United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, OCTOBER 21, 2003 No. 148

House of Representatives

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Texas (Mr. SMITH) for 1 minute.

LIBERAL BIAS IN THE MEDIA

Mr. SMITH of Texas. Mr. Speaker, several days ago President Bush observed that ''a lot of times there's opinion mixed in with news.''

The media generally present a liberal bias. For example, the three major television networks all carry more negative stories about President Bush than positive ones. Two of the country's largest dailies, The New York Times and The Washington Post, have not endorsed a Republican for President since the 1950s. The few media organizations without a liberal slant do not have nearly as many viewers or readers. For instance, Fox News has less than 1 million viewers while the three network stations have 25 million.

In a democracy we cannot afford anything less than fair and accurate news coverage. The media should trust the American people with the facts, not tell them what to think.

WASHINGTON WASTE WATCH

The SPEAKER. Pursuant to the order of the House of January 7, 2003, the gentleman from Colorado (Mr. BEAUPREZ) is recognized during morning hour debates for 1 minute.

Mr. BEAUPREZ. Mr. Speaker, I and many of my Republican colleagues calling ourselves the Washington Waste Watchers are concerned about out-of-control spending by the Federal Government. Especially concerning to us is waste, fraud, and abuse that is far too prevalent here in Washington. Allow me to highlight but a few examples.

Duplication of programs wastes enormous human and financial resources. By government reports we know that there are 342 separate economic development programs, 130 programs serving the disabled, 130 different programs serving at-risk youth, 90 early childhood development programs, 72 separate Federal programs dedicated to assuring safe water, 50 homeless assistance programs, 12 food safety agencies, and 23 separate agencies providing aid to the former Soviet Union.

Yet, Mr. Speaker, if ever we propose to consolidate or eliminate duplicitous programs to save taxpayers money, we are called heartless and insensitive rather than fiscally responsible.

I call on my colleagues from both sides of the aisle to tone down the rhetoric of class warfare and pull together for the common good of the people who have entrusted us as their representatives in this great Chamber.

CUBS' FAN SALUTES HIS NORTH CAROLINA CONSTITUENTS

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

Mr. COBLE. Mr. Speaker, I want to revisit the recently concluded American and National League Championship Series. I represent neither Boston, New York, Florida, nor Chicago; but I do have a direct interest in that two of the managers in the aforementioned series are my constituents in North Carolina's Sixth Congressional District. Manager Jack McKeon of the Florida Marlins calls Alamance County his home while Boston Red Sox skipper Grady Little hangs his hat in Moore County, known to many Americans as America's golf capital.

I am a long-time Cubs fan, Mr. Speaker, but I compromise my Cubs' loyalty in favor of my constituent Mr. MCKEON. And speaking of the Cubs, I hope the Chicago fans will permit the beleaguered left field fan who is now internationally known to become the beneficiary of goodwill in lieu of hostility. Steve Bartman, by his own admission, is a true-blue solid Cubs fan. An isolated ill-fated attempt to retrieve a foul ball does not a seven-game series make or break. Other circumstances as well contributed to the Cubs' elimination; so cut Steve Bartman some slack.

While my love for the Cubs caused me some anxiety while cheering for the Marlins, I felt no such discomfort while I was supporting Grady Little and his Bosox, since I am not a Yankee fan.

Mr. Speaker, permit me to focus on the World Series. Strike that. Permit me to focus on the 2004 World Series. Not unlike many American baseball fans, it is my hope that the Red Sox and the Cubs will square off in that series. Even then I may be forced again to relegate my Cubs' loyalty to the shelf in favor of Grady Little. Constituency loyalty, Mr. Speaker, runs deeper and closer to the heart than does baseball loyalty.

Finally, I extend my best wishes to Trader Jack McKeon and his Marlins as they attempt to conquer the Yankees. If this series, unfortunately, results in the Yanks prevailing, I will reluctantly tip my hat to them and to my New York colleagues who serve

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here in the people's House with me. Insufferable fans though they are, on balance they are pretty good folks. Meanwhile, go Marlins.

WAXMAN AMENDMENT ON H.R. 3289

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

Mr. BROWN of Ohio. Mr. Speaker, the company from which Vice President CHENEY, the sitting Vice President of the United States, the company from which he continues to draw $13,000 a month, Halliburton, is back in the headlines.

The latest example of impropriety from the Vice President's company comes in the form of price-gouging gasoline in Iraq at the expense of American taxpayers. Halliburton is overcharging United States citizens, as reported in The New York Times, as reported in studies, to the tune of $250 million, money we are not spending on prescription drugs for seniors, money we are not spending on education, money we are not spending on highways. Halliburton is overcharging U.S. citizens $250 million, a ploy that independent experts have termed simply ''highway robbery.''

Here is how their scheme works: Halliburton procures gasoline that they generally get from Kuwait, gasoline that can be bought in the Persian Gulf for 71 cents a gallon. It could be transported to Iraq for no more than 25 cents per gallon. It is brought to the United States, to New York Harbor, for under a dollar. So they buy it for 71 cents; they transport it to Iraq for 25 cents. That brings the total to 96 cents a gallon. Halliburton then adds on its profit margin 2 to 7 percent, bringing the price total to $1.03 a gallon. Yet Halliburton charges the Federal Government, the government where DICK CHENEY is the Vice President, the government where the Vice President, DICK CHENEY, used to work for Halliburton and still gets $13,000 a month from Halliburton, Halliburton charges our government, us taxpayers, between $1.62 and $1.72, an extra 60 or 70 cents per gallon, a profit margin of over 55 percent. That is the $250 million which independent experts have called highway robbery from Halliburton.

To add insult to injury, the American taxpayer subsidizes that cost when it is sold to the Iraqi people for between a nickel and 15 cents a gallon.

My constituents in northeast Ohio remember seeing gas prices skyrocket the afternoon of September 11, 2001, as some gas station owners sought to make profit from a national tragedy. It did not work for them when they tried that kind of war profiteering. Unfortunately, it is working for Halliburton, and my constituents are outraged that Halliburton is making money at our taxpayers' expense ultimately from a national tragedy.

The Bush administration has asked for an additional $2 billion for the Iraqi oil sector. One billion of that would go to buying gasoline, cooking gas, kerosene, and diesel fuel for Iraq; and it costs about $4 million a day. Halliburton will continue to pocket outrageous, some might say corrupt, profits.

All taxpayers bear the burden of unbid contracts, of price hikes, of inadequate supplies for our troops in Iraq. We are spending $1 billion a week in Iraq. That number will go up as Congress just appropriated last week $87 billion more for Iraq, as we had already appropriated $70 billion before that. We are spending $1 billion a week. A third of that money is going to private contractors. A lot of that money goes to Halliburton and Bechtel, companies close to the President. Companies which are major contributors to the President of the United States in those unbid contracts simply are not accountable.

At the same time, this administration has not been able to supply and to provide for our troops. Not enough safe drinking water for our troops. Too many of them have come down with dysentery. Not enough body armor, Kevlar jackets for our troops. One quarter of them do not have body armor. The administration has said by December, even though they knew they we were going to war a year ago, they would finally get the body armor to our troops. All of that against the backdrop of $1 billion a week, $300 million of that going to unbid contracts to companies like Halliburton. And, again, understand, Mr. Speaker, Halliburton is still paying $13,000 a month to the Vice President of the United States.

The private contractors seem to have all the money and supplies they want, but our troops do not. Something is wrong with this picture.

The gentleman from California (Mr. WAXMAN) offered an amendment to cure this gasoline gouging problem, this highway robbery problem where Halliburton has taken $250 million extra from U.S. taxpayers. I cannot understand how Members of this body can support Halliburton as it continues to gouge the U.S. taxpayers. In almost a party-line vote, this House of Representatives rejected the amendment that would have stopped the abuses from Halliburton from the Vice President's company, that would have stopped this highway robbery.

The administration continues to give Halliburton a free hand to exploit American taxpayers for every last dime they could get. Halliburton should be ashamed. This Congress should be ashamed. The administration should be ashamed for that kind of a ripoff of U.S. tax dollars especially in wartime.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 13 minutes a.m.), the House stood in recess until 10 a.m.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 10 a.m.

PRAYER

The Reverend Tom Nelson, Senior Pastor, Denton Bible Church, Denton, Texas, offered the following prayer:

Could we pray. Our Father in Heaven, You created us. Your law, the edict of Thy very nature is our protection and our guide. Your benevolence continually sustains us. Your grace hath protected us always in the defense of the weak. Guide now these men and women to steer a clear path and to guide our Nation amidst the obstacles of our day. Grant them discernment to perceive the true, the courage to stand in it, and mercy to administer it to all.

And in so doing, may You be pleased and may You lift up the light of Thy countenance upon us. For Your pleasure is our solitary good and our confidence. May evil be winnowed at this our gate and may the sun of Thy favor rise upon us. For it is in Thy saving name that we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SMITH of New Jersey 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 TOM NELSON, GUEST CHAPLAIN

(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, today is a special day for me and a special day for this House to have our deliberations blessed by the Reverend Tom Nelson.

Born in 1950 in Waco, Texas, Tom grew up in a family of four boys. For higher education, he chose the University of North Texas, my alma mater, where he graduated in 1973.

Reverend Nelson received his calling to the Ministry early and entered Dallas Theological Seminary from 1977 to 1982 while he was Associate Pastor at Denton Bible Church. He has been pastoring at Denton Bible Church for 25 years and is presently the Senior Pastor.

Some of his outreach has included being a national speaker for the Fellowship of National Athletes and active leader for Campus Crusade for Christ and the Navigators.

In the past 15 years, Tom has built Denton Bible Church into one of the largest congregations in north Texas. Besides the four Sunday services at Denton Bible Church, Tom disciples 30-plus young men each year. The program includes ministry, evangelism, and service and meets four times a week. Tom also teaches two men's bible studies, one on Tuesdays in Lewisville at Lakeland Baptist Church and one on Wednesdays at Denton Bible Church. At home in Highland Village, I have attended his Tuesday bible study. His messages are powerful and prepare us well to go out into the playing field of life.

He has authored three books, ''The Big Picture, ''The Book of Romance,'' and, ''The Problem of Life With God,'' a commentary on the Book of Ecclesiastes. He is also the teacher for three video series and his taped messages travel throughout the world.

His wife, Teresa, is his best friend and secretary. Their older son, Benjamin, and his wife Amanda, live in Lewisville, Texas, and have just made them the proud grandparents of a baby boy, Thomas Clark. Their other son, John Clark, played baseball for the University of Kansas Jayhawks, and has gone on to play professional baseball with the St. Lewis Cardinals.

I am honored the Reverend Tom Nelson could be with us here today. I know his blessing will make us more respectful in our debates, more careful in our deliberations, and more accountable for our decisions.

STARVATION IS AN INHUMANE WAY TO DIE

(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, death by dehydration is a painful, agonizing, and arduous process that takes 10 to 14 days. In addition to feeling the pangs of hunger and thirst, the skin, lips, and tongue crack, the nose bleeds because of the drying of the mucus membranes, heaving and vomiting may ensue because of the drying out of the stomach lining, and the victim may experience seizures.

Compared to starvation and dehydration, death by hanging, firing squad, or even the electric chair seems humane. But right now that death sentence is being carried out not against murderers, rapists, and child molesters, but on one of the most disabled in our midst.

Terri Schiavo is not on a respirator or any artificial life-support equipment. Any reasonable person who sees this woman reacting to her parents will realize she is not in a coma or, as is sometimes called, a persistent vegetative state.

Have we, as a Nation, become so callous that we have bought into the ''quality of life'' argument that some people simply are not worth the effort to protect and rehabilitate? I hope not.

SUPPORT BILL TO ELIMINATE TAX SHELTERS

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

Mr. EMANUEL. Mr. Speaker, I rise to commend the members of the other Chamber for introducing bipartisan legislation to shut down abusive accounting tax shelters costing U.S. taxpayers over $18 billion every year and leaving middle-class Americans to pick up the tab.

Fairness and economic growth should be synonymous with the tax code. That is why I will introduce companion legislation to eliminate the way firms market tax shelters to their audit clients. This bill will eliminate tax shelters created by the accounting firms selling ''tax advice'' directly to publicly-traded companies whose books they regularly audit. As today's hearing on tax shelters in the other body will show, this process makes a mockery of auditor independence and creates irreconcilable conflicts of interest for auditors.

Mr. Speaker, the economic principle of transparency and the American value of accountability are essential to economic growth. These abusive accounting schemes do neither, burdening the middle class and slowing down our economic recovery. I am proud to support this real reform to get real results.

PLIGHT OF TERRI SCHINDLER SCHIAVO

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

Mr. SMITH of New Jersey. Mr. Speaker, Terry Schiavo smiles, tries to talk to her family and friends, and moves her arms and legs on command. But at the direction of her husband, and against the will of the rest of the family, her feeding tube was removed last Wednesday.

This is what Terri is experiencing right now in this, the 7th day of her court-ordered dehydration and starvation: Extreme thirst, nausea and stomach cramping, dry skin, dizziness, extreme headaches, cramping in her arms and legs because she is losing electrolytes, sodium and potassium in her blood. Her mouth is very dry. Her saliva is thick.

And as the abuse continues, soon her lips and her mouth will crack, she will bleed, and her heart rate will increase, her blood pressure will drop, and she will probably experience stroke. She will finally go into shock as her whole body begins to shut down.

No one, Mr. Speaker, deserves to be treated with such incredible cruelty. Terri's life is valuable and she should not be sentenced to death because she has a disability or someone feels she is a burden.

Hopefully, the Florida Legislature will act in time and the Governor will intervene.

PLEDGE OF ALLEGIANCE: PUBLIC ACKNOWLEDGMENT OF GOD IS AN OLD AMERICAN TRADITION

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

Mr. BARTLETT of Maryland. Mr. Speaker, a steady assault on public religious expression undermines Americans' constitutional right to worship.

The Supreme Court announced it will hear a case alleging the phrase ''under God'' in the Pledge of Allegiance establishes a religion. Not at all. Acknowledging the Creator, in public, is an American tradition, not a religion.

The Declaration of Independence declares that all men were given rights to life, liberty, and the pursuit of happiness by their Creator. The Declaration ends with ''A firm reliance upon the protection of Divine Providence.'' Abraham Lincoln at Gettysburg expressed his fervent hope that ''This Nation under God shall have a new birth of freedom.''

Mr. Speaker, the question before the Supreme Court is whether America's tradition of free expression of religion will continue or be further undermined by a new creed of hostility towards religion. I echo Benjamin Franklin, who requested that prayer begin the Constitutional Convention, and every session of Congress since then, because, as he acknowledged, ''God governs in the affairs of men.''

GOD IS ON OUR SIDE

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

Mr. PENCE. Mr. Speaker, last week Army Lieutenant General William Boyken was embroiled in controversy over suggesting that in our struggle against the regime of Saddam Hussein, that God was on our side. One commentator on the Fox News Network said, and I am quoting now, ''That it is 'folly' to argue that God takes sides on battlefields.'' It may be wise to ask the question, but as President Lincoln famously said, it is more relevant to ask whether we are on God's side, rather than whether God is on ours.''

But to the General's point, that in our struggle against the tyranny of the murderous regime of Saddam Hussein, I say the General was right. It is written that ''Where the spirit of the Lord is, there is liberty.'' And, therefore, in the struggle against tyranny in all of its forms, Mr. Speaker, God is not neutral in this cause in the struggle between freedom and tyranny, between dictatorship and human dignity. Let it be said that in this Congress, God is on our side. And may it ever be so.

PRIME MINISTER MUHAMMAD MAHATHIR OF MALAYSIA SHOULD NOT BE WELCOME IN THE U.S.

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

Mr. KIRK. Mr. Speaker, there comes a time in international diplomacy when we set aside diplomatic language and speak the truth from the heart.

Last week, Malaysia's Prime Minister Muhammad Mahathir took the coward's way out to blame his misrule on the Jews. He said, and I quote, ''The Europeans killed 6 million Jews out of 12 million, but today the Jews rule this world by proxy. They get others to fight and die for them. They survived 2,000 years of pogroms not by hitting back but by thinking. They invented and successfully promoted human rights and democracy so that persecuting them would appear to be wrong, so that they may enjoy equal rights with others.''

Mr. Speaker, the Prime Minister of Malaysia is an anti-Semite, a racist, and a bigot. He should not be welcome again in the United States. By following the path of Hitler and Stalin, the international community should work against Malaysian exports until this prime minister steps down.

COALITION REVITALIZING EDUCATION OF IRAQ'S CHILDREN

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

Mr. WILSON of South Carolina. Mr. Speaker, I am proud to announce that after visiting Iraq, I saw that after a decade of neglect, the children of Iraq are benefitting from their Coalition Provisional Authority and the United States Agency for International Development's revitalization of the country's education system.

Under Saddam Hussein and the Ba'ath Socialist Party's rule, schools fell into disrepair and teaching materials were scarce, distorted as propaganda, and outdated. Today, after the American military's success in Operation Iraqi Freedom, schools are being renovated, textbooks have been updated and distributed, and teachers and principals are being introduced to the most current standards of education.

As an example of the real difference we are making in children's lives, I have here a sample of the bookbags that we have given out. It includes essential items for education, pens, pencils, calculators, and notebooks without propaganda. 1.5 million of these student kits will be given out during the school year.

We are making meaningful progress in the war on terror and making a real difference in the quality of life for Iraqis and their children in order to protect the American people.

In conclusion, God bless our troops.

FOUR OUTSTANDING SENIORS FROM PLANO INDEPENDENT SCHOOL DISTRICT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, Texas is home to great schools, great teachers, and great students, and today I want to highlight four outstanding seniors from the Plano Independent School District who made perfect scores on their college entrance exams; four of them.

Greg Bussell of Plano East, Jennifer Wu of Plano West, and Brian Young of Plano Senior High all scored 1600 on their SATs, while Jeffrey Lin of Plano West received a 36, the highest possible on the ACT.

In addition to smarts and savvy, they all shine outside the classroom. Both Jennifer and Jeffrey play the violin in the orchestra, Greg stars in a school play, and Brian is on the school's academic decathlon team.

These students are shining examples of the best and brightest in Texas and in America, and they deserve a Lone Star-size applause. I want to congratulate them and tell them that we are proud of them.

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CONSERVATIVES NOT WELCOME ON COLLEGE CAMPUSES

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

Mr. DUNCAN. Mr. Speaker, in last Friday's New York Times, columnist Thomas Friedman quoted some advice Richard Brodhead, the dean of Yale College, recently gave to incoming freshmen:

''Above all,'' Dean Brodhead told the students, ''do not limit your associations to people who agree with you.''

Yet as David Brooks pointed out in the September issue of the Atlantic Monthly magazine, the place where there is the least diversity today is on college faculties. Conservatives simply are not welcome, except for a few tokens in some places. As Mr. Brooks wrote, ''No group of people sings the diversity anthem more frequently 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 narrow segment of the population.'' Mr. Brooks pointed out that conservative students and professors may be one of the groups most discriminated in this country today.

Mr. Speaker, I hope our elite universities will strive for true diversity and academic freedom and allow at least a few conservatives to teach in their classrooms and speak on their campuses.

REMEMBERING GOVERNOR PRESTON SMITH

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to pay tribute and salute one of our fallen heroes in Texas, Governor Preston Smith, who lived a life of service from the 1940s into the 1950s when he served the State as Governor. I want to emphasize his commitment to education, as we battle in this House on the issue of Leave No Child Behind, as we find out that many of our educational leaders across the Nation are looking to us to give them and to provide them with a partnership to educate the Nation's children. I believe that his work in education helped the State of Texas reach its mission, or attempt to reach its mission, of lifting all boats.

One of the issues that he championed was the idea of teacher compensation and to ensure that the teachers in our classrooms were paid a respectable salary so they in fact could teach our children.

He loved the State and he served in the State senate. He was certainly someone who this State will miss because he loved us as we loved him. We say to his family our deepest sympathy; but more importantly, we are gratified for the opportunity he had to serve. And when he served, he promoted the people who needed him most, and those are the people whose voices could not be heard.

Mr. Speaker, we thank him for his service and know that his spirit will remain because he was truly a tall Texan, as he worked for all of us during the time he served the State of Texas; and we know that he will be considered a great Texan and a great American.

THREAT OF SADDAM HUSSEIN ELIMINATED

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

Mr. STEARNS. Mr. Speaker, we have heard much in the press regarding weapons of mass destruction and the former Iraqi regime. I think it is important to note that both the Clinton

and Bush administrations realized the powerful capacity for terror that Saddam Hussein openly wielded.

In 1998, President Clinton said, ''If Saddam rejects peace and we have to use force, our purpose is clear. We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program.'' In this statement, it is clear that the Clinton administration acknowledged weapons of mass destruction and was prepared to end Saddam Hussein's control of them. Even former Secretary of State Madeleine Albright admitted an Iraq capable of using ''nuclear, chemical or biological weapons against us or our allies is the greatest security threat we face.'' The threat of Saddam Hussein has been clear for decades. Finally, that threat has been eliminated.

STOP ARAB BASHING

(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, some of these later speakers have talked about religious bigotry, and I think one of the things that if we care about what is going on in Iraq, they will stop the Arab bashing. The President was smart enough when he used the word ''crusade'' to realize that was a serious mistake because it raises issues from thousands of years ago.

On the one hand I agree with condemning Prime Minister Mahathir of Malaysia for his anti-Semitic remarks, but one has to use the same standard on the general who starts talking about ''our God.'' In Ireland, where my family came from, God was on both sides. I do not know if the Catholics had him or the Protestants had him. Who is right?

When Members inject that into this debate, they simply inflame those people in the Shiite community and the Sunni community who see us as occupiers and destroyers of their religion. That means more people attack our people. That creates al Qaeda volunteers. Those are the people shooting our troops. Stop it.

HONORING FORMER GOVERNOR PRESTON SMITH

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

Mr. NEUGEBAUER. Mr. Speaker, I rise today to remember a great American and a great man in Texas politics. Former Governor Preston Smith passed away Saturday at the age of 91. His impact on the State of Texas, especially in the area of education, is immeasurable. One of his many focuses during his years in politics was improving education in Texas. He was responsible for opening more colleges and universities than any other Governor in our State. Known as the people's Governor, it was not surprising to call his office and have him answer his own phone.

Just a few of his accomplishments during his tenure include the creation of four new State schools, a new University of Texas Medical School in Houston, the Texas Tech Medical School in Lubbock, Texas, the University of Texas dental branch and a nurses training school in San Antonio, a new undergraduate nursing school in El Paso, and an expansion of the University of Texas medical branch at Galveston.

Governor Smith was married 63 years to his loving wife, Ima, also a Texas Tech graduate, who died in 1998. A kind, caring soul, as her health declined, the Governor would walk into her bedroom each morning with a fresh-cut flower and a note.

Thousands of Tech students each day walk past a 9-foot bronze statue of Smith that stands in front of the administration building. He will continue to watch over Texas and Texas Tech for years to come. Texas, West Texas, and Lubbock are better places today because of the distinguished service of Governor Preston Smith.

MORATORIUM ON DEHYDRATION CASES IN FLORIDA

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

Mr. WELDON of Florida. Mr. Speaker, Terry Schiavo had her feeding tubes removed last Wednesday, and she may needlessly die. Last night, I spoke with Governor Jeb Bush about Terry, and he assured me that he and the Florida legislature are moving expeditiously to give him the powers to intervene to save her life and fulfill the wishes of Terry's parents. Terry's parents are in a last-minute battle to save her.

Governor Bush and the Florida legislature are taking the necessary steps. Three years ago, the circuit court ordered Terry's feeding tubes to be withdrawn; and despite the objections of Terry's parents and request to take custody and care for her, all court cases have failed. Terry is not unconscious. Terry is not on life support. She is not dying of an underlying disease, and she is responsive to human interaction.

This is a grave injustice. Yesterday, Governor Bush called for a special session to pass a moratorium on all dehydration cases in Florida. The Florida House passed this bill with Governor Bush's support, and the Florida senate will take it up today. Support the legislature and support Governor Bush in this effort to save this young lady's life.

PROVIDING FOR CONSIDERATION OF H.J. RES. 73, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 407 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 407

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 73) making further continuing appropriations for the fiscal year 2004, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. BASS). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. LINDER. Mr. Speaker, H. Res. 407 is a closed rule providing for the consideration of H.J. Res. 73, which is a continuing resolution that makes further appropriations for fiscal year 2004. The rule provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution, and provides for one motion to recommit.

Mr. Speaker, this joint resolution provides an additional week of funding for government agencies because the fiscal year 2004 appropriations bills have not yet been enacted into law. Specifically, this resolution extends until November 7, 2003, the provisions of the previous continuing appropriations resolution that were to expire on October 31, 2003. In addition, this resolution conjoins the six fiscal year 2004 appropriations bills that have passed the House, but have not yet been considered by the other body.

Mr. Speaker, we are approaching the completion of the first session of this 108th Congress, and I urge my colleagues to join me in supporting this rule so we may proceed to the consideration of the underlying continuing resolution. While the House has passed each of the appropriations bills, it is clear that there are issues left to resolve in the other body that will require additional time to complete the

work on the remaining appropriations bills. I am hopeful that the continuing resolution covered by this rule will give us the time we need to complete the appropriations process in a thoughtful and orderly manner.

The rule was approved by the Committee on Rules yesterday, and I urge my colleagues to support it so we may proceed with general date and consideration of the joint resolution. The House hopes to complete the appropriations process as soon as possible, and this resolution will provide the time to resolve the issues that remain outstanding.

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

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

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

Mr. FROST. Mr. Speaker, the new deficit numbers came out yesterday, and they confirm what we already know: this Republican government has given America the biggest government deficit in our history, nearly $400 billion in fiscal year 2003, the year just concluded, plus an additional $500 billion deficit in fiscal year 2004, the year we just started, according to the Bush administration.

Mark my words, these Republican deficits will end up raising taxes, and worse, raising our children's taxes. The Republican leaders are going to do everything in their power to hide their abominable record of fiscal mismanagement.

Just listen to the Bush administration's Treasury Secretary in today's New York Times. He predicts that this jobless recovery will somehow magically add 2 million new jobs before next year's elections. He is saying this economy, which has lost nearly 3 million jobs since President Bush took office, the worse job records since Herbert Hoover and the Great Depression, is now going to create 200,000 new jobs a month. Perhaps the Bush administration still believes in Santa Claus, and perhaps they really believe that 2 million jobs will magically appear under the election Christmas tree next year; but the American people know a snow job when they see one. And make no mistake, they are seeing one today on the House floor.

Mr. Speaker, this so-called continuing resolution is a procedural shell game to hide Republican mismanagement of the government. This is not trick or treat, Mr. Speaker, just tricks. This entire process today makes clear that this is a Republican government that refuses to do its job, at the same time that too many hard-working Americans are still suffering from the Republican recession. While millions cannot find any jobs, Republicans refuse to do the job that they have and that taxpayers pay them to do.

As my Republican friend on the Committee on Rules, the gentleman from Florida (Mr. GOSS), once said about another continuing resolution, ''Congress is failing to fulfill its obligations in a timely and responsible way, choosing to fall back on one CR after another instead of putting in the time to do our jobs.'' Or as he said another time, ''a continuing resolution erodes the credibility of the Congress.''

□ 1030

After misleading the American people for too long, neither this Republican Congress nor this Republican administration has much credibility to erode anymore. And as for ''putting in the time to do our jobs,'' this Republican Congress hardly even bothers anymore. This House has not put in a full week's worth of work in months. And this week we are not even going to be here for 24 hours. It has gotten so bad that this resolution is the only so-called substantive legislation before the House this week, and everyone knows that it will not actually do anything. It is just a procedural shell which they will use to hide from the taxpayers the massive omnibus spending bill that they are going to sneak through this House later this year. And mark my words, when this resolution comes back to the House in its massive and bloated form, you will not even recognize it.

My friends in the majority will tell you that the House did its work. They will tell you that the other body caused the problem they are addressing today with this shell game. Mr. Speaker, they want Americans to forget one simple truth. The Republican Party controls the Senate just like it controls the House, just like it controls the White House and the entire executive branch. And Republicans refuse to use that power for the people still suffering from the second Bush recession and the third Republican recession in the past 20 years. For example, some 1.4 million Americans have been unemployed so long in this economy that they have exhausted their unemployment insurance. After the end of this year, Americans who lose their jobs, people like the nearly 3 million jobs lost since President Bush took office, will not be able to enroll in unemployment insurance. But Republicans refuse to help them before this Congress closes up shop for the year. Some will say that Republicans are simply incompetent, that they cannot figure out how to run the government. That would be bad enough. But I do not think it gives the Republican Party the credit it deserves, because this Republican government can be ruthlessly effective when its priorities are involved. Unfortunately for the American people, the priorities of this Republican government are largely limited to the political priorities of the Republican Party.

Mr. Speaker, time and again Republican leaders have proven their willingness to use their power over the government to get more power for the Republican Party. As the Washington Post suggested last week, Republicans are creating an almost Soviet-style system. They treat the people's government as just another arm of the Republican Party.

Republican leaders have moved heaven and earth to protect big corporate tax dodgers, but they will not give military and working families the same tax credit that they gave to the wealthiest. Just last week, House Republican leaders twisted enough arms to block a Democratic pay raise for the military which would have given soldiers in Iraq and Afghanistan a $1,500 bonus, but they cannot be bothered to do anything about high health care costs. And earlier this year TOM DELAY's office used Federal resources to track down his legislative opposition in Texas, and even urged the FBI to arrest the Democratic State legislators who dared to stand up to him. But now House Republican leaders will not use the Federal resources of the Congress to help the millions of Americans who need unemployment insurance in the midst of President Bush's jobless recovery.

Mr. Speaker, this is not a government of the people, by the people and for the people. It is a government of the Republican Party, by the Republican Party and for the Republican Party. And if the Republican Party wants this Republican government to raise the debt tax on Americans, while at the same time shortchanging education and veterans' health care, then they should at least have the courage to be honest with the public about it.

So I urge my colleagues to oppose this rule. Do not help the Republican leaders keep Americans in the dark this year.

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

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

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

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

Ms. JACKSON-LEE of Texas. I thank the gentleman for yielding me this time.

Mr. Speaker, let me share with my colleagues my initial thoughts as I was beginning to read the continuing resolution that was on the floor of the House. I read it with disbelief. I was reading and thought maybe that there had been a misprint. And so I come to oppose this rule, because I happen to come from the school of thought that this House and this body, this Congress, has to do its work on behalf of the American people.

I join in acknowledging that we are now facing the largest deficit that we have had in the last decade, or at least in the last 5 years since we were able to undermine that deficit in 1993 with House Democrats, not one single Republican vote, on that budget resolution that provided us in the spring of

2001 with a $5.3 trillion projected surplus over the next 10 years. That, of course, has gone to heck in a handbasket because we do not have that surplus anymore. What we have is the $400 billion deficit of 2003 and now projected $500 billion deficit in 2004. But what we also have is an $87 billion supplemental that is still sitting on the table and we have no way of paying for it. This resolution wants us to put in place, as standing bills, five House bills without any consultation with the other body and any conference.

How do we know, for example, that we have put in more money for NASA safety dollars after the Columbia 7 tragedy? Have we put any money for food security in the foreign operations bill when we have given millions of dollars to the countries that are facing famine like Ethiopia to feed them, but we have given no money to provide them with the opportunity for irrigation and food science, agricultural science so they can learn to feed themselves, as opposed to giving them only moneys to help feed them during this famine? Do we have any hope for a good Medicare bill that is now in conference? Is there any debate on that where we are now raising the cost of Medicare for our seniors and leaving many seniors aside? Is our appropriations process going to be able to address the question of how we fund Medicare? None of that is taken into account in this continuing resolution. It is a blind eye, if you will, a blindsided effort to come to this floor and blindside us with smoke and mirrors by telling us to vote for a continuing resolution that will not work. And then for them to say that we are going to make these bills, Commerce-Justice, Foreign Ops, VA–HUD, the bills that we will ultimately pass is ludicrous, is outrageous, they know it will never happen. And then the real question is, how are we going to pay for all of this?

I would ask my colleagues to vote against this rule and vote against this continuing resolution.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

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

Mr. Speaker, every year this House has a responsibility to pass the 13 appropriations bills that fund the activities of the Federal Government. Once the House passes those bills, the United States Senate is supposed to pass them. After that, the House and the Senate get together on a conference committee to resolve the differences between the two versions. Those final bills are passed and then sent to the President for his signature. This is all supposed to happen before the fiscal year ends on September 30.

I think it is important to review this material from the perspective of a ninth grade civics class because the Republican leadership seems to have forgotten it. Despite the fact that they control the House, they control the Senate, they control the White House, they even control the courts, they cannot seem to get their act together and do the people's work. So we are forced once again to pass a continuing resolution.

It used to be that the Republicans blamed President Clinton for all the delays in legislation. They really got good at blaming him for everything. In fact, I think they kind of miss him. I know I do because the economy was so good and the budget was in surplus. Now, the economy under their leadership is lousy, and we have record deficits. In fact, we have the largest deficit in the history of the United States of America. Then the Republicans used to blame the Democratic Senate for everything. That excuse is gone now, too. We are here for one simple reason. The majority of this House has failed. They did not do their job. They do not want to do their job. And the American people deserve to know that. And what is really amazing is that the House is in session for a day and a half this week. It is Tuesday and this is the last day of business scheduled for the week. I am not sure about other parts of the country, Mr. Speaker, but in Massachusetts, a workweek is generally 5 days and sometimes it is longer, given that in this economy, people have to work sometimes two or three jobs. I doubt that firefighters or steelworkers or teachers or accountants in my district could skip work on Wednesday, Thursday and Friday and expect to get a full paycheck.

The American people deserve a Congress that functions, that does the job given to it by the Constitution and they are not getting it. We all know what is going to happen in the next few weeks. We are going to see some huge, omnibus bill that a few people in a back room have worked out over pizza and cigars and be told that it is a fait accompli, take it or leave it, all because the leadership cannot or will not do their jobs. They did not do their job on the Iraq supplemental because we were not allowed to debate and vote on amendments, amendments that would have paid for the package, as opposed to adding $87 billion to the national credit card burdening our children and our grandchildren with debt.

This continuing resolution represents failure and not progress. But failure, Mr. Speaker, has become business as usual around here. Mr. Speaker, we are supposed to be a deliberative body. We are supposed to debate issues. We are supposed to amend bills to make them better to represent the concerns of our constituents. Unfortunately, Mr. Speaker, we have a leadership in this House that does not believe in democracy, that does not believe in open debate, that does not believe in the deliberative process. We have a Committee on Rules that kind of acts like the State of California. It does not believe in debate. The fact of the matter is under the Constitution, this is supposed to be a deliberative body. We should debate issues regarding education, regarding unemployment, regarding the economy, regarding health care, regarding things that matter to our constituents each and every day. Yet under this process, we are just kind of kicking the ball down the field and we are told we are going to put this off for another day. And when we put it off, it is going to come back to us in a huge package and no one is going to know what is in the bill.

This process is broken. The American people need to understand that the Republican leadership in this House is not doing its job. The Republicans wanted power. It appears they wanted power just for the sake of power. The fact of the matter is they cannot even get along with each other. This is a disgrace that we are at this moment. I would urge my colleagues to vote ''no'' on the rule.

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

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, once again we are being asked to pass a resolution that keeps the government open because Congress has not finished its work on appropriation bills. That is not unprecedented. Many times in the past we have faced this situation. But I do think that it is harder to understand when we have one party in control of all of the tools of government. When one party is in control of the Presidency and both the House and the Senate, it ought to be somewhat easier to get the work done on time. Over the past 34 years, one party has been in control of all three of those power centers, the Presidency, the Senate and the House, 6 years. The average number of appropriation bills that had been passed by the time the fiscal year ended in those 6 years was twice as high as it is today. Today we have only three appropriation bills passed. That, in my view, is no reflection whatsoever on the majority leadership of the Appropriations Committee. I think if things were left to the committee, we would be much further along the road. The reason that we have not completed our work is largely because the majority party leadership in this House has determined that they only want to pass appropriation bills on the majority party's side of the aisle.

The majority party has a right to define itself and lay out what its first preferences are. The minority party has a similar right and obligation. But then both parties, in the end, are supposed to seek a way to resolve those differences. I recognize, being a member of the minority, that the majority party is likely to, and under our system is entitled to, win most of those fights. That is the way the system works. But for the good of the system and for the good of both parties, there

are some occasions where the issues are so tight that you can use a little help across the aisle.

□ 1045

And it is the obligation of the minority party to try to do that if and when some legitimate compromises are made, not so that the minority party wins the argument on those bills but so that the minority party can at least feel that some of its concerns have been modestly attended to. That has not been the case in this Congress on appropriation bills and outside of the appropriation realm.

I, for the life of me, do not understand why we do not have bills on energy and water before us, why we do not have the military construction bill before us. On bills like that, those are relatively simple bills. They are normally fairly noncontroversial, and on bills like that what we have today is the majority in a fight with itself, and so far it has not been able to triumph. So we are stuck with those bills in limbo. On the labor, health, education bill, which I had hoped would be passed on a bipartisan basis eventually, we are stuck because the majority party is insisting on a fairly extreme approach to that bill.

The administration asked the Congress to vote for No Child Left Behind. We did. But now the funding for No Child Left Behind is being left behind.

The bill that we have on labor-H is some $7 billion short of where it ought to be in order to meet those promises.

And then we have similar problems with respect to the Commerce-Justice-State bill where efforts are being made to pretend that more money is being provided to local law enforcement than in fact is being provided because to understand what is being provided, we have to compare both homeland security and regular crime funding.

So, Mr. Speaker, I would simply say that we could be a lot further along if there was any indication whatsoever that there would be a conciliatory approach coming on any of these bills from the majority side of the aisle. Even outside of the appropriations process, we see efforts made to really radically change Medicare in the prescription drug bill, whereas if people were to back off of that, we could easily pass a decent prescription drug bill.

So I would say, I used to think we had a good shot at getting out of here by November 1. It is obvious we are going to be very lucky, Mr. Speaker, to get out of here by Thanksgiving. I regret that because I think the longer the Congress is in session, the more damage is being done to the Republic. But because of these disagreements we will be here next week with another continuing resolution. The Members can bet on it. I just hope that sooner or later the majority party recognizes that in the minority they have a willing partner in passing some of these if they are willing to compromise in the slightest on some of these issues before us.

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

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the ranking member of the Committee on Rules for yielding me this time.

Mr. Speaker, we are all going to vote for this CR; but I think as we consider it, it is appropriate for us to reflect on the allegations of mismanagement that were made over the years about how Democrats ran this House, to reflect on that and relate it to present performance and look at how well the appropriations process has been managed since the Republicans took over in 1995.

I want to look at the facts here. It is now October 21, 21 days since the start of the fiscal year, 2004, and this Congress has passed and President Bush has signed only three of the 13 annual spending bills into law: defense, homeland security, and the legislative branch appropriation bill. The Members will notice in addition that the military construction bill, one of the least controversial bills considered by this House every single year, is still mired in conference, although I would observe it is going to have maybe the distinction of being the only real conference that we have had in some period of time. If that is not indicative of this Congress's mismanagement, then I am not sure what is.

