Airlift and Korean War, and later with the Military Assistance Advisory Group in Japan. During his distinguished 23-year military career, he was awarded the Purple Heart and four Oak Leaf Clusters. Upon his retirement as a Lieutenant Colonel in the U.S. Air Force in 1960, Mr. McIntyre and his family made their home in Bonham, where he was an active member of the community.

He served as manager of the Bonham Area Chamber of Commerce, followed by a career with the Bonham State Bank. He served with the Fannin County Fair Board, the Boy Scouts of America and Bonham Boys Baseball. He was an active member of the Bonham Kiwanis Club and the Bonham Golden K Kiwanis Club and established the fireworks display for the Fourth of July celebration at Lake Bonham as well as the popular Fannin County Trade Days. He also served as a leader of the Friends of Willow Wild, Inc.

Mr. McIntyre is survived by his loving wife of 56 years, Dorothy Castle McIntyre; his children Dr. Lorraine Mitchell and husband Raymond of Cumby, Bryce McIntyre, Jr. and wife Jenny of Bonham, Alice Truitt and husband Dale of Commerce, and Dr. Mike McIntyre of Santa Cruz, CA; his twin brother Bruce McIntyre of Bonham; sister Beryl Riley of Descanso, CA; twelve grandchildren; five great-grandchildren and other family members.

Bryce McIntyre was a beloved and respected member of the Bonham community. His integrity, compassion and sense of service were evident in his love for his family and fellow citizens—and he served as a wonderful role model for all who knew him. Mr. Speaker, it is my privilege to recognize such an outstanding American and to extend my sympathies to his family and many friends.

TRIBUTE TO WALTER T. McDONALD, PRESIDENT-ELECT, NATIONAL ASSOCIATION OF REALTORS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and congratulate Walter McDonald, President-Elect of the National Association of Realtors (NAR). NAR is America's largest trade association, representing more than 840,000 members involved in all aspects of the residential and commercial real estate industries. Walter has demonstrated his commitment to Realtor issues and willingness to devote his time and expertise towards furthering the priorities of Realtors nationwide.

Walter has been a Realtor since 1964 and is the broker-owner of Walt McDonald Real Estate, a single-office, independent firm specializing in property sales, leasing and lending. He holds the professional designations of Certified Residential Specialist and Graduate, Realtor Institute.

Currently, Walter serves as a NAR director and has been particularly active in legislative, finance and housing issues. From 1996 through 1998, he served on NAR's Executive Committee. In 1998, he took over as Regional Vice President for NAR, representing the states of California, Hawaii and Guam. He also serves on the association's Leadership Team and Executive Committee. He served as NAR's First Vice President in 2002.

Walter has also been active at the state and local levels of the Realtor Organization. In 1993, he served as President of the California Association of Realtors (CAR), one of the nation's largest state trade organizations with more than 95,000 members. He has served on CAR's board of directors since 1971 and also served as Chairman of the board of Real Estate Business Services, Inc., a subsidiary of CAR. Walter also has been as President of the Riverside/Moreno Valley Association of Realtors and President of the Riverside County Real Estate Council.

In addition to his numerous professional involvements, Walter is also dedicated to his community as well. Walter has served on the advisory boards of the local Habitat for Humanity chapter, the Riverside National Bank and he is currently serving a 2-year term on the advisory board for Fannie Mae. He also served on the California Department of Real Estate Advisory Commission through 1998, under an appointment by the state's governor.

Walter's long list of accomplishments demonstrates why he is ideal for the position of President of the National Association of Realtors. His tireless passion for the real estate industry and his community has contributed immensely to the betterment of Riverside County, California, and our Nation. I congratulate him and wish him the best of luck on his future endeavors as President.

PAYING TRIBUTE TO MARGARET MORGAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, it is with solemn heart that I stand before you here today and honor the memory of an outstanding citizen of my district. Margaret Morgan of Glenwood Springs, Colorado recently passed away at the age of 106. She was the region's oldest citizen and will be sorely missed. As her family and friends mourn her passing, I would like to take this opportunity to remember the remarkable aspects of Margaret's life.

Margaret was a lifelong resident of Glenwood Springs, having been born there in 1896. Margaret's was the first class to graduate from the county high school in 1916. After graduation Margaret pursued a career centered around her lifelong passion for horses. Margaret got her first horse at the age of four, immediately sparking her interest in riding and grooming the large animals. Over her lifetime, she worked as a wrangler and an outfitter for over thirty years.

Margaret's home was always open to friends and family and was frequently filled with guests from all across the country. Her hospitable nature attracted many friends throughout the years, all of whom are saddened by the news of her passing. She attributed her longevity to a life spent free of any unhealthy vices. Her diet consisted of natural foods eaten regularly, and she refrained from smoking and drinking.

Despite our society's numerous advances in science and medicine, centenarians remain rare in this day and age. Margaret was so much more than Glenwood's oldest resident to her fellow citizens; she was a tremendous asset to the community and, above all, she was a friend to many. I extend my deepest sympathies to her family and friends as they mourn her loss.

IN HONOR OF CHRISTIAN CHILDREN'S PARADE AND MULTICULTURAL FESTIVAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Christian Children's Parade and Multicultural Festival, which celebrated its 25th annual parade on Saturday, September 13, 2003, in Jersey City, New Jersey.

For 25 years, the Christian Children's Parade and Multicultural Festival has been providing a wonderful celebration for children and parents, and has enriched the spiritual development of young people throughout Jersey City.

By dedicating the Christian Children's Parade and Multicultural Festival's annual parade to the second anniversary of the September 11th attacks, this event will provide an opportunity for us to remember those who were lost, and to recognize the strength and unity of families and friends who lost loved ones on that horrible day.

Led by the Reverend Jose C. Lopez, president of the Christian Children's Parade and Multicultural Festival, the parade will end with a ceremony in Hamilton Park. I extend my gratitude to Reverend Lopez and his staff for making this important event possible for the children and residents of Jersey City.

Today, I ask my colleagues to join me in honoring the Christian Children's Parade and Multicultural Festival for its years of dedicated service to the children of Jersey City, New Jersey.

THE STERLING HEIGHTS FIREFIGHTERS ANNUAL DINNER-DANCE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. LEVIN. Mr. Speaker, on Friday, September 26, 2003 the Sterling Heights Fire Fighters Union will host their Annual Dinner-Dance honoring their 2003 retirees. This is a wonderful event that I have been honored to attend in the past where hundreds of firefighters, their families, and appreciative members of the community come together to recognize the Sterling Heights firefighting family.

I am proud to rise today to pay tribute to the careers of three distinguished firefighters.

Captain Pat Silver began his firefighting career in 1978. He received the Meritorious Unit Citation for conducting a search and removal of a woman from a well-involved trailer fire. He also received the Fire Chief's Award for assisting the Training Division in developing a performance standard for pumper operations and developing and producing the ''FEO'' and ''Dinosaur'' newsletter.

Battalion Chief Bob Moore was appointed a Firefighter in 1973. He received the Fire Chief's Award for work on the Radio Committee, for using his Graphic Commercial Arts degree to mark the fleet of the Sterling Heights Fire Department with the new city logo and for his heroic participation in a house fire.

Fire Marshal Thad Balmas was appointed Firefighter in 1979. He received the Veteran's Recognition Award for serving in the Air Force and the Meritorious Unit Citation for his involvement at a major gas line explosion.

These gentlemen have demonstrated acts of heroism and actions above and beyond the call of duty. Indeed, the people of Sterling Heights have been well-served by the untiring care and concern each has given without limitations to their community.

Mr. Speaker, I ask my colleagues to join me in recognizing these gentlemen for their dedication, accomplishments and years of service. I wish them good health and happiness as they embark on a new phase of their lives.

HONORING GREATER HOLY TEMPLE MINISTRIES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating

the Greater Holy Ministries Church of God in Christ as they celebrate 40 years guiding the people of Flint in the worship of the Lord.

In 1963, now Bishop Roger Lee Jones came to my hometown of Flint at the invitation of the late Bishop John Seth Bailey and organized an additional congregation for the members of the Church of God in Christ living in the area. The first service was held in a building on Genesee Road. The congregation settled on the name of Greater Holy Temple and shortly after, Elder Jones moved the congregation to a location on Mildred Street. Under his spiritual and apostolic direction, the congregation grew. Through their baptism in the Holy Spirit the members were inspired to spread the Word of God as revealed in the Bible throughout the area. The expanding membership required a larger home. In September 1978 the grand opening of the permanent sanctuary was consecrated.

Taking encouragement from the words in Zechariah 4:6 ''Not by might, nor by power, but by my spirit, saith the Lord of Hosts,'' the members of the Greater Holy Temple Ministries have worked tirelessly to help those with physical and spiritual wants. Their belief in the sanctifying power of the Holy Spirit sustains them through the task of providing for the less fortunate. Through their efforts they reflect the redemptive work of Jesus Christ.

Bishop Jones has provided guidance to his flock and he has been called upon to lead at the national and state levels. In 1968 he was elected to serve as Chairman of the national board of Trustees. He was appointed Bishop of the Third Ecclesiastical Jurisdiction of Southwestern Michigan in 1985.

Mr. Speaker, I ask the House of Representatives to rise with me and applaud the work of the Greater Holy Temple Ministries Church of God in Christ as they celebrate 40 years of enthusiastic and motivating labor on behalf of the Lord.

RECOGNIZING THE 250TH ANNIVERSARY OF HEREFORD TOWNSHIP, PENNSYLVANIA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. GERLACH. Mr. Speaker, I rise today to recognize Hereford Township, Pennsylvania on the occasion of the Township's 250th Anniversary. I proudly represent the citizens of Hereford Township in the 108th Congress and would like to highlight the history of the Township as the current residents prepare to celebrate this special occasion on Saturday, October 4, 2003.

Before intrepid settlers from Europe arrived in the area we currently know as Hereford Township, the area was inhabited by Native Americans of the Delaware or Lenni-Lenapi tribe. These first inhabitants of Hereford Township practiced limited agriculture in the fertile soils of eastern Berks County while hunting and gathering in the area.

During the early part of the eighteenth century immigrant settlers began to arrive in Berks County. Their origins primarily German, Swiss and English, these settlers found their way to present day Berks County as they sought refuge from religious persecution in Europe. The very earliest settlers to Hereford Township arrived between 1710 and 1720. At this time, the land was dominated by thick forests that would soon be cleared to provide fields for crops.

While the challenges these first settlers faced were great, in Hereford Township they found a large fertile valley and fields that were very productive, as they remain today. The Perkiomen Creek provide ample water for these crops and was also the base of development for Hereford Township's first industries. The Perkiomen Creek and its tributaries provided power to support grist mills, sawmills, a fulling mill and forges. The early iron industry provided metal for nails, plow blades and other utilitarian devices that made the lives of these early settlers easier. The heavily wooded hillsides also provided the timber for heat, homes and charcoal for the burgeoning iron industry.

During the Fall of 1734, the Schwenkfelders, a religious group from Silesia, arrived in Philadelphia and many quickly made their way to Hereford Township. By 1745, Hereford Township had been settled by not only the Schwenkfelders but also Lutherans, Reformed Menonite and Catholic immigrants. Not long after, on February 1, 1753, Hereford Township was formally established, less than one year after the foundation of Berks County on March 11, 1752.

During the remainder of the eighteenth century agriculture and the iron industry flourished and produced prosperity in Hereford Township. In many ways Hereford Township has remained the same over its 250 years. While we have become more technologically advanced through the years, Hereford Township remains a close rural community, today of about 3200 residents.

Mr. Speaker, again, I rise to recognize Hereford Township and her citizens on the occasion of its 250th Anniversary.

HONORING THE CENTENNIAL ANNIVERSARY OF ALAMEDA COUNTY TEAMSTERS LOCAL 70

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Teamsters Local 70's Centennial celebration on Saturday, September 27, 2003. For 100 years, the Brotherhood of Teamsters, Auto Truck Drivers, Line Drivers, Car Haulers and Helpers Local 70 of Alameda County has championed the rights of workers. Local 70 is headquartered in Oakland, California and has jurisdiction in Alameda County. It was first chartered October 1, 1903.

Local 70 has thrived under the leadership of Chuck Mack. Mack was first elected Business Agent at Local 70 in 1966. He became Secretary-Treasurer in 1972. During his years of leadership, the Local has been recognized for its militancy and defense of its members. It has a reputation with unions and employers alike as one of the strongest, aggressive locals in the country.

Mack, during his career, has chaired Joint Council 7 Freight negotiations. This Supplement is among the finest in the nation. He has also brought to his members in freight, solid waste disposal and UPS, a health and welfare program second to none. Perhaps his proudest accomplishment is obtaining pension benefits for workers. Mack has fought tooth and nail for early retirement. His efforts were instrumental in obtaining the ''80 and Out'' in the Western states.

For 100 years, Local 70 has championed the rights of workers. Through collective bargaining, the Local continues to deliver to members and their families some of the best health and welfare and pension plans in the nation.

Organizing is also a priority. Mack, the officials, and members of Local 70 have been on the street, at the terminal gates, bringing the benefits of Teamster membership to nonunion workers.

Local 70 has been a force in the political arena with the goal of improving the conditions of all workers through legislation and activism.

Local 70's presence has been felt in the community. Whether it is youth activities, food banks or helping other unions, the Local's rank and file as well as their officers and officials are quick to volunteer. They represent Local 70 with pride.

I extend heartiest congratulations and best wishes to Local 70 for 100 years of service.

PAYING TRIBUTE TO JERRY STEELE, JOHN DOOSE AND SCOTT STEELE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress to pay tribute to the brave actions of three outstanding citizens from my district. Jerry Steele, John Doose and Scott Steele selflessly responded to calls for help from a fellow Coloradan and risked life and limb to save the life of a stranger. Their display of courage and willingness to risk their own lives is remarkable. I am honored to pay tribute to their heroic acts today.

While working on a house across the street, the trio witnessed a violent explosion and immediately rushed to the aid of a neighbor in trouble. They would later learn that the spark of a cigarette lighter in a house with a leaking natural gas line had ignited the blast.

Scott ran quickly to shut off the gas valve and prevent any further explosions. Jerry and John pulled the victim, Luke Little, to safety, administering first aid until the paramedics arrived. Their quick thinking ultimately saved Luke's life. Moments after they pulled him to safety, fire consumed the house.

These three men risked their lives to help save the life of a man they had never met. Had it not been for the heroic actions of Jerry, John and Scott, Luke Little most likely would not have survived the accident. Thanks to their quick thinking and remarkable display of bravery, Luke's family is optimistic about his full recovery. This extraordinary act of selflessness is truly worthy of our recognition, and it is my honor to pay tribute to Jerry Steele, John Doose and Scott Steele for their heroic actions.

TRIBUTE TO DAVE E. DIPAOLO, CORONA-NORCO UNIFIED SCHOOL DISTRICT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication an contributions to the community of Corona and Norco, CA are exceptional. Our community has been fortunate to have dynamic and dedicated leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Dave DiPaolo is one of these individuals. Dave is being honored as he retires after 36 years of dedicated service to the students, employees, parents, and community members of the Corona-Norco Unified School District.

Dave began his teaching career at Corona High School where he was appointed to Director of Activities/Athletics and initiated the Athletic Hall of Fame; designed the school's athletic handbook; served as a board member on the California Activities Directors' Association; and as a charter member and president of the Citrus Belt Athletic Directors' Association.

After serving 21 years at Corona High, Dave was promoted in 1986 to the position of assistant principal at Norco High School where he served on various athletic organizations as well as membership in management and administrative organizations. In 1997, Dave was selected to serve at Director of Human Relations for the school district, overseeing more than 1,800 employees.

Throughout his career, Dave has shown an unlimited willingness to help students, teachers and employees. He has been a role model and mentor to both students and teachers. His consistent ''open-door'' policy cultivated an atmosphere of communication and understanding. At all times, he has conducted himself with integrity. His leadership and contributions have touched the lives of many students and teachers.

Dave's tireless passion for education has contributed immensely to the betterment of the communities of Corona and Norco, California. Dave has demonstrated his willingness to work hard for quality education and I am proud to call him a fellow community member, American and friend. I know that many children, parents, fellow teachers and administrators are grateful for his service and salute him as he retires.

CONGRATULATIONS TO ROYAL OAK LIONS CLUB

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. LEVIN. Mr. Speaker, I rise to congratulate the Royal Oak Lions Club on the occasion of their 75th anniversary.

The Royal Oak Lions Club, founded in 1928, has indeed taken up the challenge that Helen Keller presented to the International Lions Convention in 1925. She asked them to expand their interests and include services to the blind and the visually impaired.

The Royal Oak Lions Club has offered their dedicated service to numerous programs and organizations, including Leader Dogs for the Blind, the Penrickton Center for Multiply Handicapped Children, Lions Visually Impaired Camp, scholarships for hearing-impaired students at Madonna University, and the Beaumont Silent Children's speech program. Not only has this community-minded institution devoted its effort to these programs, it has also provided essential support to a myriad of services for our youth and vital community-based charities.

The Royal Oak Lions Club and its membership are important parts of the fabric of the Royal Oak and Southeast Oakland County community.

Mr. Speaker, I ask my colleagues to join me in recognizing their longstanding commitment to public service and wishing the Royal Oak Lions Club continued success in all of their important endeavors.