The fact of the matter is since the majority party regained the House majority, this Congress has had to pass an omnibus appropriation bill in 7 out of 9 years. That is right. In only 2 years since consideration of the fiscal 1996 spending bill did this Congress pass stand-alone legislation for all 13 appropriation bills. By comparison, and I hope everybody on my side of the aisle will note this, and the other side of the aisle, of course, will discount it and not believe it, by comparison in fiscal year 1994, that is 1993, and fiscal year 1995, that is 1994, when we had a Democratic President, Bill Clinton, and a Democratic Congress, we passed every single spending bill as a stand-alone piece of legislation, every one, which meant that we could fully debate and not hide anything in those bills.

Mr. Speaker, the Members of our side of the aisle can hardly wait to hear what excuse is now used by our colleagues on the majority side for failing to complete the appropriation work on time. It is going to be tough to blame poor Senator DASCHLE who was the scapegoat last year when not only did we not pass the fiscal year in the year in which we were supposed to, we had to go to the next year and did not pass most appropriation bills until January of the following year. They certainly cannot blame the Democrats on this side because we do not make many decisions on this side.

So what is their excuse? We all know what the truth is, and it is not that the gentleman from Florida (Mr. YOUNG), the chairman of our committee, or anybody on the committee has mismanaged the appropriation process. It is the direct result of the majority party's inability to agree with itself. It is an affliction that is not just holding up the appropriations process. It is also preventing us from passing an energy bill, from extending the child tax credit to 6.5 million working American families, and from giving our seniors a real prescription drug benefit that is not designed to destroy Medicare. The truth is we have not completed our work on time and the majority party is the only group that is responsible for this failure.

Mr. Speaker, we will vote for this continuing resolution, which is an admission and a perfect example of not getting the work done that the American people expect us to get done on time and for their benefit and for the benefit of this country.

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

Mr. LINDER. Mr. Speaker, I urge my colleagues to support this rule.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

Mr. FROST. 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 219, nays 189, not voting 26, as follows:

[Roll No. 566]

YEAS—219

Aderholt	Camp	Foley
Akin	Cannon	Forbes
Bachus	Cantor	Fossella
Baker	Capito	Franks (AZ)
Ballenger	Carter	Frelinghuysen
Barrett (SC)	Castle	Garrett (NJ)
Bartlett (MD)	Chabot	Gerlach
Barton (TX)	Chocola	Gibbons
Bass	Cole	Gilchrest
Beauprez	Collins	Gillmor
Bereuter	Cox	Gingrey
Biggert	Crane	Goode
Bilirakis	Crenshaw	Goodlatte
Bishop (UT)	Culberson	Goss
Blackburn	Cunningham	Granger
Blunt	Davis, Jo Ann	Graves
Boehlert	Davis, Tom	Green (WI)
Boehner	Deal (GA)	Greenwood
Bonilla	DeLay	Gutknecht
Bonner	DeMint	Harris
Bono	Diaz-Balart, L.	Hart
Boozman	Diaz-Balart, M.	Hastings (WA)
Boyd	Doolittle	Hayes
Bradley (NH)	Dreier	Hayworth
Brady (TX)	Duncan	Hefley
Brown (SC)	Dunn	Hensarling
Brown-Waite, Ginny	Ehlers	Herger
	Emerson	Hobson
Burgess	English	Hoekstra
Burns	Everett	Hostettler
Burr	Feeney	Houghton
Buyer	Ferguson	Hulshof
Calvert	Flake	Hunter

Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
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
Regula
Rehberg
Renzi
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
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—189

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
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
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
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
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
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)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—26

Andrews
Bell
Burton (IN)
Case
Coble
Cubin
Doggett
Engel
Fletcher
Gallegly
Gephardt
Kelly
Leach
Lewis (GA)
Marshall
McCollum
Owens
Ramstad
Rangel
Reyes
Sanchez, Loretta
Slaughter
Vitter
Wexler
Whitfield
Young (AK)

□ 1117

Messrs. ISRAEL, DAVIS of Illinois, CRAMER, HALL, HOLT and JOHN changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1117

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 the joint resolution (H.J. Res. 73) making further continuting appropriations for the fiscal year 2004, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 407, I call up the joint resolution (H.J. Res. 73) making further continuing appropriations for the fiscal year 2004, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 73 is as follows:

H.J. RES. 73

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 108–84 is amended by striking the date specified in section 107(c) and inserting ''November 7, 2003''.

SEC. 2. Section 8144(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), as amended by Public Law 108–84, is further amended by striking ''October 31, 2003'' and inserting ''November 7, 2003''.

SEC. 3. Section 8091(b) of the Department of Defense Appropriations Act, 2004 (Public Law 108–87) is hereby repealed.

SEC. 4. The provisions of the following bills of the 108th Congress are hereby enacted into law:

(1) AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES.—H.R. 2673, as passed by the House of Representatives on July 14, 2003.

(2) COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES.—H.R. 2799, as passed by the House of Representatives on July 23, 2003.

(3) DISTRICT OF COLUMBIA.—H.R. 2765, as passed by the House of Representatives on September 9, 2003.

(4) FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS.—H.R. 2800, as passed by the House of Representatives on July 24, 2003.

(5) TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES.—H.R. 2989, as passed by the House of Representatives on September 9, 2003.

(6) VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES.—H.R. 2861, as passed by the House of Representatives on July 25, 2003.

The SPEAKER pro tempore. Pursuant to House Resolution 407, 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. 73, is the second continuing resolution for fiscal year 2004. As you know, the current CR expires on October 31, 2003. This bill will extend the CR through November 7, 2003, but more importantly it will provide a vehicle to address the remaining six appropriations bills that have been passed by the House but that have not been passed by the Senate as of today.

These bills are the following: the Agriculture appropriations bill; the Commerce, Justice, State and Judiciary appropriations bill; the appropriations bill for the District of Columbia; the Foreign Operations appropriations bill; the Transportation and Treasury appropriations bill, and the VA, Housing and Urban Development appropriations bill.

Section 4 of this CR, H.J. Res. 73, will consolidate these six bills for the purpose of finishing the remaining appropriations bills. As you are aware, the House has passed all 13 regular appropriations bills and last week passed a supplemental appropriations for fiscal year 2004.

Three very important bills have already been signed into law, the Defense appropriations bill, the Homeland Security appropriations bill, and the Legislative Branch appropriations bill, which was also the vehicle for a supplemental appropriations for natural disasters and forest fires. We continue to move forward on conferences with the other body on four bills that they have passed.

We hope to have the conference reports for Energy and Water, Military Construction, Interior, and Labor and Health and Human Services ready for House consideration as early as next week.

Mr. Speaker, I believe the CR itself is noncontroversial. I urge the House to

move this legislation through the Senate so the government can continue to operate smoothly and efficiently so that we can come closer to finishing our regular appropriations bills.

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

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

Mr. Speaker, I think Members need to understand where this CR fits in the scheme of things. As the chairman of the committee, the gentleman from Florida (Mr. YOUNG), has indicated, this continuing resolution when it moves to the Senate will become the vehicle by which the committee deals with the omnibus appropriations bills or the bills that will be included in the omnibus bill.

That will mean that the real CR will have to be brought up next week. And at that time we will see a continuing resolution that keeps the government open to a date somewhere between November 15 and Thanksgiving, I presume. I sincerely hope that by Thanksgiving there will be no need for additional CRs, but I am very skeptical that that will be the case. I am afraid that it is beginning to look a lot like Christmas. I hope that that is not true, but I suspect it may be.

So having already said everything that needs to be said on the CR, I am prepared to yield back the balance of my time.

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

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) and the committee for all of the support and the cooperation that we have had. As I have said numerous times on the floor, with the cooperation of the gentleman from Wisconsin (Mr. OBEY) we have managed all of our bills well on time to have concluded by the end of the year. But we are only one House of the Congress.

We will work with our partners in the Senate to conclude this business of appropriations as early as we possibly can.

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

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

Mr. Speaker, I simply want to observe, as I think the gentleman from Maryland (Mr. HOYER) indicated this morning, that last year when we had so many appropriation bills not passed until the next session of Congress, the cry we frequently heard on the majority side of the aisle was that ''The Senate made me do it.'' And they were all too eager to blame the Senate for the fact that most appropriation bills had gone nowhere.

As the saying goes, this year they do not have Senator DASCHLE to kick around anymore with the Democrats being in the minority. And so I think it will be interesting to see whether or not the majority sooner or later can either end its debate with itself or else on several of these bills reach across the aisle and try to work out a more bipartisan solution.

I know the gentleman from Florida (Mr. YOUNG) has certainly tried, and I believe I have tried; but sometimes things are settled at a level above our pay grade. That is the way life is, and that is the way this institution is.

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

Mr. YOUNG of Florida. Mr. Speaker, I urge that we pass this CR and get the process moving, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered read for amendment, and pursuant to House Resolution 407 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 passage of the joint resolution.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

□ 1130

RECESS

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for approximately 5 minutes.

Accordingly (at 11 o'clock and 30 minutes a.m.), the House stood in recess for approximately 5 minutes.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 11 o'clock and 39 minutes a.m.

GRADUATE OPPORTUNITIES IN HIGHER EDUCATION ACT OF 2003

Mr. HOEKSTRA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3076) to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3076

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Graduate Opportunities in Higher Education Act of 2003''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2. JAVITS FELLOWSHIP PROGRAM.

(a) INTERRUPTIONS OF STUDY.—Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: ''In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.''.

(b) ALLOCATION OF FELLOWSHIPS.—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

(1) in the first sentence, by inserting ''from diverse geographic regions'' after ''higher education''; and

(2) by adding at the end the following new sentence: ''The Secretary shall also assure that at least one representative appointed to the Board represents an institution that is eligible for a grant under title III or V of this Act.''.

(c) STIPENDS.—Section 703 (20 U.S.C. 1134b(a)) is amended—

(1) in subsection (a)—

(A) by striking ''1999–2000'' and inserting ''2004–2005'';

(B) by striking ''shall be set'' and inserting ''may be set''; and

(C) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program''; and

(2) in subsection (b), by amending paragraph (1)(A) to read as follows:

''(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for 2004–2005 and succeeding academic years, the same amount as the institutional payment made for 2003–2004 adjusted for 2004–2005 and annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 705 (20 U.S.C. 1134d) is amended by striking ''fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

SEC. 3. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.

(a) DESIGNATION OF AREAS OF NATIONAL NEED; PRIORITY.—Section 712 (20 U.S.C. 1135a) is amended—

(1) in the last sentence of subsection (b)—

(A) by striking ''and an assessment'' and inserting ''an assessment''; and

(B) by inserting before the period at the end the following: '', and the priority described in subsection (c) of this section''; and

(2) by adding at the end the following new subsection:

''(c) PRIORITY.—The Secretary shall establish a priority for grants in order to prepare individuals for the professoriate who will train highly-qualified elementary and secondary school teachers of math, science, and special education, and teachers who provide instruction for limited English proficient individuals. Such grants shall offer program assistance and graduate fellowships for—

''(1) post-baccalaureate study related to teacher preparation and pedagogy in math and science for students who have completed a master's degree or are pursuing a doctorate of philosophy in math and science;

''(2) post-baccalaureate study related to teacher preparation and pedagogy in special education and English language acquisition and academic proficiency for limited English proficient individuals; and

''(3) support of dissertation research in the fields of math, science, special education, or second language pedagogy and second language acquisition.''.

(b) COLLABORATION REQUIRED FOR CERTAIN APPLICATIONS.—Section 713(b) (20 U.S.C. 1135b) is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

''(10) in the case of an application for a grant by a department, program, or unit in education or teacher preparation, contain assurances that such department, program, or unit collaborates with departments, programs, or units in all content areas to assure a successful combination of training in both teaching and such content; and''.

(c) STIPENDS.—Section 714(b) (20 U.S.C. 1135c(b)) is amended—

(1) by striking ''1999–2000'' and inserting ''2004–2005'';

(2) by striking ''shall be set'' and inserting ''may be set''; and

(3) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program''.

(d) ADDITIONAL ASSISTANCE.—Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking ''1999–2000'' and inserting ''2004–2005''; and

(2) by striking ''1998–1999'' and inserting ''2003–2004''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 716 (20 U.S.C. 1135e) is amended by striking ''fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

(f) TECHNICAL AMENDMENTS.—Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(1) by striking ''section 716(a)'' and inserting ''section 715(a)''; and

(2) by striking ''section 714(b)(2)'' and inserting ''section 713(b)(2)''.

SEC. 4. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

(a) CONTRACT AND GRANT PURPOSES.—Section 721(c) (20 U.S.C. 1136(c)) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) to prepare such students for study at accredited law schools and assist them with the development of analytical skills and study methods to enhance their success and promote completion of law school;'';

(2) by striking ''and'' at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(6) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

''(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.''.

(b) SERVICES PROVIDED.—Section 721(d)(1)(D) (20 U.S.C. 1136(d)(1)(D)) is amended by inserting ''in analytical skills and study methods'' after ''courses''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 721(h) (20 U.S.C. 1136(h)) is amended by striking ''1999 and each of the 4 succeeding fiscal years'' and inserting ''2004 and each of the 5 succeeding fiscal years''.

(d) GENERAL PROVISIONS.—Subsection (e) of section 731 (20 U.S.C. 1137(e)) is repealed.

SEC. 5. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) CONTRACT AND GRANT PURPOSES.—Section 741(a) (20 U.S.C. 1138(a)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) the encouragement of the reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all, especially for the non-traditional student populations;'';

(2) in paragraph (2), by inserting before the semicolon at the end the following: ''for postsecondary students, especially those that provide academic credit for programs'';

(3) by amending paragraph (3) to read as follows:

''(3) the establishment of institutions and programs based on the technology of communications, including delivery by distance education;''; and

(4) by amending paragraph (6) to read as follows:

''(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;''.

(b) AREAS OF NATIONAL NEED.—Section 744(c) (20 U.S.C. 1138c(c)) is amended by striking paragraph (4) and inserting the following:

''(4) International cooperation, partnerships, or student exchange among postsecondary educational institutions in the United States and abroad.

''(5) Establishment of academic programs including graduate and undergraduate courses, seminars and lectures, support of research, and development of teaching materials for the purpose of supporting faculty and academic programs that teach traditional American history (including significant constitutional, political, intellectual, economic, diplomatic, and foreign policy trends, issues, and documents; the history, nature, and development of democratic institutions of which American democracy is a part; and significant events and individuals in the history of the United States).

''(6) Support for planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to enable institutions of higher education to work with private and civic organizations to assist communities to meet and address their pressing and severe problems, including economic development, community infrastructure and housing, crime prevention, education, healthcare, self sufficiency, and workforce preparation.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 745 (20 U.S.C. 1138d) is amended by striking ''$30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$40,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years'' .

SEC. 6. URBAN COMMUNITY SERVICE.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 7. DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

(a) SERVING ALL STUDENTS WITH DISABILITIES.—Section 762(a) (20 U.S.C. 1140a(a)) is amended by striking ''students with learning disabilities'' and inserting ''students with disabilities''.

(b) AUTHORIZED ACTIVITIES.—

(1) AMENDMENT.—Section 762(b)(2) is amended—

(A) in subparagraph (A), by inserting ''in order to improve retention and completion'' after ''disabilities'';

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (E), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative, effective, and efficient teaching methods and strategies to ensure the smooth transition of students with disabilities from high school to postsecondary education.''; and

(D) by inserting after subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) the following new subparagraph:

''(D) DISTANCE LEARNING.—The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of electronic communication for instruction and advisement.''.

(2) CONFORMING AMENDMENT.—Section 762(b)(3) is amended by striking ''subparagraphs (A) through (C)'' and inserting ''subparagraphs (A) through (E)''.

(c) APPLICATIONS.—Section 763 (20 U.S.C. 1140b) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) a description of how such institution plans to address the activities allowed under this part;'';

(2) by striking ''and'' at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(4) a description of the extent to which an institution will work to replicate the best practices of institutions of higher education with demonstrated success in serving students with disabilities.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 765 (20 U.S.C. 1140d) is amended by striking ''fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3076.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 3076, the Graduate Opportunities in Higher Education Act, a bill that will not only build upon the successes of our graduate education programs, but will also help fulfill areas of critical National need which will help trigger improvement at all levels of education, including K–12.

I would like to thank my colleagues on both sides of the aisle, particularly the ranking member of the subcommittee, the gentleman from Texas (Mr. HINOJOSA) who, again, we have been very able to work very well together, and his cooperation has been able to bring these bills together in a bipartisan way.

We all recognize the importance of graduate education, particularly as we work to meet the challenges of the No Child Left Behind Act and place a highly-qualified teacher in every public school classroom by the 2005–2006 school year. I believe the legislation before us today will help our States and schools as they strive to achieve that important goal.

The Federal Government has long been involved with graduate-level education, providing fellowships that assist students who excel in their chosen fields to complete education beyond the baccalaureate level. These programs have been tremendously successful, encouraging in-depth study and creating knowledgable experts, particularly in subject areas facing national need.

Graduate education authorized under Title VII of the Higher Education Act produces immeasurable benefits for our Nation. Not only do these programs enrich our citizenry, but they also nurture discovery and innovation that will some day lead to medical and technological advancements. Graduate programs train the next generation of teachers, researchers, engineers, doctors, lawyers, poets and professors. These individuals will be vitally important in preparing the United States to meet the challenges of the future.

Title VII of the Higher Education Act authorizes three graduate fellowship programs, the Graduate Assistance in Areas of National Need program, the Jacob K. Javits Fellowship program, and the Thurgood Marshall Legal Educational Opportunity program.

Collectively, they encourage students to advance their knowledge in scientific and technical fields, the arts and humanities, and legal studies by providing financial assistance as well as support services to those displaying academic excellence in their field of study.

Each year, Congress appropriates nearly $45 million to assist these students in pursuing their goals. The Graduate Opportunities and Higher Education Act seeks to build upon the success of these programs by targeting fellowships in subject areas facing national need, not only at the graduate level, but also by encouraging study of subject areas where there are shortages in K–12 education as well. This will help to expand the number of educators prepared to train the teachers of tomorrow in critical subject areas such as math, science, and special education. By placing a priority on these subject areas with a demonstrated national need, graduate fellowships will serve to strengthen education from the halls of universities down to the classrooms filled with children.

In addition to placing a priority on these three subject areas, the Graduate Opportunities in Higher Education Act also recognizes the rapidly-growing need for teachers prepared to meet the needs of students with limited English proficiency. The Graduate Opportunities and Higher Education Act is an essential piece of our higher-education reform efforts. By strengthening graduate education and targeting the Federal investment towards those areas facing demonstrated need, we cannot only improve graduate education but education at all levels in this Nation.

I encourage my colleagues to join me in supporting this important piece of legislation and help make our already successful graduate education programs even better.

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

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

Mr. Speaker, I rise in support of in support of H.R. 3076, the Graduate Opportunities in Higher Education Act. I would like to commend our subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA); the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER); and our ranking member, the gentleman from California (Mr. GEORGE MILLER) for the way they have managed this process, enabling us to bring this bipartisan measure to the House floor today.

This bill reauthorizes Title VII of the Higher Education Act. Although it only represents a small percentage of the Federal investment in higher education, it is a critical investment. This education legislation reaffirms the Federal interest in promoting access to advanced and professional degrees, as well as assisting colleges and universities in meeting the needs of the growing number of students with disabilities who aspire to earn college degrees.

This legislation make important improvements to our graduate education programs. If we are to reach our goal of ensuring that there is a highly-qualified teacher in every classroom, we must address our teacher preparation pipeline in its entirety.

□ 1145

In No Child Left Behind we addressed the need for professional development and mentoring for teachers already in our schools. In the Ready to Teach Act, we worked on improving the preparation of new teachers. And now, in the Graduate Opportunities in Higher Education Act, we are going to address faculty shortages in our colleges of education, especially in the fields of math, science, special education, and teaching of limited English proficiency students to ensure that our teacher colleges have the well-prepared faculty to prepare new teachers and conduct the scientifically-based research that will be used to inform instruction in classrooms across the whole country.

This is an important addition to the Higher Education Act, and I thank the chairman for working with us to include it in this bill.

I am also pleased that this bill reauthorizes and makes improvements to the Thurgood Marshall Legal Educational Opportunity Program, demonstration projects to ensure that students with disabilities receive a quality higher education and the funds for the improvement of postsecondary education.

Mr. Speaker, I would like to commend the staff on both sides of the aisle on a job well-done in preparing this legislation. In particular, I would like to recognize the work of Alison Ream for the majority, and I would like to recognize Mr. Ricardo Martinez for this side of the aisle.

Again, thank the chairman for working to bring forward a bill that we can all support.

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

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding me this time and for shepherding this legislation through the committee in a truly bipartisan fashion. I think it is well-written and well-received by everyone concerned, so I would like to express my support for H.R. 3076.

H.R. 1, better known as No Child Left Behind, certainly raises the bar regarding teacher qualifications. And so to do this, we will need to improve our teacher training programs at the post-secondary level.

We are currently experiencing a teacher shortage crisis of tremendous magnitude across the country, especially in the areas of math, science, special ed, and bilingual language teachers. My daughter, actually, is an English-as-a-second-language teacher, and I realize how scarce these teachers are. This bill will especially improve teacher training in these underserved areas.

Another area of the legislation that really appeals to me is that it provides for some competitive grant programs to encourage innovation and reform in higher education. So often, in our teachers' colleges, we see things done the same way they were done 20 years ago, and so I think this is badly needed, to have some innovative creative

ideas. So these grants, I think, will serve us well.

So I think this is an excellent piece of legislation, Mr. Speaker. I endorse it wholeheartedly, as I think everyone on the Committee on Education and the Workforce does, and I thank the chairman for his efforts in this regard.

Mr. HOEKSTRA. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. EHLERS), a member of the Committee on Education and the Workforce.

Mr. EHLERS. Mr. Speaker, I commend both the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Michigan (Mr. HOEKSTRA) for their work on the Graduate Opportunities in Higher Education Act. I also thank the committee staff for working to address my concerns surrounding the Graduate Assistance in Areas of National Need program, better known as the GAANN program.

I also commend the Secretary of Education for identifying as the current areas of national need biology, chemistry, computer and information sciences, engineering, geological and related sciences, and math and physics.

There is good reason for him to do so: It is estimated that more than half of the economic growth of the United States today results directly from research and development in science and technology. The effectiveness of the United States in promoting economic growth will be largely determined by the intellectual capital of the United States. Education is critical in developing this resource.

Currently, a shortage exists of scientists, engineers and other technology-proficient workers. It is hard to believe that when we have an economy, as we have right now, with massive unemployment, but there are an estimated 200,000 open positions for scientists, engineers, and technology professionals. This is in addition to approximately 200,000 H–1B visa recipients who are currently in the United States filling other technical positions.

Unfortunately, the United States enrollment in both undergraduate and graduate mathematics, science and engineering majors is lower than enrollment in most other majors, and enrollment has been on the decline over the past decade. Especially worrisome is the fact that enrollments in undergraduate engineering which is training for a key specialty that we need in our manufacturing work, has declined steadily for 20 years. Graduate enrollment in engineering, however, has increased. How can that be? The difference is students from other countries coming in to do graduate work in our country because we are not producing enough students at the undergraduate level to fill the available graduate spaces. That is not good for the long-term health of our economy and our country.

This declining enrollment affects the education of our prospective elementary and secondary mathematics and science teachers as well. Teachers provide the essential connection between students and the content they are learning. Student performance on the recent Third International Mathematics and Science Study highlights the shortcomings of current K–12 science and mathematics education in the United States, particularly when compared to other countries. We must expect more from our Nation's educators and students if we are to build on the accomplishments of previous generations.

New methods of teaching mathematics and science are required, as well as better curricula and improved training of teachers. Just to illustrate that, the TIMSS study I mentioned showed that we are near the bottom of all developed nations in the accomplishments of our high school students in science in general. We are even lower in the performance of our students in mathematics, and we are dead last out of all developed nations in the performance of our high school physics students. Clearly, we need improvements if we are going to continue discoveries and the growth of our economic engine.

To achieved improved training of teachers, this legislation establishes a priority for grants under the GAANN program in order to prepare individuals for the professoriate who are committed to training highly-qualified elementary and secondary school teachers of mathematics and science. I encourage the secretary to provide priority to departments that engage in such activities, and encourage the secretary to regard departments of mathematics and science, as well as departments of engineering, as departments that may provide such activities. Already, departments of engineering have demonstrated a focus on preparing highly-qualified elementary and secondary mathematics and science teachers. We must have those teachers in the K–12 system. If we do not, we are not going to solve the problem, and we will continue to be short on trained technical personnel, we will continue to suffer in our economy.

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

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume to, once again, thank my colleague for working with us. I think we have developed a great partnership on this subcommittee. We had a great hearing down in the gentleman's district, a couple of weeks ago, in Texas. We had a very, very good hearing, a very, very good roundtable, and a delicious dinner together with great hospitality. And I just want to publicly express my appreciation for the cooperation in that process and also the continued partnership on the legislation coming through this committee.

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

Mr. HOEKSTRA. I yield to the gentleman from Texas.

Mr. HINOJOSA. Mr. Speaker, I would like to also express my appreciation for the way in which the gentleman conducted the hearing that we had here in Washington, wherein you brought in experts to show us the great demand that there is for programs and for classes and the shortage that we have of faculty, prepared faculty, in the colleges and universities. And the gentleman responded so quickly to be able to bring that then to our subcommittee, pass it unanimously, and now bring it to the House floor. So this will make all those deans, who came all the way to Washington to testify before us, extremely happy, as it makes me, and I am sure that many of those in higher education are going to be elated that this finally has passed.

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time, I thank the gentleman for those kind words.

Mr. BOEHNER. Mr. Speaker, I rise today in support of H.R. 3076, the Graduate Opportunities in Higher Education Act. I'm particularly pleased that this bill has the potential not only to enhance graduate education, but to build on the strength of education at all levels by helping to increase study of subject areas facing particular shortages at the K–12 level.

I'd like to first applaud Select Education Subcommittee Chairman PETE HOEKSTRA—the author of this measure—for his leadership in bringing this bill forward. He has crafted a bill, with bipartisan support, that ensures our Federal investment in graduate education is money well spent. I'd also like to thank Mr. MILLER, the ranking member on the Committee, and Mr. HINOJOSA, the ranking member on the subcommittee, for their cooperation and leadership in bringing this measure forward.

This legislation will build on the success of the graduate programs currently authorized under Title VII of the Higher Education Act, and additionally, the bill will also help to fulfill the demand for highly qualified teachers at the K–12 level.

Witnesses have testified before the Education & the Workforce Committee that an important key to placing highly qualified teachers in every public school classroom, as called for by the bipartisan No Child Left Behind Act, is having adequate faculty available to train the teachers of tomorrow. This is particularly important in subject areas facing severe shortages. I believe the importance of this cannot be overstated. If we are serious about ensuring every child learns from a highly qualified teacher, we must address the issue comprehensively.

Elementary and secondary classrooms across the Nation are facing severe shortages of highly qualified teachers, particularly in high-demand subject areas. States and schools tell us they are struggling to find highly qualified math, science, and special education teachers. And as our schools work to educate those whose native language is not English, we need teachers who are prepared to meet the needs of students with limited English proficiency (LEP). For those reasons, this bill places a priority on these particular subject areas, ensuring that our investment in graduate education continues to improve education at all levels in America.

Although I believe the role graduate education plays in creating a pipeline of highly

qualified teachers is extremely important, the many other benefits of graduate education cannot be overlooked. As we enter the 21st Century, the need for advanced education is becoming increasingly vital to successfully maintaining our place in the technologically-advanced economy. Now, more than ever, our citizens are obtaining graduate degrees in order to gain more expertise in their field of study. This bill will help ensure the continued availability of such graduate study opportunities for students.

I'd like to thank members of my staff for their hard work in brining this bill forward today; particularly Krisann Pearce, Alison Ream, Kathleen Smith, Alexa Marrero, and Rebecca Hunt with Mr. HOEKSTRA's staff. Additionally, I would like to thank the Democratic staff, including Ricardo Martinez, Alex Nock, Ellynne Bannon and Moira Lenehan with Mr. HINOJOSA's staff. Thanks to the leadership of Chairman HOEKSTRA, the bipartisan cooperation from members on both sides of the aisle, and the hard work of our staff, we have before us today a bill that will allow for the continued success of graduate fellowships that enrich student knowledge while building up our teaching workforce.

As we move forward with the reauthorization of the Higher Education Act, we must continue to build on the success of these valuable programs that prepare the next generation of scholars. Graduate education is essential to maintaining our economic leadership, as well as ensuring the success of education reform in classrooms across America. I hope my colleagues will join me in supporting this bill, and the continued success of graduate education.

Mr. HOLT. Mr. Speaker, I rise today to support H.R. 3076, the Graduate Opportunities in Higher Education Act.

The bill authorizes a total of $120 million for Title VII graduate education programs, including Javits Fellowships, Graduate Assistance in areas of National Need, Thurgood Marshall Legal Education Opportunities and the Fund for the Improvement of Post-Secondary Education programs.

Mr. Speaker, I would like to thank Chairman BOEHNER for his work on this bill and for accepting my amendment in committee.

Under the graduate Assistance in Areas of National Need program, the Higher education Act provides grants to colleges and universities to address subject areas where America doesn't have enough people with advanced degrees—including education, where new teachers are trained.

My amendment would require that any schools of education that apply for GAANN grants collaborate with a department, program, or unit in science, math, or other appropriate content area to assure a successful combination of training in both teaching and relevant content. This should go almost without comment. Most graduate schools already do this.

With the enactment of the historic No Child Left Behind Act, Congress committed itself to ensuring that every student would have the opportunity to improve academically, to attend a safe school in a challenging and nurturing classroom environment, and to have a chance for real scholastic success.

Critical to achieving these goals is having highly qualified teachers in every classroom—teachers who are not only versed in general teaching skills, but who also have expertise in the subject matter they teach.

This is because when teachers pursue a graduate degree in education, they often focus on education theory and policy, rather than combining such a curriculum with substantive research in a particular subject area like math, science, or literature.

If we hope to achieve the goals of No Child Left Behind, we must ensure that the teachers in our children's classrooms are indeed ''highly qualified,'' which should include expertise in the subject matter they teach.

That is why I offered, and the committee accepted, an amendment that will reaffirm our commitment to improving teacher quality so that all of our schools can meet the standards of No Child Left Behind.

Mr. Speaker, I thank the chairman for his support of my amendment, and I ask my colleagues to support this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H.R. 3076, to reauthorize Title VII of the Higher Education Act to authorize graduate fellowship programs with the financial support necessary to complete advanced degrees in areas of national need and in the humanities, social sciences and the arts. I would like to commend Chairman HOEKSTRA and Ranking Member HINOJOSA on their exceptional work on this resolution.

I am pleased that we are continuing to encourage our young people to persist with their education and obtain higher levels of knowledge. There are three types of graduate fellowship programs that are authorized: the Jacob K. Javitis Fellowships, the Graduate Assistance in Areas of National Need (GAAN) Fellowships and the Thurgood Marshall Legal Education Opportunity Program. We should be proud of these programs which are set up to give opportunity to individuals who may not have the change otherwise to gain a graduate degree.

Unfortunately, the Urban Community Service program, which was created to provide incentives to urban academic institutions to allow these schools to work with private and civic organizations to implement solutions to pressing problems in their communities, was eliminated. I understand that the program has not received funding since Fiscal Year 1996, yet this program is very rich on how urban colleges and universities can work with the surrounding area to strengthen and lift up the community by making it safer and a better place to live for both the students and the people in the community. At too many urban colleges and universities, the only safe place to be in the area is on the campus. I hope in the future we can try to implement this program or a similar program as a way to encourage urban academic institutions to not forget about the community that surrounds its campus and to proactively work with the community.

Again, I support the Chairman and Ranking Member for their efforts on this legislation. I encourage my colleagues to support this legislation.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 3076, the Graduate Opportunities in Higher Education Act.

The Graduate Opportunities in Higher Education Act, H.R. 3076, builds upon the success of the graduate fellowship programs within the Higher Education Act (HEA). Because graduate education trains the faculty who train the teachers of tomorrow, the legislation recognizes subject areas in elementary and secondary education facing shortages, and places a priority on those subject areas, working to create a pipeline of highly qualified teachers to improve education at all levels.

Since enactment of No Child Left Behind, this Congress, the administration and educators nationwide have recognized the importance of having highly qualified teachers in the classroom. We need to raise teacher quality standards in our education system, but also help our teachers find the means to meet these goals. H.R. 3076 is an important step toward this end. By expanding our graduate programs, we guarantee that our students will be educated by highly qualified teachers with an extensive knowledge base. It is a great step toward the betterment of our education system.

I encourage my colleagues to support H.R. 3076 as an important reform to our higher education system and ultimately to our Nation.

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and pass the bill, H.R. 3076, as amended.

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

A motion to reconsider was laid on the table.

INTERNATIONAL STUDIES IN HIGHER EDUCATION ACT OF 2003

Mr. HOEKSTRA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3077) to amend title VI of the Higher Education Act of 1965 to enhance international education programs, as amended.

The Clerk read as follows:

H.R. 3077

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

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''International Studies in Higher Education Act of 2003''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; references; table of contents.
Sec. 2. International and foreign language studies.
Sec. 3. Business and international education programs.
Sec. 4. Institute for International Public Policy.
Sec. 5. Evaluation, outreach, and dissemination.
Sec. 6. Advisory Board.
Sec. 7. Recruiter access to students and student recruiting information; safety.

SEC. 2. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

(a) FINDINGS AND PURPOSES.—Section 601 (20 U.S.C. 1121) is amended—

(1) in subsection (a)—

(A) by striking ''post-Cold War'' in paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(C) by inserting after paragraph (3) the following new paragraph:

''(4) The events and aftermath of September 11, 2001, have underscored the need for the nation to strengthen and enhance American knowledge of international relations, world regions, and foreign languages. Homeland security and effective United States engagement abroad depend upon an increased number of Americans who have received such training and are willing to serve their nation.'';

(2) in subsection (b)(1)—

(A) by striking ''; and'' at the end of subparagraph (D) and inserting '', including through linkages overseas with institutions of higher education and relevant organizations that contribute to the educational programs assisted under this part;'';

(B) by inserting ''and'' after the semicolon at the end of subparagraph (E);

(C) by inserting after such subparagraph (E) the following new subparagraph:

''(F) to assist the national effort to educate and train citizens to participate in the efforts of homeland security;''; and

(3) in subsection (b)(3), by inserting ''reinforce and'' before ''coordinate''.

(b) GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.—Section 602(a) (20 U.S.C. 1122(a)) is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The Secretary is authorized to make grants to institutions of higher education or consortia of such institutions for the purpose of establishing, strengthening, and operating—

''(i) comprehensive foreign language and area or international studies centers and programs; and

''(ii) a diverse network of undergraduate foreign language and area or international studies centers and programs.'';

(2) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (G);

(B) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(C) by inserting after subparagraph (H) the following new subparagraphs:

''(I) supporting instructors of the less commonly taught languages;

''(J) widely disseminating materials developed by the center or program to local educational agencies and public and private elementary and secondary education schools, and institutions of higher education, presented from diverse perspectives and reflective of the full range of views on the subject matter, except that no more than 50 percent of funds awarded to an institution of higher education or consortia of such institutions for purposes under this title may be associated with the costs of dissemination; and

''(K) projects that support in students an understanding of science and technology in coordination with foreign language proficiency.''; and

(3) in paragraph (4)—

(A) by amending subparagraph (B) to read as follows:

''(B) Partnerships or programs of linkage and outreach with 2-year and 4-year colleges and universities, including colleges of education and teacher professional development programs.'';

(B) in subparagraph (C), by striking ''Programs of linkage or outreach'' and inserting ''Partnerships or programs of linkage and outreach'';

(C) in subparagraph (E)—

(i) by striking ''foreign area'' and inserting ''area studies'';

(ii) by striking ''of linkage and outreach''; and

(iii) by striking ''(C), and (D)'' and inserting ''(D), and (E)'';

(D) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(E) by inserting after subparagraph (B) the following new subparagraph:

''(C) Partnerships with local educational agencies and public and private elementary and secondary education schools that are designed to increase student academic achievement in foreign language and knowledge of world regions, and to facilitate the wide dissemination of materials related to area studies, foreign languages, and international studies that are reflective of a full range of views on the subject matter.''.

(c) LANGUAGE RESOURCE CENTERS.—Section 603(c) (20 U.S.C. 1123(c)) is amended by inserting ''reflect the purposes of this part and'' after ''shall''.

(d) UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.—Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)(1), by striking ''combinations'' each place it appears and inserting ''consortia'';

(2) in subsection (a)(2)—

(A) in subparagraph (B)(ii), by striking ''teacher training'' and inserting ''teacher professional development'';

(B) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively;

(C) by inserting after subparagraph (H) the following new subparagraph:

''(I) the provision of grants for educational programs abroad that are closely linked to the program's overall goals and have the purpose of promoting foreign language fluency and knowledge of world regions, except that not more than 10 percent of a grant recipient's funds may be used for this purpose;''; and

(D) in subparagraph (M)(ii) (as redesignated by subparagraph (B) of this paragraph), by striking ''elementary and secondary education institutions'' and inserting ''local educational agencies and public and private elementary and secondary education schools'';

(3) in subsection (a)(4)(B), by inserting ''that demonstrates a need for a waiver or reduction'' before the period at the end;

(4) in subsection (a)(6), by inserting ''reflect the purposes of this part and'' after ''shall'';

(5) in subsection (a)(8), by striking ''may'' and inserting ''shall''; and

(6) by striking subsection (c).

(e) RESEARCH; STUDIES; ANNUAL REPORT.—Section 605(a) (20 U.S.C. 1125(a)) is amended by inserting before the period at the end of the first sentence the following: '', including the systematic collection, analysis and dissemination of data''.

(f) TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.—Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking ''or consortia of such institutions or libraries'' and inserting ''museums, or consortia of such entities'';

(B) by striking ''new''; and

(C) by inserting ''from foreign sources'' after ''disseminate information'';

(2) in subsection (b)—

(A) by inserting ''acquire and'' before ''facilitate access'' in paragraph (1);

(B) by striking ''new means of'' in paragraph (3) and inserting ''new means and standards for'';

(C) by striking ''and'' at the end of paragraph (6);

(D) by striking the period at the end of paragraph (7) and by inserting a semicolon; and

(E) by inserting after paragraph (7) the following new paragraphs:

''(8) to establish linkages between grant recipients under subsection (a) with libraries, museums, organizations, or institutions of higher education located overseas to facilitate carrying out the purposes of this section; and

''(9) to carry out other activities deemed by the Secretary to be consistent with the purposes of this section.''; and

(3) by adding at the end the following new subsection:

''(e) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

''(1) are eligible to receive assistance under part A or B of title III or under title V; and

''(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.''.