TRIBUTE TO MIKE ALLEN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. HALL. Mr. Speaker, I rise today to pay tribute to a beloved friend, outstanding community leader and longtime Congressional aide, the late E.T. ''Mike'' Allen of Whitesboro, Texas, who passed away on March 14 of this year at the age of 83. Mike served as District Assistant for my predecessor, the late Congressman Ray Roberts, from 1969 to 1980, and as my district assistant from 1980 to 1995. He also served as a member of my screening board for U.S. Military Academies and was my trusted friend and associate.

Mike was knowledgeable about the legislative process—and was so understanding and helpful with constituents who sought assistance with their concerns and problems. He knew the Congressional District from top to bottom, and in addition to being knowledgeable, was always punctual and available. He was always a gentleman and always kind in everything he did.

Mike truly enjoyed people and lived a life of service—both in the workplace and in his community and church. In all that he did—and with all whom he met—Mike brought an abiding sense of optimism and a smile that was his trademark. His favorite saying was ''Always keep a happy heart.'' He loved people. He loved his family. He had a deep and abiding faith in God. I know of no one who knew Mike who did not consider him a friend. He was a man of honor, integrity and a generous nature.

Mike was distinguished in all walks of life. He was a well-liked and well-respected community leader in Whitesboro and Sherman. He served as mayor of Whitesboro for five terms—the last of which he was elected by write-in votes. Among his many civic activities, he served as president of the Whitesboro Chamber of Commerce, president of the local Rotary Club, president of the Quarterback Club, Master of Masonic Lodge #263 and Post Commander of the American Legion Post #398.

Mike was also president of the Grayson County Development Council, a member of the original committee that secured the site for Grayson County College, chairman of the Parent's Committee for the 125th Anniversary Commission, a Council board member of the Boy Scouts of America and an elder in the Presbyterian Church of Whitesboro. He served on the Wilson N. Jones Foundation Board of Directors and was a board member of the Grayson County Campfire Girls of America, the Old Settlers Park Association in Sherman and the Grayson County Child Welfare.

Mike also was a frequent visitor of the local domino hall and a good player in his own right. Playing dominoes was a cherished tradition that facilitated comradery and friendship and served as an unofficial repository of historic and humorous events in the life of Whitesboro.

It comes as no surprise that Mike was named Outstanding Citizen of Whitesboro twice—in 1970 and 1998.

Mike was born in Whitesboro on December 31, 1919, the son of E.T. Allen Sr. and Mary Anderson Allen. He graduated from Whitesboro High School in 1936 and from North Texas State University in Denton. He entered the U.S. Air Force in 1942, where he became a first lieutenant. On returning to Whitesboro, he entered into private business with his father for 23 years before joining Congressman Roberts' staff.

In 1946 he married his loving wife of 57 years, Mary Ann Roberts Allen, a graduate of Texas Woman's University of Denton. They had a special marriage—and they have a devoted family that includes their son, Michael Allen of Tyler and daughter-in-law Carol and granddaughters Lindsay and Carly; daughter Marcy Allen Brown of Greenville and son-in-law Jon and children Leigh and Ben; sister and brother-in-law Lucille and R.B. Head, Jr., and two nieces.

Mr. Speaker, those of us who knew and loved Mike Allen miss him dearly—but his presence continues to be felt in Whitesboro, in Sherman and in the hearts of his family and many friends. He leaves behind such a remarkable legacy of caring and service. America is blessed to have citizens like my good friend Mike Allen, who answered the call to service for his country and his community throughout his exemplary and noble life. As we adjourn today, let us do so in memory of this great man and great American—E.T. ''Mike'' Allen.

RECOGNIZING THE WORK OF ROBERT H. DIEFENBACHER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor Robert H. Diefenbacher, retiring President of the Exton Region Chamber of Commerce, and commend him for his life long service to our community.

Robert Diefenbacher began his tenure as President of the Exton Region Chamber of Commerce in August of 2000, following his retirement as a successful local entrepreneur. His 38 years of business and marketing experience has been a tremendous asset to the chamber and has provided unwavering guidance and support to its membership. He spent

10 of those years creating and growing his own advertising, graphic design and printing business, a true testament to the hard work and dedication apparent in all his undertakings.

During his illustrious career Mr. Diefenbacher has worked as a consultant, professor, and journalist, passing his limitless knowledge on to countless others. He has held various management positions in companies such as IBM Corporation and Decision Data Corporation.

As a young man, after receiving his Bachelor and Master of Management Engineering Degree from Rensselaer Polytechnic Institute, Robert served in the U.S. Navy as the Chief Engineer on a destroyer in the Atlantic and Mediterranean fleets. His heroics serving our nation as well as serving those in our community demonstrate Robert's tremendous leadership abilities and have allowed him to hold countless positions of prestige. He is the current Chairman of the West Whiteland Township Concert Series, a past President of the Rotary Club of Central Chester County, past Chair of the Chester County School to Career Partnership. He served as Chair of the Continental Committee of Paoli Presbyterian Church and is Past-Chair of the Advisory Committee of the former Penn State Technology Development Center Business Incubator.

Robert's service has not gone unnoticed by his peers, he has received the Service Award from the Exton Region Chamber of Commerce, was recognized with Thirty Awards for Excellence in the Neographics Competition of Graphics Arts Association, received a Philly Gold Award for a Consumer Magazine Advertising Campaign, a Business of the Year Award from the Exton Region Chamber of Commerce, an Outstanding Service Award from the Chester County Intermediate Unit and a Chamber Service Award from the Chester County Chamber of Business & Industry.

I ask that my colleagues join me today to commend and honor Robert H. Diefenbacher for his many years of service to our community and wish him the best of luck in all his future endeavors.

ON THE OCCASION OF THE PASSING OF KIT GINGRICH

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. GINGREY. Mr. Speaker, I rise to express my condolences to the family of Speaker Gingrich. His mother, Kit Gingrich, died Tuesday night in Harrisburg, PA, at the age of 77.

Having lost a parent myself, I know personally the pain that such a passing brings. My heart goes out to the speaker and to his siblings, who lost a loving and devoted mother. Speaker Gingrich's sister, Susan Gingrich, said nothing brought her mother more pleasure than her family. One of her proudest moments was watching her son, Newt, sworn in as speaker of the U.S. House of Representatives in January 1995.

Speaker Gingrich is from Cobb County, which is my home county, and I represent some of the areas that he formerly represented. In Cobb County and throughout Georgia, the speaker remains a beloved and revered figure for his great leadership and his contributions to our state and to our nation.

On behalf of the people of Georgia's 11th District, I want to let the Gingrich family know they're in our thoughts and prayers during their time of loss.

COMMENDING MAJORITY LEADER TOM DELAY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to commend the House Majority Leader, TOM DELAY, for his insightful speech yesterday at The Heritage Foundation. The Majority Leader clearly reminded us that we are a nation at war, engaged in a historic battle against enemies of freedom and liberty.

Yet, just two years after September 11th, instead of consistently working together to defeat international terrorism, some of my colleagues seem more intent on criticizing our Commander in Chief. Sadly, as Majority Leader DELAY said, ''In the face of two of the swiftest, most humane, and most successful military campaigns in human history, they descend to name calling.

A political party must offer more than anger and name-calling, they must offer a positive agenda. They cannot just criticize, they must offer solutions. The American people, do not want petty partisan politics and constant nitpicking, they want safety and security from terrorism.

The Majority Leader correctly reminded us, ''The United States is at war, and we want the nation—and its political parties—united behind our common mission to defeat global terror.''

In conclusion, may God bless our troops.

PAYING TRIBUTE TO PAYDEN BELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MCINNIS. Mr. Speaker, I rise before you today to pay tribute to a young man from my district. Payden Bell of Bayfield, Colorado was the victim of a terrible accident earlier this summer and has shown an amazing level of courage by persevering in the face of difficult odds. As he continues on his path toward recovery, I am honored to recognize Payden before this body of Congress.

Payden was working with the family mule when something apparently spooked the animal and it took off running. In the process, a rope got tangled around Payden's feet, dragging him for over a half-mile. Suffering from life-threatening abrasions and gashes to his body and head, Payden was released from the hospital after 18 days and is expected to make a full recovery.

One can only imagine the pain and suffering Payden experienced. Many adults would not have the will power to overcome the agony of such an injury, yet this young boy has recovered so rapidly that his family believes it is nothing short of a miracle. Payden had skin grafts, stitches and was even placed in an antibiotic jacket to help him heal. Less than three weeks later, his wounds were largely healed.

Mr. Speaker, I want to acknowledge Payden's triumphant recovery and his courageous spirit throughout this ordeal. Payden's accident was tragic, and his determination has been remarkable. I would like to wish this young man a continued recovery and all the best in the future.

TRIBUTE TO THE FORDHAM HILL OWNERS CORPORATION

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Fordham Hill Owners Corporation, which celebrated its 20th anniversary in October of 2002.

High on a hill overlooking the Harlem River in the Bronx, New York, is the Fordham Hill community. Its nine buildings are situated on 12 acres of beautiful landscaped property; lofty trees of many varieties reach skyward and the rare black furred squirrels give Fordham Hill a suburban feel.

The residents of the Fordham Hill complex are among the fortunate few to have discovered this hidden oasis; where residents enjoy the benefits of the community's close proximity to various sites such as Yankee Stadium, the Bronx Zoo, and the Bronx Botanical Garden. In addition, a wide variety of nearby services, recreational activities, dining, shopping, schools, universities, hospitals, and churches add to the quaintness of the community.

Mr. Speaker, this beautiful community was planned, designed and completed by the Equitable Life Assurance Society of the United States in 1950. Initially created to serve as apartments for rent, this complex was transformed by E. Thomas Williams Jr., a skilled real estate investor and entrepreneur, who in 1980 outlined a plan to convert the financially troubled apartments into co-op dwellings. Williams, determined to buy the complex, raised funds, took out loans and eventually gained ownership of 65 percent of the complex. He and members of the original co-op committee worked diligently to gain support for the conversion by convincing tenants that a major benefit of buying their apartments was an opportunity for them to accrue some equity in their property after years of paying rent. By 1982 the conversion was in place, the Fordham Hill Owners Corporation was established, and Fordham Hill became the largest privately funded cooperative complex in the city of New York.

The Fordham Hill Owners Corporation is a diverse community of people from all backgrounds and professions who take pride in the community and play an active role in preserving the quality of life at the co-op. As a result of the direct involvement of co-op members, the community is thriving and continues to add splendor to the Bronx.

I ask my colleagues to join me today in honoring the Fordham Hill Owners Corporation for maintaining a well-run corporation with a high quality of life for residents for more than twenty years.

IN HONOR OF THE HISPANIC-AMERICAN CHAMBER OF COMMERCE OF ESSEX COUNTY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Hispanic-American Chamber of Commerce of Essex County for its efforts in developing and advancing the role of Hispanics in small businesses, and in enhancing the interests of Hispanics throughout Essex County and New Jersey. On September 25, 2003, the Hispanic-American Chamber of Commerce of Essex County will hold its 15th Annual Corporate Lunch and Scholarship Awards Presentation at the Newark Club in Newark, New Jersey.

The Hispanic-American Chamber of Commerce of Essex County (HACCEC) has contributed to the increased prosperity and achievement of Hispanics throughout the State by forming new partnerships with Latin America, bringing products and jobs back to New Jersey, and creating further economic development and business opportunities throughout our region. As a member of the United States Hispanic Chamber of Commerce, the HACCEC has successfully brought the issues and concerns of Hispanic-owned businesses to the forefront of the national economic agenda. The Chamber is currently advancing its mission by building the first Hispanic Business Center in Essex County. This will provide the HACCEC with the resources to develop and support economic opportunities for the Hispanic community of Essex County and throughout New Jersey.

I would like to extend my gratitude and congratulations to this year's honorees: Miguel E. Rodriguez; Mario E. Moyano; Joseph N. DiVincenzo, Jr.; Hector M. Corchado; and Anthony F. Ambrose.

Currently president of the HACCEC and former Deputy Mayor of Newark, Miguel E. Rodriguez has led a career proven in leadership and commitment to the Hispanic community. His vast community resources, marketing and management experience, and commitment to diversity have helped make the HACCEC a great resource for small businesses.

The president of American Latin Travel Agents in America, Mario E. Moyano, has been a leader in Newark for over 20 years. Born in Ecuador, he came to the United States in 1969, and by 1975, had established his own business, the Moyano Agency. He is currently the voice of over 160 travel agencies throughout the Newark area.

Essex County Executive Joseph N. DiVincenzo, Jr., has brought quick and impressive change to Essex County. One of his first actions as county executive was establishing the Office of Cultural Diversity and Affirmative Action to ensure adequate minority participation in county affairs. Heavily involved with the Essex County Parks system, Mr. DiVincenzo is the founder of the Newark ''Small Fry'' basketball program, the Rick Cerone Little League, and other recreational programs.

Newark City Councilman Hector M. Corchado has been an effective and dedicated member of his community. A longtime resident of Newark, Councilman Corchado was elected to the City Council in 2002. Mr. Corchado began his career in the Newark Police Department over 14 years ago, where he served as a detective and sergeant in the Community Affairs Division. A natural leader in the police department, he went on to become deputy mayor of Newark before serving on the City Council.

As the chief of police for Newark, Anthony F. Ambrose, III, has served with the Newark Police Department for 17 years. Chief Ambrose rose quickly through the ranks of the Department, and has been a dedicated officer and a true public servant, always keeping the interests of the community at the forefront.

Today, I ask my colleagues to join me in honoring the Hispanic-American Chamber of Commerce of Essex County and its honorees for playing a critical role in the success of Hispanic businesses throughout Essex County and New Jersey.

40TH ANNIVERSARY OF MCGUIRE MEMORIAL

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Ms. HART. Mr. Speaker, I am honored to have the opportunity to pay tribute to an outstanding health care facility located in the district I represent in the U.S. House of Representatives. 2003 marks the 40th anniversary of McGuire Memorial, an outstanding provider of care for the multiply handicapped. McGuire was founded in 1962 by the Catholic Diocese of Pittsburgh through a proposal by the Felician Sisters.

I have personally visited McGuire and, as such, am familiar with the level of care and compassion that this remarkable facility offers its patients. I was inspired by my visit to McGuire and am pleased at the growth that the facility has experienced over the years.

I ask my colleagues in the House of Representatives to join me in wishing continued success to McGuire Memorial on the celebration of its 40th Anniversary.

HONORING MAYOR WILMER JONES-HAM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. KILDEE. Mr. Speaker, I rise today and ask the House of Representatives to join me in congratulating Mayor Wilmer Jones-Ham as she is honored with the Woman of the Year Award by the Dr. Marie Wright Tolliver Cultural and Civic Club of Saginaw, Michigan on Sunday, October 5th.

The Dr. Marie Wright Tolliver Cultural and Civic Club is an associated club of the National Association of Colored Women's Clubs, Incorporated. The Woman of the Year Award is named in honor of Dr. Tolliver and the work she has done over the years to improve life in the Saginaw area.

In keeping with the motto of the National Association of Colored Women's Clubs, ''Lifting as we Climb,'' Mayor Ham has devoted her life to her church, her family and her community. Bom and raised in Saginaw, she graduated from Saginaw Valley State University with a Bachelors Degree in Elementary Education and a Masters Degree in Supervision and Administration. She then returned to her roots in the Saginaw School System and taught 7th and 8th grades for 24½ years.

As a devoted proponent of Saginaw her civic involvement is extensive. As an active member of numerous organizations including the NAACP, Zeta Phi Beta Sorority, SIGMA, MBS International Airport, Downtown Development Board, New Perspectives, League of Women Voters, National Education Association, Habitat for Humanity, Agape Home for Social Change, Saginaw International Mahogany Models, Boys and Girls Club, Saginaw Soul Children, Saginaw Orchestra, the Mayor's Ball and Scholarship Foundation, and Restoration Community, Mayor Ham has contributed insight, leadership, and direction to every organization fortunate to have her as a member.

Through her position as Music Minister with Tabernacle Baptist Church she has expanded the ministry and founded several organizations devoted to praising God. With her personal motto of ''I can do all things through Christ which strengthens me'' (Philippians 4:13), Mayor Ham has developed the 100 Voice Boys Choir, and Women and Men in Praise. Mayor Ham also serves as a member of the Saginaw Interdenominational Ministries and the board of St. John Trinity.

Mayor Ham was married to the late Howard Leon Ham, is the mother to DeRonnie, DeToya and Darvin and the grandmother to Darvin Jr., Donovan, Dominic, Dominique, DeRhonda, and Alexis. Mr. Speaker, I ask the House of Representatives to rise with me today and join in congratulating Mayor Wilmer Jones-Ham as she is honored by the members of the Dr. Marie Wright Tolliver Cultural and Civic Club of Saginaw.

RECOGNIZING UNDERSHERIFF CURTIS WATSON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. STARK. Mr. Speaker, we rise today to pay tribute to Undersheriff Curtis L. Watson for his thirty-three years of exemplary service in law enforcement. On October 17, 2003 Undersheriff Watson will be honored at the Hayward South Alameda County NAACP's Community Service Awards Banquet.

Undersheriff Watson is a native of Little Rock, Arkansas, and prior to beginning his career in law enforcement, he served in the United States Air Force from 1966–1970. During the past thirty-three years with the Alameda County Sheriff's Department, he has held a variety of positions. In July of 1980, he was promoted to the rank of Sergeant and was assigned to the Santa Rita Jail and later to the Criminal Investigation Unit. In July of 1986, he was promoted to Lieutenant and assigned to the jail system before returning to the Criminal Division as a watch commander in Patrol.