(g) SELECTION OF GRANT RECIPIENTS.—Section 607(b) (20 U.S.C. 1125a(b)) is amended—

(1) by striking out ''objectives'' and inserting ''missions''; and

(2) by adding at the end the following new sentence: ''In keeping with the purposes of this part, the Secretary shall take into account the degree to which activities of centers, programs, and fellowships at institutions of higher education advance national interests, generate and disseminate information, and foster debate on American foreign policy from diverse perspectives.''.

(h) EQUITABLE DISTRIBUTION.—Section 608(a) (20 U.S.C. 1128(a)) is amended by adding at the end the following new sentence: ''Grants made under section 602 shall also reflect the purposes of this part.''.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 610 (20 U.S.C. 1128b) is amended—

(1) by striking ''1999'' and inserting ''2004''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

(j) CONFORMING AMENDMENTS.—Sections 603(a), 604(a)(5), and 612 (20 U.S.C. 1123(a), 1124(a)(5), 1130–1) are each amended by striking ''combinations'' each place it appears and inserting ''consortia''.

SEC. 3. BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

(a) CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.—Section 612 (20 U.S.C. 1130–1) is amended—

(1) in subsection (c)(1)(D), by inserting ''(including those that are eligible to receive assistance under part A or B of title III or under title V)'' after ''other institutions of higher education''; and

(2) in subsection (e), by adding at the end the following new paragraph:

''(5) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

''(A) are eligible to receive assistance under part A or B of title III or under title V; and

''(B) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.''.

(b) EDUCATION AND TRAINING PROGRAMS.—Section 613 (20 U.S.C. 1130a) is amended by adding at the end the following new subsection:

''(e) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

''(1) are eligible to receive assistance under part A or B of title III or under title V; and

''(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 614 (20 U.S.C. 1130b) is amended—

(1) by striking ''1999'' each place it appears and inserting ''2004''; and

(2) by striking ''4 succeeding'' each place it appears and inserting ''5 succeeding''.

SEC. 4. INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

(a) FOREIGN SERVICE PROFESSIONAL DEVELOPMENT.—Section 621 (20 U.S.C. 1131) is amended—

(1) by striking the heading of such section and inserting the following:

''SEC. 621. PROGRAM FOR FOREIGN SERVICE PROFESSIONALS.'';

(2) by striking the second sentence of subsection (a) and inserting the following: ''The Institute shall conduct a program to enhance the international competitiveness of the United States by increasing the participation of underrepresented populations in the international service, including private international voluntary organizations and the foreign service of the United States.'';

(3) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

''(A) An Indian Tribal College or University or Alaska Native and Native Hawaiian-serving institution eligible for assistance under title III, an institution eligible for assistance under part B of title III, or an Hispanic-serving institution eligible for assistance under title V.

''(B) An institution of higher education which serves substantial numbers of underrepresented students.''; and

(4) by striking subsection (e) and inserting the following:

''(e) MATCH REQUIRED.—The eligible recipient of a grant under this section shall contribute to the conduct of the program supported by the grant an amount from non-Federal sources equal to at least one-half of the amount of the grant. Such contribution may be in cash or in kind. The Secretary may waive or reduce the required non-Federal share for institutions that—

''(1) are eligible to receive assistance under part A or B of title III or under title V; and

''(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.''.

(b) INSTITUTIONAL DEVELOPMENT.—Section 622 (20 U.S.C. 1131a) is amended by inserting before the period at the end of subsection (a) the following: ''and promote collaboration with colleges and universities that receive funds under this title''.

(c) STUDY ABROAD PROGRAM.—Section 623(a) (20 U.S.C. 1131b(a)) is amended by inserting after ''1978,'' the following: ''Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,''.

(d) ADVANCED DEGREE IN INTERNATIONAL RELATIONS.—Section 624 (20 U.S.C. 1131b) is amended—

(1) by striking ''**MASTERS**'' in the heading of such section and inserting ''**ADVANCED**'';

(2) by striking ''a masters degree in international relations'' and inserting ''an advanced degree in international relations, international affairs, international economics, or other academic areas related to the Institute fellow's career objectives''; and

(3) by striking ''The masters degree program'' and inserting ''The advanced degree study program shall be designed by the consortia, consistent with the fellow's career objectives, and''.

(e) INTERNSHIPS.—Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a), by inserting after ''1978,'' the following: ''Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,'';

(2) in subsection (b)—

(A) by inserting ''and'' after the semicolon at the end of paragraph (2);

(B) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4); and

(3) by amending subsection (c) to read as follows:

''(c) RALPH J. BUNCHE FELLOWS.—In order to assure the recognition and commitment of individuals from underrepresented student populations who demonstrate special interest in international affairs and language study, eligible students who participate in the internship programs authorized under (a) and (b) shall be known as the 'Ralph J. Bunche Fellows'.''.

(f) REPORT.—Section 626 (20 U.S.C. 1131d) is amended by striking ''annually prepare a report'' and inserting ''prepare a report biennially''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 628 (20 U.S.C. 1131f) is amended—

(1) by striking ''1999'' and inserting ''2004''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

SEC. 5. EVALUATION, OUTREACH, AND DISSEMINATION.

Part D of title VI is amended by inserting after section 631 (20 U.S.C. 1132) the following new section:

''SEC. 632. EVALUATION, OUTREACH, AND DISSEMINATION.

''The Secretary may use not more than 1 percent of the funds made available for this title for program evaluation, national outreach, and information dissemination activities.''.

SEC. 6. ADVISORY BOARD.

Part D of title VI is amended by inserting after section 632 (as added by section 5) the following new section:

''SEC. 633. INTERNATIONAL HIGHER EDUCATION ADVISORY BOARD.

''(a) ESTABLISHMENT AND PURPOSE.—

''(1) ESTABLISHMENT.—There is established in the Department an independent International Higher Education Advisory Board (hereafter in this section referred to as the 'International Advisory Board'). The International Advisory Board shall provide advice, counsel and recommendations to the Secretary and the Congress on international education issues for higher education.

''(2) PURPOSE.—The purpose of the International Advisory Board is—

''(A) to provide expertise in the area of national needs for proficiency in world regions, foreign languages, and international affairs;

''(B) to make recommendations that will promote the excellence of international education programs and result in the growth and development of such programs at the postsecondary education level that will reflect diverse perspectives and the full range of views on world regions, foreign language, and international affairs; and

''(C) to advise the Secretary and the Congress with respect to needs for expertise in government, the private sector, and education in order to enhance America's understanding of, and engagement in, the world.

''(b) INDEPENDENCE OF INTERNATIONAL ADVISORY BOARD.—In the exercise of its functions, powers, and duties, the International Advisory Board shall be independent of the Secretary and the other offices and officers of the Department. Except as provided in this subsection and subsection (f), the recommendations of the International Advisory Board shall not be subject to review or approval by any officer of the Federal Government. Nothing in this title shall be construed to authorize the International Advisory Board to mandate, direct, or control an institution of higher education's specific instructional content, curriculum, or program of instruction. The Board is authorized to study, monitor, apprise, and evaluate a sample of activities supported under this title in order to provide recommendations to the Secretary and the Congress for the improvement of programs under the title and to ensure programs meet the purposes of the title. The recommendations of the Board may address any area in need of improvement, except that any recommendation of specific legislation to Congress shall be made only if the President deems it necessary and expedient.

''(c) MEMBERSHIP.—

''(1) APPOINTMENT.—The International Advisory Board shall have 7 members of whom—

''(A) 3 members shall be appointed by the Secretary;

''(B) 2 members shall be appointed by the Speaker of the House of Representatives, upon the recommendation of the Majority Leader and the Minority Leader; and

''(C) 2 members shall be appointed by the President pro tempore of the Senate, upon the recommendation of the Majority Leader and the Minority Leader.

''(2) REPRESENTATION.—Two of the members appointed by the Secretary under paragraph (1)(A) shall be appointed to represent Federal agencies that have national security responsibilities, after consultation with the heads of such agencies. The members of the International Advisory Board shall also include (but not be limited to) representatives of States, institutions of higher education, cultural organizations, educational organizations, local education agencies, students, and private citizens with expertise in international concerns.

''(3) QUALIFICATION.—Members of the International Advisory Board shall be individuals who have technical qualifications, professional standing, experience working in international affairs or foreign service occupations, or demonstrated knowledge in the fields of higher education and international education, including foreign languages, world regions, or international affairs.

''(d) FUNCTIONS OF THE COMMITTEE.—

''(1) IN GENERAL.—The International Advisory Board shall provide recommendations in accordance with subsection (b) regarding improvement of programs under this title to the Secretary and the Congress for their review. The Board may—

''(A) review and comment upon the regulations for grants under this title;

''(B) monitor, apprise, and evaluate a sample of activities supported under this title based on the purposes and objectives of this title in order to provide recommendations for improvement of the programs under this title;

''(C) make recommendations that will assist the Secretary and the Congress to improve the programs under this title to better reflect the national needs related to the homeland security, international education, and international affairs, including an assessment of the national needs and the training provided by the institutions of higher education that receive a grant under this title for expert and non-expert level foreign language training;

''(D) make recommendations to the Secretary and the Congress regarding such studies, surveys, and analyses of international education that will provide feedback about the programs under this title and assure that their relative authorized activities reflect diverse perspectives and the full range of views on world regions, foreign languages, and international affairs;

''(E) make recommendations that will strengthen the partnerships between local educational agencies, public and private elementary and secondary education schools, and grant recipients under this title to ensure that the research and knowledge about

world regions, foreign languages, and international affairs is widely disseminated to local educational agencies;

''(F) make recommendations on how institutions of higher education that receive a grant under this title can encourage students to serve the nation and meet national needs in an international affairs, international business, foreign language, or national security capacity;

''(G) make recommendations on how linkages between institutions of higher education and public and private organizations that are involved in international education, language training, and international research capacities to fulfill manpower and information needs of United States businesses; and

''(H) make recommendations to the Secretary and the Congress about opportunities for underrepresented populations in the areas of international relations, international affairs, and international economics, in order to effectively carry out the activities of the Institute under part C.

''(2) HEARINGS.—The International Advisory Board shall provide for public hearing and comment regarding the matter contained in the recommendations described in paragraph (1), prior to the submission of those recommendations to Secretary and the Congress.

''(e) OPERATIONS OF THE COMMITTEE.—

''(1) TERMS.—Each member of the International Advisory Board shall be appointed for a term of 3 years, except that, of the members first appointed (A) 4 shall be appointed for a term of 3 years, and (B) 3 shall be appointed for a term of 4 years, as designated at the time of appointment by the Secretary. A member of the International Advisory Board may be reappointed to successive terms on the International Advisory Board.

''(2) VACANCIES.—Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of such term. A member of the International Advisory Board shall, upon the Secretary's request, continue to serve after the expiration of a term until a successor has been appointed.

''(3) NO GOVERNMENTAL MEMBERS.—Except for the members appointed by the Secretary under subsection (c)(1)(A), no officers or full-time employees of the Federal Government shall serve as members of the International Advisory Board.

''(4) MEETINGS.—The International Advisory Board shall meet not less than once each year. The International Advisory Board shall hold additional meetings at the call of the Chair or upon the written request of not less than 3 voting members of the International Advisory Board.

''(5) QUORUM.—A majority of the voting members of the Board serving at the time of a meeting shall constitute a quorum.

''(6) CHAIR.—The International Advisory Board shall elect a Chairman or Chairwoman from among the members of the International Advisory Board.

''(f) SUBMISSION TO DEPARTMENT FOR COMMENT.—The International Advisory Board shall submit its proposed recommendations to the Secretary of Education for comment for a period not to exceed 30 days in each instance.

''(g) PERSONNEL AND RESOURCES.—

''(1) COMPENSATION AND EXPENSE.—Members of the International Advisory Committee shall serve without pay for such service. Members of the International Advisory Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the International Advisory Board. Members of the International Advisory Board may each receive reimbursement for travel expenses incident to attending International Advisory Board meetings, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

''(2) PERSONNEL.—The International Advisory Board may appoint such personnel as may be determined necessary by the Chairman without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual so appointed shall be paid in excess of the rate authorized for GS–18 of the General Schedule. The International Advisory Board may appoint not more than 1 full-time equivalent, nonpermanent, consultant without regard to the provisions of title 5, United States Code. The International Advisory Board shall not be required by the Secretary to reduce personnel to meet agency personnel reduction goals.

''(3) CONSULTATION.—In carrying out its duties under the Act, the International Advisory Board shall consult with other Federal agencies, representatives of State and local governments, and private organizations to the extent feasible.

''(4) ASSISTANCE FROM OTHER AGENCIES.—

''(A) INFORMATION.—The International Advisory Board is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this section and each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the International Advisory Board, upon request made by the Chairman.

''(B) SERVICES AND PERSONNEL.—The head of each Federal agency shall, to the extent not prohibited by law, consult with the International Advisory Board in carrying out this section. The International Advisory Board is authorized to utilize, with their consent, the services, personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement.

''(5) CONTRACTS; EXPERTS AND CONSULTANTS.—The International Advisory Board may enter into contracts for the acquisition of information, suggestions, estimates, and statistics for the purpose of this section. The International Advisory Board is authorized to obtain the services of experts and consultants without regard to section 3109 of title 5, United States Code and to set pay in accordance with such section.

''(h) TERMINATION.—Notwithstanding the sunset and charter provisions of the Federal Advisory Committee Act (5 U.S.C. App. I) or any other statute or regulation, the International Advisory Committee shall be authorized through September 30, 2009.

''(i) FUNDS.—The Secretary shall use not more than one-half of the funds available to the Secretary under section 632 to carry out this section.''.

SEC. 7. RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION; SAFETY.

Part D of title VI is amended by inserting after section 633 (as added by section 6) the following new sections:

''SEC. 634. RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

''Each institution of higher education that receives a grant under this title shall assure that—

''(1) recruiters of the United States Government and agencies thereof are given the same access to students as is provided generally to other institutions of higher education and prospective employers of those students for the purpose of recruiting for graduate opportunities or prospective employment; and

''(2) no undue restrictions are placed upon students that seek employment with the United States Government or any agency thereof.

''SEC. 635. STUDENT SAFETY.

''Applicants seeking funds under this title to support student travel and study abroad shall submit as part of their grant application a description of safety policies and procedures for students participating in the program while abroad.''.

SEC. 8. NATIONAL STUDY OF FOREIGN LANGUAGE HERITAGE COMMUNITIES.

Part D of title VI is further amended by inserting after section 635 (as added by section 7) the following new section:

''SEC. 636. NATIONAL STUDY OF FOREIGN LANGUAGE HERITAGE COMMUNITIES.

''(a) STUDY.—The Secretary of Education, in consultation with the International Advisory Board, shall conduct a study to identify foreign language heritage communities, particularly such communities that include speakers of languages that are critical to the national security of the United States.

''(b) FOREIGN LANGUAGE HERITAGE COMMUNITY.—For purposes of this section, the term 'foreign language heritage community' means a community of residents or citizens of the United States who are native speakers of, or who have partial fluency in, a foreign language.

''(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Education shall submit a report to the Congress on the results of the study conducted under this section.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3077, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I stand here today in strong support of H.R. 3077, the International Studies in Higher Education Act, a bill I offered to build on programs that encourage the study of international issues and foreign languages in higher education. Such programs not only foster knowledge of the world, but, importantly, these programs train experts prepared to meet America's national security needs.

Title VI of the Higher Education Act provides support for a critically important group of programs at colleges and universities which work to advance knowledge of world regions, encourage the study of foreign languages, and train American students to have the international expertise and understanding to fulfill pressing national security needs.

As we continue efforts to reauthorize the Higher Education Act and strengthen and improve the state of higher education in America, we cannot neglect these important programs for international studies. The bill before us, which I am proud to have crafted in a bipartisan fashion, updates the programs under title VI to reflect our national security needs in a post-9/11 era, as well as in the current international climate.

Again, I would particularly like to thank my colleague, the gentleman from Texas (Mr. HINOJOSA), the ranking minority member on the subcommittee for his cooperation in moving this bill forward. In the spirit of bipartisan cooperation, the International Studies in Higher Education Act moved through our committee and stands before us today with positive reforms that will strengthen and enhance international and foreign language studies programs that play such a critical role in training experts at colleges and universities across our Nation.

The International Studies in Higher Education Act would increase coordination between these important international and foreign language studies programs to better meet America's national and international security needs. The bill also clarifies that programs under title VI of the Higher Education Act are to support and coordinate with other Federal programs in the areas of foreign language, area studies, and other international affairs.

International and foreign language studies have taken on increased importance in today's word climate, and as such, it is more important than ever that Congress and the Secretary of Education do all we can to ensure these programs are fulfilling their purpose.

For that reason, the bill would create a new International Education Advisory Board, in consultation with homeland security agencies, for all title VI programs to increase accountability by providing advice, counsel, and recommendations to the Secretary of Education and Congress on international education issues for higher education. This board is advisory in nature and will not be responsible for dictating curriculum or administrating the programs. However, the advisory board will serve as an important new resource for those of us at the Federal level as we work to ensure the continued success of international and foreign language studies programs at campuses across our Nation.

Taken together, the reforms included in the International Studies in Higher Education Act will continue our efforts to strengthen higher education as a whole, while at the same time helping to ensure international studies programs are working to fulfill our critical national and international security needs. I stand in strong support of this legislation and encourage my colleagues to join me in our efforts to build on the success of these programs.

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

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of H.R. 3077, the International Studies in Higher Education Act.

International education is increasingly important in today's world. We are part of a global economy, and our fortunes are directly tied to the fortunes of other nations. As a global community, we must face many shared challenges: Protecting the earth's natural resources, meeting our energy needs, feeding the growing world population, eradicating diseases, protecting human rights, and ensuring that all people have the opportunity to reach their full potential through education and meaningful work.

We must build our Nation's capacity to operate in this global environment. As our challenges in Iraq demonstrate, lack of understanding of other people's culture and language can have deadly consequences. All of our young people, from elementary school through the university, must be exposed to the world at large. We must encourage and value multilingualism. That is why I am very pleased that we are considering H.R. 3077, which reauthorizes the International Studies Program in Higher Education Act.

I would like to thank our subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER), and our ranking minority member, the gentleman from California (Mr. GEORGE MILLER), for working to produce a bill that deserves bipartisan support.

This bill reauthorizes our international education programs, the international and foreign language studies programs, the business and international education programs, and also the International Institute for Public Policy. These are the core international education programs that have served our Nation very well for many years.

The legislation makes some needed improvements to these programs. It will ease the financial burdens that may discourage needy institutions, such as Hispanic-serving institutions, HSIs; it will benefit Historic Black Colleges and Universities, HBCUs; and it will also benefit tribally-controlled colleges and universities from participating in the programs by allowing the Secretary of Education to reduce the matching requirement on a case-by-case basis. It also encourages institutions to work in partnerships with minority-serving institutions in the international business programs.

Mr. Speaker, these are steps in the right direction. We must ensure that our national efforts in international education reflect the increasingly diverse population here at home in the United States.

Finally, I would like to thank my colleagues on the other side of the aisle for working with us to clarify the role and the responsibilities of the new advisory board. The International Advisory Board will make recommendations to improve the international education programs under title VI. It will not interfere with curriculum nor with academic freedom.

□ 1200

Mr. Speaker, our professional staff on the committee have once again done an excellent job in preparing this legislation for our consideration. I would like to recognize the efforts of Alison Ream for the majority and Mr. Ricardo Martinez on our side of the aisle. I urge my colleagues to support this education legislation.

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

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

Mr. Speaker, I want to join my colleague in thanking our staff for the work that they have done not only on this bill but also the previous bill. It is their work behind the scenes so often which enables us to come together and work out our differences and come to the floor on a bipartisan basis.

Again, these programs, the international education programs, they work to advance the knowledge for our young people of world regions. As we found in a post-9/11 world, it is very, very important that we train more of our young people in the area of foreign languages. It is a critical need. It is an area where we are woefully short of the resources that we need. It is a weakness that we face, so this bill will help encourage the study of foreign language. It will train Americans to have the international expertise and the understanding to fulfill pressing national security needs.

This bill will encourage the coordination between these important international and foreign language study programs and America's national and international security needs. Since 9/11, we have seen and received heightened awareness of how important these types of programs are. We have found that these no longer are nice to have, but these are now essential programs that we need to build the expertise within the United States to face some of the international security threats that we face.

H.R. 3077 also seeks to strengthen and improve international education programs to ensure they are reaching their full potential to expand opportunities for international studies and enhance international knowledge and understanding.

As my colleague mentioned, the bill also creates an education advisory board. There were those who were concerned as we began this process that the language was not clearly written and that the end result would be that the advisory board would become more than an advisory board and that it would become a board that could dictate curricula. Working together, we were able to clarify that language to make sure that everyone understands that this is clearly an advisory board intended to provide feedback to the Department of Education, provide feedback to Congress, and provide feedback to the institutions as the best way to get the maximum amount of benefit out of each and every one of these programs and the dollars that are administered, and also to foster cooperation between various universities so that they can learn from each other as to what the most effective practices are, what the new innovative programs might be, and how colleges and campuses can move forward aggressively. So this bill is a significant step forward. It builds on the long-term successes that we have had.

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

Mr. HINOJOSA. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE), a member of the Committee on Education and the Workforce.

Mr. PAYNE. Mr. Speaker, let me begin by commending the subcommittee chairman and our ranking member, the gentleman from Texas (Mr. HINOJOSA), who has demonstrated tremendous leadership on this whole question of international studies. His background and the need for internationalizing our workforce, internationalizing our universities, bringing attention to Hispanic-serving institutions and ensuring that they get their just do as we move forward to educate the workforce in this Nation is second to none. It is certainly a pleasure for me to serve with him on this Committee on Education and the Workforce.

I rise in strong support of H.R. 3077, the International Studies and Higher Education Act of 2003. Education programs are vital to our Nation's colleges and universities. It is imperative that we train young men and women of all backgrounds to be prepared for our increasingly global society. Today we live in a global village. Everything is interdependent. World trade organizations, world bank organizations, organizations that deal with world health, the current campaign to eradicate polio in countries needs to have physicians from throughout the world, and the U.S. Centers for Disease Control needs to have doctors that reflect the various cultures of the world.

So as we look at education, even though it is on a college level, we need to see the impact that it will have and should have in other agencies such as health, such as banking. So we must do more to prepare our students to take their place.

Unfortunately, though, this bill does not go far enough in recruiting and maintaining minority students in the field of international service. During the markup of the bill, I introduced an amendment which would have authorized the establishment of a Ralph J. Bunche scholarship for selected undergraduate fellows in the Institute for International Public Policy. We will be celebrating 100 years of Dr. Ralph Bunche's birth. The scholarship would have helped to underwrite the cost of studies of minority students. Dr. Ralph Bunche was a Nobel Peace Prize recipient. He did a tremendous amount of work in the Middle East, and he was a dedicated person during the 20 years he worked in trying to achieve global peace. The scholarship I was proposing would have helped to underwrite the cost of studies of more diverse students, minority students, in our country because in order for us to really have a foreign service that truly reflects the diversity of America, we must have more students from minority groups. We must have more Asian Americans and more Hispanic Americans and African Americans in our foreign service if we are, in fact, going to be successful.

The institute was created in 1992 in order to attract and retain women and minorities who are underserved. This legislation was supported by the United Negro College Fund and the American Council on Education; and hopefully as we move forward, that legislation will be adopted.

Mr. Speaker, I do support H.R. 3077, but in the future, hopefully, we can be a little more sensitive so we can really, truly have our foreign service reflect the great diversity of our Nation.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. EHLERS), a member of the Committee on Education and the Workforce.

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

I want to register my support for the bill that is currently before us, H.R. 3077. It is something that is badly needed. I am very pleased to see it come out of committee, and I hope it will soon pass the House of Representatives.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H.R. 3077, the International Studies in Higher Education Act.

I want to particularly commend the gentleman from Michigan, the chairman of the Subcommittee on Select Education, for including in the bill section 6, providing for the establishment of the International Higher Education Advisory Board.

This seven-member independent board will be empowered to review and comment upon the selection criteria for title VI grants, monitor and evaluate the activities of grantees based upon the purposes of title VI, and make recommendations regarding how to improve the programs to better reflect national needs, among other functions. Section 6 makes clear that the purpose of the Board's recommendations is to foster the ''growth and development of international education programs at the postsecondary level that encourage diverse perspectives . . .''

I am encouraged that the creation of this Advisory Board will help redress a problem which is a great concern of mine, namely, the lack of balance, and indeed the anti-American bias that pervades title VI-funded Middle East studies programs in particular. To the extent that it advances the national interest to commit taxpayer funds to institutions of higher education for the purpose of fostering expertise with regard to key regions of the world—and I would emphatically affirm that it does—then surely it is troubling when evidence suggests that many of the Middle East regional studies grantees are committed to a narrow point of view at odds with our national interest, a point of view that questions the validity of advancing American ideals of democracy and the rule of law around the world, and in the Middle East in particular.

The Advisory Board's oversight function does not impinge on the academic freedom that is and must be enjoyed by our institutions of higher education. In establishing the board, we are doing no more than exercising our responsibility to ensure that the Federal funds we authorize and appropriate are expended properly.

I commend the Committee on Education and the Workforce for addressing this issue, and urge my colleagues to support this important legislation.

Mr. BOEHNER. Mr. Speaker, I rise today in strong support H.R. 3077, the International Studies in Higher Education Act. This bill is part of our comprehensive efforts to strengthen and renew higher education, and it will make real improvements to international and foreign language studies programs in campuses across America.

I'd like to commend my colleague Mr. HOEKSTRA, chairman of the Select Education Subcommittee, for his work on this bill. Thanks to his efforts, the measure before us today has received bipartisan support, as well as a positive response from those in the higher education community who are administering these critical international and foreign language programs. I'd also like to thank my good friend Mr. MILLER, the ranking member on the committee, and Mr. HINOJOSA, the ranking member on the subcommittee, for their cooperation in bringing this bill before us today.

The International Studies in Higher Education Act renews and reauthorizes the international and foreign language studies programs under title VI of the Higher Education Act. These programs are not only an important part of our postsecondary education system, but they are also a critical piece of our national efforts to fulfill national and international security needs.

Today, in the post-9/11 era, our Nation has been confronted with a new reality. Now, more than at virtually any other time in our history, we must understand our national interests and security concerns within an international context. We do not live in a vacuum, and our higher education system must reflect this. That's why the bill before us today is so important.

International and foreign language studies programs are often responsible for training experts with the skills and knowledge necessary

to meet our changing national security needs. Grants provided through title VI of the Higher Education Act allow colleges and universities across the country to offer programs that foster this type of learning, and help students gain significant understanding of international perspectives and foreign languages.

The bill before us today will allow the continued success of these programs by allowing for increased undergraduate study, including study abroad. In addition, the bill allows for the creation of national resource centers to serve as information sources for international and foreign language at the K–12 level, encouraging international studies at all levels of education. The bill also seeks to enhance diversity among those participating in the Institute for International Public Policy, requiring that all underrepresented populations be included.

Because of the increased prevalence and importance of international and foreign language studies programs, particularly in meeting our changing national security needs, this bill creates an important new resource for information and guidance through the establishment of an advisory board for international education. This advisory board will serve as a valuable information source for Congress and the Secretary of Education as we work to strengthen these programs and ensure their continued success.

I'd like to acknowledge the hard work of members of my staff in bringing this bill forward today; particularly Krisann Pearce, Alison Ream, Kathleen Smith, Alexa Marrero, and Rebecca Hunt with Mr. HOEKSTRA's staff. Additionally, I would like to thank the Democratic staff, including Ricardo Martinez, Alex Nock, Ellynne Bannon and Moira Lenehan with Mr. HINOJOSA's staff. Thanks to the leadership of Chairman HOEKSTRA, the bipartisan cooperation from members on both sides of the aisle, and the hard work of our staff, we have before us today a bill that will allow for the continued success of international and foreign language studies programs at campuses across the Nation. I'm pleased to support this measure, and encourage my colleagues to join me in our efforts to ensure international and foreign language studies continue to thrive at colleges and universities across America.

Mr. HOLT. Mr. Speaker, I rise today to support H.R. 3077, the International Studies in Higher Education Act.

This bill authorizes a total of $108 million in FY 2004 for higher education international studies and foreign language programs. It also establishes a seven-member International Education Advisory Board to provide advice and recommendations to the Education Department and Congress on all title VI programs but specifically states that nothing in it should be construed as authorizing the advisory board to ''mandate, direct or control'' the specific instructional content, curriculum or program of instruction of any institution of higher education.

I would like to highlight two amendments that I offered in the Higher Education Committee and were accepted in the committee's final version of the legislation. One of the serious challenges facing our nation today is that our country lacks people who are fluent in a foreign language and also have a background in science and technology.

There are few Americans who can understand technical documents, including research studies and scientific papers, written in foreign languages.

If we are to stay competitive with emerging economies in Asia, Central and South America, and Africa, this will have to change.

That is why I offered one amendment, which would support programs with curricula that combine studying science and technology in a foreign language.

This amendment would allow universities to use grants to set up immersion programs here in the United States where students take science technology-related course work taught completely in foreign languages.

It also would provide for other programs, such as summer workshops, that emphasize the intense study of a foreign language and of science and technology.

Funds can further be used to support immersion programs for students to take science and math courses in a non-English speaking country.

To stay on top of innovations in science, mathematics, and technology, more professionals in these fields will also have to be proficient in a foreign language.

It is only with the knowledge of technical terms in foreign languages—words not taught in the average high school or college language class—that America can stay technologically and economically competitive.

I would like to thank Chairman BOEHNER for accepting this amendment. I hope in the future Congress will be able to expand upon this amendment and authorize new funding for the study of science and technology in foreign languages.

The second amendment would allow the Department of Education to conduct a national study to identify heritage communities with native speakers of critical foreign languages. This will enable us to identify the foreign language capacity currently existing in the United States.

Members of heritage communities are better and less expensive educational investments than nonnative speakers with no previous foreign language experience.

More importantly, cultivating native speakers is critical to national security. The 9/11 Joint Inquiry released in July reports that the American intelligence community is only at 30 percent readiness in languages critical to national security. As a member of the Intelligence Committee, I find this statistic quite troubling.

The al Qaeda terrorist network currently operates in over 75 countries where hundreds of different languages and dialects are spoken.

Unfortunately, 99 percent of American school, college, and university programs concentrate on only a dozen languages, most of which are European.

In fact, more college students currently study Ancient Greek (16,402) than Arabic (5,505), Korean (4,479), and Farsi (614) put together.

We need to raise these numbers. Unfortunately, for nonnative speakers, learning languages like Arabic takes years of intensive effort and years of in-country study.

In this time of heightened awareness of national security and intelligence capabilities, we need to identify the foreign language resources already existing in this country, especially native speakers of languages that are rarely taught in our schools.

The only way to know what we have available to us in terms of native language speakers—and we can take advantage of this knowledge—is by conducting a comprehensive study. The results of this study should be extremely valuable to the intelligence community, to educators, and to Congress.

I again want to thank my colleagues on the Education and the Workforce Committee, and I want to express my strong support for this bill. I hope the leadership of this Congress will see fit to properly fund it.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H.R. 3077, which reauthorizes title VI of the Higher Education Act to authorize grant programs designed to increase the number of graduates who are trained in foreign language and international studies. I would like to thank the gentleman from Michigan, Chairman HOEKSTRA, for his leadership on this bipartisan resolution and in the Subcommittee on Select Education. I would also like to thank Ranking Member HINOJOSA for his leadership as well.

I believe we can all realize the great need to have educated individuals in our Nation with the main focus being in foreign language and international studies after the events of September 11. This bill will allow our country to strengthen that aspect of our education system by offering competitive grants to our nation's colleges and universities. Some of the included grants offer institutions of higher education to establish graduate and undergraduate language area centers and programs as well as to create new programs or to strengthen existing programs in international studies and foreign language. I am pleased that this resolution has expanded the role of international centers and programs by allowing the centers and programs to serve as a national resource for courses and materials for elementary and secondary schools. This encourages an outreach to all school children to become more familiar and knowledgeable on international affairs and cultures.

Another section of this resolution will make grants available to establish centers for international business education. These centers promote the ability for our Nation to strengthen our economic enterprise and knowledge of international understanding. I believe this is a great quality for our future business and small business leaders to have to not only support their businesses but as a way to expand and enrich their businesses.

Mr. Speaker, I again want to commend my colleagues, Chairman HOEKSTRA and Ranking Member HINOJOSA for an outstanding job on a solid piece of important legislation. I urge all my colleagues to support this legislation.

Mr. KILDEE. Mr. Speaker, international education and Federal support for it is critical as we work to strengthen our economy and expand our diplomatic efforts around the world.

International education programs are vital in building and maintaining the nation's supply of experts in foreign languages, international affairs, and international business. Providing high quality, useful opportunities for students to become knowledgeable in international issues and foreign languages has become increasingly important. America's interests are tied to our knowledge and understanding of the rest of the world.

This legislation strengthens and reauthorizes the existing Title VI programs related to the study of international affairs, world regions and foreign languages in higher education. In addition, this bill makes significant improvements to the International Business Education program by reducing the match that Historically Black Colleges and Universities, Hispanic

Serving Institutions, and Tribal Colleges must make to participate in this program. This provision alone is likely to spur new ideas and perspectives in this area.

One provision I do want to express caution on is the International Advisory Board created by this legislation. This board has been created to provide recommendations to the Secretary in the area of international education. While I support this legislation, we should continue to refine the purpose and scope of the Board's responsibilities. As this bill moves to conference later this Congress, I will work to ensure that the role of this Board reflects a true need in the area of international education.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 3077, the International Studies in Higher Education Act.

H.R. 3077 updates international and foreign language studies programs by ensuring these programs reflect the current international climate and national security needs. The bill also emphasizes coordination between these programs and homeland security interests, while ensuring the programs continue to enrich higher education by enhancing international knowledge.

As a former Member of the Intelligence Committee I authored legislation encouraging American students to study foreign languages and join the federal government in national security capacities. It is vital to our entire national security that we address our foreign language deficiencies and support educational initiatives that amend this problem. Our lack of highly-trained linguistics experts seriously hampers our ability to fight the war on terrorism and this legislation provides incentive to focus these programs on the reality of the situations our men and women in uniform face overseas. It is important that we build a critical base of future leaders both in government service and in higher education who have cultivated international relationships and worked and studies alongside experts of other countries.

I encourage my colleagues to support H.R. 3077.

□ 1215

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

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and pass the bill, H.R. 3077, as amended.

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

A motion to reconsider was laid on the table.

ECONOMIC DEVELOPMENT ADMINISTRATION REAUTHORIZATION ACT OF 2003

Mr. LATOURETTE. Mr. Speaker, pursuant to the order of the House of Monday, October 20, 2003, I call up the bill (H.R. 2535) to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, October 20, 2003, the bill is considered read for amendment.

The text of H.R. 2535 is as follows:

H.R. 2535

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 ''Economic Development Administration Reauthorization Act of 2003''.

SEC. 2. AMENDMENTS TO PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS AND DECLARATIONS.

Section 2 (42 U.S.C. 3121) is amended to read as follows:

''SEC. 2. FINDINGS AND DECLARATIONS.

''(a) FINDINGS.—Congress finds the following:

''(1) There continue to be areas experiencing chronic high unemployment, underemployment, outmigration, and low per capita incomes, as well as areas facing sudden and severe economic dislocations due to structural economic changes, changing trade patterns, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters.

''(2) Economic growth in our Nation, States, cities, and rural areas is produced by expanding economic opportunities, expanding free enterprise through trade, developing and strengthening public infrastructure, and creating a climate for job creation and business development.

''(3) The goal of Federal economic development programs is to raise the standard of living for all citizens and increase the wealth and overall rate of growth of the economy by encouraging communities to develop a more competitive and diversified economic base by—

''(A) creating an environment that promotes economic activity by improving and expanding public infrastructure;

''(B) promoting job creation through increased innovation, productivity, and entrepreneurship; and

''(C) empowering local and regional communities experiencing chronic high unemployment and low per capita income to develop private sector business and attract increased private sector capital investment.

''(4) While economic development is an inherently local process, the Federal Government should work in partnership with public and private local, regional, tribal, and State organizations to maximize the impact of existing resources and enable regions, communities, and citizens to participate more fully in the American dream and national prosperity.

''(5) In order to avoid duplication of effort and achieve meaningful, long-lasting results, Federal, State, tribal, and local economic development activities should have a clear focus, improved coordination, a comprehensive approach, and simplified and consistent requirements.

''(6) Federal economic development efforts will be more effective if they are coordinated with, and build upon, the trade, workforce investment, transportation, and technology programs of the United States.

''(b) DECLARATIONS.—In order to promote a strong and growing economy throughout the United States, Congress declares the following:

''(1) Assistance under this Act should be made available to both rural- and urban-distressed communities.

''(2) Local communities should work in partnership with neighboring communities, the States, Indian tribes, and the Federal Government to increase their capacity to develop and implement comprehensive economic development strategies to alleviate economic distress and enhance competitiveness in the global economy.

''(3) Whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to support entrepreneurship to take advantage of the development opportunities afforded by technological innovation and expanding newly opened global markets.''.

SEC. 102. DEFINITIONS.

(a) ELIGIBLE RECIPIENT.—Section 3(4)(A) (42 U.S.C. 3122(4)(A)) is amended—

(1) by striking clause (i) and redesignating clauses (ii) through (vii) as clauses (i) through (vi), respectively; and

(2) in clause (iv) (as so redesignated) by inserting '', including a special purpose unit of a State or local government engaged in economic or infrastructure development activities,'' after ''State''.

(b) REGIONAL COMMISSIONS.—Section 3 (42 U.S.C. 3122) is amended—

(1) by redesignating paragraphs (8), (9), and (10) as paragraphs (9), (10), and (11), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) REGIONAL COMMISSIONS.—The term 'Regional Commissions' means the following entities:

''(A) The Appalachian Regional Commission established under chapter 143 of title 40, United States Code.

''(B) The Delta Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa et seq).

''(C) The Denali Commission established under the Denali Commission Act of 1998 (42 U.S.C. 2131 note; 112 Stat. 2681–637 et seq.).

''(D) The Northern Great Plains Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb et seq.).''.

(c) UNIVERSITY CENTER.—Section 3 (42 U.S.C. 3122) is amended by adding at the end the following:

''(12) UNIVERSITY CENTER.—The term 'university center' means an institution of higher education or a consortium of institutions of higher education established as a University Center for Economic Development under section 207(a)(2)(D).''.

SEC. 103. ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 (42 U.S.C. 3131) is amended—

(1) in subsection (b) by striking ''and multi-State regional organizations'' and inserting ''multi-State regional organizations, and nonprofit organizations''; and

(2) in subsection (d)(1) by striking ''adjoining'' each place it appears.

SEC. 104. COORDINATION.

Section 103 (42 U.S.C. 3132) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary'';

(2) in subsection (a) (as so designated) by inserting ''Indian tribes,'' after ''districts,''; and

(3) by adding at the end the following:

''(b) MEETINGS.—To carry out the responsibilities in subsection (a), or for any other purpose related to economic development activities, the Secretary may convene meetings with Federal agencies, State and local governments, economic development districts, Indian tribes, and other appropriate planning and development organizations.''.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

SEC. 201. GRANTS FOR PLANNING.

Section 203(d) (42 U.S.C. 3143(d)) is amended—

(1) in paragraph (1) by inserting '', to the maximum extent practicable,'' after ''developed'' the second place it appears;

(2) by striking paragraph (3) and inserting the following:

''(3) COORDINATION.—Before providing assistance for a State plan under this section, the Secretary shall consider the extent to which the State will consider local and economic development district plans.''; and

(3) in paragraph (4)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) assist in carrying out a State's workforce investment strategy; and''.

SEC. 202. COST SHARING.

(a) FEDERAL SHARE.—Section 204(a) (42 U.S.C. 3144(a)) is amended to read as follows:

''(a) FEDERAL SHARE.—The Secretary shall issue regulations to establish the Federal share of the cost of projects carried out under this title based on the relative needs of the areas in which the projects will be located. Except as provided in subsection (c), the Federal share of the cost of any project carried out under this title shall not exceed 80 percent.''.

(b) NON-FEDERAL SHARE.—Section 204(b) (42 U.S.C. 3144(b)) is amended by inserting ''assumptions of debt,'' after ''equipment,''.

(c) INCREASE IN FEDERAL SHARE.—Section 204 (42 U.S.C. 3144) is amended by adding at the end the following:

''(c) INCREASE IN FEDERAL SHARE.—

''(1) INDIAN TRIBES.—In the case of a grant to an Indian tribe for a project under this title, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

''(2) CERTAIN STATES, POLITICAL SUBDIVISIONS, AND NONPROFIT ORGANIZATIONS.—In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted its effective taxing and borrowing capacity, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted its effective borrowing capacity, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.''.

SEC. 203. SUPPLEMENTARY GRANTS.

(a) IN GENERAL.—Section 205(b) (42 U.S.C. 3145(b)) is amended to read as follows:

''(b) SUPPLEMENTARY GRANTS.—Subject to subsection (c), in order to assist eligible recipients in taking advantage of designated Federal grant programs, on the application of an eligible recipient, the Secretary may make a supplementary grant for a project for which the recipient is eligible but for which the recipient cannot provide the required non-Federal share because of the recipient's economic situation.''.

(b) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—Section 205(c) (42 U.S.C. 3145(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) AMOUNT OF SUPPLEMENTARY GRANTS.—The share of the project cost supported by a supplementary grant under this section may not exceed the applicable Federal share under section 204.

''(2) FORM OF SUPPLEMENTARY GRANTS.—The Secretary shall make supplementary grants by—

''(A) the payment of funds made available under this Act to the heads of the Federal agencies responsible for carrying out the applicable Federal programs; or

''(B) the award of funds under this Act, which will be combined with funds transferred from other Federal agencies in projects administered by the Secretary.''; and

(2) by striking paragraph (4).

SEC. 204. REGULATIONS ON RELATIVE NEEDS AND ALLOCATIONS.

Section 206 (42 U.S.C. 3146) is amended—

(1) by striking ''and'' at the end of paragraph (1)(B);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) grants made under this title promote job creation and will have a high probability of meeting or exceeding applicable performance requirements established in connection with the grants.''.

SEC. 205. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 207(a)(2) (42 U.S.C. 3147(a)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following:

''(G) studies that evaluate the effectiveness of coordinating projects funded under this Act with projects funded under other Acts; and''.

(b) COOPERATION REQUIREMENT.—Section 207(a) (42 U.S.C. 3147(a)) is amended by adding at the end the following:

''(4) COOPERATION REQUIREMENT.—In the case of a project assisted under this section that is national or regional in scope, the Secretary may waive the provision in section 3(4)(A)(vi) requiring a nonprofit organization or association to act in cooperation with officials of a political subdivision of a State.''.

SEC. 206. PREVENTION OF UNFAIR COMPETITION.

Section 208 (42 U.S.C. 3148), and the item relating to section 208 in the table of contents contained in section 1(b), are repealed.

SEC. 207. GRANTS FOR ECONOMIC ADJUSTMENT.

(a) DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.—Section 209(d) (42 U.S.C. 3149(d)) is amended by striking ''an eligible recipient'' each place it appears and inserting ''a recipient''.

(b) SPECIAL PROVISIONS RELATING TO REVOLVING LOAN FUND GRANTS.—Section 209 (42 U.S.C. 3149) is amended by adding at the end the following:

''(e) SPECIAL PROVISIONS RELATING TO REVOLVING LOAN FUND GRANTS.—

''(1) IN GENERAL.—The Secretary shall issue regulations to maintain the proper operation and financial integrity of revolving loan funds established by recipients with assistance under this section.

''(2) EFFICIENT ADMINISTRATION.—The Secretary may—

''(A) at the request of a grantee, amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria;

''(B) assign or transfer assets of a revolving loan fund to a third party for the purpose of liquidation, and a third party may retain assets of the fund to defray costs related to liquidation; and

''(C) take such actions as are appropriate to enable revolving loan fund operators to sell or securitize loans (except that the actions may not include issuance of a Federal guaranty by the Secretary).

''(3) TREATMENT OF ACTIONS.—An action taken by the Secretary under this subsection with respect to a revolving loan fund shall not constitute a new obligation if all grant funds associated with the original grant award have been disbursed to the recipient.''.

SEC. 208. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

Section 211 (42 U.S.C. 3151) is amended to read as follows:

''SEC. 211. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

''(a) IN GENERAL.—In the case of a grant to a recipient for a construction project under section 201 or 209, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve, without further appropriations action, the use of the excess funds (or a portion of the excess funds) by the recipient to increase the Federal share of the cost of a project under this subtitle to the maximum percentage allowable under section 204 or to improve the project.

''(b) OTHER USES OF EXCESS FUNDS.—Any amount of excess funds remaining after application of subsection (a) may be used by the Secretary for providing assistance under this Act.

''(c) TRANSFERRED FUNDS.—In the case of excess funds described in subsection (a) in projects utilizing funds transferred from other Federal agencies pursuant to section 604, the Secretary shall—

''(1) utilize the funds in accordance with subsection (a), with the approval of the originating agency; or

''(2) return the funds to the originating agency.''.

SEC. 209. SPECIAL IMPACT AREAS.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is amended by adding at the end the following:

''SEC. 214. SPECIAL IMPACT AREAS.

''(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may determine that the recipient is unable to comply with the requirements of section 302 and designate the area represented by the recipient as a special impact area.

''(b) WAIVERS.—Subject to the requirements of this section, the Secretary may waive, in whole or in part, as appropriate, the requirements of section 302 with respect to a special impact area designated under subsection (a) if the Secretary determines that the waiver will carry out the purposes of the Act.

''(c) NOTIFICATION REQUIREMENT.—At least 30 days before issuing a waiver under this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written notice of the waiver, including a justification for the waiver.''.

(b) CONFORMING AMENDMENT.—The table of sections contained in section 1(b) is amended by inserting after the item relating to section 213 the following:

''Sec. 214. Special impact areas.''.

SEC. 210. PERFORMANCE INCENTIVE GRANTS.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 215. PERFORMANCE INCENTIVE GRANTS.

"(a) IN GENERAL.—The Secretary may make a performance incentive grant in connection with a project grant made, on or after the date of enactment of this section, to an eligible recipient under section 201 or 209.

"(b) PERFORMANCE MEASURES.—

"(1) REGULATIONS.—The Secretary shall issue regulations to establish performance measures for making performance incentive grants under subsection (a).

"(2) CONSIDERATIONS.—In issuing regulations under paragraph (1), the Secretary shall consider including performance measures that assess the following factors:

"(A) Whether the recipient meets or exceeds scheduling goals.

"(B) Whether the recipient meets or exceeds job creation goals.

"(C) Amounts of private sector capital investments leveraged.

"(D) Such other factors as the Secretary determines appropriate.

"(c) AMOUNT OF GRANTS.—

"(1) IN GENERAL.—The Secretary shall base the amount of a performance incentive grant under subsection (a) on the extent to which a recipient meets or exceeds performance measures established in connection with the applicable project grant.

"(2) MAXIMUM AMOUNT.—The amount of a performance incentive grant may not exceed 10 percent of the amount of the applicable project grant.

"(3) FEDERAL SHARE.—Notwithstanding section 204, the amounts of a performance incentive grant may be used for up to 100 percent of the cost of an eligible project or activity. For the purposes of meeting the non-Federal share requirements of this Act, or any other Act, the amounts of a performance grant shall be treated as funds from a non-Federal source.

"(d) USE OF PERFORMANCE INCENTIVE GRANTS.—A recipient of a performance incentive grant under subsection (a) may use the grant for any eligible purpose under this Act, in accordance with section 602 and such regulations as the Secretary may prescribe.

"(e) TERMS AND CONDITIONS.— In making performance incentive grants under subsection (a), the Secretary shall establish such terms and conditions as the Secretary considers appropriate.

"(f) FUNDING.—The Secretary shall carry out this section using any amounts made available for economic development assistance programs.

"(g) REPORTING REQUIREMENT.—The Secretary shall include information regarding the award of performance incentive grants under this section in the annual report required under section 603.

"(h) REVIEW BY COMPTROLLER GENERAL.—

"(1) REVIEW.—The Comptroller General shall review the implementation of this section in each fiscal year.

"(2) ANNUAL REPORT.—Not later than one year after the date of enactment of this section, and annually thereafter, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the Comptroller's findings under this subsection.".

(b) CONFORMING AMENDMENT.—The table of sections contained in section 1(b) is amended by inserting after the item relating to section 214 the following:

"Sec. 215. performance incentive grants.".

SEC. 211. SUBGRANTS.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 216. SUBGRANTS.

"(a) IN GENERAL.—Subject to subsection (b), a recipient of a grant under section 201, 203, or 207 may directly expend the grant funds or may redistribute the funds in the form of a subgrant to other eligible recipients to fund required components of the scope of work approved for the project.

"(b) LIMITATION.—A recipient may not redistribute grant funds received under section 201 or 203 to a for-profit entity.".

(b) CONFORMING AMENDMENT.—The table of sections contained in section 1(b) is amended by inserting after the item relating to section 215 the following:

"Sec. 216. Subgrants.".

SEC. 212. BROWNFIELDS REDEVELOPMENT.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 217. BROWNFIELDS REDEVELOPMENT.

"(a) IN GENERAL.—On the application of a qualified eligible recipient, the Secretary may make grants under sections 201, 203, 207, and 209 for projects to expand, redevelop, or reuse brownfield sites.

"(b) LIMITATIONS.—Projects carried out under this section shall be subject to the limitations of section 104(k)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)).

"(c) DEFINITIONS.—In this section, the following definitions apply:

"(1) BROWNFIELD SITE.—The term 'brownfield site' has the meaning given such term in section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)).

"(2) QUALIFIED ELIGIBLE RECIPIENT.—The term 'qualified eligible recipient' means an eligible recipient that meets the definition of 'eligible entity' in section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)).".

(b) CONFORMING AMENDMENT.—The table of sections contained in section 1(b) is amended by inserting after the item relating to section 216 the following:

"Sec. 217. Brownfields redevelopment.".

SEC. 213. BRIGHTFIELDS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

"SEC. 218. BRIGHTFIELDS DEMONSTRATION PROGRAM.

"(a) IN GENERAL.—On the application of a qualified eligible recipient, the Secretary may make a grant for a project for the development of brightfield sites if the Secretary determines that the project will—

"(1) utilize solar energy technologies to develop abandoned or contaminated sites for commercial use; and

"(2) improve the commercial and economic opportunities in the area where the project is located.

"(b) LIMITATIONS.—Projects carried out under this section shall be subject to the limitations of section 104(k)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)).

"(c) DEFINITIONS.—In this section, the following definitions apply:

"(1) BRIGHTFIELD SITE.—The term 'brightfield site' means a brownfield site (as defined in section 217) that is redeveloped through the incorporation of solar energy technologies.

"(2) QUALIFIED ELIGIBLE RECIPIENT.—The term 'qualified eligible recipient' has the meaning given such term in section 217.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The table of sections contained in section 1(b) is amended by inserting after the item relating to section 217 the following:

"Sec. 218. Brightfields demonstration program.".

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

SEC. 301. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.

(a) IN GENERAL.—Section 302(a)(3)(A) (42 U.S.C. 3162(a)(3)(A)) is amended by inserting "maximizes effective development and use of the workforce consistent with any applicable State or local workforce investment strategy," after "access,".

(b) APPROVAL OF OTHER PLAN.—Section 302(c) (42 U.S.C. 3162(c)) is amended by adding at the end the following: "To the maximum extent practicable, a plan submitted under this paragraph shall be consistent and coordinated with any existing comprehensive economic development strategy for the area.".

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

SEC. 401. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

(a) IN GENERAL.—Section 404 (42 U.S.C. 3174) is amended to read as follows:

"SEC. 404. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

"If any part of an economic development district is in a region covered by one or more of the Regional Commissions (as defined in section 3), the economic development district shall ensure that a copy of the comprehensive economic development strategy of the district is provided to the affected Regional Commission.".

(b) CONFORMING AMENDMENT.—The table of sections contained in section 1(b) is amended by striking the item relating to section 404 and inserting the following:

"Sec. 404. Provision of comprehensive economic development strategies to Regional Commissions.".

TITLE V—ADMINISTRATION

SEC. 501. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.

Section 502 (42 U.S.C. 3192) is amended—

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

"(1) maintain a central information clearinghouse on the Internet with—

"(A) information on economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal Government;

"(B) links to State economic development organizations; and

"(C) links to other appropriate economic development resources;";

(2) by striking "and" at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding at the end the following:

"(4) obtain appropriate information from other Federal agencies needed to carry out the duties under this Act.".

SEC. 502. BUSINESSES DESIRING FEDERAL CONTRACTS.

Section 505 (42 U.S.C. 3195), and the item relating to section 505 in the table of contents contained in section 1(b), are repealed.

SEC. 503. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

Section 506(c) (42 U.S.C. 3196(c)) is amended by striking "after the effective date of the Economic Development Administration Reform Act of 1998".

SEC. 504. CONFORMING AMENDMENTS.

(a) STANDARDS.—Section 602 (42 U.S.C. 3212) is amended—

(1) in the first sentence by striking ''in accordance with'' and all that follows before the period at the end and inserting ''in accordance with subchapter IV of chapter 31 of title 40, United States Code''; and

(2) in the third sentence by striking ''section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

(b) EVALUATION CRITERIA.—Section 506(d)(2) (42 U.S.C. 3196(d)(2)) is amended by inserting ''program performance,'' after ''applied research,''.

TITLE VI—MISCELLANEOUS

SEC. 601. RELATIONSHIP TO ASSISTANCE UNDER OTHER LAW.

Section 609 (42 U.S.C. 3219) is amended—

(1) by striking subsection (a); and

(2) by striking ''(b) ASSISTANCE UNDER OTHER ACTS.—''.

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 701 (42 U.S.C. 3231) is amended to read as follows:

''SEC. 701. GENERAL AUTHORIZATION OF APPROPRIATIONS.

''(a) ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.—There are authorized to be appropriated for economic development assistance programs to carry out this Act—

''(1) $400,000,000 for fiscal year 2004;

''(2) $425,000,000 for fiscal year 2005;

''(3) $450,000,000 for fiscal year 2006;

''(4) $475,000,000 for fiscal year 2007; and

''(5) $500,000,000 for fiscal year 2008.

Such sums shall remain available until expended.

''(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of administering this Act $33,377,000 for fiscal year 2004 and such sums as may be necessary for each fiscal year thereafter. Such sums shall remain available until expended.''.

The SPEAKER pro tempore. The committee amendment in the nature of a substitute printed in the bill, modified by the amendment designated by the previous order of the House, is adopted.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Economic Development Administration Reauthorization Act of 2003''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to Public Works and Economic Development Act of 1965.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings and declarations.
Sec. 102. Definitions.
Sec. 103. Establishment of economic development partnerships.
Sec. 104. Coordination.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

Sec. 201. Grants for planning.
Sec. 202. Cost sharing.
Sec. 203. Supplementary grants.
Sec. 204. Regulations on relative needs and allocations.
Sec. 205. Grants for training, research, and technical assistance.
Sec. 206. Prevention of unfair competition.
Sec. 207. Grants for economic adjustment.
Sec. 208. Use of funds in projects constructed under projected cost.
Sec. 209. Special impact areas.
Sec. 210. Performance awards.
Sec. 211. Planning performance awards.
Sec. 212. Subgrants.
Sec. 213. Brownfields redevelopment.
Sec. 214. Brightfields demonstration program.

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

Sec. 301. Comprehensive economic development strategies.

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

Sec. 401. Incentives.
Sec. 402. Provision of comprehensive economic development strategies to regional commissions.

TITLE V—ADMINISTRATION

Sec. 501. Economic development information clearinghouse.
Sec. 502. Businesses desiring Federal contracts.
Sec. 503. Performance evaluations of grant recipients.
Sec. 504. Conforming amendments.

TITLE VI—MISCELLANEOUS

Sec. 601. Relationship to assistance under other law.
Sec. 602. Sense of Congress regarding economic development representatives.

TITLE VII—FUNDING

Sec. 701. Authorization of appropriations.

SEC. 2. AMENDMENTS TO PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS AND DECLARATIONS.

Section 2 (42 U.S.C. 3121) is amended to read as follows:

''SEC. 2. FINDINGS AND DECLARATIONS.

''(a) FINDINGS.—Congress finds the following:

''(1) There continue to be areas experiencing chronic high unemployment, underemployment, outmigration, and low per capita incomes, as well as areas facing sudden and severe economic dislocations due to structural economic changes, changing trade patterns, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters.

''(2) Economic growth in our Nation, States, cities, and rural areas is produced by expanding economic opportunities, expanding free enterprise through trade, developing and strengthening public infrastructure, and creating a climate for job creation and business development.

''(3) The goal of Federal economic development programs is to raise the standard of living for all citizens and increase the wealth and overall rate of growth of the economy by encouraging communities to develop a more competitive and diversified economic base by—

''(A) creating an environment that promotes economic activity by improving and expanding public infrastructure;

''(B) promoting job creation through increased innovation, productivity, and entrepreneurship; and

''(C) empowering local and regional communities experiencing chronic high unemployment and low per capita income to develop private sector business and attract increased private sector capital investment.

''(4) While economic development is an inherently local process, the Federal Government should work in partnership with public and private local, regional, tribal, and State organizations to maximize the impact of existing resources and enable regions, communities, and citizens to participate more fully in the American dream and national prosperity.

''(5) In order to avoid duplication of effort and achieve meaningful, long-lasting results, Federal, State, tribal, and local economic development activities should have a clear focus, improved coordination, a comprehensive approach, and simplified and consistent requirements.

''(6) Federal economic development efforts will be more effective if they are coordinated with, and build upon, the trade, workforce investment, transportation, and technology programs of the United States.

''(b) DECLARATIONS.—In order to promote a strong and growing economy throughout the United States, Congress declares the following:

''(1) Assistance under this Act should be made available to both rural- and urban-distressed communities.

''(2) Local communities should work in partnership with neighboring communities, the States, Indian tribes, and the Federal Government to increase their capacity to develop and implement comprehensive economic development strategies to alleviate economic distress and enhance competitiveness in the global economy.

''(3) Whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to support entrepreneurship to take advantage of the development opportunities afforded by technological innovation and expanding newly opened global markets.''.

SEC. 102. DEFINITIONS.

(a) ELIGIBLE RECIPIENT.—Section 3(4)(A) (42 U.S.C. 3122(4)(A)) is amended—

(1) by striking clause (i) and redesignating clauses (ii) through (vii) as clauses (i) through (vi), respectively; and

(2) in clause (iv) (as so redesignated) by inserting '', including a special purpose unit of a State or local government engaged in economic or infrastructure development activities,'' after ''State''.

(b) REGIONAL COMMISSIONS.—Section 3 (42 U.S.C. 3122) is amended—

(1) by redesignating paragraphs (8), (9), and (10) as paragraphs (9), (10), and (11), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) REGIONAL COMMISSIONS.—The term 'Regional Commissions' means the following entities:

''(A) The Appalachian Regional Commission established under chapter 143 of title 40, United States Code.

''(B) The Delta Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa et seq.).

''(C) The Denali Commission established under the Denali Commission Act of 1998 (42 U.S.C. 2131 note; 112 Stat. 2681–637 et seq.).

''(D) The Northern Great Plains Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb et seq.).''.

(c) UNIVERSITY CENTER.—Section 3 (42 U.S.C. 3122) is amended by adding at the end the following:

''(12) UNIVERSITY CENTER.—The term 'university center' means an institution of higher education or a consortium of institutions of higher education established as a University Center for Economic Development under section 207(a)(2)(D).''.

SEC. 103. ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 (42 U.S.C. 3131) is amended—

(1) in subsection (b) by striking ''and multi-State regional organizations'' and inserting ''multi-State regional organizations, and nonprofit organizations''; and

(2) in subsection (d)(1) by striking ''adjoining'' each place it appears.

SEC. 104. COORDINATION.

Section 103 (42 U.S.C. 3132) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary'';

(2) in subsection (a) (as so designated) by inserting ''Indian tribes,'' after ''districts,''; and

(3) by adding at the end the following:

''(b) MEETINGS.—To carry out the responsibilities in subsection (a), or for any other purpose related to economic development activities, the Secretary may convene meetings with Federal agencies, State and local governments, economic development districts, Indian tribes, and other appropriate planning and development organizations.''.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

SEC. 201. GRANTS FOR PLANNING.

Section 203(d) (42 U.S.C. 3143(d)) is amended—

(1) in paragraph (1) by inserting '', to the maximum extent practicable,'' after ''developed'' the second place it appears;

(2) by striking paragraph (3) and inserting the following:

''(3) COORDINATION.—Before providing assistance for a State plan under this section, the Secretary shall consider the extent to which the State will consider local and economic development district plans.''; and

(3) in paragraph (4)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by adding after subparagraph (C) the following:

''(D) assist in carrying out a State's workforce investment strategy; and''.

SEC. 202. COST SHARING.

(a) FEDERAL SHARE.—Section 204(a) (42 U.S.C. 3144(a)) is amended to read as follows:

''(a) FEDERAL SHARE.—The Secretary shall issue regulations to establish the Federal share of the cost of projects carried out under this title based on the relative needs of the areas in which the projects will be located. Except as provided in subsection (c), the Federal share of the cost of any project carried out under this title shall not exceed 80 percent.''.

(b) NON-FEDERAL SHARE.—Section 204(b) (42 U.S.C. 3144(b)) is amended by inserting ''assumptions of debt,'' after ''equipment,''.

(c) INCREASE IN FEDERAL SHARE.—Section 204 (42 U.S.C. 3144) is amended by adding at the end the following:

''(c) INCREASE IN FEDERAL SHARE.—

''(1) INDIAN TRIBES.—In the case of a grant to an Indian tribe for a project under this title, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

''(2) CERTAIN STATES, POLITICAL SUBDIVISIONS, AND NONPROFIT ORGANIZATIONS.—In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted its effective taxing and borrowing capacity, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted its effective borrowing capacity, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.''.

(d) PLANNING GRANTS.—Section 204 (42 U.S.C. 3144) is further amended by adding at the end the following:

''(d) PLANNING GRANTS.—Notwithstanding subsection (a), the Federal share of the costs of planning activities under section 203 shall be at least 65 percent and not more than 80 percent.''.

SEC. 203. SUPPLEMENTARY GRANTS.

(a) IN GENERAL.—Section 205(b) (42 U.S.C. 3145(b)) is amended to read as follows:

''(b) SUPPLEMENTARY GRANTS.—Subject to subsection (c), in order to assist eligible recipients in taking advantage of designated Federal grant programs, on the application of an eligible recipient, the Secretary may make a supplementary grant for a project for which the recipient is eligible but for which the recipient cannot provide the required non-Federal share because of the recipient's economic situation.''.

(b) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—Section 205(c) (42 U.S.C. 3145(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) AMOUNT OF SUPPLEMENTARY GRANTS.—The share of the project cost supported by a supplementary grant under this section may not exceed the applicable Federal share under section 204.

''(2) FORM OF SUPPLEMENTARY GRANTS.—The Secretary shall make supplementary grants by—

''(A) the payment of funds made available under this Act to the heads of the Federal agencies responsible for carrying out the applicable Federal programs; or

''(B) the award of funds under this Act, which will be combined with funds transferred from other Federal agencies in projects administered by the Secretary.''; and

(2) by striking paragraph (4).

SEC. 204. REGULATIONS ON RELATIVE NEEDS AND ALLOCATIONS.

Section 206 (42 U.S.C. 3146) is amended—

(1) by striking ''and'' at the end of paragraph (1)(B);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) grants made under this title promote job creation and will have a high probability of meeting or exceeding applicable performance requirements established in connection with the grants.''.

SEC. 205. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 207(a)(2) (42 U.S.C. 3147(a)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following:

''(G) studies that evaluate the effectiveness of coordinating projects funded under this Act with projects funded under other Acts; and''.

(b) COOPERATION REQUIREMENT.—Section 207(a) (42 U.S.C. 3147(a)) is amended by adding at the end the following:

''(4) COOPERATION REQUIREMENT.—In the case of a project assisted under this section that is national or regional in scope, the Secretary may waive the provision in section 3(4)(A)(vi) requiring a nonprofit organization or association to act in cooperation with officials of a political subdivision of a State.''.

SEC. 206. PREVENTION OF UNFAIR COMPETITION.

Section 208 (42 U.S.C. 3148), and the item relating to section 208 in the table of contents contained in section 1(b), are repealed.

SEC. 207. GRANTS FOR ECONOMIC ADJUSTMENT.

(a) DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.—Section 209(d) (42 U.S.C. 3149(d)) is amended by striking ''an eligible recipient'' each place it appears and inserting ''a recipient''.

(b) SPECIAL PROVISIONS RELATING TO REVOLVING LOAN FUND GRANTS.—Section 209 (42 U.S.C. 3149) is amended by adding at the end the following:

''(e) SPECIAL PROVISIONS RELATING TO REVOLVING LOAN FUND GRANTS.—

''(1) IN GENERAL.—The Secretary shall issue regulations to maintain the proper operation and financial integrity of revolving loan funds established by recipients with assistance under this section.

''(2) EFFICIENT ADMINISTRATION.—The Secretary may—

''(A) at the request of a grantee, amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria;

''(B) assign or transfer assets of a revolving loan fund to a third party for the purpose of liquidation, and a third party may retain assets of the fund to defray costs related to liquidation; and

''(C) take such actions as are appropriate to enable revolving loan fund operators to sell or securitize loans (except that the actions may not include issuance of a Federal guaranty by the Secretary).

''(3) TREATMENT OF ACTIONS.—An action taken by the Secretary under this subsection with respect to a revolving loan fund shall not constitute a new obligation if all grant funds associated with the original grant award have been disbursed to the recipient.

''(4) PRESERVATION OF SECURITIES LAWS.—

''(A) NOT TREATED AS EXEMPTED SECURITIES.—No securities issued pursuant to paragraph (2)(C) shall be treated as exempted securities for purposes of the Securities Act of 1933 or the Securities Exchange Act of 1934, unless exempted by rule or regulation of the Securities and Exchange Commission.

''(B) PRESERVATION.—Except as provided in subparagraph (A), no provision of this subsection or any regulation issued by the Secretary under this subsection shall supersede or otherwise affect the application of the securities laws (as such term is defined in section 2(a)(47) of the Securities Exchange Act of 1934) or the rules, regulations, or orders of the Securities and Exchange Commission or a self-regulatory organization thereunder.''.

SEC. 208. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

Section 211 (42 U.S.C. 3151) is amended to read as follows:

''SEC. 211. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

''(a) IN GENERAL.—In the case of a grant to a recipient for a construction project under section 201 or 209, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve, without further appropriations action, the use of the excess funds (or a portion of the excess funds) by the recipient to increase the Federal share of the cost of a project under this title to the maximum percentage allowable under section 204 or to improve the project.

''(b) OTHER USES OF EXCESS FUNDS.—Any amount of excess funds remaining after application of subsection (a) may be used by the Secretary for providing assistance under this Act.

''(c) TRANSFERRED FUNDS.—In the case of excess funds described in subsection (a) in projects utilizing funds transferred from other Federal agencies pursuant to section 604, the Secretary shall—

''(1) utilize the funds in accordance with subsection (a), with the approval of the originating agency; or

''(2) return the funds to the originating agency.''.

SEC. 209. SPECIAL IMPACT AREAS.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is amended by adding at the end the following:

''SEC. 214. SPECIAL IMPACT AREAS.

''(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may determine that the recipient is unable to comply with the requirements of section 302 and designate the area represented by the recipient as a special impact area.

''(b) WAIVERS.—Subject to the requirements of this section, the Secretary may waive, in whole or in part, as appropriate, the requirements of section 302 with respect to a special impact area designated under subsection (a) if the Secretary determines that the waiver will carry out the purposes of the Act.

''(c) NOTIFICATION REQUIREMENT.—At least 30 days before issuing a waiver under this section,

the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written notice of the waiver, including a justification for the waiver.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 213 the following:

''Sec. 214. Special impact areas.''.

SEC. 210. PERFORMANCE AWARDS.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

''SEC. 215. PERFORMANCE AWARDS.

''(a) IN GENERAL.—The Secretary may make a performance award in connection with a grant made, on or after the date of enactment of this section, to an eligible recipient for a project under section 201 or 209.

''(b) PERFORMANCE MEASURES.—

''(1) REGULATIONS.—The Secretary shall issue regulations to establish performance measures for making performance awards under subsection (a).

''(2) CONSIDERATIONS.—In issuing regulations under paragraph (1), the Secretary shall consider including performance measures that assess the following factors:

''(A) Whether the recipient meets or exceeds scheduling goals.

''(B) Whether the recipient meets or exceeds job creation goals.

''(C) Amounts of private sector capital investments leveraged.

''(D) Such other factors as the Secretary determines appropriate.

''(c) AMOUNT OF AWARDS.—

''(1) IN GENERAL.—The Secretary shall base the amount of a performance award made under subsection (a) in connection with a grant on the extent to which a recipient meets or exceeds performance measures established in connection with the grant.

''(2) MAXIMUM AMOUNT.—The amount of a performance award may not exceed 10 percent of the amount of the grant.

''(d) USE OF AWARDS.—A recipient of a performance award under subsection (a) may use the award for any eligible purpose under this Act, in accordance with section 602 and such regulations as the Secretary may prescribe.

''(e) FEDERAL SHARE.—Notwithstanding section 204, the amounts of a performance award may be used for up to 100 percent of the cost of an eligible project or activity.

''(f) TREATMENT IN MEETING NON-FEDERAL SHARE REQUIREMENTS.—For the purposes of meeting the non-Federal share requirements of this Act, or any other Act, the amounts of a performance award shall be treated as funds from a non-Federal source.

''(g) TERMS AND CONDITIONS.— In making performance awards under subsection (a), the Secretary shall establish such terms and conditions as the Secretary considers appropriate.

''(h) FUNDING.—The Secretary shall carry out this section using any amounts made available for economic development assistance programs.

''(i) REPORTING REQUIREMENT.—The Secretary shall include information regarding performance awards made under this section in the annual report required under section 603.

''(j) REVIEW BY COMPTROLLER GENERAL.—

''(1) REVIEW.—The Comptroller General shall review the implementation of this section in each fiscal year.

''(2) ANNUAL REPORT.—Not later than one year after the date of enactment of this section, and annually thereafter, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the Comptroller's findings under this subsection.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 214 the following:

''Sec. 215. Performance awards.''.

SEC. 211. PLANNING PERFORMANCE AWARDS.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

''SEC. 216. PLANNING PERFORMANCE AWARDS.

''(a) IN GENERAL.—The Secretary may make a planning performance award in connection with a grant made, on or after the date of enactment of this section, to an eligible recipient for a project under this title located in an economic development district.

''(b) ELIGIBILITY.—The Secretary may make a planning performance award to an eligible recipient under subsection (a) in connection with a grant for a project if the Secretary determines before closeout of the project that—

''(1) the recipient actively participated in the economic development activities of the economic development district in which the project is located;

''(2) the project is consistent with the comprehensive economic development strategy of the district;

''(3) the recipient worked with Federal, State, and local economic development entities throughout the development of the project; and

''(4) the project was completed in accordance with the comprehensive economic development strategy of the district.

''(c) MAXIMUM AMOUNT.—The amount of a planning performance award made under subsection (a) in connection with a grant may not exceed 5 percent of the amount of the grant.

''(d) USE OF AWARDS.—A recipient of a planning performance award under subsection (a) shall use the award to increase the Federal share of the cost of a project under this title.

''(e) FEDERAL SHARE.—Notwithstanding section 204, the amounts of a planning performance award may be used for up to 100 percent of the cost of a project under this title.

''(f) FUNDING.—The Secretary shall carry out this section using any amounts made available for economic development assistance programs.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Planning performance awards.''.

SEC. 212. SUBGRANTS.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

''SEC. 217. SUBGRANTS.

''(a) IN GENERAL.—Subject to subsection (b), a recipient of a grant under section 201, 203, or 207 may directly expend the grant funds or may redistribute the funds in the form of a subgrant to other eligible recipients to fund required components of the scope of work approved for the project.

''(b) LIMITATION.—A recipient may not redistribute grant funds received under section 201 or 203 to a for-profit entity.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 216 the following:

''Sec. 217. Subgrants.''.

SEC. 213. BROWNFIELDS REDEVELOPMENT.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

''SEC. 218. BROWNFIELDS REDEVELOPMENT.

''(a) IN GENERAL.—On the application of a qualified eligible recipient, the Secretary may make grants under sections 201, 203, 207, and 209 for projects to expand, redevelop, or reuse brownfield sites.

''(b) LIMITATIONS.—Projects carried out under this section shall be subject to the limitations of section 104(k)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)); except that recipients may use grant funds awarded under this section for the administrative costs of economic development activities.

''(c) DEFINITIONS.—In this section, the following definitions apply:

''(1) BROWNFIELD SITE.—The term 'brownfield site' has the meaning given such term in section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)).

''(2) QUALIFIED ELIGIBLE RECIPIENT.—The term 'qualified eligible recipient' means an eligible recipient that meets the definition of 'eligible entity' in section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)); except that for any project undertaken under this section the term may include a nonprofit organization acting in cooperation with officials of a political subdivision of a State.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 217 the following:

''Sec. 218. Brownfields redevelopment.''.

SEC. 214. BRIGHTFIELDS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Title II (42 U.S.C. 3141 et seq.) is further amended by adding at the end the following:

''SEC. 219. BRIGHTFIELDS DEMONSTRATION PROGRAM.

''(a) IN GENERAL.—On the application of a qualified eligible recipient, the Secretary may make a grant for a project for the development of brightfield sites if the Secretary determines that the project will—

''(1) utilize solar energy technologies to develop abandoned or contaminated sites for commercial use; and

''(2) improve the commercial and economic opportunities in the area where the project is located.

''(b) LIMITATIONS.—Projects carried out under this section shall be subject to the limitations of section 104(k)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)); except that recipients may use grant funds awarded under this section for the administrative costs of economic development activities.

''(c) DEFINITIONS.—In this section, the following definitions apply:

''(1) BRIGHTFIELD SITE.—The term 'brightfield site' means a brownfield site (as defined in section 217) that is redeveloped through the incorporation of solar energy technologies.

''(2) QUALIFIED ELIGIBLE RECIPIENT.—The term 'qualified eligible recipient' has the meaning given such term in section 217; except that for any project undertaken under this section the term may include a nonprofit organization acting in cooperation with officials of a political subdivision of a State.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) is amended by inserting after the item relating to section 218 the following:

''Sec. 219. Brightfields demonstration program.''.

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

SEC. 301. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.

(a) IN GENERAL.—Section 302(a)(3)(A) (42 U.S.C. 3162(a)(3)(A)) is amended by inserting

''maximizes effective development and use of the workforce consistent with any applicable State or local workforce investment strategy,'' after ''access,''.

(b) APPROVAL OF OTHER PLAN.—Section 302(c) (42 U.S.C. 3162(c)) is amended by adding at the end the following: ''To the maximum extent practicable, a plan submitted under this paragraph shall be consistent and coordinated with any existing comprehensive economic development strategy for the area.''.

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

SEC. 401. INCENTIVES.

Section 403 (42 U.S.C. 3173), and the item relating to section 403 in the table of contents contained in section 1(b), are repealed.

SEC. 402. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

(a) IN GENERAL.—Section 404 (42 U.S.C. 3174) is amended to read as follows:

''SEC. 404. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

''If any part of an economic development district is in a region covered by one or more of the Regional Commissions (as defined in section 3), the economic development district shall ensure that a copy of the comprehensive economic development strategy of the district is provided to the affected Regional Commission.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) is amended by striking the item relating to section 404 and inserting the following:

''Sec. 404. Provision of comprehensive economic development strategies to Regional Commissions.''.

TITLE V—ADMINISTRATION

SEC. 501. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.

Section 502 (42 U.S.C. 3192) is amended—

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

''(1) maintain a central information clearinghouse on the Internet with—

''(A) information on economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal Government;

''(B) links to State economic development organizations; and

''(C) links to other appropriate economic development resources;'';

(2) by striking paragraph (2) and inserting the following:

''(2) assist potential and actual applicants for economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment assistance under Federal and State laws in locating and applying for the assistance;'';

(3) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(4) by adding at the end the following:

''(4) obtain appropriate information from other Federal agencies needed to carry out the duties under this Act.''.

SEC. 502. BUSINESSES DESIRING FEDERAL CONTRACTS.

Section 505 (42 U.S.C. 3195), and the item relating to section 505 in the table of contents contained in section 1(b), are repealed.

SEC. 503. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

Section 506(c) (42 U.S.C. 3196(c)) is amended by striking ''after the effective date of the Economic Development Administration Reform Act of 1998''.

SEC. 504. CONFORMING AMENDMENTS.

(a) STANDARDS.—Section 602 (42 U.S.C. 3212) is amended—

(1) in the first sentence by striking ''in accordance with'' and all that follows before the period at the end and inserting ''in accordance with subchapter IV of chapter 31 of title 40, United States Code''; and

(2) in the third sentence by striking ''section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

(b) EVALUATION CRITERIA.—Section 506(d)(2) (42 U.S.C. 3196(d)(2)) is amended by inserting ''program performance,'' after ''applied research,''.

TITLE VI—MISCELLANEOUS

SEC. 601. RELATIONSHIP TO ASSISTANCE UNDER OTHER LAW.

Section 609 (42 U.S.C. 3219) is amended—

(1) by striking subsection (a); and

(2) by striking ''(b) ASSISTANCE UNDER OTHER ACTS.—''.

SEC. 602. SENSE OF CONGRESS REGARDING ECONOMIC DEVELOPMENT REPRESENTATIVES.

(a) FINDINGS.—Congress finds the following:

(1) Planning and coordination among Federal agencies, State and local governments, Indian tribes, and economic development districts is vital to the success of an economic development program.

(2) Economic Development Representatives of the Economic Development Administration provide distressed communities with the technical assistance necessary to foster this planning and coordination.