In January of 1990, Undersheriff Watson was promoted to Captain and became the

commanding officer of the North County Jail in Oakland. From January 1993, until his appointment as Undersheriff, he served as the Administrative Captain to the Sheriff. On April 8, 1993, he was appointed to the position of Undersheriff for the Alameda County Sheriff's Office.

Undersheriff Watson received his BA degree in management from Saint Mary's College in Moraga, CA. He is currently a member of the California State Sheriff's Association, the National Organization of Black Law Enforcement Executives and is a member of the Alameda County Women's Hall of Fame Planning Committee.

We join the friends and colleagues of Undersheriff Watson in expressing congratulations as he is honored by the Hayward South Alameda County NAACP. We thank him for continued service to Alameda County.

ON THE BRAVERY OF ARLINGTON CEMETERY SOLDIERS DURING HURRICANE ISABEL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MILLER of Florida. Mr. Speaker, as Hurricane Isabel's winds swept over Arlington National Cemetery, the soldiers who guard the Tomb of the Unknowns were given—for the first time in history—permission to abandon their posts and seek shelter.

But that wasn't what was going to happen, and Sergeant Christopher Holmes knew it. He and other valiant members of the 3rd U.S. Infantry Regiment stood vigil on overnight duty.

''That's never an option for us. It went in one ear and right out the other,'' Holmes said.

The monument was established in 1921 with the interment of an unknown World War I soldier, and a sentry has been posted there continuously since 1930. Cemetery Superintendent John Metzler didn't want to put the guards in jeopardy unnecessarily with the fierce storm bearing down Thursday night, so cemetery officials decided to let the guards move indoors if they felt they were in danger.

Holmes' group was on duty for 24 hours, from 6 a.m. Thursday until 6 a.m. Friday. They took turns patrolling the tomb in hourly shifts, never leaving their post.

Mr. Speaker, I commend these brave men and women, who do whatever they must to guard the Unknowns. They cherish their post, and consider it the greatest honor to go out and guard this symbol of every man and woman who has fought and died for this great nation. Their patriotism is admired by all Americans.

50TH WEDDING ANNIVERSARY OF W. RONALD COALE AND MARY ELLEN FISKE

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. POMBO. Mr. Speaker, I rise tonight to honor the 50th wedding anniversary of my friends, W. Ronald Coale, and his wife Mary Ellen Fiske. It is not often that two people so perfectly compatible find each other. Fifty years of happy marriage is a remarkable achievement, and for this I congratulate them.

It was 50 years ago today that Ron wed Mary, his girl from, appropriately, Angel's Camp. These last 50 years have witnessed many happy times in their lives, including the births of their two sons, W. Ronald Jr. and Michael, and their five grandchildren.

Ron and Mary have been dedicated and distinguished members of the Stockton, California community. Ron has served as a commissioner with the Port of Stockton since 1991. Before that he served on the City Council and as Vice Mayor. Both Ron and Mary have long been active in the California Republican Party.

It gives me great pleasure to commemorate these two fine Americans on this special day.

SUPPORT FOR DISCOVERY COMMUNICATIONS, INC.

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. BOEHLERT. Mr. Speaker, as Chairman of the House Committee on Science, I am an avid supporter of programs that encourage the youth of America to push the limits of innovation and originality in science. One such program is the Discovery Channel Young Scientist Challenge.

Created in 1999, Discovery Communications, Inc., designed the Discovery Channel Young Scientist Challenge as part of the solution to America's chronic underachievement in science and math. The annual national contest responds to evidence that academic performance and interest in science among American students declines dramatically as students become older. This is particularly evident during the middle school years.

For these reasons, the Discovery Channel Young Scientist Challenge identifies and honors America's top middle school student who demonstrates the best skills in leadership, teamwork, and scientific problem solving. More than 6,000 middle school students have entered the challenge since its inception in order to compete for the title of ''America's Top Young Scientist of the Year.'' Since 1999, scholarship awards for the students have totaled more than $400,000 and challenge winners have participated in science-related trips to far-off places, including the Roslin Institute in Midlothian, Scotland, and the El Yunque rain forest in Puerto Rico.

On September 17, 2003, Discovery Communications, Inc., announced the 40 middle school students who have advanced to the finals of the Discovery Channel Young Scientist Challenge. Selected from more than 1,700 entrants, the ''Final Forty'' represent an elite group of young Americans who demonstrated exceptional creativity and communications skills in original science research projects. To commemorate the centennial of the Wright Brothers' first flight, this year's finalists will compete in a multitude of experiments involving the science of flight. The winners will be announced at the awards ceremony on October 22, 2003.

The finalists for the 2003 Discovery Channel Young Scientist Challenge are: Jeffrey Luttrell of Tempe, Arizona; Tyler Kirkland of Tucson, Arizona; David Edwards V of Tucson, Arizona; Bobby Fisher of Laguna Niguel, California; Jacob Rucker of Del Mar, California; Dana Feeny of Woodside, California; John Reid of Redlands, California; Samantha Bates of San Carlos, California; Patrick Saris of Newbury Park, California; Justin Koh of Bakersfield, California; Taylor Simpkins of Costa Mesa, California; Scott Presbrey of Fort Myers, Florida; Peter Borden of Fort Myers, Florida; Bran Yancey of Miami, Florida; Sravya Keremane of Gainesville, Florida; Sarah Gerin of West Palm Beach, Florida; Joseph Stunzi of Watkinsville, Georgia; Bryce Melton of Terre Haute, Indiana; Anthony Burnetti of Derwood, Maryland; Ethan Roth of Kansas City, Missouri; Elena Ovaitt of Weston, Missouri; Austin Minor of Lee's Summit, Missouri; Rachel Clements of Albuquerque, New Mexico; Leah Crowder of Albuquerque, New Mexico; Michael Klein of Atlantic Beach, New York; Ryan Lee of Hamilton, Ohio; Bogna Brzezinska of Upper Arlington, Ohio; Lorren Kezmoh of Pittsburgh, Pennsylvania; Katie Sloop of El Paso, Texas; Daniel Steck of San Antonio, Texas; Aron Trevino of San Antonio, Texas; Luis Lafer-Sousa of San Antonio, Texas; Elizabeth Monier of Boerne, Texas; Ian Cummings of Clearfield, Utah; Spencer Larson of Springville, Utah; Ryker Watts of Alpine, Utah; Zachary Hopkins of Highland, Utah; Jennifer Gutman of Wheeling, West Virginia; and Erica David of Pinedale, Wyoming.

At a time when science and technology plays such an enormous role in our lives, I believe it is imperative that we continue to support and nurture the next generation of young scientists. I would like to congratulate these students for their dedication and hard work in the name of science and wish them all good luck during the 2003 Discovery Channel Young Scientist Challenge.

TRIBUTE TO LINDA VROOM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of a great citizen. Linda Vroom, who lived for many years in Aspen, Colorado, recently passed away. As her family and friends mourn Linda's passing, I would like to pay tribute to her memory here today.

Linda had a noble spirit and was always willing to lend a helping hand to those in need. While in Mexico City during the earthquake of 1985, Linda rescued an infant by jumping out of the third story of an apartment building. She was a talented artist who loved to sing and play the flute. Linda was also an avid biker, though her great passion was for fine wine and good food. Linda was known for helping countless people to educate themselves on these topics at both the Aspen Wine & Spirit and the Cooking School of Aspen. For the past two years, Linda pursued her love of wine by studying to become a sommelier.

Mr. Speaker, Linda Vroom had a great passion for life, and she loved to share that passion with others. While Linda has passed on, her legacy will continue to live. I am honored

to join with my colleagues in honoring Linda here today.

IN HONOR OF MICHAEL LEGGIERO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Michael Leggiero for his leadership and dedication to the North Hudson Community Action Corporation. Mr. Leggiero was honored with the Louis T. Scialli Memorial Award by the United Way of Hudson County on September 16, 2003, at the Crown Plaza Hotel in Secaucus, New Jersey.

As President and CEO of the North Hudson Community Action Corporation, Mr. Leggiero's vision and leadership has helped make the organization the largest and one of the most highly regarded community organizations in Hudson County. The North Hudson Community Action Corporation is currently the largest provider of health and social services in the county and serves as a model for the quality of services it provides the community.

Mr. Leggiero first came to the North Hudson Community Action Corporation in 1971. Through his hard work and communal spirit, Mr. Leggiero assumed directorship in 1978. At that time, the North Hudson Community Action Corporation administered seven programs, which served 5,000 residents per year. After 25 years under Mr. Leggiero's leadership, the North Hudson Community Action Corporation now runs 20 programs that serve over 55,000 Hudson County residents each year.

Mr. Leggiero's foresight and understanding of community issues has been a great asset to the North Hudson Community Action Corporation. Mr. Leggiero helped create a state-of-the-art community health center, which now provides care and assistance to over 2,000 patients each week. In 1996, Mr. Leggiero spearheaded the production of 49 new affordable housing units and just recently completed a similar venture, which provided the North Hudson community with 37 new housing units.

Michael Leggiero is a lifetime resident of Union City, where he lives with his wife Lois. An active member of his church, Mr. Leggiero is known for his love and dedication to his congregation, with whom he shares a commitment to giving back to the community.

Today, I ask my colleagues to join me in honoring Michael Leggiero for his outstanding leadership and service to the people of Hudson County.

TRIBUTE TO THE INSTITUTE FOR THE PUERTO RICAN/HISPANIC ELDERLY, INC.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to The Institute for the Puerto Rican/Hispanic Elderly, Inc., an organization dedicated to improving the lives of low income minority seniors and their families in the city of New York. This invaluable organization will celebrate its 25th anniversary on Friday, October 3, 2003.

The Institute for the Puerto Rican/Hispanic Elderly, Inc., was founded in 1978 to remove communication and other service barriers that separated Puerto Rican and Hispanic seniors from their rights and entitlements under the law. Today, the Institute is the premier Hispanic non-profit organization serving New York City's ethnic minority seniors and their families, with the mission to improve their quality of life.

Serving more than 140,000 seniors annually, the institute's services are delivered in a citywide complex of offices, facilities, programs and senior centers. In addition, the Institute has four subsidiaries: El Cemi Houses, which provides affordable housing for homeless seniors; the Institute Home Care Services; the licensed Innovative Home Health Care Systems; and Clinica Nueva Esperanza, a mental health clinic for seniors.

The Institute also serves as an important resource for non-profits, government agencies and businesses, providing technical assistance and consultation in areas such as management training, culturally responsive service delivery, and access to minority communities.

Mr. Speaker, under the leadership of Suleika Cabrera Drinane, this fine institution has helped to provide essential and quality services to the low income minority seniors of New York City for a quarter of a century. Because of its pioneering and outstanding work, the Institute has received awards and recognitions from city, state, and federal agencies, as well as by other organizations in the community.

For their long standing commitment to the disadvantaged seniors of New York City, I ask that my colleagues join me in honoring the Institute for the Puerto Rican/Hispanic Elderly, Inc., on their 25th Anniversary.

IN MEMORY OF BILLIE LOU ''PEACHES'' PARKER BROOKSHIRE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. HALL. Mr. Speaker, earlier this year the citizens of Tyler, Texas, lost one of their dearest and most influential members, Billie Lou ''Peaches'' Parker Brookshire, who passed away at the age of 72 following a lengthy illness.

The Brookshire family has long been known in the Tyler area for their many contributions to East Texas—with Peaches being a central figure in their philanthropy. Peaches was actively involved in numerous worthy causes, including the Salvation Army Center of Hope, Junior League of Tyler, Tyler Junior Garden Club, American Cancer Society, Susan G. Komen Breast Cancer Foundation, Trinity Mother Frances Hospital, Green Acres Baptist Church, All Saints Episcopal School, Grace Community School and Hospice of East Texas. In all that she did and with all whom she met, she brought enthusiasm, compassion, a positive attitude and a legendary sense of humor. Peaches also was an accomplished artist. Several of her paintings were recently donated to the Tyler Cancer Center to encourage patients receiving treatment there.

Above all Peaches was a devoted wife to her husband and partner of 53 years, Bruce, whom she met while attending the University of Texas at Austin, and a loving and loyal mother and mother-in-law to Tim and Michelle and to Britt and Sunni. She was known endearingly as ''honey'' to her nine grandchildren: Amy, Clint, Garnett, Blake, Chad, Ross, Caroline, Emma and Bruce, Jr. Clint Brookshire ably served as my Congressional Assistant in Washington, D.C., and later as District Assistant in my Rockwall, TX, office, before pursuing another career in Dallas. He was a valued and well-liked member of my staff and remains my good friend. Peaches maintained a close relationship with Decie Brookshire, mother of Clint and the two other eldest grandchildren. She also leaves behind her two dear sisters and their husbands, Kay and Darrold Cannon Jr. and Judy and Ray Clymer Jr. of Wichita Falls; her mother-in-law and lifelong friend, Mrs. Louise Brookshire of Tyler; numerous nieces and nephews; and caregivers Jeanell and Jesse Richardson of Tyler.

Peaches was the daughter of William Garnett Parker and Opal Louise Parker of Wichita Falls. She attended Midwestern State University and the University of Texas at Austin, where she was a member of Kappa Kappa Gamma sorority. Her grandfather, C.H. Parker, opened Parker Food Stores in Wichita Falls in the 1920s, the same time that her father-in-law, W.T. Brookshire, was opening his first Brookshire's Grocery Store in Tyler.

I have known Peaches and Bruce and their family for many years and have loved and admired them for their ability to so ably balance work, family and community commitments. They are one of the outstanding families in the Fourth Congressional District—and their efforts have helped so many in their community. In recognition of their many significant contributions, Peaches and Bruce were named the recipients of the 2002 Isadore Roosth Outstanding Philanthropist Award in Tyler.

Peaches was devoted to her family, her faith, and her community—and was a model of grace, goodness, and good humor. She was a friend and an inspiration to so many—and she will be fondly remembered by all those who knew her and loved her. Mr. Speaker, it is a privilege today for me to pay tribute to an exemplary woman and outstanding citizen of East Texas who made an indelible impression on all those who met her—Peaches Parker Brookshire. She will be dearly missed.

HONORING REV. PAUL D. KENNEDY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MCGOVERN. Mr. Speaker, I rise to honor Reverend Paul D. Kennedy, pastor at the All Saints Episcopal Church in Worcester, Massachusetts and to recognize his achievement as the first ever recipient of the Children's Friends Inc. Ambassadors Award. I am proud of Rev. Kennedy's services.

The Children's Friend Inc. was established in 1849 by a group of concerned Worcester citizens to provide a ''safe home'' for the city's most vulnerable children: the orphaned, the abandoned, and the neglected children. The

central mission of Children's Friend's is ''to promote the emotional, social and physical health of a needy and diverse population of children and to advocate of their rights.''

The Children's Friend Inc. Ambassadors Award was established to honor a diplomatic official of the highest rank appointed and accredited to represent an organization's permanent mission to the community. Rev. Kennedy first became involved with the Children's Friend Inc. in 1993 and served on the organization's Board of Directors from 1994 to 2002. He was presented with this award because of his tireless and continued effort to advocate for the well being and welfare of children. This is a testimony to the power that one individual can utilize to benefit the lives of many.

In addition to this achievement, Rev. Kennedy has served the Massachusetts Lutheran and Episcopalian community in a distinguished manner for well over 20 years. After graduating from Harvard Divinity school and the Hamma School of Theology at Wittenberg College, Rev. Kennedy began his career as a pastor at the St. Paul Lutheran Church in Gloucester, Massachusetts. Since then, he has actively and impressively represented his own congregations and the greater church community through the numerous positions. Some of his many outstanding contributions include serving as delegate to the Lutheran Church in America Convention four times and holding a variety of positions for the Lutheran Service Association, and the Lutheran Social Service of New England.

Rev. Kennedy's commitment to social service and human welfare is extensive. He sat on the American Red Cross Board of Directors, and served as President of the Worcester Chapter of the American Cancer Society. He was a member of the Board of Trustees at Upsula College and currently sits on the Board of Trustees at Endicott College.

Mr. Speaker, I am certain that the entire U.S. House of Representatives joins me in congratulating Rev. Kennedy for this high honor.

100 YEARS OF UNITED STATES-BULGARIAN DIPLOMATIC RELATIONS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. BEREUTER. Mr. Speaker, last Thursday while Washington was consumed with the arrival of hurricane Isabel, a significant celebration was taking place in Sofia, Bulgaria.

On September 18, the United States and Bulgaria marked the 100th anniversary of diplomatic relations between our two countries.

Since the fall of the Berlin Wall, Bulgaria has worked hard to build a stable democracy and to provide its people the very freedoms we have for so long taken for granted in this country. The people of Bulgaria should be proud of what they have accomplished over this past 13 years.

Bulgaria has also worked to reaffirm and strengthen its friendship with the United States. Bulgaria has worked with us to promoted stability and peace in the Balkans by providing peacekeeping forces in Bosnia and Kosovo.

After the tragedy of September 11, 2001, Bulgaria was among the very first countries to denounce terrorism and pledge active support to the United States in the fight against global terrorism. Bulgaria supported Operation Enduring Freedom and the International Security Assistance Force (ISAF) in Afghanistan and is presently providing 500 infantry soldiers to the Iraq stabilization force.