(3) In the past five years, the number of Economic Development Representatives has declined by almost 25 percent.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should maintain a sufficient number of Economic Development Representatives to ensure that the Economic Development Administration is able to provide effective assistance to distressed communities and foster economic growth and development among the States.

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 701 (42 U.S.C. 3231) is amended to read as follows:

''SEC. 701. GENERAL AUTHORIZATION OF APPROPRIATIONS.

''(a) ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.—There are authorized to be appropriated for economic development assistance programs to carry out this Act—

''(1) $400,000,000 for fiscal year 2004;

''(2) $425,000,000 for fiscal year 2005;

''(3) $450,000,000 for fiscal year 2006;

''(4) $475,000,000 for fiscal year 2007; and

''(5) $500,000,000 for fiscal year 2008.

Such sums shall remain available until expended.

''(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of administering this Act $33,377,000 for fiscal year 2004 and such sums as may be necessary for each fiscal year thereafter. Such sums shall remain available until expended.''.

TITLE VIII—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 801. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting ''Nicholas,'' after ''Morgan,''; and

(2) by inserting ''Robertson,'' after ''Pulaski,''.

(b) OHIO.—Section 14102(a)(1)(H) of such title is amended—

(1) by inserting ''Ashtabula,'' after ''Adams,'';

(2) by inserting ''Fayette,'' after ''Coshocton,'';

(3) by inserting ''Mahoning,'' after ''Lawrence,''; and

(c) TENNESSEE.—Section 14102(a)(1)(K) of such title is amended—

(1) by inserting ''Giles,'' after ''Franklin,''; and

(2) by inserting ''Lawrence, Lewis, Lincoln,'' after ''Knox,''.

(d) VIRGINIA.—Section 14102(a)(1)(L) of such title is amended—

(1) by inserting ''Henry,'' after ''Grayson,''; and

(2) by inserting ''Patrick,'' after ''Montgomery,''.

SEC. 802. AUTHORIZATION OF APPROPRIATIONS.

Section 14703(a) of title 40, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) $88,000,000 for each of fiscal years 2002 and 2003.

''(2) $91,000,000 for fiscal year 2004.

''(3) $93,000,000 for fiscal year 2005.

''(4) $95,000,000 for fiscal year 2006.''.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 2535, the Economic Development Administration Reauthorization Act, continues the work of the EDA by reauthorizing the agency for 5 years, updates the statute to reflect a changing economy, promotes the efficient use of resources, eliminates unnecessary and outdated provisions, and gives the Secretary flexibility to assist particularly hard-hit parts of the country. This reauthorization also includes several new provisions that will be important additions to the work of the EDA.

This legislation creates a performance-based incentive program in which eligible recipients are eligible for a bonus of up to 10 percent of the project cost by meeting criteria established in regulation; allows for the improved management and operation of revolving loan funds by amending loan areas and consolidating overlapping loans with the operator's consent and by crafting regulations that would allow for the securitization of loans consistent with security laws; and creates a planning performance award that awards up to 5 percent of a grant amount if a recipient meets several mandated criteria. By adding these provisions, EDA can better serve its constituents and do more to improve the economic future of America.

This legislation was developed through an intense process of hearings and markups. It was an open process that allowed for the input of all Members and groups with an interest in the legislation. This process has resulted in legislation that has broad bipartisan support, the support of the administration, and the support of such important partners as the National Association of Development Organizations, International Economic Development Council, National League of Cities, National Association of Counties, and the United States Conference of Mayors. This is a well-crafted piece of legislation. I want to thank the chairman of our full committee the gentleman from Alaska (Mr. YOUNG); the ranking member of the full committee the gentleman from Minnesota (Mr. OBERSTAR); and my distinguished ranking

member on the subcommittee the gentlewoman from the District of Columbia (Ms. NORTON) for helping us put this legislation together.

I urge my colleagues to join me in supporting it.

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

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

Mr. Speaker, first I want to commend the chair of the subcommittee for the several hearings he had with great profit on the bill before us today and with the way he conducted those hearings so as to bring out many new ideas that have improved this bill. I rise, therefore, in support of H.R. 2535 as amended by the manager's amendment, a bill to reauthorize the program authorized by the Public Works and Economic Development Act of 1965.

This bill will reauthorize the Economic Development Administration for 5 years and provide authorization for sufficient funding levels to carry out its statutory obligations to provide economic opportunities in distressed areas of our country. This bill is of great importance to many struggling rural communities in our country and has very strong bipartisan support in this body.

The bill being considered this morning authorizes some new concepts, such as performance grants, and reinforces some tried and true approaches, such as ensuring economic development proceeds with close cooperation between local governments and Federal partners. One of the new concepts is the authorization of a performance grant program. Under this new program, grantees that meet or exceed goals for projects scheduled, jobs creation and financial leverage will be eligible for a performance grant of up to 10 percent of the project grant.

Further, for purposes of this act, the grantee can consider the proceeds as local funds to meet the non-Federal share requirements of this or other economic development acts. This is a new and innovative approach to rewarding high performance and provides the grantees with a tangible asset for future use. This will, we think, bring important new efficiencies to a program where there was already great efficiency according to many who testified.

The bill also authorizes the Secretary to make grants for projects to expand, redevelop or reuse brownfields sites. This is a much needed authority for major industrial sites.

I also appreciate the consideration the committee gave to my own interest in university centers and the expertise and resources they can bring to small and disadvantaged communities, just as they are well known to bring such advantages to big cities. Report language will highlight the committee's intent that the EDA should consider increasing the number of university centers. With the increase in authorized sums, I hope new university centers will become a reality.

Most of the districts that will benefit from this bill are rural communities, some of them very small, some of them larger communities. Many communities wanted to be a part of this bill because of its long history of promoting economic development and leveraging private resources, where otherwise that would be very difficult. Although, I represent a highly-urbanized district, I certainly know firsthand the singular importance of economic development, the benefits associated with economic opportunities that are created with a strong, vibrant economic development program and, of course, the persistent need for funding to transform ideas into reality.

At the April hearing on economic development, I mentioned the recent opening of the new Washington Convention Center and the immediate economic effect that it is having on my community and on the residents and community at large, including the entire region. I want to especially thank Chairman YOUNG and Ranking Member OBERSTAR for their constant and beneficial leadership on this bill. I also extend my personal thanks and congratulations to the gentleman from Ohio (Mr. LATOURETTE) for the interest and attention and expertise in committee he brought to reauthorizing this agency which is so vital to so many rural Americans. I strongly support H.R. 2535 and urge its passage.

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I want to commend the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) for their good work on the reauthorization of EDA. I, as the cochairman of the Congressional Rural Caucus, rise today in strong support of this reauthorization for the Economic Development Agency. The programs under the EDA are tremendously vital to rural areas. Without Federal economic development investment in rural economies, many of these communities would lack the resources to attract the next generation of manufacturing jobs and they would wither and dry up.

The reauthorization passed in the 105th Congress focused these programs toward serving the most needy, and I am pleased this reauthorization will continue to build upon those achievements. I have seen firsthand how the past reauthorization has focused Federal dollars to target communities that lack the resources.

I want to give my colleagues a few examples. When Knox Glass closed in Clarion County, it was EDA who stepped up to the plate with a grant that allowed them to build a new industrial park there on 80 and replace many of those jobs. When Franklin Steel closed, it was an EDA grant that allowed Franklin Industries to reopen that factory and have several hundred people working there. When Kendall Refining closed in McKean County, and now we reopened American Refineries, it was an EDA grant that allowed that to happen. When the Stackpole Corporation closed and thousands of jobs left Elk County in Pennsylvania, it was an EDA grant through the North Central Planning Commission that now has 200 and 300 people working in different companies within that complex. And when the Cyclops Steel Plant closed 5 miles from my home and 1,000 good jobs went down the drain, it was an EDA grant that allowed that facility to be taken over by a local development agency, and there are several hundred jobs and about 20 companies providing employment there today.

Do we need it in the future? Yes, we do. In my 16-county rural district in Pennsylvania, we have lost 17,000 manufacturing jobs in the year 2001 and 2002. So I stand here today saying we need an expanded EDA. We need an EDA with more money, with a bigger budget. And I am here today on behalf of the reauthorization of this agency because their structure allows them to go into a rural community that has been devastated by losing their major employer and give that grant that is the glue that will put an economic opportunity back there in those communities.

Rural America is in trouble. We need a bigger, stronger EDA to help us. They have an agency with a good track record. I want to commend Secretary David Sampson for his strong leadership there, and I want to commend the committee for their good work in bringing forth this reauthorization.

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

I want to thank the gentleman who has just spoken. I want him to know that I think I would speak for the chair, as well as myself, when I say it was heartbreaking not to have more money for this bill because of the way in which communities came forward and wanted to be included. But we thought that pretty soon you are going to have every community from a rural area in the United States included in this bill, and for good reason. What made it heartbreaking, of course, is that we are not just talking about another bill that will throw some money out here for communities, even hard-pressed communities. What was really so rewarding was to hear experts who had looked at the program testify as to its benefits and its efficiency.

There came a time in the hearings when I wondered if I was hearing a discussion of a Federal program when its efficiencies were being touted the way they were. What the chairman and I did was to work on making these efficiencies even more widespread with new ways to not only measure performance but to reward performance. I do want to say a word about rewarding performance. The incentive portion of

this bill will also mean that the private sector, whose resources get leveraged as well, will understand why this bill is important for their participation, because they understand incentives. The joining of the performance with incentives, which means that some of that actually comes back to you to use, is a model I would like to see in other Federal legislation as well. I regret that there was not more money. I applaud the fact that there is a greater amount than before. I thank the gentleman from Ohio (Mr. LATOURETTE) for his hard work on this bill.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume to make a couple of observations. One, to thank the gentleman from Pennsylvania for his eloquent statement. I think as he recited those communities that have been helped by the EDA, that was the only commercial that we needed for the reauthorization of this valuable program. In the exhaustive hearings that we had on this issue where the gentlewoman from the District and I had the opportunity to listen to economic development experts from around the country, they talked about the fact that the average size of EDA grant is $600,000. So we are not talking about hundreds of millions, we are not talking about billions, but that $600,000 when then translated into the local community and what it meant, as recounted by the gentleman from Pennsylvania, I think was truly remarkable. It really is life-changing and community-changing money, and the work that they do is certainly not only well-spent but it is productive.

The second piece, the amendment that was self-executed by the agreement of the House of yesterday, I think, is important in that we have added 12 counties to the Appalachian Regional Commission. Some people expressed concern about that, particularly those communities that are already located within the ARC. I want to highlight and commend the distinguished work of one of our committee members, the gentlewoman from West Virginia (Mrs. CAPITO) that was concerned about the fact that that might stress the resources. She made sure that an amendment was included therein that also made sure that there were sufficient funds so that that fine organization could continue its work and continue its work at a fiscally responsible level.

□ 1230

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding me this time and allowing me the opportunity to speak on this bill.

I am enthusiastic about this bill. It has bipartisan support, supported by development organizations. It is supported by the U.S. Conference of Mayors, the Education Association of the University Centers. So it has clearly met the needs of a number of folks. But as we take a look at what the bill does specifically, it creates a new program that allows for the designation of special impact areas which allows the Secretary to waive certain planning requirements to help isolated areas in distressed communities.

This designation, I think, really will enable the Secretary to respond more quickly to get help to those areas, to get economic help to those communities that need it; and when they need it, they need it quickly. It creates a performance-based incentive program that rewards high performance, as determined by criteria established in regulation, with a bonus of up to 10 percent of the project cost that can be used on other eligible activities.

Again, these reforms focus on getting better results. It creates a planning performance award equal to 5 percent of the grant amount, which may be awarded prior to closeout of a grant if the recipient satisfies four mandated criteria. And as with any program or any reform, it removes outdated and burdensome administrative procedures. It updates several citations and allows for subgranting of assistance to eligible recipients. It also authorizes the issuance of grants for brownfields redevelopment. Again, important in many communities because if we want to revitalize a community, what we want to do is we want to revitalize those areas that we classify as brownfields. It also allows the EDA to explore the use of photovoltaic technology in brownfield redevelopment on a limited basis, again, enabling us to use perhaps break-through technology in cleaning up the brownfields. So I rise in strong support of H.R. 2535, the Economic Development Administration Reauthorization bill, and I thank my colleague.

Mr. LATOURETTE. Mr. Speaker, we have had a couple of additional speakers show up here, and I am not sure whether the gentlewoman from the District of Columbia was expecting that. So I would ask unanimous consent that the time that she has yielded back be restored to her in case she wants to make some observations.

The SPEAKER pro tempore (Mr. SHAW). Without objection, the gentlewoman from the District of Columbia's (Ms. NORTON) time is restored.

There was no objection.

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

Mr. HAYES. Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) for his hard work and dedication in increasing economic opportunities through the reauthorization of the Economic Development Administration.

I strongly support this legislation. Established in 1965, the ADA was created in an effort to improve conditions of substantial and persistent economic distress throughout the United States. I am fortunate to have been able to work with the EDA, and specifically Dr. David Sampson, on economic development issues that are vitally important to the future and the people of the eighth district of North Carolina.

H.R. 2535 requires Federal agencies to coordinate their economic development initiatives, including a requirement for comprehensive economic development strategies, CEDS, to maximize the effective use of workforce investment strategies. Our CEDS committee is a local initiative led by Chairwoman Judy Stevens and comprised of local economic development, education, and chamber officials. With the hard work of Dr. Sampson and his staff at EDA, our CEDS committee is coming closer to a final recommendation to present to EDA which will serve as a blueprint for regional economic development for the eighth district of North Carolina.

With relatively small investments of Federal funds, the EDA has been able to achieve remarkable successes and change the economic outlook for many citizens. As an example, since 1965, the Appalachian Regional Commission has invested over $400 million toward transportation, business development, education, health care, and community projects in North Carolina. As a direct result of this investment, poverty rates in the commission region have been cut almost in half.

These are real results for real people, and I look forward to continuing to work with Dr. Sampson and the EDA as we continue to address economic development and jobs in areas such as the eighth district of North Carolina. I am hopeful that the 108th Congress will authorize the Southeast Crescent Authority, or SECA, which will provide 428 counties in the southeastern United States access to Federal funds and expertise that will support increased economic opportunity, prosperity, and jobs for our citizens.

I again thank the gentleman from Ohio (Mr. LATOURETTE) for his service and leadership on his issue, and I support the bill strongly.

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

I thank the gentleman for moving to restore my time by unanimous consent. And since we do have the time, I want to note how long-lasting this bill has been. I mentioned that it was first authorized in 1965 when the President was Lyndon Johnson. It was a bipartisan bill then, and it remains bipartisan today. And it comes at a time of special need for such a bill.

Since January, 2001, if we look nationwide, the number of unemployed have increased by 50 percent. We know what that means in big cities because of the media in big cities. The effect on small communities is far more serious because they do not have the economic development vehicles in the first place and because those areas by definition have found it harder to attract the vehicles on their own.

The importance of this bill is that it has given the signal to the private sector to come on in, and the bill is so successful because that is exactly what the private sector has done in rural communities where they would not have thought of coming without the Economic Development Act. So these grants are critical to economic development in good times and in poor times. They keep economic development alive very often. And what kind of money are we talking about? The chairman indicated the size of the average grant. When we come on the floor with a bill that authorizes $400 million for fiscal year 2004 and $500 million by the year 2008, we are really talking pocket change for bills that come before this body. And look at what it does. Hundreds of millions more is leveraged from private resources because of this bill.

I am very proud of the work the committee has done, but I am prouder still of what came before us in the form of benefits to rural communities and efficiencies that they had incorporated into their own economic development work.

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

Mr. LATOURETTE. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate him and the ranking member on bringing this important legislation to the floor. And I am rising in strong support of passage of H.R. 2535.

I would like to share a very personal story. Sometimes we talk in grand pictures and sometimes abstract pictures about our impact of legislation. I want to cite for the Members of this body a very specific example. In 1995 with the BRAC closures, the Base Realignment and Closure Act, the Fitzsimmons Army Medical Hospital in Aurora, just on the edge of Denver, found itself on that list. And one can imagine the impact on a community when it finds out that about 4,500 jobs, both direct and indirect, are going to be lost from that community, a tremendous financial and economic impact to a relatively small neighborhood and a community. To make lemonade out of lemons, the EDA came in with some assistance, provided assistance in the form of an infrastructure grant to provide basic infrastructure needs, transportation needs for this old Army base. That Army base now is going to be home for a health sciences center, a collaborative health sciences center, involving the University of Colorado Health Sciences. We hope the Veterans Hospital will move there. We have an cancer center there, an eye center there. A bioethics clinic is locating there.

A long story made short, 35,000 jobs, 35,000 jobs are expected to be on that site by the year 2010, 35,000 high-paying jobs. And indirectly we estimate 66,000 jobs will come to Colorado in large part because of the EDA's willingness to step up to the plate, be a partner with the community in redeveloping a site and creating a huge opportunity.

Net gains in Colorado for a $5.1 million grant by the EDA to provide this basic infrastructure, as the ranking member just cited a minute ago, so as to attract private industry, it is estimated that by 2010, $3.1 billion will be generated for the Colorado economy and $6.3 billion once the site is fully developed in about another 10 years.

So it is with great pride that I again compliment the chairman and the ranking member on bringing this legislation to the floor and with great comfort that I can strongly support this legislation.

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

To close, I just want to remind Members of what the mission is of this bill that was declared in 1965, to enhance community success in attracting private capital investment and lucrative job opportunities. This is not a classic public works program. What we are providing, Mr. Speaker, is seed money. And the indication of that is worth putting on the record. The average project, EDA project, leverages $10 million in private sector investment for every $1 million in Federal assistance. And I spoke earlier of the efficiency of this program that was presented at hearings. Here is an indication of that: 99 percent, that is 99 percent, which is a rare number on this floor, of EDA infrastructure projects are completed as planned and 91 percent of projects are completed on time. Would that we could say that about some other projects I can think of. I will not even mention the Visitors Center.

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

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

I again thank the gentlewoman from the District of Columbia, who has truly been a wonderful cooperative partner during this first year of the 108th Congress, and I look forward to a good number of legislative successes with her in the coming year.

Mr. OXLEY. Mr. Speaker, I rise in strong support of H.R. 2535, the Economic Development Administration Reauthorization Act, offered by my colleague from the great state of Ohio, Mr. LATOURETTE, and urge its immediate passage. As you know, the Committee on Financial Services has jurisdiction over aid to commerce and industry, and based on that jurisdiction received an additional referral of the bill.

Mr. Speaker, while the country experienced record growth during the 1990s, there continued to be pockets of the country that did not enjoy that bounty. An economic downturn of the sort we have had over the past couple of years hits these area especially hard. Now, as the economy is turning up again, even as we tend to the economic wounds suffered by the rest of the country, we must remember that these areas were even harder-hit, and for this reason I salute Mr. LATOURETTE's diligent work on this matter.

Operating out of six regional offices as widely spread as Seattle and Philadelphia, the EDA provides community and regional grants on a cost-share basis for economic adjustment assistance, public works, development facilities, and planning and technical assistance, all aimed at leveraging public and private sector investments, creating or retaining long-term private-sector jobs and generating industrial and commercial development in both urban and rural areas.

Importantly, Mr. Speaker, the EDA is focused not only on reversing or mitigating the effects of long-term economic distress, but also on dealing with sudden economic impact brought on by the closing of, say, a military base or a large manufacturer or group of manufacturers in a particular industry. As the United States economy experiences the loss of some manufacturing jobs due to increased foreign competition, it is imperative for us to find or stimulate new jobs for displaced workers, and the EDA is an important tool in this effort.

David A. Sampson, Assistant Secretary of Commerce for Economic Development, is fond of saying that President Bush is committed to increasing the productivity and wealth of the American economy, and then noting that the President is firmly committed to ensuring that ''all regions, States and communities share in economic opportunity.'' Mr. Speaker, I echo the President and Secretary Sampson. I am sure that the President's goal is the goal of each and every one of us, regardless of which state or which party we represent.

I commend Mr. LATOURETTE for his creativity in this area, and note that the reauthorization of the EDA contains a number of new and exciting programs, including the securitization of some economic development loans in a way that will give us even more bang for our economic buck in these areas. This is a forward-looking bill that seeks to help some of America's hardest-hit economic areas. I commend it, and seek its immediate passage.

Mrs. MYRICK. Mr. Speaker, I come here today in support of the reauthorization of the Economic Development Administration at Commerce. We in the Ninth District of North Carolina have had great success with the programs from EDA. Most importantly, EDA helped my district come together and formulate a comprehensive economic development plan for the next decade. This was the first time all of the economic development officials, business leaders, and community developers came to one place and really discussed where they saw our counties going and what was needed to ensure economic success.

Our area has been hit extremely hard by job losses, particularly in the manufacturing and textile sectors. The help that the EDA has provided and will continue to provide has given my district a vision for the future and a way for each citizen to become involved in its community. I thank the EDA for their help and assistance and commend them for the important work they do in districts like mine all around the country.

If the EDA is given the resources provided in this bill, it will result in the creation of approximately 623,314 jobs and the leveraging of $46.4 billion in private-sector investments over 5 years. With job challenges facing all of our districts every day, how can we not support a bill that will result in this many jobs being created?

I support this bill and I urge my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 2535, as amended by the manager's amendment, a bill to reauthorize the Economic Development Administration (EDA). In 1965, I was present when President Lyndon Johnson signed the Public Works and Economic Development Act creating EDA. In fact, I still have the pen he used at the signing ceremony. Since its inception, I have been a strong supporter of EDA and now, nearly 40 years later, I continue to believe in EDA's core mission—to create economic opportunity for those living and working in economically distressed communities.

EDA's mission—to create economic opportunities for all—remains as vital and necessary today as it was four decades ago. As our economy continues to struggle, the importance of EDA becomes even more apparent. Since January 2001, the national unemployment rate has risen to 6.1 percent, the highest level in 9 years. Further, in that time, the number of unemployed workers has increased from 5.9 million people to almost 9 million—an increase of more than 3 million unemployed workers, or 50 percent. Moreover, workers who have lost their jobs are having more trouble finding new jobs. The average length of unemployment is now almost 20 weeks, the longest it has been in nearly two decades. Within the last 2 weeks, the number of workers who have been unemployed for longer than 6 months has increased by more than 1.5 million to more than 2.1 million—an increase of 218 percent. One-half of the unemployed are out of work for more than 9 weeks and more than one in five have been out of work for more than 6 months. As in every recession, it is the people living in our Nation's economically distressed communities—the very people who are served by EDA—that are hardest hit by the economic downturn.

Mr. Speaker, EDA works. I know it works because I've seen it work—providing jobs, job training, and real economic opportunities in distressed communities across the country. A recent series of Rutgers University studies found that every $1 million in EDA public work funding creates 325 jobs; leverages $10 million in private sector investment; and increases the local tax base by $10 million.

EDA grants are particularly vital for many smaller, rural communities where deterioration of infrastructure facilities is especially prevalant. Deterioration in infrastructure is often part of a downward cycle that contributes to erosion of human and financial resources. For these rural communities, EDA grants are critical to improve their economic condition.

This bill enhances the agency's ability to deliver economic development services to those who need it most. The bill authorizes EDA for 5 years and provides the agency with the financing levels necessary to affect real growth and development in economically distressed communities. To that end, the bill authorizes $400 million for the agency in fiscal year 2004, increasing to $500 million in fiscal year 2008. Further, the bill moves the agency forward by building on a solid base of good administrative practices. It requires comprehensive economic development planning at the State and local level. Such planning is essential for state and local governments to tackle effectively the tremendous economic development challenges they face and to take full advantage of EDA's program. EDA planning grants, which are reauthorized under the bill, provide a vital tool for state and local governments to undertake this important planning.

There are also many new, innovative programs in the bill. For example, the bill authorizes EDA to award performance incentive awards to high performing grantees. Grantees can use their performance award money in any manner consistent with the Act. The bill also authorizes an EDA brownfields program and establishes a demonstration program for brightfields, which are brownfields developed through the use of photovoltaic solar energy systems. The ability to invest in these areas and technologies provides communities with the tools needed to reap further benefits.

When EDA was last reauthorized in 1998, this House and the Transportation and Infrastructure Committee took the lead in enacting that legislation. I am proud that we are again leading the efforts to reauthorize EDA with this bill. It is a true bipartisan product, and I extend my thanks to Chairman YOUNG, Subcommittee Chairman LATOURETTE, and Subcommittee Ranking Member NORTON for their hard work and diligence on this bill. I urge its passage.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 2535, legislation to reauthorize the Economic Development Agency for an additional 5 years.

Since its inception in 1965, the EDA has been successful. Positive changes have occurred in every State of this Nation. More than $18 billion in Federal money has been invested in rural and urban communities, which has leveraged more than $74 billion in private sector investments. More than 2.8 million jobs have been created. In my congressional district, the EDA has provided assistance for a variety of economic development projects—ranging from ports to business parts—to improve the region's economy.

The bill we have before us today will continue the success of the EDA by providing the agency with $2.25 billion over a 5-year period for economic development assistance. These resources will result in the creation of almost 625,000 jobs and leverage $46.4 billion in private sector investments.

Mr. Speaker, the bill we have before us today is a good bill. It builds on the success of the EDA, and will improve the responsiveness and flexibility of the EDA, while improving coordination with other Federal agencies.

I urge my colleagues to join me in supporting this bill.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support for H.R. 2535, the Economic Development Administration Reauthorization. In my congressional district, under the leadership of Pedro Garza, the Austin regional director, EDA has been a strong partner in helping my rural and urban communities in a variety of ways.

EDA grants have helped my small rural towns build wastewater facilities and other infrastructure projects. With EDA grants, South Texas Community College has built an allied health center that is training hundreds of new nurses and health professionals. These students will have the opportunity to work in a high-paying career and alleviate the nursing shortage that is plaguing the entire State of Texas. EDA funding helped us complete a new pediatric speciality clinic in one of the poorest counties in the nation. An EDA planning grant is currently helping the Delta Region of Hidalgo County develop an economic development plan that will lead the region into a new era of economic growth. Whenever we have called on Mr. Garza, he has been there to help us to the best of his ability. I want to thank him for all he has done for the 15th Congressional District of Texas.

The EDA model of leveraging public and private sector investment is a proven success. Every $1 million in EDA investment helps rural and urban communities leverage $10.8 million in private-sector investments. We need to encourage this type of success in other Federal programs. I urge my colleagues to vote in favor of H.R. 2535 and allow EDA to continue its mission of helping our rural and urban communities grow.

Mr. RAHALL. Mr. Speaker, I want to express my strong support for the reauthorization of the Economic Development Administration (EDA).

The EDA enhances regional competitiveness and provides critical long-term support for regional economies. In my own district of southern West Virginia, the EDA has been an important catalyst that has created or saved an estimated 2,240 jobs just since 1993. Similarly, over $31 million in federal funding has enabled 78 projects in southern West Virginia to leverage more than $50 million in private sector funding as well as approximately $24 million in state and local funding. In 2003. alone, EDA programs have provided much-needed funding for projects as diverse as University Center funding at several of West Virginia's institutions of higher education, an airport business park in Raleigh County, and engineering for building construction in Hinton, WV.

But in some regions of our Nation, EDA cannot complete its mission without additional help. For example, the Appalachian Regional Commission (ARC) works in coordination with EDA to serve America's Appalachian region. Historically, the Appalachian region has faced levels of poverty and economic distress higher that national averages as a result of its geographic isolation and inadequate infrastructure. My home State of West Virginia lies entirely in the Appalachian region. Mr. Speaker, neither of these two important programs can sufficiently serve the area without the other.

For over 30 years, the ARC has provided for development and jobs for more than 22 million people. The ARC's assistance to West Virginia, and to my constituents in the southern part of the state, through the West Virginia Infrastructure and Jobs Development Council has been critical. It has aided the West Virginia Department of Health and Human Resources to develop educational funding, training and job opportunities for local health care. In my district, the ARC made $1 million available to the Mingo County Redevelopment Authority to provide water service, and to create 130 jobs by processing West Virginia timber into hardwood flooring and related projects. Similarly, the ARC provided water service to 312 new customers in Crum, West Virginia, and it helped to improve the quality of mathematics and science education in Bluefield, WV.

Tragically, however, the Bush administration proposed decreased funding levels for the ARC's nonhighway program by more than 50 percent. Of course, President Bush's friends in the Republican-led House followed through with his wishes by imposing the cuts in appropriations for next year. Now, the administration and the House Republicans say that they want to shift the ARC's nonhighway responsibilities to EDA for larger multijurisdictional projects, diluting the unique attention ARC provides this region of vast potential to serve our Nation.

Mr. Speaker, I am glad to have to be able to express my strong support for the EDA, and I support reauthorization of this vital agency. But, on behalf of West Virginians and all those throughout the Appalachian region, I mourn for the cuts to the ARC.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Monday, October 20, 2003, the previous question is ordered on the bill, as amended.

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

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2535, as amended.

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

There was no objection.

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 and that I may include tabular and extraneous material on the motion to go to conference on H.R. 3289.

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

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

□ 1245

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 3289 making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, be instructed to insist on the provisions of the Senate bill:

Regarding medical screening for members of the Ready Reserve of the Armed Forces (Section 317),

Regarding transitional health care and benefits for 180 days from separation for members of the Armed Forces (Sec. 321)

Regarding the provision that $10,000,000,000 of the amounts provided for the reconstruction of Iraq be in the form of loans, subject to certain conditions (Sec. 2319), and

Regarding the provision of $1,300,000,000 to the Veterans Health Administration for medical care for Veterans (Title IV).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) will each control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself 9½ minutes.

Mr. Speaker, we are about to go to conference on a bill which spends $87 billion. It is the second installment of what will be many installment payments to deal with the consequences of the war in Iraq. This motion to instruct attempts to put the House on record in favor of three provisions which the Senate passed earlier last week.

First, with respect to the issue of loans versus grants, this motion would provide that after $5.1 billion is set aside for military and security operations, and after $5.1 billion is set aside for Ambassador Bremer to deal with other costs associated with the effort in Iraq, that the remaining $10 billion of the reconstruction portion of the package be provided in the form of a loan, unless the President certifies that 90 percent of the bilateral debt owed by Iraq to other countries is forgiven.

The purpose of this first provision is to recognize that, over the next 5 years, the per capita foreign debt of the United States will be larger than is the per capita debt of Iraq, and since foreign debts can only be paid off by a country running trade surpluses, that means that, in effect, over the next 5 years Iraq will be in a better position to repay their foreign debts than we will be.

Secondly, we ask the House to go on record in support of two provisions that relate to quality-of-life measures for our troops. The first is to provide medical screening and dental screening for Guard and Reserve personnel prior to their being mobilized; and, second, to extend the transitional health care coverage to servicemembers who have been on active duty in Iraq and are now returning home, to extend that transitional health care coverage from the existing 60 days to 180 days. Certainly, that is the least we can do for these returning servicemen and women.

Thirdly, we ask the House to go on record in support of $1.3 billion in additional funds for veterans health care so that Priority 7 and Priority 8 veterans can make better use of veterans health care facilities without having to pay a $250 deductible and without seeing the cost of their prescriptions virtually doubled. This is, in essence, the content of the Bond-Mikulski amendment adopted in the other body.

That is what this does, and I would ask Members to support it.

I would also ask that if they do support it, they recognize that they have an obligation to then insist that these provisions be contained in the conference report, because they are already in the Senate bill. As Members know, conference committees are supposed to deal only with those matters which are in dispute between the two bodies. So I would urge any veteran or any other interested American citizen watching this debate to keep close track of how Members vote today, and compare that vote with how they vote when this conference report comes back. I think in that way it will in effect mean that they will be acting as a ''hypocrisy detector,'' which is always good for this body, when someone is looking over our shoulders.

I want to say one other thing. I know that the President of the United States is a powerful man. I know that in this town he is probably the biggest man on campus that you can find. But the fact is that I have never yet met a White House who did not think that Article I of the Constitution was a drafting error by the Founding Fathers. And I think that we need to remind all Presidents that we represent the same citizens that they do. We owe every President our respect, we owe every President a respectful hearing, but he also owes us the same thing, and that means that we need to work with each other.

Checks and balances: Mr. Speaker, in my view checks and balances is not simply an ornamental concept of democracy; it is a core element. It is the heart of our democratic system, and we have a right to expect the same respectful hearing from the President if we have an opinion that differs from his, as we have an obligation to give his views a respectful hearing.

But I note in today's article by E.J. Dionne in the Washington Post that the President, in a meeting last week, appears to have provided something other than that respectful hearing to Members of Congress.

Now, I know that the President is a business school graduate of a distinguished university, and I know that he regards himself in many ways as being an MBA President. He wants to bring business practices to the White House. Fine. But I would say that if that is the case, then even under the model that he sees, that means we are the Board of Directors.

We owe it to the country, it seems to me, to approach issues like this with great deliberation and great care. When we rubber-stamp the desires of any President, we, in essence, do not behave like the greatest deliberative body in the world; we behave instead like a poor imitation of the Board of Directors at Enron.

I do not think we ought to do that. Yet I notice in Mr. Dionne's column of today, he is describing a discussion that took place at the White House between the President and a number of Senators, and he is quoted by one Senator as saying, ''I'm here to tell you that this is what we have to do and this is how we have to do it,'' one Senator quoted the President as saying.

Then that Senator went on to say that after she had asked a question of the President, ''He looked at me and said, 'it is not negotiable, and I don't want to debate it.'''

Now, I would suggest that that might be a proper attitude if a parent is dealing with a minor child. It is not a proper approach when we are dealing with co-equal branches of government.

So I ask every Member today to use their own judgment and think through what they think is in the best interests not just of this country, but of the Guard and Reserve forces who we are asking to fight our battles over in Iraq and our veterans who have done their duty and who are looking for some help with health care problems that they incur along the way.

Mr. Speaker, I would urge support for the motion to instruct.

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

Mr. Speaker, motions to instruct are usually a very strong tool of the minority party, and the reason I know that is because we were in the minority for a lot of years. As a matter of fact, one party controlled the House of Representatives for 40 years without a break. During that time, the minority party, our party, used a lot of motions to instruct. Most of these never passed, because the majority party has to manage and has to function and pass bills. So motions to instruct, although they are not binding, still seem to carry weight in the conference meeting. We need to move this conference quickly.

After lengthy debate in the House on Wednesday, Thursday and Friday of last week, and for nearly 2 weeks in the Senate, a lot of debate on amendments took place. Some amendments were agreed to; some amendments were adopted, and some were defeated.

Two of the amendments we dealt with seriously through most of the debate had to do with loans to Iraq. As we all know, the House spoke rather emphatically that loans are not the way we were going to proceed. One problem is there is no government in Iraq to whom we would make a loan. Our own laws require that there be a government established before we can make a loan to a country.

But what we are dealing with primarily, is to finish the job that was started in Iraq; and, when we finish the job, that means bringing our troops home. In order to bring our troops home, we are going to have to complete what they set out to do.

Saddam is gone, his regime is gone, but we cannot guarantee that another Saddam will not arise from the ashes of Baghdad if we do not help the Iraqi people establish a government, if we do not help the Iraqi people establish a health system, if we do not help the Iraqi people establish an educational system, and we are doing very well on the educational system. The health system is ongoing, and we are providing additional money in the supplemental to provide additional health systems.

We need to rebuild the infrastructure, electrical generation and distribution to people of Iraq, and to create a security force, where the people themselves can own their government, control their government, and not have to worry about a dictatorial regime raising its ugly head. When that happens, we can bring our troops home. The safety of our troops and the bringing of our troops home is important to me.

I do not know that this motion to instruct would actually delay the process, but it could. This should be understood, although most of the debate has been about the construction funds and the reconstruction in Iraq and Afghanistan, most of the money in the bill supports our own troops. It provides them with more adequate drinking water and potable water facilities. We have spoken strongly on several occasions, and we speak strongly again in this bill, that no American soldier should be in Iraq or any other place of hostility without body armor. In addition, having armor on the Humvees and the military vehicles that are not armored today, also needs to be done for the protection of our troops.

□ 1300

So we need to get this country stabilized and get our troops back home so that they do not have to be deployed constantly, not only our active duty troops but our Guard and Reserves.

The gentleman from Wisconsin (Mr. OBEY) has put together a pretty interesting motion to instruct. I would have to tell him that I like a lot of the things he has put in there, but there is one thing that we are not going to agree to: the conferees will not agree to this loan provision.

The President has spoken strongly on loans numerous times. The House has spoken strongly on it. And for those who think that the Senate is opposed to doing it like the House did, understand that the Senate already included $10 billion in their bill as a grant to the construction of Iraq and Afghanistan. And so the Senate is not opposed to doing it this way. They just have a little different arrangement.

So I am going to vote against this motion to instruct primarily because of the provision dealing with loans to Iraq, which the President feels very strongly about. And in the statement of the administration's position, the director of OMB has said specifically that the President's leadership, his top leaders and advisors, would advise for a veto if that loan provision stayed in the bill.

So I am going to vote against this because I am not sure that motions to instruct have ever had any influence whatsoever, as they are not binding. But for any Members on our side who feel that this is something they should vote for to have a symbolic vote, I will have no problem with that. And I am not going to ask the House to defeat this motion. I am just going to say that for the reasons that I mentioned I am going to vote against it and primarily because I am not going to agree in conference to the loan provision. I am going to support the President's position on that issue.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. EVANS), the ranking Democrat of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I rise in strong support of the motion to instruct conferees today to add $1.3 billion to the supplemental for veterans health care. This motion to instruct offered by Mr. OBEY recognizes caring for our veterans is a continuing constant war.

Last week, the Committee on Veterans' Affairs heard testimony from four veterans who spoke about the terrible injuries they and their families sustained in combat in the global war on terrorism. The costs of caring for these veterans, 2,000 who have used VA to date and hundreds of thousands more who will be eligible for VA health care when they return to the United States, all should be considered part of the cost of this war.

I urge my colleagues to support this motion. Let us not let our veterans down with a budget that will not meet the needs of returning troops or those it currently serves.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, last week I went to the Committee on Rules during its consideration of the supplemental request for Iraq in order to seek protection for an amendment to transfer 1.8 billion to our veterans when it came from the Iraqi reconstruction to

veterans health care. My amendment was not protected, thus not found to be in order. So I greatly appreciate the gentleman from Wisconsin (Mr. OBEY) for offering this motion, and I urge all my colleagues to support it.

I would consider this vote, if you look at additional monies that the Senate has allocated for our veterans at this time, if today, like many other days since Operation Iraqi Freedom began, wounded troops will continue to arrive at Walter Reed Army Hospital and other military facilities on an average of 10 each day, 10 veterans who need services and who need assistance.

The military lists thousands, in fact, close to 1,600 now, that have been injured, have lost their limbs. Thousands more may come to our veterans hospitals in search of medical care for the conditions that may become evident in days and months after their military service has ended.

This summer the House broke its promise with our veterans. Our budget resolution promised to add $1.8 billion for veterans, yet the appropriations we approved for the VA added nothing. We have another chance to correct that situation. We have a chance to do the right thing for our veterans. We have asked them to go to Afghanistan; we have asked them to go to Iraq. And they have been willing, but we have to be there for them when they come back home.