Mr. Speaker, in closing, on the occasion of this 100th anniversary of United States-Bulgarian diplomatic relations, it is appropriate to reflect on this important relationship and to dedicate ourselves to promoting good relations for the next 100 years.

HONORING ST. JOSEPH PARISH ON THE OCCASION OF THEIR 150TH ANNIVERSARY

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. CHOCOLA. Mr. Speaker, I rise today to congratulate Rev. Michael Couhig, CSC, and the congregation of Holy Cross on the 150th anniversary of the founding of St. Joseph Parish by the congregation.

St. Joseph is South Bend, Indiana's oldest Catholic worshipping community. Initially called St. Alexis Chapel, it was established by Rev. Edward F. Sorin, CSC, as a mission chapel of Notre Dame.

Since that time, the congregation has treasured history.

The first building, which was both a chapel and a school, was erected in 1853 in the community of Lowell, at what is now the intersection of Hill and LaSalle streets.

By the next year, the Sisters of the Holy Cross were teaching children in the tiny building. In 1866, that first structure was replaced with a larger building named the Church of the Assumption.

The second church building burned to the ground in 1872. A third church was built nearby on the present site of St. Joseph Medical Center. By 1881, when the cornerstone for the fourth church was laid on the current site, the parish was known as Saint Joseph, and Lowell had been absorbed by the city of South Bend. The parish thrived, welcoming French, English, Irish, Italians, Southeast Asians, and all others as they came. Because of structural weaknesses, the handsome old Gothic church had to be demolished, and the current church was erected in 1965. St. Joe's current parish registration numbers over 720 families.

As the parish grew, so did their school. The school expanded into Assumption Academy, a boarding and day school, which in 1886 was replaced by a larger two-story building. By 1926, that structure was overflowing, and the present school was built. Since that time, the school's high standards have remained unchanged. St. Joseph School is the oldest continuously operating school in the city of South Bend, Indiana, and their building was placed on the National Register of Historic Places in 1999.

Mr. Speaker, I commend Rev. Couhig and his parishioners for contributing to the spiritual, educational, and economic development of the Michiana community for the past 150 years.

TRIBUTE TO RALPH SAMPLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to the life and memory of Ralph Sample who recently passed away at the age of 85. A lifelong resident of New Castle, Colorado, Ralph was an enterprising and hard working man who was extensively involved in his community. I am honored to pay tribute to his memory here today.

Ralph was born in Glenwood Springs in 1917. Later in life, Ralph settled with his wife Edna in his native Glenwood Springs, where they farmed, raised cattle and sheep, and Ralph operated Sample's Jersey Dairy. In addition to farming and ranching, Ralph was an entrepreneur. He helped to establish both the Glenwood Insurance Agency & Realty and Valley Realty.

Many community groups benefited from Ralph's participation. He was extensively involved with the Glenwood Springs Masonic Lodge as a member of both the York Rite and the Scottish Rite. Ralph was also an active community leader with the Glenwood Springs Rotary Club and the Elk Creek Grange No. 415. He devoted countless hours to their many philanthropic pursuits.

Mr. Speaker, I join with my colleagues in extending my deepest sympathies to the family of Ralph Sample. His hard work and civic-mindedness stand as a shining example of the spirit of Colorado. While Ralph has passed on, his legacy will live on with all those who knew him. I am honored to recognize his life and passing here today.

HONORING MAESTRO ENRIQUE DIEMECKE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating Maestro Enrique Diemecke as he begins his fifteenth year as the Music Director and Principal Conductor of the Flint Symphony Orchestra. Maestro Diemecke will be honored for his service at a dinner on October 4th.

Enrique Diemecke became an integral part of the Flint musical community in 1988. An internationally recognized musician and maestro, he is considered to be one of the best young maestros working in the world today. His list of accomplishments is extensive. After studying at Catholic University in Washington, DC. and the Pierre Monteux School for Advanced Conductors he embarked upon a musical career that spans several continents. He has served to the delight of audiences as the conductor for orchestras in North America, Europe, New Zealand and South America. His sublime interpretation of both classical composers and emerging talents have won rave reviews everywhere he performs.

His musical endeavors have not been limited to live performance. Maestro Diemecke has recorded several pieces of music. He won

the Bruno Walter Orpheus d'Or Prized for Best Opera Conductor by the Academy of Lyric Recordings for his live recording of Mascagni's Parisina. His 1993 recordings of the music by Revueltas, Chavez, and Moncayo was honored with the Golden Record Award and was a top ten seller in Mexico for over a year.

As a composer, Enrique Diemecke's work commands international respect. During the 1998 World Cup, he was commissioned by Radio France Festival to compose a work in honor of the soccer spectacular. His composition, Die-Sir-E, was heard around the world and has been performed at other venues since the World Cup. His compositions are increasingly presented to the public by orchestras in several countries.

It is an honor to ask my fellow members of the House of Representatives to join me in congratulating Maestro Enrique Diemecke for his collaboration with the Flint Symphony Orchestra. During the past fifteen years, Maestro Deimecke has inspired a spirit of joy and enthusiasm with each performance, enriching the life of the greater Flint area with his talent and blessing our community through his continued association with the Flint Symphony Orchestra.

IN REMEMBERANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the memory of the victims of the Katyn Forest Massacre of 1940. A Memorial Service sponsored by the Katyn Forest Massacre Memorial Committee of the New Jersey Division of the Polish American Congress was held on Sunday, September 21, 2003, at the Katyn Monument in Jersey City, New Jersey.

The Katyn Forest Massacre Memorial Service is a tribute to the bravery of the Polish people who fought valiantly during World War II. Over sixty-three years ago, during the Soviet invasion of Poland, over 15,000 Polish military officers, intelligentsia, prisoners of war, clergy, and Polish civilians were attacked and killed by Soviet military and secret police. Over 4,500 bodies were discovered in the Katyn Forest in a single mass grave.

This year, the Katyn Massacre Memorial Service will also pay special tribute to the brave men and women who perished in the horrific terrorist attacks on the World Trade Center, the Pentagon, and Flight 93 in Somerset County, Pennsylvania, on September 11, 2001. Although more than 60 years apart, the loss of innocent lives in both tragic events have had a profound effect on our society. To lay wreaths and flowers in memory of all of the victims is a fitting tribute, as the site of the Katyn Monument in Exchange Place in Jersey City once looked upon the towers of the World Trade Center just across the Hudson River.

Today, I ask that my colleagues join me in remembering the victims of the Katyn Massacre and the September 11th attacks, and honor their sacrifice and courage. May we continue to honor the memories of those who were lost, so we will not be destined to repeat the horrors of the injustices suffered by these innocent victims.

MOTION TO INSTRUCT CONFEREES ON H.R. 1588. NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. LANGEVIN. Mr. Speaker, I rise today to commend the brave men and women of our armed services who are carrying out the mission to provide hope and freedom to the Iraqi people. I would also like to commend Representative CROWLEY for his leadership and advocacy for our men and women in uniform.

Like many of my colleagues, I am concerned with the increasing frequency and duration of Reserve component deployments. During the Cold War era, the Reserve components were a manpower pool that was rarely tapped. However, this resource has become increasingly important to our peacekeeping and counterterrorism missions. As a result, the demands placed on Guard and Reserve families are quickly growing. Not only do these families often have to adjust to life on much smaller salaries, they may have to worry about maintaining their health coverage. This situation is unacceptable, and we need to provide our Guard and Reserve with this coverage from the start so that the stresses of deployment are not compounded by worries about healthcare. I believe offering the guarantee of long-term health coverage would not only help the families of activated Guard and Reservists, but also increase recruitment and retention of some of our most valuable personnel.

As a member of the House Armed Services Committee, I firmly believe that members of our National Guard and Reserve should have benefits commensurate with those of active duty forces. With the announcement that the Reserves' total commitments could now be in excess of a year in some circumstances, this problem must be remedied immediately, and if not by the Pentagon then by Congress. We place enough burdens on these families as it is, I want us to make every effort to remove at least this one. I urge my colleagues to support the Crowley motion to instruct.

HONORING PAUL DEVAUL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. ISRAEL. Mr. Speaker, I rise today in honor of Paul DeVaul, a decorated veteran and past County Commander for the Suffolk County American Legion. On October 5 2003, the American Legion will be honoring Mr. DeVaul for his service to veterans on Long Island.

After entering the United States Army in December of 1961, Paul was assigned to the United States Army Special Warfare School at Fort Monmouth, New Jersey. During this time Paul was awarded numerous awards, including the Army Commendation Medal and the Good Conduct Medal upon his discharge on December 16, 1984.

Paul has been an active member of the Bay Shore Post, #365, of the American Legion since 1990 including serving as County Commissioner in 2001. Paul is one of the few Legionnaires who has served as County Commissioner for two years. One of his more notable accomplishments was when he took it upon himself to gather the names of all Korean and Vietnam War veterans from Bay Shore to create an Honor Roll to recognize their sacrifices for this country.

Paul also developed recognition programs for community groups, individuals, and students who support Veterans and American Legion programs; such as the Spirit Of American Award, which honors individuals for their efforts on behalf of veterans or for their community work. On September 11, 2001 Paul coordinated seven local American Legion posts to serve as shelters for the emergency workers at Ground Zero.

Paul continues to play an active role in the American Legion community and he serves as a role model for all Legionnaires. I commend Paul DeVaul for his dedicated service to our country during his time in the Army and in the aftermath of the attacks on the World Trade Center, and for his hard work on behalf of veterans on Long Island.

TAIWAN'S BID FOR MEMBERSHIP IN THE UNITED NATIONS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. KING of New York. Mr. Speaker, today I rise in support of Taiwan's bid for membership in the United Nations (UN).

For the 32nd consecutive year, the U.N. convenes its annual General Assembly without the membership of Taiwan and once again its 23 million citizens will be denied a voice in vitally important global matters. Although Taiwan has long been a significant player in world affairs with a GNP and population larger than three quarters of U.N. member countries, it has repeatedly been denied membership.

The transformation of Taiwan from an impoverished State into an industrial powerhouse, and from a one-party dictatorship into a multi-party democracy, is among the most impressive economic and political marvels of our time. Free and fair elections are held at all levels of government. Taiwan's constitution guarantees its citizens freedom of assembly, freedom of expression, freedom of religion, freedom of the press and it is a strong supporter of human rights.

Already, Taiwan is an active participant in international organizations as exemplified by its membership in the Asian Development Bank, its admission as a full member to the Asia-Pacific Economic Cooperation (APEC) group, and its membership in the World Trade Organization (WTO).

Taiwan has also used its successes to become an active contributor to international humanitarian efforts. It has made significant donations to countries devastated by natural disasters and war including relief efforts in Kosovo, Afghanistan, Turkey, and Iraq, to name a few. Taiwan is well prepared and quite willing to actively support U.N. endeavors.

Furthermore, it is not uncommon to have parallel representation of divided countries in

the U.N. such as the case of East and West Germany before German reunification in 1990. This type of representation currently exists with respect to the membership of both the Democratic People's Republic of Korea and the Republic of Korea.

By large margins, both Houses of Congress have endorsed Taiwan's desire for participation in the United Nations. Taiwan, a country seeking peace and stability in its region, deserves the right to membership in the United Nations.

TRIBUTE TO LARRY REED

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. PAUL. Mr. Speaker, I am pleased to pay tribute to one of America's leading advocates for liberty, my friend Larry Reed, who celebrates his 50th birthday on September 29th. In 1993 Larry founded the Mackinac Center for Public Policy in Midland, Michigan. Under his leadership, Mackinac has emerged as one of the largest, most prolific, and effective think tanks in America. Mackinac focuses on issues affecting Michigan; however, much of their work is useful to policymakers at the State and national level.

Prior to founding Mackinac, Larry served as Chair of the Department of Economics at Northwood University in Midland, Michigan. While at Northwood, Larry developed the university dual major in Economic and Business management and founded the University's ''Freedom Seminar.'' Larry has also been a candidate for Congress.

In addition to running Mackinac, Larry is a prolific author. He has written over 800 newspaper columns and articles, 200 radio commentaries, dozens of articles in magazines and journals in the United States and abroad. Larry is also the author of five books including Lessons From the Past: The Silver Panic of 1893 and Private Cures for Public Ills: The Promise of Privatization. All of Larry's writings reflect his unswerving commitment to limited government and the free market as the best way to promote human happiness.

Larry has also found time to deliver more than 700 speeches, traveling to 40 states and 10 foreign countries to spread the freedom philosophy. Larry also promotes liberty as a member and past chairman of the Board of Trustees of the Foundation for Economic Education (FEE), the nation's oldest free-market educational institution.

In 1993, Larry was appointed by then-Governor John Engler to head the Headlee Amendment Blue Ribbon Commission. Governor Engler also appointed Larry to the task force of the Secchia Commission on Total Quality Government, where Larry helped develop policies aimed at streamlining Michigan's state government. I am sure the taxpayers of Michigan are grateful to Larry for his efforts to reduce unnecessary spending.

Mr. Speaker, the great economist Ludwig Von Mises once said that ''everyone. . . . must thrust himself vigorously into the intellectual battle. None can stand aside with unconcern; the interests of everyone hang on the result. Whether he chooses or not, every man is drawn into the great historic struggle, the decisive battle into which our epoch has plunged.'' Few have so vigorously thrust themselves into the intellectual and policy battle on the side of freedom as Larry Reed. It is therefore my privilege to pay tribute to this champion of liberty on his 50th birthday.

TRIBUTE TO JOSEPH MURPHY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of a great citizen from my district. Joseph Murphy of Durango, Colorado was a dedicated teacher, enthusiastic coach, and devoted public servant. As his family and community mourn Joseph's passing, I would like to pay tribute to his memory here today.

Joseph was born in Pueblo, Colorado in 1922. Like many of his generation, Joseph served his country in the Army during World War II. Later, he and his wife Marie settled in Durango, where they became fixtures of the community by getting involved in local politics.

Joseph taught Journalism and English at Durango High School and at Fort Lewis College. As an athlete, baseball was dear to Joseph's heart and he shared his love of the game with others in many ways. Joseph was seemingly always involved with baseball, playing semiprofessional ball, coaching a team, officiating for years, and announcing sports news on the radio. In addition, Joseph was a dedicated public servant. He served on the Durango City Counsel for four years and served one term as Durango's Mayor.

Mr. Speaker, Joseph Murphy embodied the spirit of America. When his country needed him, Joseph bravely fought in World War II. When his community needed him, Joseph faithfully served as its Mayor. When his students needed him, Joseph worked to enrich their lives. When his teammates and players needed him, Joseph inspired and supported them. While Joseph has passed on, his legacy will live on. For these many reasons, I am honored to join with my colleagues in recognizing Joseph here today.

IN HONOR OF LA CASA DE DON PEDRO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor La Casa de Don Pedro for providing invaluable community programs and services for residents of New Jersey. La Casa celebrated its 30th anniversary on Friday, September 12, 2003.

Since 1973, La Casa de Don Pedro has been providing a wealth of services to the residents of Newark, New Jersey and surrounding communities. La Casa currently provides over 20 programs and services that have made a profound difference in many lives. A true community-based organization, La Casa was founded and continues to be driven by members committed to changing and improving their community.

La Casa de Don Pedro has been tremendously successful in providing critical services for children, young people, adults, and families ranging from education and job training to emergency assistance. In 2002, La Casa provided after-school programs to more than 300 children, ages 6 to 18, and Early Childhood Education programs for parents of 130 families, 80 percent of whom maintained employment or remained with the program. La Casa's Weatherization Assistance Program helped 294 homes become more energy efficient, which will help families save thousands of dollars in energy costs.

More than 410 adults received English language education or citizenship assistance from La Casa, and over 130 adults received immigration assistance. La Casa's Welfare to Work initiative had one of the highest job placement rates in Essex County in 2002, and its Telecommunications Learning Center served as a model for New Jersey's new Workplace Literacy Program. From its inception, La Casa has been a leader for the quality and wealth of services that it provides to members of the community, and its success proves that it will continue to be a model for similar organizations.

La Casa de Don Pedro received the 2002 Excellence in Hispanic Leadership Award from the New Jersey Department of Community Affairs' Center for Hispanic Policy Research and Development and was listed as one of the top 25 Hispanic Nonprofit Organizations of 2002 by Hispanic Business Magazine.

Today, I ask my colleagues to join me in honoring La Casa de Don Pedro for thirty years of outstanding and dedicated work, and for making critical differences in the lives of many New Jersey residents.

REAUTHORIZATION OF THE FEDERAL HIGHWAY AND TRANSIT PROGRAMS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. OBERSTAR. Mr. Speaker, we must quickly enact a multiyear surface transportation bill to provide the assured and continuing funding of transportation programs that is so vital to the Nation, to the States, and to our local communities. But, we must also ensure that the bill that we pass adequately addresses the Nation's transportation needs.

The Transportation and Infrastructure Committee is crafting a bipartisan bill to do just that: to provide the necessary infrastructure investment ($375 billion over six years) to begin to improve our Nation's highway and transit infrastructure. Our country's economic strength, out ability to create jobs and improve business productivity, and out desire to create a safe, efficient, and secure transportation system are all dependent upon increasing investment in our Nation's infrastructure.

We are fortunate to have a strong surface transportation system today. But that system is being challenged by a continuing growth in passenger travel and an ever-increasing demand for fast, efficient movement of freight.