This money will allow the military to provide better equipment and supplies to men and women who also have volunteered to defend our country. We also need to recognize that these veterans, this additional resource is not money that is above and beyond; it is for existing services. So it becomes important that we do the right thing. We ask that you support the efforts of the gentleman from Wisconsin (Mr. OBEY) on this motion.

Mr. YOUNG of Florida. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this motion to instruct conferees. Let me note I support our President in his military requests for Iraq, and I applaud his leadership and the great job that our military has done in Iraq.

The question is not the $66 billion that we are providing in the supplemental for our military, but the $18.6 billion in reconstruction money. And the question is should we just give this as a grant or should half of that $18.6 billion, at least half of it, be in the form of a loan that will be repaid after 20 years.

Well, I do not see any reason why after bearing such a heavy burden, it is not like the $66 billion, but so many other billions of dollars, why the American people have to carry the whole burden. Why do we not permit half of this, $10 billion of this, to go in the form of a loan that can be repaid? After all, we are in debt $400 billion a year. That is our level of deficit spending. We have to borrow that $10 billion to give it to Iraq as a gift. Why do we not let them repay it after 20 years, put it in the form of a loan? That way our children will not have to repay this $10 billion 20 years from now. Instead, Iraqi children, who will have benefited from all of our investment and will probably be the richest kids in the world because Iraq is one of the richest oil producing country's in the world, let them pay it back.

Mr. Speaker, I would support this motion to instruct. Let us give the American people a little break.

Mr. OBEY. Mr. Speaker, could I inquire how much time I have remaining.

The SPEAKER pro tempore (Mr. LINDER). The gentleman has 16½ minutes.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, this clearly is a better bill than we received from the White House. It specifies that money has to be used for Kevlar jackets, for example, for the jamming devices. There is no question but that there are improvements.

What this instruction would do is to improve those improvements so that this is a bill that is far more in keeping with what our constituents would like to see. I have no question about that. I know that from the perspective of Americans who want to protect our troops overseas, and from the perspective of taxpayers, they would want this entire body to support this instruction to the conferees. Because that is what it is about, troops and taxpayers.

First of all, the troops. It provides the kind of quality-of-life improvements that every single one of our constituents would want us to include in this bill. Every single one. I would challenge any Member on the Republican or the Democratic side of the aisle to show me one constituent who would not want us to have these improvements in this supplemental appropriations bill.

And then from the standpoint of taxpayers, I have yet to find anyone of any political persuasion that does not think when you sit down with them privately that we should not be fronting all this money as grants when Iraq could conceivably be one of the wealthiest countries in the world, has potentially $7 trillion of oil reserves, when the money that we are talking about, which is always used as the excuse for why it has to be a grant, why it cannot be a loan because they have got $200 billion of outstanding debt.

Who does Iraq owe that money to? Kuwait, Saudi Arabia, Russia, France, some to Germany. How was that money spent? A whole lot of it was spent to build the palaces. Some we know was taken by Saddam and his henchmen. That is the way all of that works, that corruption is pervasive.

And why those countries that were dealing with Saddam should be first in line before the American taxpayer is beyond me and beyond every single one of our constituents.

That is why the Senate put this provision in the bill. We know our constituents want the provision in the bill. I know the gentleman from Florida (Mr. YOUNG) wants the provision in the bill. I know I cannot speak and I should not be speaking for him, but he is doing what the White House has asked us to. I am saying we have already told the White House we can fashion a better bill. This fashions an even better bill, one much more consistent with what our constituents would want us to do.

Mr. Speaker, vote in the interest of the troops and the taxpayers; approve this motion to instruct.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. EDWARDS), the ranking Democrat on the Military Construction Subcommittee on Appropriations.

Mr. EDWARDS. Mr. Speaker, it is wrong to be making promises to Iraqis while breaking promises to America's veterans. It is wrong to say Americans can afford to build new hospitals in Baghdad, but we cannot afford to keep open veterans hospitals here at home.

This motion is about doing right by America's veterans, veterans such as Robert Armstrong. I met this brave American, a constituent of mine, recently at Walter Reed Army Hospital. Sergeant Armstrong was protecting a children's medical center in Baghdad when a grenade went off close by. He was badly wounded and near death. Army doctors were so sure that he would die that they ushered him out of the Army in order to help his family receive higher death benefits.

But Sergeant Armstrong did not die even though his heart flatlined five times and he lost an eye and a leg. In and out of consciousness, Sergeant Armstrong kept repeating the name Mary, Mary, Mary. It turns out that Mary was his 15-year-old daughter, and he had promised her he would come home alive.

My wife was with Mary at Walter Reed Hospital when she saw her loving father for the first time in 5 months. His first words to his daughter were, ''Mary, I always keep my promises.'' Mr. Speaker, this motion is about America saying to Sergeant Armstrong that we will keep our promise to you, the promise to provide you with quality health care because of your service and sacrifices for our Nation.

The truth is the proposed VA health care budget does not even keep up with inflation, even during the time of war. It would require cuts in services that are already stretched to the limit.

□ 1315

It is $1.8 billion below the VA health care budget promised by Republicans in this House earlier this year in their budget resolution. The Senate provides $1.3 billion more than the House bill,

coming much closer to keeping our promise to veterans. And we should support that higher level of funding for our veterans hospitals and we know it. Our veterans deserve no less.

Sergeant Armstrong kept his promise to his daughter. Now, it is time for America to keep our promise to him. Let us, in a bipartisan fashion, support this motion to instruct. Let us, on a bipartisan basis, vote to increase funding for veterans hospitals by $1.3 billion and then let us mean it, because to vote for this resolution and then not to push it through conference committee would be breaking a promise to our veterans one more time. They deserve better than that.

Mr. OBEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. LINDER). The gentleman from Wisconsin (Mr. OBEY) has 10½ minutes.

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

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

Mr. LEVIN. Mr. Speaker, I rise in support of the motion, and I hope that everybody on both sides of the aisle will take it seriously. This issue was debated in the House and our effort was turned down. It was also debated in the Senate and the issue of a loan was thoroughly examined and the Senate voted in favor of this approach.

In the Senate, even more so in the House, we heard all the arguments against it, that there is no government to sign it. They already have a debt. It would make it clear that we were interested in oil from the beginning. That is one of the arguments that is given and also that it would diminish efforts from others. But I think these arguments were effectively answered within the Senate.

There is a governing council, an entity that is now working. It is hard to believe that in the next months, if we do our job well and we get some help from others, that they would not be in a position to handle this issue. As to their already having a debt, it is possible, I think, for a loan to be put together to take that into account and remember the Senate version.

The Senate version would trigger an event if other nations forgave their debt. In terms of participation of others, I do not see how this would affect it. What this would bring about if adopted would be that the Senate would be encouraged to persist in their approach. And the reason to consider this is it could be amended, perhaps somewhat differently than the Senate put it together, but it would still be there. There would be participation more fully by the Iraqis. They would have greater investment in their own future. And also they would share the cost of this with the American public.

So I urge that there be support for this motion. This loan provision needs to be continued in terms of discussion and not simply thrown aside by an administration that has been headstrong from the very beginning. We should not allow it to be headstrong about this loan provision.

Mr. OBEY. Mr. Speaker, who has the right to close?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has the right to close.

Mr. OBEY. Does the gentleman from Florida (Mr. YOUNG) have any other speakers?

Mr. YOUNG of Florida. Mr. Speaker, I have no other speakers.

Mr. OBEY. Mr. Speaker, since I have the right to close, I will let the gentleman proceed. I have only one speaker.

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

Mr. Speaker, as I said earlier in my opening comments, the gentleman from Wisconsin's (Mr. OBEY) motion has a lot of things to feel good about. The conference on the authorization committee for the Committee on Armed Services is working on a lot of these details already that the House is supporting.

We have done a number of good things for quality of life for our military. To listen to some of the speakers on the other side, you would think we had done nothing for the members of our military. That is just not true. That is a little misleading, but then we know in debate, things get a little misleading. We provided hazard pay and separation allowances and fully funded them in this bill. We have authorized travel assistance for military families, that is, continued payment of per diem for travel of family members of our military personnel who are ill or injured as a result of active duty service.

Clothing allowances. We provided the Department of Defense authority to provide monetary stipends to soldiers to purchase civilian clothing to wear during their hospital stays.

Meal allowances. The House has moved on three separate occasions and moved very quickly to abolish the outrageous system of soldiers in military hospitals being billed for the food that they consume while they are recovering from the wounds on the battlefield. Outrageous.

The House moved quickly on three different occasions to not only repeal that law but to make it retroactive through September 11, 2001 and to provide for repayment of any of those bills that had already been collected from wounded military personnel. We are going to pay them back. The House has moved very quickly on that. And I thank the House again, because we made it retroactive here when I offered an amendment for myself and the gentleman from Wisconsin (Mr. OBEY) to not only make that repeal permanent, but to actually make it retroactive until September 11.

We have directed the Department of Defense to increase the availability of modern hydration systems for the soldiers in Iraq. It gets really hot there, and the soldiers need as much water hydration as they can get, and we insist on that being provided. We took the President's request; we made some changes. I think we produced an even better bill than the President requested. We have a good bill that was passed by the House after debating for 3 days, and I do not want to do anything to limit our ability to advance this important bill, and to have some flexibility in the conference. It is the same thing that they wanted when they were in the majority party, they wanted flexibility to negotiate with the other body and we do too.

As I have said earlier, Mr. Speaker, I am not going to ask my side of the aisle to defeat this motion to recommit and this motion to instruct. It is nonbinding, and it has a lot of good-sounding symbolic items. I am going to vote against it myself, because I cannot agree to the provision that talks about the loan provision that the Senate included that the House defeated on two separate occasions. So I will be there to defend the position of the House and to negotiate with the other body to get the best bill that we can and one that will not be vetoed. And it has been suggested that it could be subject to a veto if that loan provision remains in the bill.

So other than that, Mr. Speaker, I hope we can get about our business. We would like to get to conference quickly on this bill. We would like to be able to conclude a conference early next week and have this bill to the President as soon as possible.

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

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

Mr. Speaker, this motion has nothing to do with the question of whether the troops will come home sooner or not; but it has a whole lot to do with how we will treat those troops before they go to Iraq and after they return home. That is why we provide in this motion that the House ought to accept the Senate provision providing for premobilization health care and dental screening for Guard and Reserve forces and why we extend health coverage, the military health coverage to them for 4 additional months after they return home, above and beyond that to which they now are entitled.

This amendment has nothing whatsoever to do with making it harder for Iraq to repay its debts. In fact, this provision has a huge incentive for all other countries in the world to forgive their debts, just as they did with Poland when Poland became a democracy. Because this says that 50 percent of the reconstruction money to Iraq will be in the form of a loan unless the rest of the world forgives their debts. And then if the rest of the world forgives their debts, then we will too.

If we are looking for a way to put Iraq in the strongest possible position and to make sure that Uncle Sam's

taxpayers are not the only ones stuck with the bad deal, you need to vote for this amendment.

I would also say that we have heard the argument that somehow this proposal might slow down consideration of the bill; just the opposite. All this motion does is to accept three items that the Senate has already agreed to. The Senate has already determined that half of the reconstruction funds ought to be in the form of loans. The Senate has already determined that we ought to provide the additional health care to our military personnel that I have just described. The Senate has already determined that veterans deserve the additional $1.3 billion in veterans health care that we are trying to provide. So all we are doing is narrowing the differences between the two Chambers, which ought to make it faster in terms of the time it takes to deal with there bill.

I do hope, however, that particularly veterans groups, I hope veterans groups will put out a very large ''Beware'' sign on this vote, Mr. Speaker, because I am afraid that there will be a number of Members who will vote for this motion in the belief that it is merely symbolic, fully intending to support efforts by the Senate and House Republican leadership to then jettison these provisions as soon as they get to conference. That would be the ultimate act of insincerity.

And I hope that veterans groups will not let Members of this House pose for political holy pictures on this vote and then bug out of their responsibilities to stick to that vote when the bill goes to conference and comes back from conference.

I also would like to say one other thing. The President, as I said earlier, deserves the respect of every Member of this House, if for no other reason than by virtue of the office that he holds. But I want to say that the President is our leader; he is not a one-man band.

This Congress has an obligation also to weigh in with its own best judgments. I think this President, rather than telling Members of Congress that items like this are nonnegotiable, I think, as teachers often say to parents, he needs to learn to ''work well with others''. And I think that applies to how well he needs to be able to work with the Congress, and I think it also applies to how well he needs to work with our allies. And I would hope that, I would hope that that would happen.

After all, this is the same administration that did not provide the needed Kevlar linings for body armor for over 40,000 American troops.

This is the same administration that did not provide enough jammers, electronic jammers, to our troops in Iraq. And as a consequence, we have had American servicemen and women killed or maimed because they could not prevent the remote detonation of bombs and mines.

This is, after all, the same administration that did not see to it that we had enough armor for the Humvees so that they would not be vulnerable to explosions from the roadbed.

And this is the same administration that asked for so little money for clean water for our troops that 80 percent of our troops in Iraq, right now, are still drinking putrid water.

□ 1330

So I would say, with all due respect, no one is perfect. This administration certainly does not have a monopoly on wisdom. Neither do we on this end of Capitol Hill; but we ought to be able to work together in an effort to reach reasonable compromises. I think this recommit motion is, in fact, an effort at a reasonable compromise; and with that, I would ask for an ''aye'' vote, Mr. Speaker.

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

The SPEAKER pro tempore (Mr. LINDER). Without objection, the previous question is ordered.

There was no objection.

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

The question was taken; and the Speaker pro tempore announced that the noes 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.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct will be followed by a 5-minute vote on the question of passage of H.J. Res. 73.

The vote was taken by electronic device, and there were—yeas 277, nays 139, not voting 18, as follows:

[Roll No. 567]

YEAS—277

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Bachus
Baird
Baldwin
Ballenger
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chabot
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Duncan
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frost
Garrett (NJ)
Gerlach
Gillmor
Gonzalez
Goode
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hayworth
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Rehberg
Renzi
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Wamp
Waters
Watt
Waxman
Weiner
Weldon (PA)
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—139

Akin
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chocola
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Tom
DeLay
DeMint
Doolittle
Dreier
Ehlers
Emerson
English
Feeney
Flake
Fossella
Frelinghuysen
Gibbons
Gilchrest
Gingrey
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Latham
Lewis (CA)
Linder
Lucas (OK)
McCotter
McCrery
McHugh
McKeon
Miller (MI)
Miller, Gary
Murtha
Nethercutt
Neugebauer
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pickering
Pitts
Pombo
Portman

Pryce (OH)
Putnam
Quinn
Radanovich
Reynolds
Rogers (KY)
Rogers (MI)
Ryan (WI)
Schrock
Sessions
Shadegg
Sherwood
Shimkus
Simmons
Simpson
Smith (TX)
Souder
Sullivan
Sweeney
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Walden (OR)
Walsh
Weldon (FL)
Weller
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Andrews
Ballance
Case
Coble
Doggett
Fletcher
Gallegly
Gephardt
Kelly
Marshall
Ramstad
Regula
Reyes
Sanchez, Loretta
Slaughter
Vitter
Watson
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1354

Messrs. NUNES, YOUNG of Alaska, HOBSON, BASS, CHOCOLA, ISSA, COLE, and FRELINGHUYSEN changed their vote from ''yea'' to ''nay.''

Messrs. KELLER, TANCREDO, ROGERS of Alabama, GRAVES, BALLENGER, NORWOOD, BACHUS, MARIO DIAZ-BALART of Florida, HEFLEY, BARTLETT of Maryland, DICKS, SKELTON, LINCOLN DIAZ-BALART of Florida, PETERSON of Pennsylvania, SHAYS, and Mrs. CUBIN 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.

Stated for:

Mr. BALLANCE. Mr. Speaker, I inadvertently did not vote on the Democratic Motion to Instruct Conferees on H.R. 3289, Supplemental Appropriations Act for FY04. This motion directs conferees to keep the Senate-adopted language to: convert half of the Iraq rebuilding funds into a loan provided 90 percent of Iraq's bilateral debts are forgiven; provide quality of life improvements for our troops; and provide $1.3 billion in emergency funds for veterans' health care.

Had I been present, on rollcall Vote No. 567, I would have voted ''aye.''

Ms. WATSON. Mr. Speaker, on Tuesday, October 21, I was unavoidably detained and missed a recorded vote number 567 on a motion to instruct conferees for H.R. 3289, the Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan for FY 2004. Had I been present, I would have voted ''yea.''

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

The SPEAKER pro tempore. The pending business is the question of passage of the joint resolution, House Joint Resolution 73, on which the yeas and nays are ordered.

The Clerk read the title of the joint resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 19, not voting 18, as follows:

[Roll No. 568]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
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
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
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
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Becerra
Blumenauer
Capuano
Davis (CA)
DeFazio
Filner
Holt
Jackson-Lee (TX)
Kucinich
Lee
McDermott
Miller, George
Olver
Paul
Sanchez, Linda T.
Stark
Tancredo
Tauscher
Tierney

NOT VOTING—18

Andrews
Case
Coble
Collins
Doggett
Fletcher
Gallegly
Gephardt
Kelly
Marshall
Ramstad
Regula
Reyes
Rush
Sanchez, Loretta
Slaughter
Vitter
Wexler

□ 1402

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.

APPOINTMENT OF CONFEREES ON H.R. 3289, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

The Speaker pro tempore (Mr. LINDER). Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, LEWIS of California, ROGERS of Kentucky, WOLF, KOLBE, WALSH, KNOLLENBERG, OBEY, MURTHA, Mrs. LOWEY, Mr. SERRANO, and Mr. EDWARDS.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2821

Mrs. MCCARTHY of New York. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2821.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Madam Speaker, I yield to the gentleman from Texas (Mr. DELAY) for the purpose of informing us of the schedule, and it seems to me we did this just yesterday.

Mr. DELAY. Madam Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, the House will convene on Tuesday at 12:30 for morning hour debates and 2 p.m. for legislative business. We will consider several measures under suspension of rules. A final list of these bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m. on Tuesday.

On Wednesday, the House will convene at 10 a.m. for legislative business. We may consider additional legislation under suspension of the rules, as well as H.R. 2443, the Coast Guard and Maritime Transportation Act of 2003. Next week we hope to have the conference report for H.R. 6, the Energy Policy Act for 2003 ready for consideration, as well as the Department of Defense authorization conference report. And in addition to that, there are four appropriations bills currently in conference that will be ready at any time.

Members should also be aware that we will be in session next Friday, October 31, and expect to have votes that day. Finally, I would like to make all of the Members aware that we hope the following week, the week of November 3, will be our last week of the session. We expect our first votes of that week to occur after 6:30 p.m. on Tuesday, and we anticipate having votes through Friday, November 7.

I thank the gentleman for yielding, and I will be happy to answer any questions the gentleman may have.

Mr. HOYER. Madam Speaker, I thank the gentleman for that information, and for his optimism. The gentleman indicated that Members should expect there will be votes in the House next Friday. That is Halloween. How certain is the gentleman that we are going to have votes on that day?

Mr. DELAY. I am pretty certain we are going to have votes on that day. If Members look at the conference reports and the fact that the present continuing resolution runs out on that day, if things do not go as we expect them, we could have some very important legislation on that day, although we understand that it is Halloween and Members want to be home with their families and want to trick or treat. And hopefully even if we work on that day, we can let Members out in time to go trick or treating.

Mr. HOYER. Better trick or treating at home than here.

Mr. DELAY. I understand.

Mr. HOYER. Mr. Leader, November 7 is indicated as the target date for adjournment. So that Members can plan, how confident is leadership that we can meet that date? How strong is leadership's intention to meet that date?

Mr. DELAY. As the gentleman knows, any date is tentative at the end of any session; but we are working very hard. The Senate is working very hard. If we get the conference reports that I outlined in my opening remarks next week, then we really only have the Medicare conference report, the finishing of the appropriations process, and we hope that we can do all of that in the next 2 weeks.

Mr. HOYER. Madam Speaker, I ask the gentleman, would it be fair to conclude there will be no action on the child tax credit?

Mr. DELAY. I would hope there would be. I would hope that the Senate would realize that allowing the child tax credit to expire in just a couple of years is actually raising taxes, and would accept the House bill that makes them permanent.

Mr. HOYER. Mr. Leader, I think I am correct that every tax bill that we have passed over the last 3 years has been sunsetted. Therefore, pursuant to your rationale on child tax credit, in effect those bills would be raising taxes, sometimes in 2010, sometimes a little before, and sometimes a little after, 2006, 2007 some sunset. How does that rationale differ from the rationale being applied to the child tax credit?

Mr. DELAY. Madam Speaker, it is pretty simple. The House has voted for a bill which covers more families than the Senate bill, and we think that they ought to receive that child tax credit, and they ought to receive it on a permanent basis. The House has spoken, and the Senate does not seem to want to come together with the House and work out our differences.

Mr. HOYER. Unfortunately, it is our position that the children, those 12 million children, the 6.5 million families, the 200,000 military families who would otherwise be eligible, are the ones who are paying the price for the inability of the two Houses to come together when apparently both Houses believe that they ought to get the tax relief of which we speak, and but for the difference on making it permanent, would be getting.

I would again reiterate our hope in the next 2 weeks that we plan on being in session, that if we cannot resolve the differences between the two Houses, we would urge leadership to reconsider that and pass at least the 1- or 2-year extension while we try to reach agreement on the differences that exist between the two Houses.

Mr. Leader, on the FSC bill, it is our understanding that the Committee on Ways and Means will mark up this legislation on Monday. Does leadership expect the bill to be on the floor next week or does leadership expect it to pass before we leave?

Mr. DELAY. Madam Speaker, the Committee on Ways and Means is considering a markup in the very near future, and once the committee has completed its work, because this bill has been a work in progress and has taken longer than we thought it would take to mark it up in committee, we have not scheduled time for it. But obviously, it is a very important piece of legislation; and once the committee has completed its work, we will look for floor time to move it. But at this point we cannot give an exact prediction of whether it is next week or the following week.

Mr. HOYER. As the leader knows, this bill comes about by a WTO ruling which places in jeopardy the United States, and we believe that we have a solution which advantages U.S. manufacturers, and we are very hopeful this does move ahead so our country does not confront at the end of this year, as the European Union has suggested it might, take action if we have not corrected the deficiency which the WTO has found. I hope that we could move that bill before we leave here.

The leader mentioned several conference reports which will come up next week. Which are the most likely? Energy was mentioned. Energy was a possibility for this week. How confident is leadership that energy will come next week? This is a complicated bill, a very important bill; and I would ask you to comment, and I would ask you to facilitate the availability of this bill as soon as possible, and more than 24 hours before because it is a complicated bill. We need time to review it; and as the leader knows, we have not been included, from our perspective, in the conference proceedings so we do not know what is in this bill at this point in time.

First, how confident is the gentleman that the conference report will come next week; and, second, can we be assured that we will receive a copy of the report and the accompanying bill hopefully by Friday afternoon?

Mr. DELAY. Madam Speaker, as the gentleman knows, we do not have to be in session for us to get our work done in conference committees or other committees. People are going to be working the rest of this week to finalize what will be submitted to formal proceedings of the conference committee on the energy bill, the comprehensive energy bill. The gentleman is correct in that it is a very complicated bill. Obviously we want to make sure that Members have enough time to review it so they can vote with some sort of understanding of what is in the bill. Obviously, I cannot predict when the final proceedings on the energy bill will be, but we will get to the

Members as soon as we have the paperwork so they can look at the bill and be informed as to how to vote on it.

□ 1415

Mr. HOYER. Reclaiming my time, we would hope that would give Members no less than 48 hours to review the bill, have the staffs review it, so we know what is in it. Because, as I said, we have not had the opportunity to be included in the conference.

On the Medicare prescription drug, the gentleman mentioned the Medicare bill in response to my question. Can he tell me the status of the Medicare conference, and can he tell me whether or not he expects that bill to be on the floor prior to the November 7 target date for adjournment?

Mr. DELAY. A lot of people are working very hard to try to get that very complicated piece of legislation put together. The chairman of the conference continues to work with the various parties interested in reaching a compromise by the end of this session.

There have been several bipartisan, informal meetings since last week. I expect that there will be a few more before the end of this week. Hopefully, these meetings will produce a draft product that all the members of the conference can review at the next formal conference meeting. I would anticipate that that would start happening, probably next week or so.

We really think it is important to improve and strengthen Medicare and provide the kind of health care that seniors need before we adjourn in this session. A lot of people are working very hard to accomplish that.

Mr. HOYER. Reclaiming my time, Mr. Leader, I keep harping on this because I think it is important to make the point. Our folks are not included in whatever discussions are going on. As a result, we have no idea as to whether or not we think, in fact, Medicare is being strengthened or whether it is being weakened, whether prescription drugs are being made available to seniors, whether they are affordable, accessible, guaranteed, all of which we think is very important. We think this needs to be a voluntary program. I think we agree on that.

But as a result of not being included, we do not know, and we think it is not good for the process that whatever meetings are going on are not what we believe to be conferences of conferees because conferees are not being included. The gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. DINGELL), specifically, have not been included, and they are chief conferees, as the gentleman knows. The gentleman from Texas is a conferee himself, as I understand. We would hope that if, in fact, they are going to bring this bill to the floor, and if, in fact, a real conference is to be scheduled that it be done soon and that all of the conferees be included to discuss the parameters of a bill which can pass both House and Senate and be sent to the President.

Of the appropriation bills the gentleman mentioned, does he know which ones are most likely to be on the floor next week?

Mr. DELAY. A lot of people are working, conferees are working and have been working very hard. I anticipate all four that are eligible in conference, right now, could very well come to the floor sometime next week when they are finished, the Labor-HHS bill, the Interior bill, the Energy and Water bill and the Military Construction bill. These are very close to being settled. At least that is what I am being informed. I think those four bills could very well be voted on by next week.

Mr. HOYER. Reclaiming my time, again on the Labor-Health bill, I am a conferee and I have not been either invited to nor have I attended any conferences on that bill. So if it is reported next week, I am not sure when the conferees are going to meet and consider it. But it is, again, indicative of the fact that on our side, we do not get notice of, or we are not being included in, conferences. That is not, we believe, the way the process ought to work.

Mr. DELAY. If the gentleman will yield, I just want to correct the gentleman, in that the gentleman has been invited to any formal conferences that have been held and I am sure that to finish the work of the conference, formal conferences will be held on these bills so that Members can look at them and make determinations as to whether they will support them or not. If the gentleman is not being invited to formal conferences, let me know, and I will make sure that he gets the invitation.

Mr. HOYER. Reclaiming my time, and I will notify the gentleman that I am not being noticed. My conclusion is different than his, however. My conclusion is that I would be invited if they were having them. I do not think they are having them, but I may be in error, Mr. Leader. If the gentleman will check on that and let us know whether or not, in his terms, a formal conference has been held or is scheduled to be held on the Labor-Health bill, it will be news to me. But I would appreciate that information, and I appreciate the gentleman's offer.

Madam Speaker, last week the gentleman and I had a discussion about these conferences. On the Labor-Health bill, we are very concerned about the Labor-Health bill's funding as the gentleman knows. In the No Child Left Behind, the President was very strong on the No Child Left Behind. We believe in that bill, that that is short about $8 billion. Does the gentleman have any information as to whether or not such sums may be added to the Labor-Health bill to fully fund the No Child Left Behind Act?

Mr. DELAY. The gentleman knows that we have a strong disagreement as to whether the No Child Left Behind has been fully funded or not. From my perspective, it has been fully funded. I know the gentleman, and I think every Democrat voted against the bill because they wanted more funding. We have that disagreement. As far as what the conference is ultimately going to have, I am not advised. I could not tell the gentleman today if there has been any agreement on whether we are going to give more money than fully funding the No Child Left Behind.

Mr. HOYER. Reclaiming my time, the last question, the gentleman will be happy to hear. The House voted by a pretty good number to instruct the conferees on the issue of overtime pay, a substantial number of votes from his side and most of the votes from our side, if not all, all but two. Can the leader tell me whether or not he believes that instruction is being implemented by the conference?

Mr. DELAY. As the gentleman knows, motions to instruct are not binding. Many times it is just an expression of how you feel that day. The House voted on that issue, put it in the bill, and it is in the House bill. It is a very controversial issue between the House and the Senate. It is one of the issues that the conference committee is struggling with. As far as I know, they have not come to any resolution on how to handle that issue as of yet.

Mr. HOYER. Reclaiming my time, Mr. Leader, I look forward to hearing from the gentleman as to where these conferences are occurring because I assure the gentleman that I will be enthusiastic about participating and raising this issue and other issues when we find out where that elusive conference is occurring.

I thank the leader for his information.

MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. MARKEY. Madam Speaker, I offer a motion to instruct.

The SPEAKER pro tempore (Mrs. EMERSON). The Clerk will report the motion.

The Clerk read as follows:

Mr. MARKEY 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. 6 be instructed to insist upon the provisions contained in—

(1) section 14011 of the House bill relating to secure transfer of nuclear materials;

(2) section 14012(d) of the House bill relating to nuclear facility threats, directing the Nuclear Regulatory Commission to issue regulations, including changes to the design basis threat, to ensure that nuclear facilities licensed by Commission address the threat of a terrorist attack against such facilities; and

(3) section 14013 of the House bill requiring the Nuclear Regulatory Commission, before entering into any agreement of indemnification with respect to a utilization facility under section 170 of the Atomic Energy Act of 1954, to consult with the Assistant to the President for Homeland Security (or any successor official) with respect to that facility concerning whether the location of the facility and the design of that type of facility ensures that the facility provides for the

adequate protection of public health and safety if subject to a terrorist attack, and that the Nuclear Regulatory Commission also consult with the Secretary of Homeland Security before issuing a license or a license renewal for a sensitive nuclear facility concerning the emergency evacuation plan for the communities living near the sensitive nuclear facility.

Mr. MARKEY (during the reading). Madam 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 Massachusetts?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

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

I am offering this motion today to address one of the most inexplicable and indefensible decisions made by the House and Senate Republican energy conferees in their closed-door meetings. I am talking about the decision that has apparently been made by the Republican majority to weaken critical nuclear security provisions Democrats had earlier attached to the energy bill, H.R. 6, in order to better secure our Nation's 103 currently operating civilian nuclear power plants from the threat of terrorist attack.

Remember less than 2 years ago, President Bush told the Nation in his State of the Union address, quote, our discoveries in Afghanistan confirmed our worst fears and showed us the true scope of the task ahead. We have seen the depths of our enemies' hatred in videos where they laugh about the loss of innocent life and the depth of their hatred is equaled by the madness of the destruction they design. We have found diagrams of American nuclear power plants and public water facilities, detailed instructions for making chemical weapons, surveillance maps of American cities and thorough descriptions of landmarks in America and throughout the world.

So we know that nuclear power plants are at the very top of al Qaeda's list of potential targets in the United States. Despite this fact, the Republican conferees have apparently decided to weaken the nuclear security language in the energy bill. My motion covers three of the major weakening changes that have been made in the nuclear antiterrorism provisions in the energy bill.

The first part of my motion addresses the decision by the House Republican conferees to eliminate the requirement for a mandatory Nuclear Regulatory Commission rulemaking to upgrade nuclear security regulations. Section 14012 of the House bill entitled Nuclear Facility Threats requires the NRC to issue regulations, including changes to the design basis threat, to ensure that licensees addressed the threats of a terrorist attack against a nuclear power plant in the United States. Under the provision, these new rules are required to be issued not later than 270 days after the submission of a detailed report by the President assessing the nature of the terrorist threat to the nuclear facilities in the United States or a year after enactment.

The Republican conferees have now weakened this provision so that it no longer mandates a new NRC rulemaking, but instead merely authorizes the NRC to make such revisions to the design basis threats promulgated before the date of enactment of this section as the commission deems appropriate, based on the summary and classification report. There is no deadline. There is no requirement for any formal Nuclear Regulatory Commission rulemaking. This language guts the entire section and appears to allow the NRC to deem the interim orders that it has already adopted since the September 11 attacks to be sufficient and take no further action.

This new language reflects what the NRC and the nuclear industry have always wanted, no action by Congress to require them to do anything more than that which they have already done on nuclear security. But is that the position that this body, which has twice voted to mandate Nuclear Regulatory Commission nuclear security rulemaking, really wants to take?

You might say, perhaps the NRC has already addressed the problem in its secret orders. No, it has not. The NRC orders are classified and were prepared following closed-door consultations with the nuclear industry and no opportunity for public comment. I have read the NRC orders very carefully. And while I cannot discuss them in a public forum due to their security classification, I can tell this House that the NRC's orders are inadequate in several respects and fail to address the kind of threats that we now must be prepared for in a post-September 11 environment. I would suggest to the Members that if they took the time to read these orders and to consult with anyone with any real expertise on security matters, they would share my concern that the NRC has failed to do enough to beef up security at our Nation's nuclear facilities.

□ 1430

But despite the President's warnings, the Republican energy conferees have now decided not to even require the Nuclear Regulatory Commission to undertake a rulemaking to tighten up security at these sensitive facilities.

The second part of my motion addresses the Republican conferees' decision to weaken the House-passed requirements for full consultation with Homeland Security regarding nuclear security risks. Section 14013 of the House bill, ''Unreasonable Risk Consultation,'' requires the Nuclear Regulatory Commission to consult with the Department of Homeland Security concerning whether the location of a new nuclear power plant or its design provides for adequate protection of public health and safety if subject to a terrorist attack before Price-Anderson liability indemnification is provided to the plant.

This provision originated as an amendment offered by the gentleman from California (Mr. WAXMAN) to last year's Price-Anderson bill, which this year was attached to the base text of H.R. 6. It also requires the Nuclear Regulatory Commission to consult with the Department of Homeland Security before issuing or renewing a license to operate a new or existing nuclear power plant to determine the adequacy of the emergency evacuation plan for communities around the plant. This provision originated as an amendment that I authored. We have also been informed that they are preparing to eliminate the requirement for consultation prior to a relicensing of an existing power plant, although the Republican conferees have yet to share this new language with us in this bill.

The Republican conferees have now de-linked the Waxman amendment's consultation requirement from Price-Anderson's liability indemnification and eliminated the Markey amendment's requirement for consultation regarding adequacy of emergency evacuation plans. We have also been informed that they are preparing to eliminate the requirement for consultation prior to a relicensing of an existing power plant, although the Republican conferees have yet to share this new language with the Democrats.

The elimination of the Waxman amendment's linkage between NRC consultation with Homeland Security and Price-Anderson indemnification takes all of the teeth out of the Waxman provision. Instead of mandating a consultation aimed at determining whether the design or location of a nuclear facility poses an unreasonable risk before giving the owner government-subsidized insurance, we are now merely calling for such consultation to take place.

Moreover, tying consultation to the initial licensing of a plant, and not recovering relicensing of the 103 currently-operating nuclear power plants, greatly narrows the application of the amendment since no new nuclear power plant has been successfully ordered since 1973 and no new nuclear power plants are likely to be ordered for decades, if ever. If this change is made, there would be no mandatory consultation by the Nuclear Regulatory Commission with the Department of Homeland Security for any of the existing nuclear power plants in this country, not for Seabrook, not for Pilgrim, not for Indian Point, not for Diablo Canyon, for none.

Finally, eliminating the specific requirement for consultation regarding

the adequacy of emergency evacuation plans in the event of a successful terrorist attack on a nuclear power plant means that we are failing to do what is needed to ensure that citizens living near plants such as the Indian Point reactor right outside of New York City are fully protected against the threat of a terrorist attack.

And third and finally, my amendment addresses the decision to weaken nuclear materials transportation requirements: section 14011 of the House-passed bill, requiring the NRC to establish a system to better ensure the security of nuclear materials transferred to, from, or within the United States. This provision originated as an amendment I authored that has now passed the House twice in H.R. 6 in this Congress and as part of Price-Anderson reauthorization last year.

The latest Republican conference report draft, in contrast, limits the NRC's regulations to the security of imports or exports of nuclear materials, failing to cover the transportation of these materials within our own country. This limitation is inexplicable in light of the fact that the Nuclear Regulatory Commission told Congress in 2002 that there are 2 million radioactive sources in the United States and that each year there are on average 300 reports of lost or stolen or abandoned radioactive materials.

The NRC also reported at that time that in the past 5 years, there have been 1,495 reports of lost, stolen, or abandoned radioactive materials; 835 these have not been found. According to the NRC, a radioactive source as small as 1Curie, if dispersed by a bomb, ''could spread low-level contamination over an area up to several city blocks, possibly resulting in restriction of the area until the area was surveyed and decontaminated.'' But the Republican energy conferees have exempted transfers of these radioactive materials within the country from the new nuclear security requirements. That makes no sense.

I urge my colleagues to vote for this motion today and send a strong message to the House and Senate Republican energy conferees that this body insists on tougher protections against a terrorist attack on our Nation's nuclear facilities; that this body insists on tougher protections against the threat of a radiological dirty bomb; and that this body rejects secret, backroom talks that result in the weakening of critical antiterrorism protections.

I heard the majority leader earlier make reference to the fact that a motion to instruct might just reflect what the Members in this body are feeling that day. That is not what the provisions that we are talking about reflect. They reflect what has happened on this House floor several times with the Members voting for it. In fact, taking it out reflects what, in my opinion, a small number of Members and nuclear industry officials might feel on any particular day. But they do not capture what the consensus was that was reached by House Members and the general public about what must be done to enhance nuclear security.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume.

We are not going to oppose the Markey motion to instruct conferees. I have listened to his comments closely and would say that they do reflect the changes as outlined. I would point out that while the gentleman from Massachusetts (Mr. MARKEY) is absolutely correct that the House has passed twice the issues that he refers to in his comments in the Senate conference with the House last year, Senate conferees, which at that time were a majority of Democrats, voted to strip all the provisions out that he has just alluded to and that the energy bill that we went to conference with with the Senate this year had none of these provisions in; and the provisions that he alluded to in his motion to instruct, section 14011, 14012(d), and 14013, are in the conference report. They have been changed in the ways that he said.

Section 14011 did apply to domestic and international shipments. In the conference report, it does only apply to international; so he is correct on that. 14012(d), the gentleman from Massachusetts' (Mr. MARKEY) amendment that has passed the House did say ''shall'' and the conference report will come back with ''may''; so he is correct on that. And section 14013, the Department of Homeland Security as passed by the House did require a consultation before the grant of a Price-Anderson indemnification agreement. And also before the issuance of a license for a new facility, as it is going to come out of conference, it will apply only to those issuances of a new license.

So he is right in his characterization of the changes. So we get down to a situation, is the glass half full or half empty; and since the Senate had none of these provisions last year or this year, as a conferee, I would suggest to the gentleman from Massachusetts (Mr. MARKEY) that the glass is half full as opposed to the glass is half empty. Changes have been made; but we still have the issues in play, not as strong as he would wish them to be, but they are still in the bill, and it will be good public policy to make these changes that he supports. So I would hope that, while we support the motion to instruct conferees, the truth of the matter is that most of the conferring has been done. We expect to have this bill on the floor sometime next week. It is very unlikely we are going to reopen the conference; but certainly if it were to be reopened, we would support the gentleman from Massachusetts' (Mr. MARKEY) motion because since the House has already passed what the motion is instructing us to support, we have every reason to continue to support it knowing that it is a bicameral body and that the House does not always get everything it wants when we are negotiating with the Senate.

So I support the motion to instruct and commend my friend for all his good work in this area over many years and pledge that we will continue to work together not just on this conference report but on future bills to make our nuclear facilities the best and the safest in the world.

Madam Speaker, I reserve the balance of my time.

Mr. MARKEY. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RUSH).

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

Mr. RUSH. Madam Speaker, as a conferee to the energy bill, I rise in strong support of the gentleman from Massachusetts' (Mr. MARKEY) motion to instruct conferees, and I want to commend him for his long history of leadership on the issue of nuclear security, which is the subject of this motion.

Madam Speaker, I am delighted to hear the chairman of the subcommittee accept the gentleman from Massachusetts' (Mr. MARKEY) motion, but I do want to make two points: point one, that this motion should be accepted because of the substance of the gentleman from Massachusetts' (Mr. MARKEY) amendment; and, two, because of the process.

Madam Speaker, on substance, the gentleman from Massachusetts' (Mr. MARKEY) motion is right on the money. The House-passed version of the energy bill contained important language pertaining to nuclear security. This language in H.R. 6 addresses a chronic failure on the part of the Nuclear Regulatory Commission to tighten up security at our nuclear power plants around the country. This language passed the House and was marked up in the Committee on Energy and Commerce. It is important that this language remains in the bill as a critical national security plank to protect our citizens from a terrorist attack. The fact that the latest draft of the conference report significantly weakens these security requirements is very disturbing and very perplexing. I know that the ranking member of the committee indicated that there was an acceptance on the part of the Republican conferees to accept this language. However, Madam Speaker, I just want to emphasize the fact that this was not done in a way that we can be proud of here in the House in regards to how this event came about.

Madam Speaker, I just want to say that the second reason to vote for the motion is the lousy process that has infected this entire conference committee. The Republican conferees altered these important nuclear security provisions behind closed doors and without any input from Democratic conferees who sit on the committee of jurisdiction. And it is inexcusable that

the gentleman from Massachusetts (Mr. MARKEY), myself, and other Democratic members, especially from the Committee on Energy and Commerce, had no opportunity to discuss this important matter with our Republican counterparts.

□ 1445

For this reason alone, and in the name of a rational and deliberative process, I urge the Members of the House to accept this motion to instruct. Let us send a message that this bill is far too important to be discussed behind closed doors, without any input from the minority members of the conference committee.

Madam Speaker, I add that it is really shameful and harmful to the democratic process for the Democratic conferees to not be included in the full deliberations of the conference committee.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume, just to reiterate that we do not oppose the motion to instruct, and we support the gist of the gentleman's motion to instruct in terms of the policy. The House has already supported it twice, and the committee supported it twice. We just have to get the other body to support it, which, unfortunately, they have been unwilling to do in its totality.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Members will refrain from characterizing action or inaction of the other body, including urging the Senate to take a specific action.

Mr. BARTON of Texas. Madam Speaker, I said ''the other body.'' What did I say wrong?

The SPEAKER pro tempore. Members will refrain from characterizing the other body.

Mr. MARKEY. Madam Speaker, I yield myself such time as I may consume in order to conclude this debate.

Madam Speaker, without question, back in 1787 when a deal was being cut on the construction of the Union and the small States demanded that, rather than equal representation for all States, that another body be created in order to represent them, that other body that was created at the time has developed peculiar characteristics that, unfortunately, are manifesting themselves here on the House floor today.

There are many who look back with regret that that deal was ever cut, the grand compromise in the Constitution, allowing for that disproportionate influence, and I see nodding bipartisan agreement on the Republican side on this subject.

Mr. BARTON of Texas. Madam Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Madam Speaker, I think that agreement that the gentleman alluded to in the Constitution was one of the biggest mistakes in the Constitution.

Mr. MARKEY. Madam Speaker, reclaiming my time, I thank the gentleman very much. I regret that Texas was not part of the Union at the time. Perhaps they could have exercised some influence in that final decision making.

But the other body, as it likes to be called, and I understand why in many instances, this is a good example of where anonymity is something to be much desired and sought, that the other body here, according to the majority, is calling all the shots in terms of nuclear security, which is a premise which I doubt is actually accurate. I do believe that it was a bicameral Republican decision to take out the nuclear security issues, since we know that the Democrats in the Senate, like the Democrats in the House, are searching the corridors of this building trying to find where the meetings are taking place. We have no idea.

We do know this though, that reports are rampant that the bill, when it comes out on the House floor, is going to be loaded with billions of dollars of subsidies for the nuclear industry. I understand it is that time of the year where the oil, gas, coal and nuclear industries just really think that they deserve billions of dollars in subsidies for each one of their industries from the taxpaying public, even though they are the wealthiest industries in the United States.

But, it seems to me, the least that the nuclear industry should be willing to accept are antiterrorism provisions that are attached to the nuclear gifts which it appears the Republican House and Senate and White House is willing to, and I am sorry I said ''Senate,'' I meant the other body, that they appear willing to confer upon them.

They should accept those additional safety measures, because the public, without question, gave an additional measure of wholehearted support to the President in his campaign to eradicate the threat of Saddam Hussein to the world because of his nuclear mujahideen, because of the contention he was trying to reconstitute his nuclear weapons program.

Here, domestically, we know that nuclear power plants are similarly at the top of the terrorist target list for al Qaeda, and it seems to me the nuclear industry is acting in an irresponsible fashion in not accepting reasonable measures being adopted which guarantee that terrorists cannot be successful in using domestic nuclear materials to terrorize our country.

So I regret that that language has been removed, and at this point I urge an ''aye'' vote on this motion to instruct.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is not in order to characterize the actions or inactions of the Senate.

The Chair would clarify for all Members that referring to the Senate as ''the other body'' does not cure such an infraction in debate.

Without objection, the previous question is ordered.

There was no objection.

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

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

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

The yeas and nays were ordered.

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

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

Mr. BROWN of Ohio. Madam Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. BROWN of Ohio 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 to reject the provisions of subtitle C of title II of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Ohio (Mr. BROWN) and the gentleman from Florida (Mr. BILIRAKIS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, my motion instructs the conferees working on the Medicare prescription drug coverage bill to abandon provisions in the House bill that would privatize Medicare by turning it into a private insurance voucher program. The public has asked this Congress and President Bush to supplement Medicare by adding prescription drug coverage to the Medicare benefits package.

You may remember early this year, almost a year ago, President Bush proposed a prescription drug plan only if people left fee-for-service Medicare and went into a privatized plan. Clearly, the public rejected that. Even members of his own party said no to that. The American public has not asked this Congress, has not asked President Bush, to dissolve Medicare and replace it with a private insurance voucher program.

The voucher provisions in the bill have nothing to do with prescription drug coverage. The voucher provisions do not supplement Medicare, the

voucher provisions destroy Medicare. They choke off funding for the program and force enrollees back into the private insurance market to try their luck.

If you do not believe me, Madam Speaker, ask the bill's authors. Ask these questions:

First, under the voucher provisions of H.R. 1, will every senior be guaranteed access to the same reliable health coverage, regardless of geographical location, regardless of a senior's income, regardless of health status? If the authors are honest, they know the answer is no.

Two, will the Federal Government's financial commitment to Medicare automatically keep pace with the costs of the health care seniors need? If the authors of the bill are honest, the answer is no.

Three, will the private health medical organizations, private HMOs which accept Medicare vouchers, will they be required to provide ongoing, reliable coverage to Medicare beneficiaries? In other words, will HMO cost-sharing and benefit levels be predictable year after year, will beneficiaries even be able to rely on the same plan being available next year and the year after? Again, if the authors are honest in answering that question, they will admit the answer is no.

History also says that senior after senior in this country in State after State and district after district and plan after plan have seen their coverage drop as they are unceremoniously dumped from their Medicare HMO. Today, Medicare offers reliable medical coverage to seniors and disabled Americans, regardless of where they live, how much they earn, or their health status. Enrollees go to the doctor of their choice and the hospital of their choice.

The insurance voucher provisions in H.R. 1 simply throw all that away. Under these provisions, seniors will be given a voucher to cover part of the cost of their health coverage. They will then be required to shop in the private insurance market, what they had to do before 1965, before Medicare was available, shop in the private insurance market for whatever HMO happens to be in town that year.

Over the last 4 years, HMOs participating in Medicare+Choice enrolled and then unceremoniously dropped 2.4 million Medicare beneficiaries. That means 2.4 million of our senior constituents got notice in October or November that, come January, they would have to find another place to deliver their health care.

By undermining the existing Medicare program, by forcing seniors to pick and choose between and among private insurance plans, the voucher provisions in H.R. 1 would ensure that every Medicare beneficiary has an opportunity, an opportunity to be abandoned by their HMO.

The core Medicare program, the program that would be replaced if the voucher provisions in H.R. 1 make it into the final prescription drug bill, the core Medicare program does not drop anyone, period. In fact, over the last 4 years, one of its most important roles has been to pick up the pieces when HMOs abandoned seniors and left town, to clean up after privatized Medicare+Choice HMO plans abandoned seniors. The fee-for-service, traditional Medicare, has had to clean up afterwards.

Under the voucher provisions in H.R. 1, the core Medicare program would itself be abandoned. Proponents of the voucher provisions, proponents of Medicare privatization, say that seniors deserve more choice. That is what we are going to hear today. That is what we have heard for years from my friends on the other side of the aisle, that seniors deserve more choice. That is why vouchers are such a good thing.

But does anybody in this body really think retirees are clamoring for their choice of HMOs? Just like you and me, seniors want their choice of doctor, they want their choice of hospital. They do not want their choice of insurance companies. They do not want their choice of insurance agents. They do not want their choice of HMO brochures. They do not want their choice of enrolling in one fly-by-night HMO after another fly-by-night HMO has dropped them.

Proponents of the voucher provisions claim that private HMOs operate more efficiently than the core Medicare program, so they say first of all you get more choice with an HMO, so you can choose among insurance company brochures and agents. They say you have more choice in HMOs. Then they try the second myth, and that is the myth that HMOs operate more efficiently than core Medicare.

My Republican friends know that Medicare operates more efficiently than HMOs. HMO administrative costs, Madam Speaker, are actually five times higher than traditional Medicare. Private insurance premiums have consistently grown faster than the cost of providing Medicare, not just recently, but over the past 30 years since the time Medicare first existed.

H.R. 1 will not reduce Medicare spending unless, and this, I guess, is their third point, unless the Federal Government caps its contribution to Medicare.

So privatized Medicare HMOs are not more efficient, privatized Medicare HMOs do not give more choice, and privatized Medicare HMOs do not cost less, do not save the government more, unless government simply caps the money. In other words, unless seniors pay more out-of-pocket.

□ 1500

That is the cost control mechanism in H.R. 1, seniors picking up more of the cost. That is not efficiency; that is betrayal of our senior constituents.

The American public asked this Congress and this President to add a prescription drug benefit to Medicare, not to privatize and dismantle Medicare. This motion tells their conferees to keep their eye on the ball. The voucher provisions would undo 38 years of reliable cost-effective health care for our Nation's retirees.

I urge my colleagues, Madam Speaker, to take a stand on behalf of seniors, on behalf of disabled Americans, and on behalf of taxpayers who finance Medicare. If you want a Medicare program with a prescription drug benefit, you vote ''yes.'' If you want to privatize Medicare, if you want to cost-shift health care costs to seniors, if you want more HMOs and privatization of Medicare, then you vote ''no'' on this motion. It is an easy choice. Vote for the motion to instruct.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, a group of Members, both Republicans and Democrats, have been meeting for months in an attempt to reach a compromise on a very important and complicated subject, namely, Medicare reform or Medicare modernization.

There are Members who care deeply about Medicare who have very different views about how to best strengthen and improve Medicare for future generations, which is why there are some substantial differences between the House and the Senate-passed Medicare prescription drug bills. That is why it has taken so long for this bipartisan group of negotiators to reconcile the differences between the two bills.

However, Madam Speaker, I am pleased to report that this group is making substantial progress and that it is my sincere hope that we will get a conference report done this year and provide our seniors with a prescription drug benefit they need and deserve.

Motions to instruct like this are not helpful; and, in fact, they hinder our ability to reach a compromise on Medicare prescription drugs. I honestly, and I mean this sincerely, do not believe that that is the goal of the author of this motion. And it certainly is not mine. I want a bill.

The particular section the gentleman refers to is not without controversy. And that is why we are working through it in a bipartisan manner. However, the section that we are talking about, which would inject competition into the Medicare program and provide seniors with choices similar to those choices Members of Congress enjoy, is probably the most misunderstood provision in the House-passed bill, and the most mischaracterized, I might add.

Let me attempt to clarify some of the issues that are often misunderstood surrounding so-called FEHBP-style competition. First, H.R. 1 contains no changes, no changes to the basic entitlement to Medicare. The traditional Medicare program will continue to be

available to all seniors throughout the country and will continue to pay providers in the same way as today. However, it is an undisputed fact that we need to reform Medicare to ensure that it is around for future generations.

Social Security, Medicare, and Medicaid currently comprise more than 40 percent of the Federal budget. By 2030 the General Accounting Office estimates that these three programs could consume 75 percent of the Federal budget if no changes are made. In addition, the Medicare part A trust fund is scheduled to go insolvent in 2026 while the Medicare part B trust fund will require increases in Medicare part B premiums to remain solvent, increases that are much higher than the 13.5 percent increase Medicare beneficiaries will see in 2004.

So reforms must be made to ensure that Medicare continues to exist for future generations. As we add a $400 billion drug benefit to a program that already has $13 trillion in unfunded liabilities, we must also enact real reforms that will place the program in a sound financial footing for the future. The provision in the House-passed bill attempts to do that. Is it the best way to go? I do not know. I do not know. But that is why members of the conference committee are working on the provisions and the issue right now.

I would urge Members to allow the process to work its will and to not support the motion to instruct which, while nonbinding, would do more harm than good.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. MCDERMOTT), who has been a leader in health care in the Committee on Ways and Means.

Mr. MCDERMOTT. Mr. Speaker, in order to think about Medicare, you have to think about us all being in the same boat. Right now we made a decision a long time ago that all seniors will be in the same boat, we would get the same benefits, we would have the same amount we would put into it no matter where you lived, or how old you were, or whatever your medical condition was, what color you were, what State you lived in, how much money you had. It did not make any difference; we were all in the boat.

Now the Republicans have said we are going to blow the bottom out of the boat. They have done that with tax cuts, and they set up a situation in 2010 where it is going to be absolute chaos in this body over how we fund anything because of the bottom having been blown out of the boat when we made these tax cuts recently.

Their answer to the seniors of this country is, well, we are going to give you all the same life ring. You can just take this life ring and go out and do the best you can with it.

Now, I sat on the Medicare commission for a year and heard this issue debated. What we have today is a program where all senior citizens get the same guaranteed set of benefits, no matter who you are, where you are, or anything. And what is attempted to be done in this bill is to say that in 2010 we are going to take away those guaranteed benefits and we are just going to give you a life ring of a voucher for $5,500.

Now, I could just take my own example. I am 65. My mother is 93. So you are going to give us each the same life ring? Now, do you think for one moment, any Member of this Congress, do you think that my mother and I could go out and get a benefit package of the same size for the same cost? I mean, who has not bought any insurance? We all know from our government employees insurance thing that you have got to pay more if you are older, if you have got kids, or you have got some pre-existing condition or whatever. Well, to send me and my mother out with the same amount of money is basically what we are going to say to 40 million people on Medicare. You have got to go out there and find an insurance company that wants you.

Now, I do not know how many of you have dealt with somebody who is in their 90s. Some of them are doing pretty well, some are doing a little less well, some are in real trouble. But to say to them that on an individual basis we are going to throw you out of the life boat and here is your life ring and good luck, I hope you make it to good health, it simply does not make any humane sense.

Leaving people, they say, well, we are not going to do that until 2010. What are you worried about? People are going to wake up in 2010 and say what in the world was the legislature, the Congress, thinking in 2003 when they set this mess up? Many of us may not be here. And there will be a whole new bunch here trying to put back together what we destroyed today, what we take away from seniors, which is security of health care.

I have not spent a dime on my mother. Nobody in this room has spent a dime on their parents because the medical plan under Medicare has taken care of them. Now, I paid my taxes, of course, and we all paid our taxes. That is what the lifeboat is all about, is we all pay our taxes and those in it that need it. And what is being proposed in this bill that is now in conference is that in 2010 we take away the lifeboat.

This motion by the gentleman from Ohio (Mr. BROWN) simply says we do not want to take Medicare apart and destroy the life boat in which we all sit. We do not want to put every senior citizen out there on their own. Dealing with insurance companies, my God, we have all dealt with insurance companies. We have dealt with automobile insurance companies and casualty insurance companies and all these insurance companies. You know what they do to you individually. There is no individual market today. If you are under 65 and you try and buy insurance, you have an awful time because of the prices they charge you.

The value of Medicare is that we put everybody together, we share the risk. And most of us hope we never take a dime out of this program. It is an insurance program, surely, but it is also one that we do not want to take advantage of. And to say to people, well, why do you not go buy your own and see if you can make a little money on the side simply makes no sense.

I urge this entire House to vote for the gentleman from Ohio's (Mr. BROWN) resolution.

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

Mr. Speaker, there is no intent, never has been any intent to take that life boat away in the year 2010. The programs that we are talking about are strictly voluntary. And that choice will be available in 2010 as it is today. And anybody who would say otherwise either does not know what is included in the legislation or else they are ignoring it.

Mr. Speaker, I yield such time as he might consume to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, we spoke before about the reforms in H.R. 1 which are similar to some provisions of the Federal Employee Health Benefits program. I want to address that for a moment. The FEHBP-style reforms in H.R. 1 seek to place the traditional Medicare program on a level playing field with private plans. Only by creating this type of competition within Medicare can we hope to bend the growth curve and place Medicare on a sound financial footing for the future.

These reforms make no changes to the basic entitlement to Medicare. The traditional Medicare program will continue to be available to all seniors throughout the country. These reforms simply provide incentives for seniors to choose the most cost-efficient form of care in areas in which a vibrant private plan market exists.

This type of competition can only be triggered in areas in which two or more private plans are in operation, where they have a certain level of enrollment and meet certain market penetration requirements. In areas where these conditions are not met, nothing changes after 2010. In areas in which these conditions are met, the traditional Medicare program is compared directly to private plans in the market, and seniors will have incentives to choose the most cost-efficient form of care in their area.

Reforms must be made to ensure that Medicare continues to exist for future generations. As we add a $400 billion drug benefit to a program that already has a $13 trillion unfunded liability, we must also enact real reforms that will place the program on a sound financial footing for the future.

Now, some of my colleagues on the other side of the aisle have had some concerns. They have continued to claim that traditional Medicare is

more efficient than private plans. And, if that is the case, then they have nothing to fear from the FEHBP-style reforms that are in H.R. 1. If Medicare truly is more efficient than private plans, then beneficiaries in competitive areas who remain in traditional fee-for-service will see their premiums decrease.

In these reforms we want to provide incentives for beneficiaries to choose the most cost-efficient form of care. If traditional Medicare is the most efficient form of care in the area, then beneficiaries will be given incentives to remain in traditional Medicare through premium decreases. If, however, private plans can deliver Medicare services more efficiently than the traditional program, then we want beneficiaries to have the incentives to join private plans.

These reforms are necessary to bring Medicare costs under control and ensure the long-term viability of the program.

And, now, before I just close and urge my colleagues to vote ''no'' on this motion to instruct because it is unnecessary, the sponsor of this motion, my friend, the gentleman from Ohio (Mr. BROWN), had asked some questions earlier. I just want to reassure him, because I know he is very concerned, and thus the reason he raised these questions.

□ 1515

The first question was, under H.R. 1 will the entitlement to Medicare continue? The answer to my friend from Ohio is yes. Traditional Medicare will continue to be available to all seniors in all parts of the country.

The second question the gentleman from Ohio (Mr. BROWN) raised was, will government contributions keep pace with the cost of health care? The answer to my friend is yes. Government payments to providers in the traditional program will continue the same way that they do today.

The third question my friend from Ohio raised was, will private plans be required to provide reliable benefits and cost sharing? The answer again to my friend is yes. Plans must be reviewed and approved by CMS. CMS, the very agency that runs Medicare today, will also be running these programs in the future. If you can trust them now, you can trust them in the future.

Mr. Speaker, I urge my colleagues to vote no on this motion.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise today in support of the motion by my colleague from Ohio.

As a Representative of a rural area in California, I must voice strong opposition to any provision in the Medicare conference that would put my seniors at risk of higher premiums and reduced quality of care as this so-called premium support would do.

The House plan includes provisions that would for all intents and purposes, I believe, could spell the demise of Medicare system as we know it.

In the year 2010 Medicare beneficiaries would be given something similar to a voucher that they could use to purchase health care services in what the majority would have you believe would be better than the Medicare system provides.

The move creates a defined contribution system in one that for decades has been a defined benefit. Just trying to explain it to my constituents at home has been a trying experience. Medicare has always been a program that you are eligible to receive at age 65. In the current program, once you reach that golden age, you know exactly what you are going to receive and exactly what services you are going to be covered with.

Premium support creates a situation where seniors will receive a benefit determined by their health, by where they live, or by what they are willing to risk.

Why do we not put our resources, Mr. Speaker, into crafting a Medicare bill that will actually help those who need the assistance? Why do we not close the doughnut hole? Why do we not give our hospitals the basic funding levels that they need to survive? Why do we not give seniors a prescription drug benefit that they can understand?

I predict that if we pass this measure with the provisions that are in it currently, we will be acting upon a repeal within months. Privatizing Medicare is not the answer.

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

Mr. Speaker, I would say to the gentleman that we learned of the doughnut hole from the Democratic plan in the last Congress. And I also would join the previous speaker in voicing strong opposition to any legislation which would adversely effect my senior constituents. I, obviously, do not feel that this legislation would do that. And I would again ask the Members to vote against the motion to instruct.

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

Mr. BURGESS. Mr. Speaker, I wanted to speak for just a minute on why the Federal Employee Health Benefit Plan style reforms are needed in Medicare.

As the chairman as pointed out so eloquently, spending on Medicare is projected to nearly double over the next decade, just as the baby boomers begin to retire. Social Security, Medicare and Medicaid currently comprise more than 40 percent of the Federal budget; but by 2030, the Government Accounting Office estimates that these three programs could constitute 75 percent of the Federal budget if no changes are made. Truly, that would be blowing out the bottom of the boat, to borrow a metaphor from the gentleman from Seattle.

This level of entitlement spending is unsustainable and will crowd out other essential functions of government. Reforms must be made to ensure that Medicare continues to exist for future generations. And after all, that is what this debates is all about, ensuring that Medicare is going to be there for future generations. As we add a $400 billion drug benefit to a program that already has $13 trillion in unfunded liabilities, we must enact real reforms that will place the program on sound financial footing for the future.

To modernize Medicare and ensure its long-term fiscal viability, H.R. 1 includes incentives for beneficiaries to choose the health care system that provides services in the most efficient manner. Even with these competitive reforms, seniors retain complete freedom to choose a private plan or remain in the traditional fee-for-service program.

H.R. 1 contains no changes to the basic entitlement of Medicare. The traditional Medicare program will continue to be available to all seniors throughout the country and will continue to pay providers in the same way as today.

Again, I must correct the gentleman from Seattle in that this is not a voucher proposal; but these competitive reforms are needed to put Medicare on a sound financial footing for the future. Any changes to the premiums of the fee-for-service beneficiaries will also be phased in over a 5-year period.

Finally, I would close with just echoing what the chairman so eloquently stated in that motions to instruct are generally not helpful.

Mr. Speaker, I urge my colleagues to vote no on the motion to instruct.

Mr. BILIRAKIS. Mr. Speaker, I do not have any further requests for time, and I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have heard my friends on the other side of the aisle talk about, particularly the gentleman from New Jersey (Mr. FERGUSON) talk about that privatized HMOs are so efficient. And I hear that over and over and over. Just because they are private business, that they must be extraordinarily efficient, that they must do such better work than the government could do. But my friend from New Jersey also knows that, in fact, Medicare, traditional fee-for-service Medicare has one-fifth the administrative costs as a privatized HMO, as an insurance company, as a health care plan that he is talking about.

I would like to give one reason why and just read a couple of statistics and then ask for my colleagues' ''yes'' vote on this motion to instruct.

In the year 2000, the Inspector General documented that in a survey of Medicare+Choice, privatized Medicare, plans, that they tried to bill taxpayers for $116 million in inappropriate administrative costs. Now, this is one of the reasons that private insurance is so

much more administratively cumbersome and wasteful than is traditional Medicare. The private insurance industry tried to bill the government $250,000 for a meeting with foods, gifts and alcohol; $190,000 for a sales award meeting in Puerto Rico; $157,000 for a company's 150th anniversary party; $100,000 for sporting events and theater tickets; $69,000 for holiday parties; $37,000 for wine and gift tickets; $1 million in lobbying, they have got their monies worth there, that is for sure; $25,000 for a stadium luxury box. That was in 2000.

In 2001, the Inspector General again looked at $97 million and asked for billed charges from private insurance interests to the government: $284,000 in entertainment costs like stadium skyboxes, sporting events; $90,000 for golf club memberships; $30,000 for a Christmas party; $3,400 for cost of alcohol at various functions.

Mr. Speaker, the fact is that traditional Medicare works. It works because it gives full choice of physician, choice of provider, choice of hospital; not choice, as private insurance does, not the choice among insurance agents and insurance HMO brochures.

Traditional fee-for-service Medicare works because it is reliable. It will always be there. You will not find yourself unceremoniously dropped like 2.4 million seniors have been for Medicare HMOs. Ultimately, traditional Medicare is more efficient than these private insurance plans with huge salaries, huge bonuses, huge stock benefits and wasteful extraneous spending as I just outlined. I ask my colleagues to vote ''yes'' on the motion to instruct.

The SPEAKER pro tempore (Mr. CULBERSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

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

Mr. BROWN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

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

Ms. WOOLSEY. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

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

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

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

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

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

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

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Florida (Mr. SHAW) each will control 30 minutes.

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

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

I rise in support of the motion to instruct conferees on the child tax credit bill. It is time that this Congress proves to working families that we care about them and that we care about their children. We can do that by providing immediate payment to those families left out of the Jobs and Growth Tax Relief Reconciliation Act.

Mr. Speaker, you may wonder who exactly was left out of that bill. How about military families with personnel serving in Iraq, Afghanistan and other combat zones. What about more than half the children of janitors and maids, cooks and other kitchen workers; farmers and farm workers; child care workers; nurses and secretaries; sales workers; bus, truck and cab drivers. These are the very workers that need our support.

Now, let us look at those who this bill benefitted the most. The millionaires, the tax cut legislation enacted in May created an average child tax credit increase of $615 this year for those who are lucky enough to meet the income requirements. However, tax filers with incomes of more than $1 million will receive an average tax cut of $93,500 this year. That is $93,500 as compared to $615, or as compared to 12 million children who have been left behind because the Republican leadership failed to include them in the child tax credit, and they have yet to receive the $615 benefit.

Mr. Speaker, the families I am talking about are those with dedicated workers that have put in full-time hours at minimum pay, pay taxes and earn less than $26,000 a year.

□ 1530

It is unfortunate that Republicans believe these forgotten children and their families do not contribute enough to deserve a break. Actions like these leave me no doubt that the priorities are dead wrong on the other side of the aisle. We must correct this injustice.

While the House passed a child tax credit bill, we missed the chance to pass a clean bill that would immediately grant our Nation's hardworking families with an increased child tax credit. The Republican initiative was a squandered opportunity to invest in our children and their families.

This supposed party of compassionate conservatism has exploited the child tax credit issue to pass even more tax cuts for their wealthy friends. Instead of bringing up the other body's child tax credit bill, which would cost $3.5 billion with offsets to fully pay for it, they passed a bill that costs $80 billion with no offsets, at a time when America's Federal deficit will exceed $400 billion.

The other body has handed us a bill that would have increased tax credits for 6.5 million tax-paying families months ago, and I support their effort. That is why I have introduced this motion instructing the conferees to adopt the other body's language, to put money in the pockets of the working families that need it the most. Even the President has come out in strong support of this clean legislation.

Our priority should be putting money in the hands of working Americans. That is the way to create jobs and build a strong economy. If we do not help our children now, how can we expect to strengthen our Nation in the future?

Mr. Speaker, the House's Republican leadership failed our children and working families. I am disappointed that the leadership is refusing to address the real issue here. It is time to restore true compassion for our Nation's working families. Working families need to know that we have not forgotten them.

I urge my colleagues, support this motion so we can pass the child tax credit to those who need it most.

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

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

Mr. Speaker, it is sort of an interesting omission of the history of this bill and how we got where we got. The gentlewoman from California is absolutely correct. This was a part of an $80 billion bill, but part of the $80 billion was made up of the tax break that we gave the low-income people that, in effect, took them off of the tax rolls. So

when they say that people lost their tax credit, they lost their tax credit because they were no longer paying taxes. It is just that simple.

So the question before this House is, Should the House take money from people who pay taxes and give it to people who do not pay taxes and do it under the Tax Code? If we are going to put this in the form of handouts, then it should go to the Committee on Appropriations, and this is where it ought to be; but when we put it in the form of tax credits, we are simply taking money from people who pay taxes and giving it to people who do not pay taxes. But let me go through this motion to instruct point by point because there are some points here that we should cover, particularly as it affects the men and women in the military.

The gentlewoman from California (Ms. WOOLSEY) in her motion to instruct has said that the conference report should provide the refundable credit to families in the form of immediate payments in the same manner it was provided to taxpayers who qualified under the original bill. Our response is, this provision is no longer valid. The child tax credit payments approved in the Jobs and Growth Tax Relief Reconciliation Act of 2003 have already been mailed out to the families who qualified. Moreover, the House bill does not deny immediate payment. It lets the IRS decide the most efficient way to deliver the payments.

The second point provides that the conference should require that combat pay be included in the definition of earned income for purposes of calculating the refundable child credit for military families. The response is, ironically, that the Senate version of the 2001 tax bill specifically excludes combat pay from the calculation of the child credit, unlike what is being asked for by the other side. The Senate is now seeking to reverse its own provision.

The decision to exclude combat pay from the definition of earned income was based on President Clinton's 2001 budget proposal and the Joint Committee on Taxation's simplification study. The motion to instruct contradicts President Clinton's proposal, the JTC simplification recommendation, and the Senate's own action. Nonetheless, a proposal is being considered in the context of the conference; but, again, this is not in the Senate bill.

Number three, the conference report should include tax benefits not found in the Senate bill unless the tax benefits are offset. Our response is that the instruction would effectively cut the child credit from $1,000 to $700 in 2005 as provided in the Senate bill. Why would we want to do that? Why would the other side want to do that? In addition, this instruction would prevent us from eliminating the marriage penalty and the child credit. If the instruction were adopted, millions of children would be denied the child credit simply because their parents were married.

The fourth point says that the conference report should include tax relief for military personnel and astronauts who died in the *Columbia* shuttle disaster. The underlying House bill already provides this tax relief; the Senate bill does not. So this has gone over.

The fifth point that is in is simply a rehash of the other four points.

So I cannot see why anyone on either side of the aisle would want to support this motion to instruct. I urge a ''no'' vote.

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

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

Mr. Speaker, one of my Republican colleagues favored arguments against extending the child tax credit to the families left out is that these families do not pay taxes and they should not receive a credit. They argue that Congress should not grant tax relief to families who are unemployed or who do not pay Federal income taxes. However, the truth is that all of these excluded hardworking families do pay taxes. They pay payroll taxes, State and local sales taxes, property taxes, excise taxes; and we must ensure that they receive their fair share.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California, one, for her leadership as the chairwoman of the Democratic Caucus Task Force on Children and her willingness to take this very important step to instruct the conferees. I thank her very much.

Mr. Speaker, we just have an enormous disagreement, plain and simple; and I am glad that I am standing on this side of the disagreement. One side, our good friends on the other side of the aisle really believe that the only ones who should get tax cuts are the 1 percent richest Americans. They are getting almost 80 percent to 90 percent of the tax cut. So, frankly, they have a one-sided view of the world.

On this side of the aisle, we truly believe, and the Senate agreed with us with a 94 to 2 vote, 94 for a child tax credit that includes those individuals who are willing to have their lives taxed. I believe that is the ultimate tax that has been paid, that is, the men and women on the front lines in Afghanistan and Iraq. Who is paying a tax like that? So are we suggesting that military families who are making between $10,000 and $26,000 a year are not worthy of a very small, minute child tax credit? What an outrage.

I believe there are two bodies. The Constitution set up the House and the Senate; but I do not believe that one has the one-upsmanship for doing good work, and if the Senate, or other body, excuse me, because I am going to be admonished about mentioning the other body, believes that is a viable approach, 94 to 2, how silly it is for us to continue to have this ongoing debate with the same dried-up story, they do not pay taxes. They pay payroll taxes. They pay sales taxes, and I have not looked at every one of their filings or every one of their personal conditions. There may be a myriad of other taxes that they might pay, car tax, property tax. So they do pay taxes.

But the tax credit is on children, the ability to be able to have a credit back to people on the number of children that they have to support, and in doing that, many of our families have used that for the necessities of life. Maybe they have used it for school books. Maybe they have made a rental payment on it. Maybe they have used it to buy extra food.

I do not know how many of my colleagues realize that military personnel are sometimes on what we call WIC and welfare because the moneys they have as their military allotment or salary is not enough for them to be able to support their families, and so it is unbelievable that we would not want to provide the partnership to the already-passed Senate provision that says that they will get a child tax credit in the backdrop of the increasing number of poverty. For the first time in a decade, poverty is up and the median household income is down for 2 consecutive years.

New census data recently released shows that the U.S. poverty rate grew from 11.7 percent to 12.1 percent. Who would not think that would happen in this administration? Jobs have been lost. We have lost over 3 million jobs. We just debated and passed an unwieldy $87 billion supplemental that no one can get their hands around, and our troops are not getting their paychecks. They do not know when they are going to come home. There is no exit strategy, and we are building schools galore in Iraq.

And I believe in a charitable foreign policy. I just believe we should do it collaborating with others; but we are going to be building schools, hiring police, building roads and bridges, and giving them $2.1 billion on behalf of the restructure of their oil, but yet we can stand here on the floor of the House and have someone get up and suggest that it is not right, not necessary to provide our young men and women in the military families with a simple child tax credit.

It is unbelievable that we would stand here and argue against the value of providing our children, our Nation's children, with the idea of a child tax credit.

The other thing that I would want to say is it is interesting how we do not want to provide this child tax credit when we ask the administration to put a moratorium on this multibillion dollar tax cut to the richest Americans and then in addition to this tax credit that goes nowhere but to the richest Americans does not create any jobs. In

fact, some of them have rejected it and said we do not need it. Warren Buffett happens to be one of them.

We are still willing to saddle America's children with an enormous debt because in the spring of 2001 we had a $5.3 trillion projected surplus. Today, we have $500 billion in a deficit and growing.

So this is a simple request to this House, and I ask my colleagues to vote enthusiastically to render a child tax credit that will be implemented in this process so we can address the needs of our children in America.

Mr. SHAW. Mr. Speaker, in that this is the 16th time we have been through this exercise, at this time I have no requests for speakers, and I reserve the balance of my time. I do recognize that the gentlewoman from California does have the right to close. So if she would appropriately advise me when she wants to close, I would be glad to do so.

Ms. WOOLSEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MCINTYRE), a co-chair of the Children and Families Task Force.

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

Mr. MCINTYRE. Mr. Speaker, I rise today on behalf of the 184,000 families in North Carolina who are unfairly excluded from the child tax credit package. These hardworking families struggle daily to afford food, clothing, school supplies, even sports uniforms for their children. During these tough economic times, it is unfortunate that the families and children who need assistance the most are being left behind.

I urge my colleagues to come together out of compassion and cooperation and commitment for extending relief to the 6.5 million low-income families that are struggling to support their children.

First, we must demonstrate compassion for those who are less fortunate. During tough economic times, we have a lot of families working hard to provide for their children; and we should leave no stone unturned in doing everything we can to help them.

Second, we must also demonstrate a sense of cooperation to ensure that all working families benefit under the child tax credit. Last May, we voted to accelerate the child tax credit and send many families a check for $400. Now is the time for this body to reach yet another agreement and not deny the same $400 check to our low-income families.

□ 1545

Where I come from, $400 goes a long way to help families with school supplies, clothes, rent and other very personal family needs.

Finally, we must uphold our commitment to restructuring economic growth for the entire population, including many of our military families. Last year alone, 1.7 million individuals fell into poverty. We must not delay in helping them any longer. We must show that we do have the compassion, the cooperation and the commitment that this body can work together and help these families.

For 4 months now, we have debated the child tax credit. Today is the time for compassion, cooperation and commitment to passing the child tax credit and helping our families, our children, and our future.

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

I would like to reiterate again the families who did not receive child tax credit relief when checks were mailed out this summer:

More than three-quarters, 801,000, of the children of sales workers; more than half, 903,000, of the children of janitors and maids; more than half, 526,000, of the children of cooks and other kitchen workers; more than half, 290,000, of the children of farmers and farm workers; two out of five children, 376,000, of child care workers and their aides; one in four, 711,000, children of nurses and their aides; one in four, 483,000, children of secretaries and related office workers; one in five, 264,000, children of truck, bus and cab drivers; more than 260,000 of active duty armed forces personnel.

Mr. Speaker, how can we forget so many families who are the backbone of our Nation's safety, transportation, health, food supply and other children's care?

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

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

Mr. Speaker, I would just like to make a few points that I think are very important. The gentleman from North Carolina gave a very impassioned speech, but what he did leave out is that to go ahead and get this bill conferenced and stick to the House language, most of the people he talked about will be off of the tax rolls, in fact, all of them will be off of the tax rolls if this happens. And that is a good thing, because we have in our bill that we passed, the $80 billion bill, we took millions and millions of Americans off of the tax rolls. And they are low-income people where we need to do this.

Also, the gentlewoman's motion to instruct would cut the tax credit from $1,000 to $700. Why do we want to do that? Why does the other side want to do that? I really do not understand the logic in doing this.

But, in any event, we have been through this many, many times. We are going over worn-out roads, and at this point I would, again, urge a ''no'' vote on the motion to instruct.

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

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume, and in closing, I wish to repeat that the working families we are talking about pay taxes. They pay their employment taxes, their payroll taxes, they pay local sales taxes, they pay property taxes and franchise taxes, sometimes. They are taxpayers. They earn a living, and they are the backbone of this Nation.

Mr. Speaker, according to the Citizens for Tax Justice, the child tax bill passed on June 12, 2003, by the House Republicans, would give almost two and a half times more to families with children under 17 that have incomes above $104,000 than it would give to families making less than $28,000 a year.

This is just bad policy, and this motion to instruct will correct that bad policy. And I ask that my colleagues vote ''yes'' on this motion to instruct.