As a result, highway travel is growing at 2.3 percent per year and is now 2.8 trillion vehicle miles traveled per year. Commercial trucks alone move 14,000 ton-miles of freight each year for each person in the country. The demand for transit has increased exponentially. In recent years, transit ridership has increased by almost one million trips per day.

Congestion in our surface transportation system, especially urban congestion, is worsening as demand continues to outstrip the ability to add capacity. In the Nation's largest 75 large urban areas, an average commuter encountered 62 hours of delay in the year 2000. In that same year, congestion costs for these 75 urban areas totaled a whopping $67.5 billion—3.6 billion hours of delay and 5.7 billion gallons of excess fuel consumption.

The challenges of travel growth are compounded by the overwhelming investment needs of our transportation systems. Just a few months ago, the Department of Transportation (DOT) submitted its report on the conditions and performance of our Nation's highways, bridges, and transit systems. DOT's Conditions and Performance Report estimates that all levels of government should be spending a combined average of $127 billion per year to maintain and improve these transportation systems. Based on the historic Federal cost share, the needs assessment suggests a Federal highway and transit program of $51 to $76 billion per year. This level of funding is in marked contrast to the Administration's proposal to spend just $37 billion on highways and transit in 2004 and only slightly higher levels in subsequent years.

Regrettably, this Administration has thrown up roadblocks to increased infrastructure investment at every turn. The Administration's proposed $247 billion six-year reauthorization bill (SAFETEA), has a great name, but little else—it dose not even begin to provide the level of funding necessary to address our infrastructure needs. Moreover the Administration, which has presided over the loss of an astonishing 3.3 million jobs, has sent repeated signals that it opposes any effort to increase infrastructure investment.

We cannot afford to shortchange our Nation's transportation systems. To effectively reduce congestion, to increase mobility, to truly improve highway safety, and to achieve continuing long-term increases in productivity and economic growth, we must invest in our Nation's transportation future. And we must do it now.

That is why the Committee on Transportation and Infrastructure has proposed a highway and transit program to invest $375 billion in our Nation's highways and transit systems over the next six years.

There are stark contrasts between our Committee's proposal and the Administration's proposal.

First, the Committee's proposal meets the investment needs identified in DOT's Conditions and Performance Report to maintain and improve our highways, bridges and transit. The Administration's proposal does not meet those needs.

Second, the Committee's proposal will provide badly needed economic stimulus and do so much more extensively than the Administration's proposal. According to the Administration's own statistical models, the Committee's proposal will create millions of new, family-wage construction jobs. The Federal Highway Administration reports that every $1 billion of federal funds invested in highway infrastructure creates 47,500 jobs and $6.2 billion in economic activity. Moreover, a recent study found that the Committee's bipartisan proposal to invest $375 billion in surface transportation over the next six years would add $290 billion more to the Nation's Gross Domestic Product than the Administration's proposal. The Committee's proposal would also lead to an additional $129 billion of household disposable income and an additional $98 billion in consumer spending—millions of new, good-paying jobs, billions of dollars of new consumer spending; now that's the way to get the economy growing again!

Third, the across-the-board increased investment of the Committee's proposal will help us stem the highway death toll that grows ever higher. Last year, 42,850 people died and almost three million more were injured on our highways, the highest number of highway deaths since 1990. In addition to the enormous personal toll of these accidents, the economic cost is a staggering $230 billion a year! To stern this tide, our Committee's bipartisan TEA 21 reauthorization bill significantly increases, and provides more overall funding, for National Highway Traffic Safety Administration (NHTSA), motor carrier safety, and highway safety construction programs than does the Administration's proposal.

Mr. Speaker, Congress must act on a full, six-year reauthorization as quickly as possible. Doing so will create jobs and stimulate economic growth, both badly needed in today's economy. We can effectively reduce congestion, increase safety, and improve mobility throughout the Nation if we invest in our Nation's highways and transit systems in an amount that is sufficient to meet our Nation's growing needs.

I look forward to working with Chairman YOUNG, Subcommittee Chairman PETRI, Subcommittee Ranking Member LIPINSKI, and all of the Members of our Committee and of this House, to invest in our Nation's transportation future.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mrs. MYRICK. Mr. Speaker, I mistakenly voted no on rollcall vote 498, the Ney of Ohio amendment to H.R. 2622. I should have voted ''yes.''

WHAT EXCUSE WILL THEY USE THIS YEAR?

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. HOYER. Mr. Speaker, the Members on our side of the aisle can hardly wait to hear what half-baked excuse our Republican colleagues will use this year for failing to complete our appropriations work on time.

Remember last fall's favorite punching bag? TOM DASCHLE and Senate Democrats.

As if the other body had anything to do with the Republican majority's refusal to even bring up eight of the 13 annual spending bills on this floor for a vote.

We all know last year's little secret: The House GOP—so famously derided as the ''perfectionist caucus'' by Former Speaker Newt Gingrich—didn't have the votes on its side of the aisle to pass those bills.

So, you pointed the finger of blame at the Senate.

When we considered the first continuing resolution last year, the majority leader (Mr. DELAY) said:

''The Democrat House leadership embraced the decision by the other body [the Senate] to proceed with no governing fiscal oversight called a budget. For any theoretical elective body, the decision to proceed forward without a governing budget would be foolhardy and grossly irresponsible.''

The chairman of the Transportation-Treasury Appropriations Subcommittee, Mr. ISTOOK, passed the buck with even more gusto:

''The law requires both houses to enact a budget. This body has done so. The other body still has not done it. No wonder we have gridlock and deadlock.''

But few could match the bluntness of my friend from Georgia (Mr. KINGSTON):

''There is a sinkhole on the Capitol, not over here, but over there [the Senate],'' said Mr. KINGSTON.

''Now, this sinkhole ate up the budget this year. So here we are forced to pass a continuing resolution because we cannot deal with some group that does not have a budget.''

Well, the last time I checked, my Republican friends, there was a Republican majority in this body, a Republican majority in the other body, and a Republican chief executive at the other end of Pennsylvania Avenue.

And while this house has passed all 13 spending bills, we have only adopted three conference reports.

So what is your excuse this year?

We all know the answer to that. It's your inability to compromise even with members of your own party.

And it's an affliction that is not just holding up the appropriations process.

It's also preventing us from passing an energy bill, from extending the child tax credit to 6.5 million working American families, and giving our seniors a real prescription drug benefit that is not designed to destroy Medicare.

The GOP has no one to blame this year for this legislative failure but itself.

HONORING THE LIFE OF PETER STROH

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to a remarkable businessman, a dedicated philanthropist, a civic activist, a committed conservationist, and a splendid humanitarian: Peter Stroh. He was one of the finest men I have known, and as we celebrate the centennial year of the National Wildlife Refuge system, I want to convey the thanks and gratitude of the people of Michigan to Mr. Stroh and his family.

Peter Stroh was a lifelong Michigander. Born in Detroit in 1927, he returned to the city in 1951 after completing his education at Princeton. He had hoped to join the United States Foreign Service, but circumstances forced him to take over the family's brewery. While our diplomatic corps will never know its loss, the people of Detroit and Michigan will never forget his contributions.

The Stroh's Brewery was founded in Detroit in 1850. Peter Stroh was able to turn his family's brewery into the third largest beer maker in the nation. But business success was not the focus of Peter's life. He understood that the true measure of a successful life was not the bottom line of a balance sheet, but rather the legacy of one's contribution to their community.

Standing on the roof of the Detroit brew house in 1967, he mournfully watched as riots burned the city that he loved. At his retirement he recalled, ''I felt that we, as Detroit stakeholders, had to take some responsibility for what happened in Detroit, and our company would have to take some responsibility for helping to prevent it from happening again.'' He dedicated the final thirty-five years of his life to that proposition.

He served on the board of almost every organization that was working to solve Detroit's problems and build a new future for the city. He was on the Board of the Urban League of Detroit, Detroit Renaissance, and chaired the NAACP Freedom Fund Dinner. He helped create the Detroit Medical Center and later served as its chair. He spearheaded the development of River Place. That project has grown to 600,000 square feet of office space, 350 residential units and the OMNI/River Place Hotel.

Mr. Speaker, it was Peter's love of the natural world that brought us to work closely and collaborate on the creation of the Detroit River International Wildlife Refuge. He was an avid fisherman, he loved the water and would spend much of his free time either fishing the waters of Michigan or going to the best fishing spots around the world. He recognized that as Detroit and southeastern Michigan developed, it had the unintended effect of cutting people off from the natural beauty of the river and the surrounding lakes.

The Detroit River Refuge will be at the center of the national celebration for the 100th birthday of the National Wildlife Refuge System. Secretary Norton will be there, as well as hundreds of dignitaries, community and business leaders, and many more people from the area who fish, hike, and boat along the Detroit River every day. The Wildlife Refuge is Peter's living legacy. Without his steadfast commitment this natural jewel might have been lost to development, pollution, and neglect.

Mr. Speaker, Peter left us a year ago. His life was a testament to the positive influence that one person can make, not only in the lives of those who knew him, but to future generations who will enjoy his legacy. Years from now, people will find homes in the communities he built, jobs in the institutions he founded, and enjoy nature in an ecosystem he preserved. I ask my colleagues to join me in commemorating the life of a remarkable man, Peter Stroh.

TRIBUTE TO BEN PEREA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress today to pay tribute to an outstanding citizen from my district. Ben Perea of Pueblo West, Colorado selflessly dedicates his time and services to helping the children of a Mexican orphanage. His hard work and dedication are an inspiration, and I am honored to recognize him here today.

Once a month for the past two years, Ben has made the long trip from Pueblo West to Chihuahua, Mexico to deliver clothing, food, and supplies to the 120 children of the Casa Hogar Misericordia (House of Mercy) orphanage. His devotion and selflessness have improved the lives of countless children.

Ben collects all of the supplies that he can and then takes them himself to the children of Chihuahua. Though Ben helps the children obtain more than just food and clothing, in November of 2002, he was able to secure a 72-seat school bus for the orphanage to help these children attend school.

Mr. Speaker, I am honored to stand and recognize the selfless actions of Ben Perea. His dedication and service have improved the lives of hundreds of children. I join with my colleagues in commending Ben for his endless work and wish him the best of luck in all of his future endeavors.

IN HONOR OF MAUREEN WALLISER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Maureen Walliser for her tireless commitment to community service. She was presented the Memorial Mary T. Norton Award by the United Way of Hudson County on September 16, 2003, at the Crown Plaza Hotel in Secaucus, New Jersey.

For over 30 years, Ms. Walliser has been working to improve the lives of individuals living with disabilities. She has been a leader in her field, and continues to promote employment for individuals with disabilities.

Currently, Ms. Walliser serves as the governmental affairs chairperson of Access New Jersey, a statewide community-based employment service organization that serves individuals with severe disabilities. Previously, Ms. Walliser served as vice president and two terms as president of Access New Jersey. Ms. Walliser was also a co-founder of one of the first thirteen charter schools in New Jersey.

Ms. Walliser began her career as a rehabilitation counselor for the New Jersey Division of Vocational Rehabilitation Services. She then began working at the Occupational Center of Hudson County, where she has served as president for the last 15 years. Under her direction, the Center has flourished into an organization that provides a wealth of services beyond rehabilitation. Now known as Hudson Community Enterprises, the organization provides school-to-work programs, job training and placement, and is creating social enterprises that will open up further opportunities for individuals with disabilities seeking to gain employment.

Committed to expanding the field of vocational rehabilitation, Ms. Walliser has been an adjunct professor at Saint Peter's College and New Jersey City University, and was a vocational expert for 5 years at the Social Security Administration. She continues to be an active member in her church in Woodbridge, where she provides support and services for individuals with disabilities. She also works with many professional groups in Hudson County, including the Private Industry Council and the Hudson County Human Services Advisory Council.

A native of Jersey City, Ms. Walliser received her bachelor's degree from the College of Saint Elizabeth, and her master's degree in Special Education from New Jersey City University.

Today, I ask my colleagues to join me in honoring Maureen Walliser for her commitment to community service and for her advocacy and support of people with disabilities.

HONORING SUGAR SHANE MOSLEY

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mrs. NAPOLITANO. Mr. Speaker, it is with tremendous pride that I rise today to honor Sugar Shane Mosley, for his impressive win against Oscar de la Hoya on September 13, 2003 in Las Vegas. This hard-fought victory made Mosley the super welterweight world champion for the third time in his spectacular professional career. This was his second world championship win against Oscar de la Hoya; the first was in 2000. Mosley entered this year's contest as a 2–to–1 underdog, but his hard work and determination led to his 12-round victory by unanimous decision.

Mosley hails from Pomona, California, the largest city in my 38th Congressional District, and I am honored to count him among my constituents. He started boxing at the age of eight under the guidance of his father, who continues to coach him to this day. He had an outstanding amateur career with 250 wins out of 260 fights. He had an amateur win against Oscar De La Hoya in Pasadena when he was 12 years old. Mosley also traveled with De La Hoya as part of the U.S. national team.

Sugar Shane Mosley has been in 42 professional fights, winning an impressive 39. A three-time world champion and veteran of 16 world championship fights, he is a true boxing superstar and recognized as one of the best fighters in the world. Mosley's extraordinary offensive and defensive skills, quick reflexes, superb mobility, excellent physical conditioning and will to succeed contribute to his remarkable career and winning record.

Outside of the ring, Mosley is a devoted son, husband and father. He is married to Jin Mosley, a native New Yorker. Together, the couple has two sons—two-year-old Najee and one-year-old Taiseki. Sugar Shane Mosley also has a 13–year-old son, Shane Mosely, Jr., who is affectionately known as ''Little Shane''.

I ask my colleagues to join me in honoring a role model, husband, father and super

welterweight world champion Sugar Shane Mosley. I wish him all the best for his future.

SET ASIDE RELIGION IN PUBLIC DEBATE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MOORE. Mr. Speaker, last month the Kansas City Star carried an insightful guest column by Rabbi Mark Levin of Congregation Beth Torah of Overland Park, Kansas, which is located in my congressional district.

Rabbi Levin's column addresses the increasingly corrosive blending of religious doctrines with policy discourse in our Nation's public life. I commend his views to you and to the membership of the House and I hope we all can follow the guidelines he suggests.

[From the Kansas City Star]

SET ASIDE RELIGION IN PUBLIC DEBATE

(By Mark H. Levin)

As a member of a minority religion, I know that in order to enter the public square with my deeply held religious beliefs I must frame arguments in ways that address a commonly held language of all members of this society, no matter what their religion might be.

If I engage in a public debate I cannot quote Jewish literature and expect my fellow citizens of different religions to feel commanded to act, or even persuaded for that matter, because they do not accept the authority of the argument.

I may argue out of the American legal tradition or on philosophical grounds, but I cannot expect to have others respond to my arguments simply because I say that God commanded such and such, or because the Jewish traditions say so.

A terrible confusion occurred last week with the insulting debate in the Senate regarding the nomination of Alabama Attorney General William Pryor to a federal appeals court. Some felt that he was being excluded by his Catholic religious values. Or, as one advertisement put it, ''Catholics need not apply.''

Pryor's religious affiliations should be inconsequential to his possible role as a judge. Even if Pryor came to his conclusions because he is a Catholic, he, as well as those who support him and those who oppose him, must publicly debate those values as part of their nonsectarian, American philosophy, not based upon their religious beliefs, no matter how fervent.

Thus in a multicultural, religiously diverse society, religious values must be translated into general philosophical principles. All those who argue in the public square are obligated to state their principles and values in terms of our common philosophical heritage.

To oppose a person's personal religious conclusions is not to oppose his religion. The issue is not how a person arrives at his or her conclusions, but how she or he defends those conclusions in the nonsectarian language that forms the core of public debate in this democracy.

Arguing on religious grounds, we do not share philosophical assumptions and therefore the debate will never be truly joined. We will be speaking only to our co-religionists, while feigning a public debate.

Our politicians should know and understand that their personal lives and values remain their own, but their public debates must be based on the nonsectarian assumptions of philosophical argument that all citizens can accept.

RECOGNIZING JOHN M. CONNOLLY'S TWENTY YEARS OF SERVICE TO THE CITY OF SOMERVILLE, MASSACHUSETTS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to recognize the twenty years of service that Ward 6 Alderman, John M. ''Jack'' Connolly, has selflessly given to the city of Somerville, Massachusetts.

Alderman Connolly was born and raised in Somerville and has become a pillar of the community and a champion of the people. Dedicated and hardworking, he has always had the best interests of Somerville at heart.

As a true public servant, Alderman Connolly has been a consistent supporter of affordable housing and was instrumental in bringing subway service to Somerville's Davis Square, which aided in revitalizing the city in the 1980s.

As a member of the Somerville community, Alderman Connolly is better known as ''Jack.'' In addition to his position on the Board of Alderman, he has been a referee for youth soccer and basketball leagues and is also active in the local chapter of the Kiwanis Club. It should not be a surprise that the proceeds from a celebration of his service to the city are being donated to benefit a free performance series for Somerville's children.

Alderman Connolly is currently the Chair of the Board of Aldermen's Licenses & Permits Committee, and he has served twice as the Board's President and Vice President.

Mr. Speaker, it is with pleasure that I recognize and honor Alderman Jack Connolly's efforts and achievements.

A TRIBUTE TO RODNEY C. GILLIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. TOWNS. Mr. Speaker, I rise in memory of Rodney C. Gillis, in recognition of his dedication, his heroism, and his ultimate sacrifice for his city and Nation.

Rodney was a man of purpose, integrity, intelligence, and compassion in both his professional and personal life. He was born on September 26, 1967 at St. Mary's Hospital in Brooklyn, New York and along with his beloved family, he grew up in the Crown Heights, Williamsburg, and Brownsville sections of Brooklyn.

Rodney had a distinguished academic career, graduating from the Park West High School in Manhattan and later, earning a Sports Management Certificate from St. John's University. Afterward, he studied at the Island Drafting and Technical College and received a diploma for studies in mechanical and electrical drafting and an Associate Degree in Computer Aided Drafting and Design. He also graduated with a diploma in Law, Police Science and Social Science from the New York City Police Department Police Academy.

In 1983, he began his professional career working as a manager at the Cooper Lantern Restaurant and then at Gibbs and Cox Naval Architects and Marine Engineers Inc., as a C.A.D.D. Supervisor. Later, Rodney joined the New York City Police Department and was assigned to the 71st precinct. He later served as a Patrol Officer in the 79th precinct and in the Emergency Service Squad 8. Additionally, he served at the 77th precinct as the FTU Supervisor. He eventually returned to Emergency Service as a Sergeant, initially in squad 4, and finally in squad 8.

His life long dream became a reality the day he got assigned to the New York City Emergency Service Unit. He quickly excelled, becoming proficient in every aspect of his new job. From taking down a jumper from the Brooklyn Bridge to extricating a victim from a vehicle, Sergeant Gillis always exuded passion and dedication in his job.

He was certified as an Emergency Medical Technician, Hazardous Materials Technician, Emergency Psychological Technician, P.A.D.I. Certified Diver, Rescue Level I Repelling, Jaws of Life Rescue System Operator, and a New York City Special Weapons and Tactics Member and Supervisor. He was also a member of the Guardians Association, the Police Benevolent Association, the Honor Legion of the Police Department of the City of New York, and the Fraternal Order of Police and Sergeants Benevolent Association.

Rodney's hard work earned him numerous medals and honors including the Excellent Police Duty award seven times, a Meritorious Police Duty award twice, and a Commendation. He was also awarded, posthumously, the prestigious Medal of Honor.

Mr. Speaker, Sergeant Rodney C. Gillis served his city in exemplary fashion as a member of the New York City Police Department, and on September 11, 2001, he gave the ultimate sacrifice to New York and the Nation. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

RECOGNIZING THE 25TH ANNIVERSARY OF THE CITY OF NAPA'S PARAMEDIC PROGRAM

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the Napa City Paramedic Program as it celebrates its 25th anniversary of service to the community.

In 1973 the standard level of care for emergency responders in Napa as in many communities throughout the nation, mirrored the advanced first aid training taught by the American Red Cross. Acknowledging a need for a higher standard of care, all Napa City Fire Department personnel were provided with EMT–1 training beginning in 1974. While this was seen as a positive first step, there was a recognized need for a full EMT/Paramedic Unit.

In 1976 the Napa City Council submitted Ballot Measure C to voters to authorize a tax levy for paramedic services. Measure C was approved by a 2 to 1 margin in November 1976.

The first four firefighters, Don Barstad, Steve Butter, Bob Putney and Kim Suenram

received their paramedic training through Stanford University and graduated in 1978. The five other firefighters to receive their training in that inaugural season were Dave Mellow, Skip Rains, Jon Treebotich, Joe Baez and Tony Balsa, who were schooled in Southern California.

As the call volume increased, so did the need for another paramedic unit. In 1992, the department decided that the most effective way to deliver paramedic services was by attaching them to engine companies rather than as a stand-alone unit. In 1994 three paramedic engine companies where put into service. In July 2003, the city's paramedic capability increased with the addition of a fourth paramedic engine. The new fire station for Engine Company 4 will open in January 2004.

Mr. Speaker, in a city of 74,000 people where more than 60 percent of the emergency calls require paramedic intervention, the Napa City Paramedic Program provides an invaluable service to our community. It is therefore appropriate that these men and women be honored and acknowledged for their commitment to the well being of the citizens of Napa, California.

TRIBUTE TO SALLIE WATKINS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen and educator from my district. Sallie Watkins, a physics teacher from Pueblo, Colorado, has worked tirelessly to teach and inspire her many students. I am honored to share her story here today.

In 1946, Sallie began teaching at Notre Dame Academy in Cleveland, Ohio. Her dedication and commitment toward the betterment of humanity came through in her work within the church. Leaving the convent, Sallie came to Pueblo in 1966 to continue her work. She took a position at Southern Colorado State College. Through the years, she has continued to teach and inspire countless students.

In addition to teaching, Sallie has been very involved with the local community. She helped found the Girls Club, which became part of the Boys and Girls Club of Pueblo. She also oversaw the creation of the Pueblo Program, a program to improve science teaching and curriculum in the local schools. Many community organizations, such as the American Cancer Society, the YMCA, and the Colorado Association of Mental Health, have benefited from Sallie's involvement.

Mr. Speaker, Sallie Watkins has dedicated her life to serving others. She is an inspirational teacher and a loving volunteer. Sallie's students hold her in such high regard that they are currently creating a physics scholarship in her name. Sallie is an inspiration and a person of the compassion. I am honored to join with my colleague in thanking Sallie for all her hard work and wishing her the best of luck in the future.

IN HONOR OF ESTUARY DAY 2003

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the city of Elizabeth's Estuary Day 2003. Estuary Day was held on Saturday, September 20, 2003, at the Marina in Elizabeth, New Jersey.

Estuary Day 2003 provides families from the city of Elizabeth and surrounding areas the opportunity to learn about and celebrate the importance of the Elizabeth River and the Arthur Kill. In addition to providing recreational uses for residents, these two estuaries have a unique historical significance to the city of Elizabeth.

Elizabeth's Estuary Day is part of National Estuaries Day, which seeks to promote awareness about the importance of estuaries. The National Estuary Program has been critical to administrating the goals of the Clean Water Act, and to improve the quality of estuaries nationwide. This program mandates the protection of public water supplies and the protection and propagation of indigenous population of shellfish, fish, and wildlife.

Estuary Day provides an opportunity for many residents to become aware of the natural wonders present in their backyard. As estuaries are some of the most important ecosystems on the planet, it is important for residents to view our waterways as part of the community, and to maximize their recreational and environmental uses.

Estuary Day presents the importance of protecting and appreciating our natural resources to the people of Elizabeth, by providing fun and educational activities. Such interactive environmental educational opportunities, presentations and environmental boat rides, allow for an in-depth and hands-on approach to learning about life within and around estuaries.

Today, I ask my colleagues to join me in honoring Future City Inc., in conjunction with the city of Elizabeth's staff and Mayor J. Christian Bollwage, a committed member of the New York/New Jersey Harbor Estuary Management Committee, for planning Estuary Day 2003 in Elizabeth.

HONORING ALEX KAZMIERCZAK, JR. ON HIS RETIREMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a remarkable craftsman and community leader from my District on the southwest side of Chicago, Illinois. I would like to honor Alex Kazmierczak, Jr., on achieving two milestones in his life, celebrating his 65th birthday and retiring after forty-one years in the plumbing service.

Mr. Kazmierczak has been employed by C.J. Erickson Plumbing Company since 1959. He is a man dedicated to his field. Alex has spent his career involved with such prominent organizations as the Plumbers Union Local 130 and the National Underground Contractors Association, as well as affiliated with the Ground Hog Club and the South Side Master Plumbers Social Club.

The strength of this man is measured by his love for his wife, family, faith, friends and community. Alex and his wife, Rosemary, have been married for 41 years and they have been blessed with a wonderful family of four children and seven grandchildren. The family has been a part of the St. Gerald Parish for over 36 years.

The commitment, dedication and energy given by Alex Kazmierczak to his community have been an inspiration to many individuals. For 12 years, Alex served as Commissioner for the Oak Lawn Park District. He has coached youth hockey and baseball teams in Oak Lawn and even initiated the District's T-ball program.

His civic duties are still called upon him today as he sits as a member on the Oak Lawn Board of Appeals, Service Commission, and as chairman for Oak Lawn Parks Foundation.

Mr. Speaker, I ask that my colleagues join me in honoring Alex Kazmierczak, Jr., on his achievements and wish Alex many years of future success.

IN RECOGNITION OF SHARON K. VALASEK, THE FIRST HONORARY CONSUL FOR THE CZECH REPUBLIC TO REPRESENT KANSAS, MISSOURI, AND NEBRASKA

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Ms. McCARTHY of Missouri. Mr. Speaker, I proudly rise to recognize the historic appointment of Sharon K. Valasek as the first Honorary Consul for the Czech Republic to represent Kansas, Missouri and Nebraska. Czech Republic Ambassador to the United States, His Excellency Martin Palous, who officially announced her appointment, will take part in the installation ceremonies September 24–26, 2003, in the Greater Kansas City Metropolitan area. Sharon K. Valasek holds a Masters of Business Administration Degree from Avila College. As Honorary Consul, she will incorporate her education and her expertise in business and trade to facilitate United States commerce with the Czech Republic. She has valuable telecommunications and marketing experience from working for a global provider of broadband and wireless services. Her marketing and developmental skills will be of great value to the business partnership between the United States and the Czech Republic.

Honorary Consul Valasek is committed to supporting local relationship building initiatives. She has a strong base for fostering new partnerships in the Czech Republic since her relatives live in Moravia. She serves as a board Member for the People to People International, Club President of the Czech and Slovak Club of Greater Kansas City, member of the Czechoslovak Society of Arts and Sciences, and Czechoslovak Genealogical Society International.

Ms. Valasek will serve as an advocate of educational and cultural initiatives while preserving customs and traditions.

The importance of an Honorary Consul in our region stems from shared heritage and our

combined histories that provide a foundation for exchange. Immigrants from the region of Czechoslovakia migrated to the United States since the 1800s, many finding their way to Missouri and a home in the Kansas City area. In the Fifth District, Sugar Creek has a rich heritage fostered from their Czechoslovakian immigrants, many who found work at the oil refinery.

In 1989, we witnessed the overthrow of communist totalitarian rule in Czechoslovakia with the Velvet Revolution, a modern day revolution for independence, which brought a new beginning for the people of Czechoslovakia.

In 1993, Czechoslovakia evolved into two independent states: the Czech Republic and Slovakia. On March 12, 1999, the Czech Republic became an international member of NATO. Today, Prague is the capital of the Czech Republic, a tourist destination with its rich architectural treasures, educational opportunities and the center of activities and events.

Mr. Speaker, please join me in proudly recognizing Honorary Consul Valasek's appointment as an opportunity for cultural exchange and economic advancement to further our shared goals for both of our nations.

TRIBUTE TO CHARLES B. FORBES

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to acknowledge the sad passing of Charles B. Forbes, who leaves a lasting impact on the district I represent. Charlie is survived by his wife Barbara Cameron Forbes, known to all as Cam. While the passing of this fine man saddens me, I am grateful for the 80 years he lived, many of them publishing local newspapers and serving community organizations. This morning, the Times-Review papers on Long Island published an obituary on Charlie's life. I'd like to submit this piece for the RECORD.

CHARLES BOWMAN FORBES

Charles B. Forbes, former publisher of Long Island's first Sunday newspaper, The Sunday Review, and the state's largest newspaper, The News-Review of Riverhead, died Sept. 22 at his home in Hampton, N.H., at age 80.

The youngest of five sons, he was born in New Rochelle, N.Y., on May 24, 1923, to T. Harold and Carrie Forbes.

Mr. Forbes was a graduate of Manhasset (L.I.) High School and Colgate University, and served with the U.S. Army during World War II. He started his newspaper career at the New York Daily News. After he sold The Sunday Review and The News-Review to Cowles Communications in the 1970s, Mr. Forbes worked for The Traveler-Watchman in Southold and WRIV Radio in Riverhead.

Mr. Forbes was a longtime member of the Riverhead Rotary Club and Riverhead Chamber of Commerce, a former president of the Quogue Board of Education and a member of Quogue Fire Department. He and his wife, Barbara (known to all as ''Cam''), were among the early members of the St. Patrick's Day Parade Committee in Westhampton Beach and are the only husband and wife to be honored and named, separately, as grand marshals of the popular parade. He later relocated to New Hampshire and worked with his son, Tom, founder of Forbes Marketing Group, an advertising specialties business.

Mr. Forbes is survived by his wife; his son; five daughters, Susan Lilley, Cameron Howard, Lisa Ryan, Shelley Natalie and Melissa Forbes; and four grandchildren.

PAYING TRIBUTE TO FERN DOHERTY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding citizen from my district. Fern Doherty of Trinchera, Colorado has worked tirelessly to promote and preserve a Western heritage, the ranching way of life. Fern is an active and devoted member of her community who donates her time to numerous community groups. For her tireless efforts and years of service, I am honored to pay tribute to Fern here today.

For eighty-two years, Fern has been an active member of the Las Animas County community. She has molded the community's youth by serving as a 4-H leader and by remaining active with the local Parent Teacher Association. An active member of the ranching community, Fern has served as President of the Las Animas County CowBelles, an organization devoted to advancing the interests of the beef industry, and was recently named the Las Animas County Cattleman of the Year for 2003. In addition, Fern was the 2000 Silver Queen for the Trinidad Round-up, which honors the courageous outlook on life and youthful spirit of a senior in that community.

Mr. Speaker, Fern Doherty exemplifies the true spirit of the American West. She is devoted to her family, committed to her community, and active in her support for the ranching way of life. Her dedication and hard work keep the tradition and heritage of the West alive, and I am honored to join with my colleagues here today in extending my thanks to Fern and in wishing her the best of luck in the future. Thank you, Fern, for your service to Colorado.

IN HONOR OF MARIA NOLFO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Maria Nolfo for her 32 years of leadership and dedication to the students of Bayonne. Ms. Nolfo will be honored with the Italian-American Educator Award by the Bayonne Columbus Committee at the 2003 Honoree Dinner-Dance on September 27, 2003, at the Chandelier Restaurant in Bayonne, New Jersey.

Since 1972, Ms. Nolfo has been an exceptional educator in Bayonne's public schools. She began her career in the school system teaching English as a Second Language, helping children adapt to a new language and new environment. Her dedication and gift for teaching led Ms. Nolfo to teach courses in conversational Spanish for fellow teachers in the Bayonne school district.

In 1974, Ms. Nolfo became a teacher at Bayonne High School, where she remained until her retirement in 2002. In her final year, she was voted Bayonne High School Teacher of the Year by her students and peers.

Born and raised in Bayonne, Ms. Nolfo attended the Academy of Saint Aloysius and received her bachelor's degree from Duquesne University in Pittsburgh, Pennsylvania. Ms. Nolfo received a master's degree from Rutgers University.

Ms. Nolfo is not only an inspiration in the classroom but a leader in her community. A member of Our Lady of Assumption Parish, she is a mass lector and former director of the Rites of Christian Initiation for Adults program. Ms. Nolfo was also president of the Bayonne Italian American Committee for Culture and Education.

Today, I ask my colleagues to join me in honoring Maria Nolfo for her tireless work in educating the youth of Bayonne and leading them towards a brighter future.

LET TAIWAN BACK IN THE UNITED NATIONS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. ROHRABACHER. Mr. Speaker, I rise today in support of the Republic of China on Taiwan's re-admission to the United Nations. For the last 32 years, Taiwan's people have had no representation in the United Nations. It is incongruous that a world body founded on the principle of universality and self-determination excludes a free, democratic and independent nation of 23 million people—a population larger than three quarters of the U.N.'s current member states.

Let's be clear. Taiwan does not seek the expulsion of the People's Republic of China from the United Nations, but asks only that it be given a voice at the U.N. There are well-established precedents for parallel representation of divided nations at the U.N. East and West Germany, now unified, and the still divided Republic of Korea and Democratic People's Republic of Korea are the outstanding examples.

Taiwan's participation in international bodies is well documented as shown by its membership in the Asian Development Bank, its admission to the Asia-Pacific Economic Cooperation group as a full member, and its membership in the World Trade Organization.

Taiwan possesses ample resources to contribute to the work and funding of the U.N. as shown in its many contributions of humanitarian aid. Such projects by Taiwan include relief supplies for Iraq and Afghanistan, AIDS prevention in Africa, the dispatch of rescue teams following natural disasters in El Salvador, Nicaragua and Turkey and assistance to victims of the 9/11 disaster here in the United States.

Taiwan's accession to the United Nations is long overdue. Its 23 million people deserve this important vehicle to full participation in the global community.

As Taiwan bids to return to the United Nations, I wish to say that 1 totally support Taiwan's aspirations to be a member of this global body. Taiwan has all the qualifications: a

sound political system, a much-admired economy and a genuine desire to maintain peace and prosperity in East Asia and the world.

With membership in the United Nations, Taiwan will become a truly useful international player, contributing its finances and ideas to combat nuclear proliferation, environmental abuses, and the spread of infectious diseases such as AIDS and SARS. As of now, Taiwan has not been invited to any of the various U.N.-sponsored conferences and programs on HIV/AIDS. Moreover, no U.N. bodies are willing to accept Taiwan's aid for Afghanistan and Iraq. This is not in the interests of the Afghan and Iraqi people.

Also, with membership in the United Nations, Taiwan will be able to incorporate itself into the international system of human rights protection, abide by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Vienna Declaration and Program of Action. It is heartening to know Taiwan's commitment to human rights is very serious. It is establishing a National Human Rights Commission in accordance with the principles outlined by the United Nations.

Being the world's 17th largest economy, Taiwan will most certainly be able to carry out all United Nations Charter obligations. Taiwan's efforts to help other countries would be much more effective if they could be coordinated with international efforts sponsored by the U.N. and its specialized agencies.

Perhaps one of the best reasons for supporting Taiwan's membership in the United Nations is that Taiwan is willing and anxious to be a full contributing member of the United Nations. So, let's speak up for our friend and ally, the Republic of China on Taiwan. Let's tell the world how unfair it has been to deny the 23 million people of Taiwan their voice and representation in the United Nations and especially their willingness to other nations in need.

HONORING RAFAEL PALMEIRO

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. PICKERING. Mr. Speaker, I rise today to express appreciation to my colleagues for passing H. Res. 315 on September 10, 2003. Most will recall this legislation as recognizing the outstanding feat of Rafael Palmeiro, an alumnus of Mississippi State University (MSU), who hit his 500th homerun as a major leaguer at Arlington Park, Texas, on May 11, 2003.

Also, I want to extend a personal thanks to my good friend Representative PETE SESSIONS for introducing and sponsoring this legislation.

As most of you know, MSU is the flagship university in Mississippi's Third Congressional District. Located in Starkville, it is known throughout the country for its great baseball tradition under legendary Coach Ron Polk, who began his 30th season in 2002 with an 1165–558–1 career record. He is ranked 8th among active NCAA Division I baseball coaches.

It is with pride in the University, pride in Coach Polk, and pride in Rafael, better known to the MSU family as ''Raffy'' that I present these remarks to identify, and further amplify, the many achievements of this great athlete during his college career.

In addition to the achievements specified in H. Res. 315, ''Raffy's'' college career highlights include:

Three-year starter in left field for MSU.

Set MSU & SEC career record for home runs (67), runs batted in (239) and total bases (530).

Led SEC and ranked second nationally with 29 home runs in 1984.

Led SEC and ranked third nationally with 94 RBI in 1984.

In 1984 became the SEC's first Triple Crown winner, leading the league in batting average (415), home runs (29) and RBI (94).

Named Baseball America's Freshmen of the Year in 1983.

Became SEC's first three-time All American in Baseball.

Helped lead MSU to its highest national finish in baseball (tied for 3rd in 1985).

Named to 1983 SEC All-Tournament Team.

Named to NCAA regional all-tournament teams in 1984 and 1985.

First round draft pick (22nd overall) of the Chicago Cubs (June 1985).

Named All-American in 1983, 1984, and 1985.

Mr. Speaker, there is no doubt in my mind that one day in the near future Rafael Palmeiro will be inducted into the National Baseball Hall of Fame at Cooperstown, New York. He is a super star par excellence that we all can relate to. He has proved himself as a great athlete, a great and caring American, a great role model among Cuban-American, and an inspiration to all those seeking the American Dream. Because of his love for baseball, his MSU family, and his country, it gives me great pleasure to join with the full House in congratulating Rafael Palmeiro for hitting his 500th homerun and his outstanding baseball career.

INTRODUCTION OF THE COLLEGE OPPORTUNITY FOR ALL ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to submit, with fifty-one of my colleagues in the House, the College Opportunity for a Better America Act.

Higher education has long served as a critical vehicle to move the country forward and provide the opportunity for a better life to millions. But too many low and middle income students and their families are struggling with soaring college costs, taking on mountains of debt and working long hours that hurt their academics and overall college experience. And still many others cannot afford to attend college at all.

The College Opportunity Act for All will establish innovative programs to allow students to earn their degrees quicker, increases opportunities for Latino families to pursue advanced degrees, and encourages the best graduates to pursue public service careers.

Republican tax policy and education budget cuts have weakened American higher education at exactly the time that more people need college training to be competitive in the global marketplace. Instead of meeting that challenge, virtually every state—crippled by federal policies that increased national and state debts—is cutting college funding and raising tuitions at public colleges: a one-two punch that is closing the doors of higher education to millions including disadvantaged and minority students and those who need more education to find new jobs. And the President has frozen the major federal higher education grant program, forcing students to take on more debt or forgo college.

The College Opportunity Act for All goes in a very different direction—it would increase college opportunities for millions of Americans through smart investments and innovations.

The College Opportunity Act for All will: Allow student borrowers burdened with high interest rates to refinance their loans and save money; stop the unfair tax on working students, allowing students who work to save more of their earnings for college costs; double the maximum federal college scholarships (Pell Grant) to $11,600 by 2011, to help restore its buying power; establish a new competitive grant program to expand graduate-level degree programs at Hispanic Serving Institutions; greatly increase the investment in all Minority Serving Institutions, providing the resources necessary to serve the burgeoning population of minority students; provide public service scholarships to students who pursue careers in teaching, nursing, and other national high priority needs which are having difficulty recruiting and retaining trained personnel; and drastically simplify the student aid application.

While we must address the problem of spiraling tuition this year, however we must not take the wrong-headed approach of Republican proposals that would impose price controls and punish innocent students for tuition raises they have no role in determining. Instead we must address the fiscal policies that result in states' cutting aid to colleges and thus forcing students to pay higher tuitions.

The future of our economy hinges on the ability of young people to afford college. Nearly 2 out of the 3 new jobs that will be created over the next 7 years will require some post-high school training. If we can lower the current 32 percent gap between college participation by low and high income young adults, we could add $250 billion in gross domestic product and $85 billion in tax revenue that will help to strengthen the economy.

The Republican tax cuts and budget cuts have devastated states and along with the weak economy pushed higher prices onto college students and their families and now the Republicans propose slashing funding to colleges in retribution for tuition increases. That means even more tuition increases for students, and a weakening of our higher education system. We have to work with the states, who are forcing tuition increases because of education cutbacks, to craft a solution that brings tuition costs down.

I strongly urge my colleagues to join me in honoring this tradition by supporting the College Opportunity for a Better America Act. It is an important step towards making college more affordable and accessible for all Americans.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. STUPAK. Mr. Speaker, I rise today in favor of Representative KIND's Motion to Instruct on the Medicare prescription drugs bill.

The Medicare program presently contains payment disparities that are biased against rural areas such as Northern Michigan, which I represent.

This language instructs the Medicare prescription drug bill conferees to address the inequities that cause many of the providers in Northern Michigan to be paid significantly less than our urban counterparts for the same services.

This problem puts our health providers at a severe disadvantage and adversely affects seniors' access to quality health care in our communities.

As a Member of the bipartisan House Rural Health Care Coalition, I insist that the conferees and the President pay close attention to the rural Medicare fix that is outlined in both this motion and the letters sent by our Coalition to the conferees and the President.

As I've mentioned over and over, rural seniors are generally older, sicker, and poorer than those in non-rural areas.

Why we would turn our backs on the seniors who most need our help is beyond me.

The Kind motion instructs the conferees to select the essential rural provisions from the House and Senate Medicare bills and ensures that rural beneficiaries and providers are not left behind.

TRIBUTE TO TYLER MATTHEW PINCHOT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the life of Tyler Matthew Pinchot, a 23-year-veteran of the Buena Park Police Department.

Tyler was raised in my district in the city of Garden Grove and he was a graduate of Golden West College's police program in 1979.

He was the only Buena Park police officer to win the Officer of the Year Award two years in a row in 1991 and 1992.

When not on duty protecting citizens, he volunteered his time for his community. He was a Special Weapons and Tactics team member, station house Santa Claus and a tactical officer at Fullerton College's police reserve academy.

Sadly, on June 13 Tyler was trying to catch up to a traffic violator when a car struck his motorcycle. He later died as a result of his injuries.

Tyler was a great citizen. He was a man who devoted himself to his community. His hard work and dedication will serve as inspiration to others.

DEDICATION OF THE MONTGOMERY COUNTY MEMORIAL TO THE VICTIMS OF THE SEPTEMBER 11 ATTACKS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. VAN HOLLEN. Mr. Speaker, just a short time ago, the sunlight shone from the heavens and brightened and warmed the names of the eleven beloved members of our county who perished in the awful attacks two years ago. That moment reflected how we will remember them: as eleven individuals, men and women who warmed the lives of their family and friends and brightened our entire community.

This beautiful memorial allows us—each in his/her own way—in solitude or in the company of others, to remember the eleven individuals who gave their lives to our country that day.

And as I read the beautiful passages inscribed on the benches, I was filled with great hope and great faith. For the inscriptions make clear that those who took the lives of the eleven souls two years ago utterly failed in their ultimate purpose. For where they sought to divide us, they have only strengthened our bonds. Where they sought to instill fear, they have seen resolve. Where they sought to sow despair, they have been met with faith. Where they sought to poison our hearts with hate, they have seen the strength of love.

And as the sun shining down on those eleven names has shown, where they first brought darkness, remembering them has brought light and warmth. And America will never forget.

RECOGNIZING THE PUBLIC SERVICE OF COLE FINEGAN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge Cole Finegan, who for the past sixteen years has made significant contributions to the political, philanthropic, legal and social fabric of Colorado. Cole has recently been selected to serve as the City Attorney for Denver by Mayor John Hickenlooper, where he will serve with distinction.

A native of Oklahoma, Cole graduated from Notre Dame in 1978. He completed his law degree at Georgetown University in 1987, where he worked for the Tax Lawyer Law Review.

No stranger to the House, his public sector experience began with Congressman Jim Jones of Oklahoma, for whom he served as a legislative aide, campaign manager and later as chief of staff.

Cole later served as chief legal counsel and policy director for Colorado Governor Roy Romer, handling all legal matters for the governor and advising on all judicial appointments. As policy director, he supervised the development of policy on economic, environmental, health care, energy, telecommunications, transportation and education. Those close to Governor Romer will confirm that Cole was highly respected and had the affectionate esteem of the Governor and his staff, in large part because he respected dissenting opinions and always found time to mentor those who were less experienced.

As a senior member of the law firm, Brownstein, Hyatt and Farber, Cole worked on land use issues, regulatory and administrative matters and election law. I am proud to say that he also found time to serve as my counsel, and has been a trusted advisor for the time I have served in Congress. Other members of the House will recognize Cole's involvement with the Democratic National Campaign Committee, and his friendship, political advice and steady support for so many of our colleagues.

Cole's service has not been limited to partisan matters, however. His commitment to educational opportunity is demonstrated by his service as Vice Chair of the Denver Public Schools Foundation Board of Directors, a member of the Board of Directors of the I Have a Dream Foundation, a member of the Urban Land Institute, and a member of the Advisory Board of Directors for the Community College of Denver. He has also served on the Colorado State Board of Agriculture governing Colorado State University and the Board of Trustees for the State Colleges of Colorado.

This long list of public accomplishment for such a young man, however, is not what impresses me most about Cole Finegan. I count him as a friend and a role model because Cole has lived the adage in politics that ''one can disagree without being disagreeable.'' He is a man of accomplishment in the public arena to be sure, but he is also a man with a great and good heart.

One story may suffice to demonstrate my point: I learned only recently that Cole has for many years provided legal service to an indigent man whom he befriended during a past political campaign. Many busy and successful lawyers with high-rise offices overlooking Denver's fashionable 17th street would find it more convenient to pass this work on to a subordinate or even quietly ignore a face from the past. Cole made time to treat this man like a valued human being, and in fact, most of those who've worked with Cole, including those who've found him to be a worthy adversary, will insist that Cole's great gift is that he honors the humanity in people.

In short, I believe Cole Finegan deserves to be mentioned here—not because he is a highly successful public servant—but because he has proven that excellence in public service does not have to come at the expense of being a good and kind human being.

With his unique blend of public, private and nonprofit experience, Cole Finegan will bring wisdom and experience to the office of Denver's City Attorney and assume a leadership role that will build innovative ideas and management to city government. I wish him well in this exciting endeavor and thank him for his commitment to public service and the citizens of Denver and Colorado.

CONGRATULATING NORTH HILLS COMMUNITY OUTREACH, MILLVALE TEN-YEAR ANNIVERSARY

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 2003

Mr. DOYLE. Mr. Speaker, I rise today to congratulate North Hills Community Outreach on their Millvale satellite's ten-year anniversary. Founded in Allison Park, Pennsylvania, in 1987, North Hills Community Outreach is an interfaith nonprofit organization that addresses the basic needs of individuals and families who are in crisis, hardship and poverty. I am proud of their effectiveness and compassion as they help the people of my district in the midst of difficult times.

The Millvale satellite was established in 1993 and was originally housed in the choir loft at Christ Lutheran Church. Having outgrown that space, the offices were moved to a storefront at 223 North Avenue in 1997. Unfortunately, the need for North Hills Community Outreach's services continues to grow and they are planning to move to an even larger facility. To that end, North Hills Community Outreach is collaborating with Millvale Borough on the potential expansion and refurbishment of the Community Center in Millvale.

I applaud North Hills Community Outreach's holistic approach to helping people. The organization's case management program includes such services as employment assistance, utility and rent assistance, an emergency food pantry and the Faith in Action program in which volunteers help the frail elderly and adults with disabilities with transportation, yard work and light chores.

Over the past ten years, thousands of people in need have benefited from North Hills Community Outreach's caring, professional staff and dedicated volunteers. I commend North Hills Community Outreach on their mission of ''people helping people'' and their belief that no one in northern Allegheny County should ever feel hungry, alone or forgotten.

I wish them the best of luck with their move and hope for much continued success.

Daily Digest

HIGHLIGHTS

House and Senate passed H.J. Res. 69, Continuing Appropriations.

Senate agreed to the Conference Report to accompany H.R. 2658, Department of Defense Appropriations Act.

Senate passed H.R. 3161, Do Not Call Registry Act.

The House passed H.J. Res 69, making continuing appropriations for the fiscal year 2004.

The House passed H.R. 3161, to ratify the authority of the Federal Trade Commission to establish a do-not-call registry.

Senate

Chamber Action

Routine Proceedings, pages S11929–S12026

Measures Introduced: Ten bills and two resolutions were introduced, as follows: S. 1655–1664, and S. Res. 234–235. **Pages S11988–89**

Measures Reported:

S. Res. 98, expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as ''National Cystic Fibrosis Awareness Week'', with an amendment.

S. Res. 209, recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture.

S. Res. 222, designating October 17, 2003 as ''National Mammography Day''.

S. 1293, to criminalize the sending of predatory and abusive e-mail, with an amendment in the nature of a substitute.

S. 1451, to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act. **Page S11987**

Measure Passed:

Do Not Call Registry Ratification: By a unanimous vote of 95 yeas (Vote No. 365), Senate passed H.R. 3161, to ratify the authority of the Federal Trade Commission to establish a do-not-call registry, clearing the measure for the President. **Pages S11957–67**

Continuing Appropriations: Senate passed H.J. Res. 69, making continuing appropriations for the fiscal year 2004, clearing the measure for the President. **Page S11971**

Edward O'Grady, Waverly Brown, Peter Paige Post Office Building: Committee on Governmental Affairs was discharged from further consideration of S. 1591, to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the ''Edward O'Grady, Waverly Brown, Peter Paige Post Office Building'', and the bill was then passed. **Page S12022**

Video Voyeurism Prevention Act: Senate passed S. 1301, to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, after agreeing to the committee amendment in the nature of a substitute. **Pages S12022–23**

Federal Maritime Commission Authorization Act: Senate passed S. 1244, to authorize appropriations for the Federal Maritime Commission for fiscal years 2004 and 2008, after agreeing to the committee amendments. **Pages S12023–24**

National Cystic Fibrosis Awareness Week: Senate agreed to S. Res. 98, expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as ''National Cystic Fibrosis Awareness Week'', after agreeing to the committee amendment. **Page S12024**

Recognizing and Honoring Hiram Powers: Senate agreed to S. Res. 209, recognizing and honoring

Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture. **Pages S12024–25**

National Mammography Day: Senate agreed to S. Res. 222, designating October 17, 2003 as ''National Mammography Day''. **Pages S12024–25**

Honoring Detroit Shock: Senate agreed to S. Res. 234, honoring the Detroit Shock on winning the Women's National Basketball Association Championship. **Pages S12025–26**

District of Columbia Appropriations Act: Senate continued 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, taking action on the following amendments proposed thereto: **Pages S11943–57, S11971, S11971–78**

Adopted:

Feinstein Modified Amendment No. 1787 (to Amendment No. 1783), to amend the DC Student Opportunity Scholarship Program regarding student assessments. **Pages S11943–57, S11971**

Pending:

DeWine/Landrieu Amendment No. 1783, in the nature of a substitute. **Pages S11943–57, S11971, S11971–78**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Friday, September 26, 2003. **Page S12026**

Defense Department Appropriations—Conference Report: By a unanimous vote of 95 yeas (Vote No. 364), Senate agreed to the conference report on H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, clearing the measure for the President. **Pages S11938–43**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 95 yeas (Vote No. Ex. 366), Dana Makoto Sabraw, of California, to be United States District Judge for the Southern District of California. **Pages S11967–68, S12026**

By unanimous vote of 93 yeas (Vote No. 367), Michael W. Mosman, of Oregon, to be United States District Judge for the District of Oregon. **Pages S11970–71, S12026**

Nominations Received: Senate received the following nominations:

Gregory E. Jackson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

1 Army nomination in the rank of general.

Routine list in the Air Force. **Page S12026**

Messages From the House: **Page S11986**

Measures Read First Time: **Page S11986**

Enrolled Bills Presented: **Page S11986**

Executive Communications: **Pages S11986–87**

Executive Reports of Committees: **Pages S11987–88**

Additional Cosponsors: **Pages S11989–90**

Statements on Introduced Bills/Resolutions: **Pages S11990–S12003**

Additional Statements: **Pages S11983–86**

Amendments Submitted: **Page S12003**

Authority for Committees to Meet: **Page S12004**

Text of H.R. 2691, as Previously Passed: **Pages S12004–22**

Record Votes: Four record votes were taken today. (Total—367) **Pages S11943, S11967, S11968, S11970–71**

Adjournment: Senate met at 9:30 a.m., and adjourned at 8:26 p.m., until 9:30 a.m., on Friday, September 26, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12026.)

Committee Meetings

(Committees not listed did not meet)

SUPPLEMENTAL APPROPRIATIONS

Committee on Appropriations: Committee concluded a hearing to examine the President's fiscal year 2004 supplemental request for Iraq and Afghanistan, focusing on the Afghanistan operations, after receiving testimony from Dov S. Zakheim, Under Secretary of Defense (Comptroller); Peter Rodman, Assistant Secretary of Defense for International Security Affairs; and General Peter Pace, Vice Chairman, Joint Chiefs of Staff.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of Gordon England, of Texas, to be Secretary of the Navy, and 5,552 military nominations in the Army, Navy, Air Force, and Marine Corps.

SUPPLEMENTAL APPROPRIATIONS

Committee on Armed Services: Committee concluded a hearing to examine ongoing military operations and reconstruction efforts in Iraq, focusing on the President's fiscal year 2004 supplemental request for Iraq and Afghanistan, after receiving testimony from L.

Paul Bremer III, Administrator, Coalition Provisional Authority for Iraq; and General John P. Abizaid, Commander, U.S. Central Command.

TERRORIST FINANCING

Committee on Banking, Housing, and Urban Affairs: Committee held a hearing to examine counterterror initiatives in the terror finance program, focusing on the role of the anti-moneylaundering regulatory regime in the financial war on terrorism, better utilization of technology, increased information sharing, developing similar international standards, and the formation of The Terrorist Financing Operations Section (TFOS), receiving testimony from David D. Aufhauser, General Counsel, Department of the Treasury; and John S. Pistole, Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, Department of Justice; and E. Anthony Wayne, Assistant Secretary of State for Economic and Business Affairs.

IN UTERO SURGERY

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded a hearing to examine scientific and medical advances in the field of In Utero Surgery, after receiving testimony from James Thorp, University of Florida at Pensacola, on behalf of the Regional Perinatal Center Sacred Heart Women's Hospital; Alex Armas and Julie Armas, both of Villa Rica, Georgia; and Michael Clancy, Roscoe, Illinois.

NOMINATIONS

Committee on Foreign Relations: Committee ordered favorably reported the nominations of Richard Eugene Hoagland, of the District of Columbia, to be Ambassador to the Republic of Tajikistan, Pamela P. Willeford, of Texas, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein, who was introduced by Senators Hutchison and Cornyn; and James Casey Kenny, of Illinois, to be Ambassador to Ireland, who was introduced by Senators Durbin and Fitzpatrick, after the nominees testified and answered questions in their own behalf.

HEAD START PROGRAM REAUTHORIZATION

Committee on Indian Affairs: Committee concluded a hearing to examine proposed legislation to reauthorize the Head Start program, focusing on culturally appropriate curricula and practices, distance learning, and including the Leguna Head Start and Early Childhood Programs, after receiving testimony from Wendi Hill, Associate Commissioner, Headstart Bureau, Administration for Children and Families, Department of Health and Human Services; Mavany Verdugo, National Indian Head Start Directors Association, Valley Center, California; Henrietta Gomez, Taos Pueblo Head Start Program, Taos, New Mexico; Consuelo Guillory, Nez Perce Tribe Head Start Program, Lapwai, Idaho; Leroy Turney, Leech Lake Band of Ojibwe Head Start, Cass Lake, Minnesota; Ann Belleau, Inter-Tribal Council of Michigan Inc. Head Start/Early Head Start, Sault Ste. Marie, Michigan; Gilbert Sanchez, Pueblo of Laguna Department of Education, Laguna, New Mexico; Roy Laughter, Navajo Nation, Phoenix, Arizona; and Leo Morgan, Navajo Nation, Window Rock, Arizona.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1451, to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act;

S. 1293, to criminalize the sending of predatory and abusive e-mail, with an amendment in the nature of a substitute;

S. Res. 209, recognizing and honoring Woodstock, Vermont, native Hiram Powers for his extraordinary and enduring contributions to American sculpture;

S. Res. 222, designating October 17, 2003 as "National Mammography Day";

S. Res. 98, expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as "National Cystic Fibrosis Awareness Week", with an amendment; and

The nominations of Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States, and John Francis Bardelli, to be United States Marshal for the District of Connecticut, both of the Department of Justice; Carlos T. Bea, of California, to be United States Circuit Judge for the Ninth Circuit, Marcia A. Crone, to be United States District Judge for the Eastern District of Texas, Phillip S. Figa, to be United States District Judge for the District of Colorado, William Q. Hayes, to be United States District Judge for the Southern District of California, John A. Houston, to be United States District Judge for the Southern District of California, Robert Clive Jones, to be United States District Judge for the District of Nevada, and Ronald A. White, to be United States District Judge for the Eastern District of Oklahoma.

House of Representatives

Chamber Action

Measures Introduced: 18 public bills, H.R. 3177–3194; and 3 resolutions, H. Con. Res. 289 and H. Res. 379–380, were introduced.

Pages H8949–50

Additional Cosponsors: Pages H8950–51

Reports Filed: Reports were filed as follows:

H.R. 2714, to reauthorize the State Justice Institute (H. Rept. 108–285); and

H.R. 1829, to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations (H. Rept. 108–286). Page H8949

Chaplain: The prayer was offered today by Rev. Dr. Harold R. Mayberry, Senior Pastor, First African Methodist Episcopal Church in Oakland, California. Page H8907

Partial Birth Abortion Ban Act—Appointed as Conferees: The Speaker announced that Representatives Chabot and Lofgren were added as conferees on S. 3, Partial-Birth Abortion Ban Act of 2003. Page H8907

Continuing Appropriations for Fiscal Year 2004: The House passed H.J. Res. 69, making continuing appropriations for the fiscal year 2004 by a yea and nay vote of 407 yeas to 8 nays , Roll No. 520. Pages H8909–16

Considered under a unanimous consent agreement reached on Wednesday, September 24.

Do-Not-Call Registry: The House passed H.R. 3161, to ratify the authority of the Federal Trade Commission to establish a do-not-call registry by a yea and nay vote of 412 yeas to 8 nays, Roll No. 521. Pages H8916–22

Considered under a unanimous consent agreement reached on Wednesday, September 24.

Medicare Prescription Drug Benefit—Motion to Instruct Conferees: The House rejected the Kind motion to instruct conferees on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003, which was debated on Wednesday, September 24, by a yea and nay vote of 199 yeas to 220 nays, Roll No. 522. Page H8922

Later the House debated the Sandlin motion to instruct conferees on the bill. Further consideration on the motion was postponed until a later date. Pages H8925–30

National Defense Authorization Act—Motion to Instruct Conferees: The House agreed to the Crowley motion to instruct conferees on H.R. 1588, National Defense Authorization Act for Fiscal Year 2004, which was debated on Wednesday, September 24, by a yea and nay vote of 356 yeas to 67 nays, Roll No. 523. Page H8923

Tax Relief, Simplification, and Equity Act—Motion to Instruct Conferees: The House debated the Pallone motion to instruct on H.R. 1308, Tax Relief, Simplification, and Equity Act. Further proceedings on the motion were postponed until a later date. Pages H8930–35

Meeting Hour: Agreed that when the House adjourns today, September 25, it adjourn to meet at 12 noon on Monday, September 29, and further that when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, September 30 for morning hour debate. Page H8925

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, October 1. Page H8925

Senate Message: Message received from the Senate today appears on page H8936.

Adjournment: The House met at 10 a.m. and adjourned at 4:19 p.m.

Committee Meetings

IRAQ—U.S. POLICY AND OPERATIONS

Committee on Armed Services: Held a hearing on United States policy and operations in Iraq. Testimony was heard from the following officials of the Department of Defense: Paul Wolfowitz, Deputy Secretary; Gen. John Abizaid, USA, Commander, U.S. Central Command and Gen. John M. Keane, USA, Vice Chief of Staff, U.S. Army; and Ambassador L. Bremer III, Presidential Envoy to Iraq and Administrator of the Coalition Provisional Authority.

MISCELLANEOUS MEASURES

Committee on Education and the Workforce: Ordered reported the following measures: H.R. 3076, amended,

Graduate Opportunities in Higher Education Act of 2003; H.R. 3077, amended, International Studies in Higher Education Act of 2003; and H. Con. Res. 282, honoring the life of Johnny Cash.

FREDDIE MAC: ACCOUNTING STANDARDS ISSUES RAISED BY DOTY REPORT

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled ''Freddie Mac: Accounting Standards Issues Raised in the Doty Report.'' Testimony was heard from public witnesses.

SECONDARY MORTGAGE MARKET ENTERPRISES REGULATORY IMPROVEMENT ACT; ADMINISTRATION'S PROPOSALS ON GSE REGULATION

Committee on Financial Services: Held a hearing on the following: H.R. 2575, Secondary Mortgage Market Enterprises Regulatory Improvement Act; and the Administration's proposals on GSE regulation. Testimony was heard from Armando Falcon, Jr., Director Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development; the following officials of the Federal Housing Finance Board: John T. Korsmo, Chairman; David H. Hehman, President and CEO, Federal Home Loan Bank of Cincinnati; and Dean Schultz, President and CEO, Federal Home Loan Bank of San Francisco; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Government Reform: Ordered reported the following measures: H.R. 1151, to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities; H.R. 1231, to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; H.R. 3054, District of Columbia Military Retirement Equity Act of 2003; H. Con. Res. 273, recognizing and congratulating the East Boynton Beach, Florida, Little League team as the 2003 United States Little League Champions; and H.R. 3159, Government Network Security Act of 2003.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported, as amended, H.R. 3145, to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation.

The Committee adversely reported H. Res. 364, of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled ''Operation Iraqi Freedom Strategic Lessons Learned:'' and documents in his possession on the reconstruction and security of post-war Iraq.

The Committee also approved a motion urging the Chairman to request that the following measures be considered on the Suspension Calendar: H. Con. Res. 274, commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy; H.R. 2264, Congo Basin Forest Partnership Act of 2003; H. Res. 372, expressing the condolences of the House of Representatives in response to the murder of Swedish Foreign Minister Anna Lindh; and H. Res. 356, expressing the sense of the House of Representatives regarding the man-made famine that occurred in Ukraine 1932–1933.

U.S. POLICY TOWARD IRAQ

Committee on International Relations: Held a hearing on U.S. Policy Toward Iraq. Testimony was heard from Ambassador L. Paul Bremer III, Presidential Envoy to Iraq and Administrator of the Coalition Provisional Authority.

TOXIC RELEASE INVENTORY—IMPACT ON FEDERAL MINERALS AND ENERGY

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing entitled ''The Toxic Release Inventory and its Impact on Federal Minerals and Energy.'' Testimony was heard from Kim Nelson, Assistant Administrator, EPA; and public witnesses.

MARINE MAMMAL PROTECTION ACT AMENDMENTS; MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action, as amended, H.R. 2693, Marine Mammal Protection Act Amendments of 1203.

The Subcommittee also held a hearing on the following bills: H.R. 154, to exclude certain properties from the John H. Chafee Coastal Barrier Resources System; H.R. 2501, to clarify the boundaries of Coastal Barrier Resources System Cape Fear Unit NC–07P; H.R. 2619, to provide for the expansion of Kilauea Point National Wildlife Refuge; H.R. 2623, Cahaba River National Wildlife Refuge Expansion Act; and H.R. 3056, to clarify the boundaries of the John H. Chafee Coast Barrier Resources

System Cedar Keys Unit P25 on Otherwise Protected Area P25P. Testimony was heard from Representatives Paul, Bachus, McIntyre and Case; Clint Riley, Special Assistant to the Director, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT ACT

Committee on Resources: Subcommittee on Water and Power approved for full Committee action H.R. 2828, Water Supply, Reliability, and Environmental Improvement Act.

KEEPING THE LIGHTS ON: REMOVING BARRIERS TO TECHNOLOGY TO PREVENT BLACKOUTS

Committee on Science: Subcommittee on Energy held a hearing on Keeping the Lights on: Removing Barriers to Technology to Prevent Blackouts. Testimony was heard from James W. Glotfelty, Director, Office of Electric Transmission and Distribution, Department of Energy; and public witnesses.

FUTURE OF RURAL TELECOMMUNICATIONS

Committee on Small Business: Subcommittee on Rural Enterprises, Agriculture and Technology held a hearing entitled ''The Future of Rural Telecommunications: Is the Universal Service Fund Sustainable?'' Testimony was heard from Kathleen Abernathy, Commissioner, FCC; and public witnesses.

VA'S LIFE INSURANCE PROGRAM

Committee on Veterans' Affairs: Subcommittee on Benefits held a hearing on the Department of Veterans Affairs' Life Insurance Program, Testimony was heard from Thomas M. Lastowka, Director, VA Regional Office and Insurance Center, Veterans Benefits Administration, Department of Veterans Affairs; Col. Virginia S. Penrod, USAF, Director, Compensation, Military Personnel Policy, Department of Defense; and representatives of veterans organizations.

SSA'S MANAGEMENT—OFFICE OF HEARINGS AND APPEALS

Committee on Ways and Means: Subcommittee on Social Security held a hearing on the SSA's Management of the Office of Hearings and Appeals. Testimony was heard from the following officials of the SSA: Jo Anne B. Barnhart, Commissioner; and James G. Huse, Jr., Inspector General; Syl Scheiber, member, Social Security Advisory Board; and public witnesses.

BRIEFING—GLOBAL INTELLIGENCE UPDATE

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to receive a briefing on Global Intelligence Update. The Subcommittee was briefed by departmental witnesses.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION AND THE TERRORIST THREAT INTEGRATION CENTER

Permanent Select Committee on Intelligence: Subcommittee on Terrorism and Homeland Security met in executive session to hold a hearing on Information Analysis and Infrastructure Protection and the Terrorist Threat Integration Center. Testimony was heard from departmental witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1023)*

H.R. 13, to reauthorize the Museum and Library Services Act. Signed on September 25, 2003. (Public Law 108–81).

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 26, 2003

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No Committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, September 26

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 2765, District of Columbia Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Monday, September 29

House Chamber

Program for Monday: Pro forma session.

Extensions of Remarks, as inserted in this issue

HOUSE

Bereuter, Doug, Nebr., E1898
Bishop, Timothy H., Jr., N.Y., E1905
Boehlert, Sherwood, N.Y., E1896
Calvert, Ken, Calif., E1891, E1893
Capuano, Michael E., Mass., E1903
Chocola, Chris, Ind., E1898
Dingell, John D., Mich., E1901
Doyle, Michael F., Pa., E1908
Gerlach, Jim, Pa., E1892, E1893
Gingrey, Phil, Ga., E1894
Hall, Ralph M., Tex., E1890, E1893, E1897
Hart, Melissa A., Pa., E1890, E1895
Hoyer, Steny H., Md., E1901
Israel, Steve, N.Y., E1899
Kildee, Dale E., Mich., E1890, E1891, E1895, E1898
King, Peter T., N.Y., E1899
Langevin, James R., R.I., E1899
Lantos, Tom, Calif., E1889
Levin, Sander M., Mich., E1891, E1893
Lipinski, William O., Ill., E1904
McCarthy, Karen, Mo., E1904
McGovern, James P., Mass., E1897
McInnis, Scott, Colo., E1889, E1891, E1892, E1894, E1896, E1898, E1900, E1902, E1904, E1905
Menendez, Robert, N.J., E1889, E1891, E1895, E1897, E1899, E1900, E1902, E1904, E1905
Miller, George, Calif., E1906
Miller, Jeff, Fla., E1896
Moore, Dennis, Kansas, E1903
Myrick, Sue Wilkins, N.C., E1901
Napolitano, Grace F., Calif., E1902
Oberstar, James L., Minn., E1900
Paul, Ron, Tex., E1900
Pickering, Charles W. ''Chip'', Miss., E1906
Pombo, Richard W., Calif., E1896
Rohrabacher, Dana, Calif., E1905
Sanchez, Loretta, Calif., E1907
Serrano, José E., N.Y., E1894, E1897
Stark, Fortney Pete, Calif., E1890, E1892, E1895
Stupak, Bart, Mich., E1907
Thompson, Mike, Calif., E1903
Towns, Edolphus, N.Y., E1903
Udall, Mark, Colo., E1907
Van Hollen, Chris, Md., E1907
Wilson, Joe, S.C., E1894

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the Congressional Record is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $217.00 for six months, $434.00 per year, or purchased for $6.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (866) 512–1800 (toll free), (202) 512–1800 (D.C. Area), or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

POSTMASTER: Send address changes to the Superintendent of Documents, Congressional Record, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.