Mr. SOLIS. Mr. Speaker, I rise to express my outrage regarding the Republican leadership's unjust treatment of the child tax credit.

Week after week, month after month, Republican leaders scheme and delay, unable or unwilling to find an ounce of compassion for families making under $26,625 dollars a year.

In my district, one out of every 4 families will get no child tax credit or compassion from the Republican leadership.

Military families who live in my district, and whose children serve proudly in our military, will get no child tax credit.

Yet somehow, Republicans found $90 billion to give to 200,000 millionaire families, while 1.6 million working class Latino families got nothing.

And yet again, Republicans found $20 billion for reconstruction in Iraq, while working class families got nothing for reconstruction here at home.

As our deficit grows, $400 billion for Fiscal Year 03 and $500 billion for Fiscal Year 04, these working families will get something . . . a higher debt burden they can pass onto their children, loss of essential health services, infrastructure funds, environmental protections and social security.

These families deserve more than that, they deserve a child tax credit.

I implore my colleagues of good conscience and compassion across the aisle to join me in supporting the Motion to Instruct Conferees and give our working families, our military families and all American children a Child Tax Credit!

Ms. DELAURO. Mr. Speaker, it is hard to believe that we have been discussing this matter for 5 months now. 5 months ago, the extension of the child tax credit was stolen from six-and-a-half million families, 12 million children—a million of whom are in military and veterans families. 5 months have passed since we first discussed how every one of these low-wage-earning families pay more in taxes than Enron, a multibillion-dollar company that paid no taxes in the last 4 or 5 years.

It is simply unconscionable. The other body passed a bill months ago. The president's spokesperson said then that the House should take it up, and the president would sign it. Why then is the Republican leadership so reluctant to lift a finger to help people who work—people who pay taxes, people who have children? Republicans pass tax cut after tax cut for the wealthiest Americans, and then they cut out the families of 12 million children.

As much as the other side of the aisle would like to say that they do not pay taxes, they do pay taxes—they pay property taxes, they pay sales taxes, they pay payroll taxes, and they work and live paycheck to paycheck.

Unlike so many of the millionaires who received a $93,000 tax cut in the $350 billion tax bill, these families who earn between $10,500 and $26,000 per year and know what it is to work and pay taxes. We should walk in their shoes.

And let me remind the majority who this injustice has affected disproportionately. Two-thirds of the parents who will not be receiving this tax cut are women. 4 million single mothers, a million married couples with stay-at-home moms. Fifty-five percent of all married-couple families. Two hundred thousand military families. All have been left out by this Republican majority. On average, these families would have received $276 in this year alone had the tax credit been extended to them.

Maybe that does not sound like a lot of money to some, particularly those millionaires who are going to get their $93,000, but it can be a difference between a child going to school with or without school supplies, it helps the families of the 9 million children in this country without health insurance pay for the health care services that they need.

Assisting these families, these 12 million children, is a moral issue. It is a matter of values. Mr. Speaker, we must call on the president to use his moral authority, do something about those six-and-a-half million working families. They have earned that child tax credit like we will never know. We should pass this motion to instruct.

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

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

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

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

The yeas and nays were ordered.

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

ADJOURNMENT TO FRIDAY, OCTOBER 24, 2003

Mr. SHAW. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, October 24, 2003.

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

There was no objection.

ADJOURNMENT FROM FRIDAY, OCTOBER 24, 2003 TO TUESDAY, OCTOBER 28, 2003

Mr. SHAW. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, October 24, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, October 28, 2003, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SHAW. 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 Florida?

There was no objection.

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 gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LETTERS FROM CONSTITUENTS

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

Mr. BROWN of Ohio. Mr. Speaker, back in 1838, the conservative leadership in the U.S. House of Representatives passed a rule prohibiting the discussion of slavery, essentially banning the debate of slavery in this body, which was the largest blot on our national heritage. For 4 years, people were not allowed to debate the issue of slavery on the floor of the House of Representatives.

Former President, then Congressman John Quincy Adams, night after night, day after day, week after week, came to the House floor, and not being able to debate slavery, he read letters from his constituents, most of them women, who could not vote in those days in the middle of the 19th century. So he read letters from his constituents protesting government policy on slavery.

Today, we have seen in this body the continued suppression of debate on whether or not the Bush administration told the truth about Iraq, a continuation of disallowing of amendments that would have provided and supplied for our soldiers better than they have been, and that the military is able to, and so, as a result, Mr. Speaker, today I want to read letters from my constituents about some of those issues.

Sharyn from Fairlawn, Ohio, writes: No to $87 billion to Iraq. Yes to education that has suffered under President Bush. Yes for the creation of jobs that have suffered under Bush. Yes for giving financial aid to the small business manufacturing industry that has suffered to the point of near extinction. Let us get our country back.

Sharyn of Fairlawn, Ohio, was talking about the fact that we have lost 3½ million jobs since President Bush took office. In my State of Ohio, one out of every seven manufacturing jobs has disappeared, much of it because of bad trade agreements, and much of it because of Bush economic policies. One out of seven jobs has disappeared.

Erica, from Clinton, Ohio, writes: To continue writing blank checks to the team responsible for the deplorable mess in Iraq is throwing good money after bad. With the current team overseeing the reconstruction of Iraq, there will be no end in sight to further demands for additional monies. Keep large corporations from making important decisions in Iraq.

What Erica from Clinton, Ohio, is talking about is the fact that the Halliburton corporation and many other companies have received large, unbid contracts from President Bush and from the Pentagon to rebuild Iraq. It is the same company, Halliburton, which still is paying its former CEO, present Vice President of the United States, RICHARD CHENEY, still paying Vice President CHENEY $13,000 every month.

So we have Halliburton, which has gotten literally billions of dollars in contracts, many of them unbid gifts from taxpayers, unbid contracts. Hundreds of millions of dollars in unbid contracts, billions of dollars overall. Halliburton has gotten this money and much of it is not accounted for. Yet the Vice President of the United States is still receiving $13,000 a month from this company, not to mention Bechtel and other corporations, most of which are friends of the President and major contributors of the George Bush reelection campaign.

Celia from Strongsville writes: No more money should be allocated for Iraq until we make Bush's administration accountable for it and tell us what he is doing with it.

Again, she is talking about Halliburton, the $13,000 a month to Vice President CHENEY, and all the money unaccounted for going to these large corporations which are major contributors to the President.

Celia continues to write: You cannot cut taxes and continue to increase spending without bankrupting the next generation in this country. When Congress appropriated $87 billion last week, at the President's demand, understand every one of those $87 billion was borrowed money from the next generation.

Celia then closes by saying: I used to think Republicans were more fiscally responsible than Democrats. I know that is not true any more.

Jack from Strongsville, Ohio, writes: Enough is enough. Let us stop losing American lives and get back to saving our country.

Ed from Strongsville, Ohio, writes: We seem to have no money for anything other than defense initiatives. The Iraq war has totally distracted us from the real issues of terrorism and from our domestic economic agenda.

What Ed from Strongsville is talking about is the President and the administration have lost sight of going after Osama bin Laden, lost sight of going after al Qaeda, lost sight of protecting us at home, lost sight of spending money on our security at home, from jobs to homeland security, and, instead, has gone into another country and is spending these untold billions on reconstructing Iraq.

Ed concludes by saying: It is time for a constructive effort to fiscal responsibility.

Mr. Speaker, many of us have received hundreds, thousands of letters from our constituents upset about this policy and they want some direction. They want no more corruption in Iraq.

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1600

HOUSE SHOULD ELIMINATE DEATH TAX

The SPEAKER pro tempore (Mr. CULBERSON). 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 again. This is my fourth or fifth week of coming down at least one time a week to remind the leadership of the House, both Republican and Democrat, that each and every time a man or woman dies for this country, whether it be in training or in Iraq or Afghanistan, when the family not only buries that loved one, the next year they will receive a tax from Uncle Sam on a small amount of money called a death gratuity. It is $6,000.

I have a bill in, and it is my second year of introducing legislation to eliminate that tax. It was put on by mistake in the early 1990s; but since that time, everyone in uniform that has died for this country, whether peacetime or wartime, the families have paid the gift of that child who died for freedom, particularly now in the war in Iraq and Afghanistan. Behind me are the faces of those, just a few, who have given their lives for America. Outside of my office, 422 Cannon, we update each and every week the faces of those who have given their lives.

It touches one's heart to see people walking down the hall stop to take a moment to look into the faces of those who have died for freedom. That is the purpose of honoring those who have given their lives and families, by having people never forget there is an expensive cost for freedom, and that is the lives of those who have given their lives for this great Nation. I am hopeful that the leadership will be bringing legislation to the floor that will reduce and eliminate that tax on the death gratuity.

Mr. Speaker, I show this photograph of a young man whose name is Tyler Jordan. Tyler is from Connecticut. His father was Marine Gunnery Sergeant Philip Jordan. This was one of the shots I saw in the newspaper that touched my heart so much that I contacted the photographer and asked him to buy this photograph. This young man is 6 years old. He has the American flag under his arm which draped his father's coffin, and he is looking at the coffin holding his father.

The reason I keep bringing this to the floor along with these other photographs is because this Congress cannot leave this year without passing legislation to eliminate the tax on the death gratuity. For this young man and his family to receive a bill from Uncle Sam in 2004 to pay the tax on the gift of his father, and the husband and son, it just does not make any sense.

Mr. Speaker, I am encouraged. The gentleman from Arizona (Mr. RENZI) and I have been working on this issue, and I have been told that the gentleman from Arizona (Mr. RENZI) will be bringing legislation to the floor that will increase the death gratuity and also eliminate the tax. I am pleased to say that I know that every Member of Congress on both sides of the aisle will join us in passing the legislation and send it to the other body, and plead with the other body to please pass the same legislation and send it to the President before we end this year. It is wrong and unacceptable that any family that gives a loved one to this Nation for freedom would be sent a bill from Uncle Sam. I am pleased that I have been told that there will be legislation coming to the floor that will eliminate the tax and also will raise the death gratuity.

Mr. Speaker, we must remember that these men and women who have given their lives for this country, that the families have given enough and they need not give any more to Uncle Sam.

With that, Mr. Speaker, I close by asking God to please bless our men and women in uniform, please bless their families, for God to please hold in his loving arms those who have given a loved one for freedom. I ask God to please bless the young men and women in uniform. I ask God to please bless the House and Senate that we will do what is right in the eyes of the Lord. I ask God to please give the President of the United States wisdom, courage, and strength to do what is right.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

TRIBUTE TO TERRI SCHINDLER–SCHIAVO

Mr. FEENEY. Mr. Speaker, tonight I rise to speak for the life of a fellow citizen, Ms. Terri Schindler-Schiavo. Her story has been heard worldwide and I join millions across the world, including our Governor, Jeb Bush, to urge that her feeding tube be replaced and her life spared.

According to the web site established on her behalf, Terri was 26 years old when she suffered brain damage from a sudden collapse. She receives her food and water by means of a feeding tube. Terri's other bodily functions are physically stable. Terri smiles, laughs and cries. Terri recognizes voices and responds. At times, she vocalizes sounds, trying in her best way to speak.

While these situations are heart-breaking for all of those involved, we need to remember that all life is precious. It is not for us to measure what constitutes ''valuable life v. invaluable.'' We never know how one's life may impact others. While Terri's life seems ''a waste'' or ''over'' to others, she obviously brings delight and happiness to her family and those around her. Her parents and siblings have fought in court to keep Terri alive.

Members, the prospect of a society that places price-tags on human life, is terrifying. We must uphold the American precedent that ''. . . All men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life . . .'' I stand in support of Terri's family, as well as our Governor and State leaders who are trying to preserve this precious life.

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

(Mr. KIND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WAR ON TERROR

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCCOTTER. Mr. Speaker, I rise to address the issue of Iraq, and specifically how our war on terror, a truly just war in the defense of American civilization, entailed the strategic imperative for Iraq's regime change and reconstruction, and now how in the war on terror we stand at a crucible for our country and civilization.

On September 11, 2001, America was shaken by a sudden and concerted act of terrorism by fanatics who possessed no justification and our Nation no culpability for their willful, deliberate, and premeditated murder of innocents. Stunned, we resolutely marshaled our courage and solemnly accepted the duty to defend our country and human civilization from the atavistic nihilism of Islamic extremism which amorally and arbitrarily colors and conditions the unviable sanctity of human life within the skewed prism of its adherents' abject pursuit of power.

This is neither the first nor undoubtedly the last time our Nation will be called upon to protect itself and all the world from an extremist enemy with inhuman aims. In our relatively brief existence, we have led the successful efforts to eradicate the evils of imperialism, fascism and communism; and, heartened by our storied tradition of valor and victory, our current efforts must and will continue to tighten nooses around the necks of the practitioners of terror until they have joined their extremist antecedents in the ash can of history.

It will be a long, hard, bitter task to defeat these disparate, desperate denizens of terror, who skulk in the shadows and steep in the venom of their perverted political phantasms. Their strength is their stealth and ruthlessness which, in the absence of their own nation-state, was spawned by their inability to wage conventional war upon traditional combatants. Their weakness, in turn, is their inability to subsist and act without sustenance from a cut-throat confederation of sheltering nation-states and sympathizers.

These murderers are at once everywhere and nowhere; shrill in their threats, silent in their tactics; housed in the bosoms of evil and hunted in the citadels of freedom. They are the faceless foes of a million-mile front in a war without borders or bounds, but with this grim reality: they want to kill us. They want to kill our children. And to kill us, they will kill themselves, too. Make no mistake, the only way to stop them from killing us is to first kill them until they capitulate. The war is here. The war is now.

And unless and until our victory is won, every American man, woman and child will live in a perpetual state of imminent threat from terrorists and their patrons because, as proven by the sneak attack on September 11, the extremists' existence is an imminent threat to our existence.

Given this grim reality and our enemies' assets and liabilities, defeating terrorists requires severing them from their sponsoring states and sympathizers in tiered theaters of operations determined and devised as necessity demands and opportunity provides; and within these theaters of operations involved, diplomatic, economic and military, must each be tailored by time and circumstance for maximal advantage and efficiency. It is a root-and-branch approach. The U.S. and its allies must uproot regimes supporting terrorism; serve notice on other rogue regimes to cease and desist in their succor of terror, lest they suffer the same fate; and leave terrorists to die on the vine of their own dependencies and the steel of our resolve.

Within this mission, theaters of operations must first be defined. Tragically, the tier-one theater has already been designated for us: the homelands of America and her allies. Tier-two theaters exist within those nations in which America and her allies must diplomatically, economically, and/or militarily act to end a rogue regime's intransigent sponsorship of terrorism.

Prioritizing and selecting tier-two theaters is an agonizingly difficult task; but a practical, tripartite regime change, reconstruction calculus can be formulated from the factors of necessity, victory, and stability.

First, necessity is determined by the rogue regime's continued support of terrorism, a question answered only by these nations' actions.

Secondly, victory's viability is determined by the prospects for a successful regime change through diplomatic, economic, and/or military means.

Third, stability is determined by the prospects of reconstructing within the newly liberated nation a stable, civilized, indigenous government opposed to terrorism.

Regime change and reconstruction are the twin pillars of one policy: victory. Having effectuated a regime change, the U.S. and its allies cannot idly and anxiously await a newly liberated nation's indigenous developments in the areas of politics and economics for, devoid of stability and a steady progression toward democracy and prosperity, a deposed regime's vacuum will be filled by more ruthless rulers or by anarchy, and either outcome will foster terror's network.

The U.S. and its allies must promptly and purposely act, even prior to the final ending of military hostilities, to commence reconstructing newly liberated countries and actively facilitating their reentry into the community of civilized nations opposed to terrorism. Such reconstruction will not happen instantaneously; such reconstruction will not happen inexpensively. But happen it must, lest the war on terror never end.

But strategic imperatives are insufficient rationales for Americans to wage war. As a civilized people, we will only fight a just war, one necessarily engaged and morally waged.

In prosecuting the war on terror, America solidly stands on the moral high ground.

The moral legitimacy of our war on terror is lost upon many amidst the fog of rhetoric surrounding the determination of which rogue regimes supporting terror must be changed through American military force. Regardless, the logic remains: as all civilized nations have allied to end terrorism, any contrary country harboring and helping these criminals is, itself, uncivilized and criminal; and such a rogue country's immoral regime is illegitimate within the community of moral nations.

As for the moral legitimacy of unilateral American preemption of rogue regimes aiding and abetting terrorism, the United States, a sovereign Nation, cannot and will not delegate or subordinate to any country or international organization our morally justified duty of defend and deliver ourselves from evil. Having already been grievously wounded by an unannounced, unprovoked attack on our soil, the U.S. is already in a state of war against terrorists and their state sponsors, and is morally justified in speaking out and bringing to justice all who are, all who aid, and all who abet our self-appointed enemy. The doctrine of preemption, then, is both morally justified and wholly irrelevant, because the terrorists' insidious onset to this war means the war on terror is now. America is not arbitrarily or preemptively prosecuting a prospective war on terror; America is necessarily defending itself against terrorists and their state sponsors in a war which reached our shores over 2 years ago.

In the final analysis, because America was immorally and unilaterally attacked, America can morally and unilaterally counterattack. We have the moral right to do so, and the moral duty to do no less. Throughout this just war on terror, America possesses a moral right to seek rogue regime changes; and America possesses a moral responsibility to reconstruct liberated nations. This is not a novel path to a just and equitable peace for Americans who, in rebuilding our war-torn enemies following World War II, honorably fulfilled the promise of their late

President, Franklin Roosevelt: ''Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights to keep them. Our strength is our unity of purpose.''

Presently, such unity of martial and moral purpose can only be fulfilled by rehabilitating the newly liberated countries of Afghanistan and Iraq into democratic Middle Eastern allies in the world's war on terror.

Immediately following September 11, 2001, the United States and its allies against terror squarely set their sites upon Afghanistan, whose primitive Taliban regime repeatedly refused to terminate its assistance for the butchers of innocents.

Affirmatively evaluating the necessity for and viability of a regime change, and the prospects for reconstruction and post-conflict stability within Afghanistan and the region, on October 7, 2001, America's initial tier-two theater of operations opened in Afghanistan. Then, targeting terrorist enclaves and training camps and various Taliban military and political assets, the U.S. and our allies, including indigenous anti-Taliban Afghans, struck with unprecedented speed and success and the rogue regime rapidly disintegrated and capitulated on November 13.

Following the fall of Kabul, the U.S. and its allies have engaged in both military operations against terrorists and Taliban loyalists and reconstruction operations with the Afghan people. Militarily, there exists a NATO force of 5,000 troops in Kabul to provide security and stability to the fledgling government of President Hamid Karzai, and there remains a U.S.-led coalition force of 11,500 troops throughout the country to hunt down al-Qaida and Taliban diehards. In reconstruction efforts, the U.S. alone has contributed over $900 million in assistance to the people of Afghanistan, including the rehabilitation of 72 hospitals, clinics and women's health care centers; the vaccination of 4.3 million children against measles; the treatment of 700,000 cases of malaria, the enrollment of 4 million children in school, the repatriation of 2.5 million Afghans to their homes, the commencement of 6,100 water projects to aid farmers, and commitment to rebuild the Kabul Kandahar road.

To date, this concerted implementation of the regime change rebuilding nexus, still in its infancy, has been successful in eliminating the state-sponsored terrorism of the Taliban, facilitating a stable new government progressing toward democracy and prosperity, and increasing America's and the world's security.

For the allied forces, this success in the Afghan tier-two theater of operations provided concrete milestones and guideposts along the path toward the next tier-two theater of operations, Iraq.

Under the despotic direction of Saddam Hussein, Iraq long posed a danger to America and the international community. Suffice to say the threat was recognized by all nations after Iraq's 1991 invasion of and expulsion from Kuwait. Curiously, though, after the onset of the war on terror, minds have differed over whether or not Iraq's threat to America, in particular, and the world community in general, sufficiently existed to compel martial force be used to effectuate an Iraqi regime change.

□ 1615

There should be no doubt. Applying the regime change-reconstruction calculus proves opening the Tier 2 Iraqi theater of operations was a strategic imperative in the war on terror. First, Iraq constituted a necessary Tier 2 theater of operations due to its refusal to stem and, instead, perpetuate its state sponsorship of terrorism. Interestingly, as early as 1998, the agreement on this point appeared nearly unanimous. ''The only answer to aggression and outlaw behavior is firmness. He Saddam will rebuild his arsenal of weapons of mass destruction and someday, some way, I am certain he will use that arsenal again as he has ten times since 1983.'' National Security Adviser Sandy Berger, February 18, 1998.

From the same day I quote:

''Iraq is a long way from here but what happens there matters a great deal here. For the risks that the leaders of a rogue state will use nuclear, chemical or biological weapons against us or our allies is the greatest security threat we face.'' Secretary of State Madeleine Albright, February 18, 1998.

''One way or the other, we are determined to deny Iraq the capacity to develop weapons of mass destruction and the missiles to deliver them. That is our bottom line.'' President William Jefferson Clinton, February 4, 1998.

Given Saddam Hussein's unabashed and unabated hatred of Americans and his willingness to conspire with murderers of any stripe to kill Americans, the evidence of which continues to slowly but surely seep to the surface despite the old regime's attempts to bury and burn their intelligence records, the terror attacks on September 11, 2001, seemed to solidify the early consensus American national security required a regime change in Iraq.

''We know that he, Hussein, has stored secret supplies of biological and chemical weapons throughout his country. Iraq's search for weapons of mass destruction has proven impossible to deter, and we should assume that it will continue for as long as Saddam is in power.'' Former Vice President Al Gore, September 23, 2002.

The necessity test met, what was the viability of deposing Hussein and his minions? While the level of U.S. and allied military force required was debated, especially in the absence of the United Nations' cooperation, the viability of successful Iraqi regime change was little disputed by knowledgeable minds. Iraqi forces remained hobbled after their defeat during the liberation of Kuwait, and its economy languished under postwar economic sanctions. Still, it was not an easy decision and never is when sending good American sons and daughters into harm's way. But it was a decision which nearly all involved concluded would lead to a victorious military operation. Events, to date, have validated this original assessment.

On March 20, 2003, the U.S. and its Coalition of the Willing allies launched military strikes against Iraqi leaders. By April 5, U.S. tanks entered Baghdad. By April 9, U.S. troops aided Baghdad residents in toppling a statue of Saddam Hussein, thereby symbolizing his removal from power. By April 14, the Pentagon announced it ''would anticipate that the major combat operations are over'' and it began the process of sending air and naval forces home. And finally on May 1, President Bush declared an end to major combat operations in Iraq. Yet even as the general assessment of the viability of an Iraqi regime change was upheld, significant opposition has arisen and jeopardizes the final stage of the operation, the reconstruction of a stable, democratic and prosperous Iraq.

Initially, the postregime change reconstruction of Iraq portended a long, but ultimately successful, transition to a stable democratic state. The Iraqi people, though long oppressed by Hussein, remained a highly-industrious, highly-educated people, possessed of a long history replete with notable accomplishments in the areas of agriculture, commerce, science and scholarship. Once liberated, it was projected, Iraqis would seize upon their newfound freedoms to forge a new nation of equality and prosperity and join the league of civilized nations.

According to the State Department, Iraq has experienced enormous post-Saddam progress in the areas of security, essential services, economics and governance. On the security front, significant accomplishments have occurred.

More than 40 of the 55 most wanted former Iraqi officials have been apprehended by Coalition forces. Northern Iraq and the Shi'a heartland, running from just south of Baghdad to the Kuwaiti border, have been secured; and recruitment for the first battalion of the new Iraqi army has commenced, with 1,200 Iraqi being trained this year and 40,000 to be trained over the next 2 years.

Essential services, too, have progressed. All of Iraq's hospitals and 95 percent of its health clinics have opened and are providing services, including the dissemination of 22.3 doses of measles, TB, hepatitis B, diptheria, whooping cough, tetanus and polio vaccines required to inoculate 4.2 million children.

More than 100 schools have been rehabilitated, with 600 more projected to be completed prior to the start of the

school year. Ninety percent of Iraq's public schools and all of Baghdad's universities have reopened.

Dilapidated and looted power, water, and sewage treatment facilities have been rehabilitated and electricity generation now nears 75 percent of prewar levels.

Further, phone service has been restored to hundreds of thousands of customers; and massive cleanups of Baghdad's poorest neighborhoods have been completed.

Economically, Iraq is beginning to flourish. The streets of major cities bustle with commerce, markets now access many previously sanctioned goods, including more than 150 Iraqi published newspapers. Long-term growth is being promoted through regional integration and increased trade.

Banking reforms, including the unification of currency with new bank notes in circulation and new monetary policies based upon transparency and discipline are being implemented.

And oil production has passed 1 million barrels per day and soon will reach 2 million barrels per day. And the governance of this once captive country is finally in the hands of the Iraqi people. Iraq's new, diverse, 25-member Governing Council was fully formed on July 13. All major Iraqi cities have city councils, and over 85 percent of Iraqi towns have town councils. All Baghdad neighborhoods have advisory councils.

Eleven government ministry buildings have been rehabilitated or equipped, and dozens of nongovernmental organizations are being funded to deliver local services and build a civil society. As noted by Secretary of Defense Donald Rumsfeld on September 25, when measured against past reconstruction efforts, specifically those in Germany following World War II, the progress in Iraq is striking:

''Within 2 months, all major Iraqi cities and most towns had municipal councils, something that took 8 months in postwar Germany. Within 4 months the Iraqi Governing Council had appointed a cabinet, something that took 14 months in Germany. An independent Iraqi Central Bank was established and a new currency announced in just 2 months, accomplishments that took 3 years in postwar Germany. Within 2 months a new Iraqi police force was conducting joint patrols with Coalition forces. Within 3 months we had begun training a new Iraqi army, and today some 56,000 are participating in the defense of their country. By contrast, it took 14 months to establish a police force in Germany and 10 years to begin training a new German army.''

Moreover, Iraqi reconstruction successes are especially striking when one realizes the new Germany's reconstruction only followed Nazi Germany's unconditional surrender and complete cessation of hostilities. In Iraq, while the major operational conflict is over, the Coalition is rebuilding a country with which we are still at war. The major military conflict phase ended with the fall of Baghdad. But the fall of Baghdad was not a surrender. It was a strategic retreat, one devised to commence the war's guerilla phase.

Baathist diehards, Saddam loyalists and terrorists from or drawn to Iraq are employing terror's ruthless tactics to wage a guerilla war against American soldiers and a psychological war against American citizens. These cowardly criminals' ghoulish goal is to kill enough American soldiers to force a disheartened American public to demand a hasty withdrawal from Iraq. The criminals learned this lesson from the successful North Vietnamese military dictum asserting their war with the U.S. would not be won or lost on battlefields of Southeast Asia but in the streets of America. Thus, heartened by every politician's or pundit's groundless pontificating to the effect Iraq is our new Vietnam, these Iraqi extremists kill on as they cling to any false hope they will usurp power when a dispirited America retreats. They are, of course, wrong. America will not retreat from Iraq. America will reconstruct Iraq. And we will do so in the very face of this guerilla phase of the Iraqi campaign.

Unfortunately, this act of humanitarianism is both unprecedented in world history and little noticed by the world community, including many Americans. The failure to fully recognize the context and accurately gauge the progress of Iraqi reconstruction forms a misguided basis for opposition to Iraqi reconstruction, jeopardizes the coalition's efforts to win the Iraqi theater of operations, and increases the odds of Iraq becoming the first setback in America's and its allies' war on terrorism. And it is not the only misguided basis for opposing Iraqi reconstruction. While subsequent events have so far vindicated the decisions dictated by the regime change-reconstruction calculus regarding the necessity and viability of regime change in the Iraqi theater of operations in the war on terror, the stability wrought only through successful reconstruction efforts remains elusive due to international, Iraqi and American opposition.

In 1940, England's finest hour arrived as it singlehandedly fought off the Wehrmacht war-machine subjugating continental Europe, and its steadfast lion, Mr. Churchill, implored the United States to abandon its intransigent, antiquated isolationism and join the struggle to save civilization from Naziism. Ironically, we now find ourselves similarly situated in the concert of international events and the court of world opinion. Yet unlike the opposition Prime Minister Churchill faced from international appeasers and American isolationists in the nascent stages of World War II, in the war on terror no civilized country denies the danger and all demand its end. Still, many nations are reticent to make the hard sacrifices needed to end terror. This is thoroughly disgusting but hardly surprising. Nearing the close of World War II, a former isolationist and an eventual bipartisan leader in international cooperation, U.S. Senator Arthur Vandenberg, Republican of Michigan, squarely addressed the problem of international cooperation against common foes:

> It means the continued and total battle fraternity of the United Nations. It must mean one for all and all for one, and it will mean this unless somewhere in this grand alliance the stupid and sinister folly of ulterior ambitions shall invite the enemy to postpone our victory through our own rivalries and our own confusion. The United Nations, in even greater unity of military action than heretofore, must never, for any cause, permit this military unity to fall apart. If it does, we shall count the cost in mortal anguish even though we stumble on to a belated though inevitable victory. This is an obligation which rests no less upon our allies than upon us and no less upon us than our allies. First things must come first. History will not deal lightly with any who undermine this aim ere it is achieved. Destiny will one day balance any such ghastly accounts.
>
> Now I am not so naive as to expect any country to act on any final motive other than self-interest. I know of no reason why it should. That is what nations are for. I certainly intend that intelligent and loyal American self-interest shall be just as vigilantly and vigorously guarded as is amply obvious from time to time in their own behalf by the actions of our allies. The real question always becomes just this, where does real self-interest lie?

Until last week, the answer was mixed, with too many nations cravenly calculating to meanly subsidize their security from terrorism with the blood of American and allied soldiers. Yes, the recent unanimous approval by the United Nations' Security Council of Resolution 1511, (2003) provides a faint, begrudging admission a democratic Iraq would benefit the world community.

However, these nations' true test will come not through their delicate words, but through their concrete deeds. The international community's first concrete deed must be relieving the new Iraq of the debts amassed by the old Iraq. The resolution of this issue involving billions of dollars of debt, much of it munitions debts owed to members of the very United Nations Security Council which sanctioned Iraq, yet who continued to sell weapons and dual-use technologies to the former rogue regime until the removal of Mr. Hussein, will prove the real answer to where these nations believe their real self-interest lies. Regardless of their decision on the debt, and their track record does not portend a proper one, the U.S. and its allies must still fulfill the obligation of international etiquette to ask these other nations' participation and cooperation. But we must, throughout the process, rid ourselves of any delusion these nations will suddenly abandon their old greed and accept their true duty. And we must dedicate ourselves to the arduous task of reconstructing the new Iraq

wherever these nations perceive their real self-interest to lie.

This debt test also applies to American supporters of reconstruction efforts who advocate U.S. reconstruction funds to Iraq be tendered as a loan rather than a grant. If America shares the taint of short-term pecuniary interest, it will eclipse the faint hope the world's predator-creditor community will relent from their billions in claims upon Iraq. The death of this slim hope will then write its own wicked epithet by crushing this nascent democracy under oceans of red ink, precluding Iraqi prosperity, undermining Iraqi democracy, and spawning a new Iraq regime of the old Iraq regime, by the old Iraqi regime and for the Iraqi regime, or worse.

Prior to determining where their real self-interest lies, these international amassers of Iraqi debt and American loan proponents should read an elementary treatise recording the mounting miseries of their philosophical predecessors beginning with the Treaty of Versailles up to the Weimar Republic and on through the rise of Nazi Germany. Then they might see their position may or may not ''saddle our children with tomorrow's debt''; but it will saddle our children with today's threat.

Not surprisingly, active Iraqi opposition to reconstruction is comprised of the same thugs who opposed Iraqi regime change, namely, deposed members of the former Baathist regime, former soldiers who were disbanded under the first wave of de-Baathification, and terrorists both native to and newly arrived in the country. These bands' opposition to a new, democratic Iraq is self-evident. They will fight to the death to restore the old Iraq, for they have nothing to live for in the new Iraq. The larger, long-term obstacle to reconstruction is the passive nonparticipation of large segments of Iraq's general population. Typified by a reticence to assist Coalition forces and nongovernmental organizations in rebuilding efforts, this de facto opposition is a direct result of recent history. Too often Iraqis have witnessed Saddam's apparent demise only to see him resurrected; and, not illogically, a chary Iraqi populace will not risk life and limb in reconstruction efforts so long as there exists a glimmer of danger the Coalition will depart and Saddam will return.

□ 1630

Despite this indigenous opposition, the beneficent prospects for long-term reconstruction remain. The active opposition must and will be dealt with by both coalition forces and the new Iraqi security apparatus; while the defacto opposition must be dealt with through a firm coalition commitment to reconstruction, consistent progress towards democracy and prosperity, and by Saddam's corpse.

Finally, there exists domestic American opposition to the reconstruction of postwar Iraq. Such opposition is fascinating, particularly when viewed in light of the President's $87 billion Iraqi reconstruction request, a reasonable request, the New York Post observed, as it was less than ''the sum to replace a chunk of Manhattan, which could easily top $100 billion, not to mention the toll on the broader economy.'' And not to mention the death toll of 3,000 Americans on September 11.

Why this domestic opposition? To begin with, all previous combatants in war utilized information, or more crudely, propaganda, to galvanize one's homefront and demoralize an opponent's homefront. In the war on terror, contrarily, and especially in the area of homeland security, unprecedented propaganda constraints severely delimit a nation's ability to broadcast its victories to its citizens.

Practically and strategically, the U.S. and its allies cannot list all of the terrorist attacks prevented without jeopardizing precious and often scarce intelligence sources, instructing terrorists as to the real internal machinery of homeland defenses, and disconcerting and demoralizing our citizenry. The American public is reduced then to accepting the proposition ''no news is good news,'' equating government officials' silence with homeland security's efficacy, and all the while they are expect to remain fully engaged in the war on terror. It is a daunting chore and dangerous circumstance.

In yet another dubious precedent of the war on terror, Americans rarely hear of our wins and our enemies rarely hear of their losses. The inverted equation becomes elementary and insidious: the more successful the effort to stop terrorist attacks on American soil, the more likely Americans are to believe the war has already been won or the threat significantly diminished. And for terrorism's adherents, one successful attack amidst a sea of defeats will delude them into believing they are winning and will lead them to ever greater depths of depravity.

Exacerbating and intertwining with the ''no news is good news'' conundrum of the war on terror is the man-bites-dog dictum of journalism fostering a barrage of reports upon solely the setbacks in Iraqi reconstruction efforts. Such reporting has crafted an inaccurate public perception to the effect an ungrateful Iraqi people are bent upon killing the very American infidels who liberated them. This public perception is demonstrably false. Polls consistently prove the overwhelming majority of Iraqis are grateful for their liberation, and once the threat of a Baathist resurgence is finally vanquished, Iraqis will prove the ultimate architects of their own emancipation and realization of democracy. Nevertheless, an American public bombarded by no news or negative news will not prove easily disabused of this misconception, and it will continue to prove a formidable obstacle to garnering domestic support for Iraqi reconstruction efforts.

Finally and most formidably of all domestic opposition to reconstruction stems from America's still retaining a strong current, however scattered and misdirected, of isolationism, comprised of the twin branches of traditional isolationism and, ironically, liberalism's post-Cold War hyperglobalism. Liberalism's post-Cold War hyperglobalism is, in reality, a thinly veiled venture to delegate and thereby subordinate America's national interests to international organizations. Inveterately, such hyperglobalist requests for international aid or assistance or cooperation or partnership on issues affecting American national security are but a pretext to providing an international veto prior to America's defending its interests. In doing so, hyperglobalism would alienate America from its own national security interests by subordinating America to the United Nations. This, in effect, would isolate America from its supreme sovereign duty to defend its own interests and from its especial role to defend freedom and democracy throughout the world.

Naturally, while America must still always welcome international support to defend freedom and ourselves, in the war on terror where America is the enemies' primary target, isolationism disguised as hyperglobalism is ridiculous and dangerous: if we surrender our self-defense to the whims and good wishes of the U.N., soon we will never be more loved and never more dead.

The separate branch of the same tree, traditional isolationism, once thought as ideological casualty of Pearl Harbor, has never expired because of its emotional, albeit fanciful, appeal: Who would not want to avoid foreign wars costing the lives of Americans? Of course, so few people argue against a wish so enticing, and this of course is why so many politicians propound isolationism, be it however subtly or less than subtly.

For example, consider these excerpts from a certain Senator's radio address:

''My friends, it is this satanically clear, clever propaganda that appeals to Christianity, the idealism, the humanity, and the loyalty of the American people that takes us into war.

''Do not let yourselves be swayed by mass hysteria.

''Warmongers, sordid romanticists, reckless adventurers, and some whose sympathies and sentiments are stronger than their reasoning powers would plunge this Nation into war. Plunge us into a war from which we would gain nothing.

''Don't let yourselves be misled by the so-called notables . . . they do not represent labor, the farmer, the youth and the mothers or fathers of America.

''. . . Americans in greater numbers must firmly resolve and express themselves that we will fight no offensive war.''

The Senator continued: ''America's war ought to be against industrial unemployment and low farm prices . . .

''We sympathize with the oppressed and persecuted everywhere. We also realize that we have great problems at home, that one third of our population is ill-fed, ill-housed and ill-clad, and unless and until this situation is corrected, our democracy is in danger.''

He then concluded: ''I cannot help but feel that we should settle our own problems before we undertake to settle the problems of Asia, Africa, Australasia, South America and Europe. As Americans interested first in America, what is our present stake?''

This isolationist ode to only spending Americans' money solving Americans' domestic problems comes not from the current Iraqi reconstruction debates. They were the remarks of U.S. Senator Burton Wheeler, Democrat, Montana, in opposing the Roosevelt administration's lend-lease proposal with England.

Still, the crude crux of the matter, originally posited by Wheeler and later by his isolationist ilk from the debates over aid to Greece and Turkey through the Marshall Plan right up to today's debates over Iraqi reconstruction remains: What is in it for us? A bitterly ironic inquiry from baby boomer Democrats who once applauded JFK's inaugural challenge to ''ask not what your country can do for you,'' but I digress.

What is in it for us is what is in it for everyone: a stable, democratic, and prosperous new ally in the war on terror serving for generations to come as a bulwark in the struggle for the survival of our Nation and world civilization.

True, some isolationists find the survival of freedom and civilization far less tactile goals than, say, a new road or free condoms, but the survival of freedom and civilization must suffice as our abiding cause in this time of national crisis.

Seriously, what is more presently pressing: erecting schoolchildren new classes or eradicating schoolchildren's killers? Where must we must urgently expends our resources: finishing the liberation of Iraq and standing tall at the front door of terrorism, or spending ever more money at home so when terrorists blow in our back door, they can admire our compassion as they kill us?

Right now, more than ever, we must resist all of isolationism's shortsighted and selfish special interest appeals, lest America asphyxiate upon its tissue of lies. And may God spare the souls of those who do partake of the isolationism's fools gold only to find its blood money, blood money borrowed at the collateral cost of future Americans killed.

This we will not do to our children. This we will not do to our civilization. This we will not do to ourselves. History is a harsh mistress, beautifully chaste in her truth, but brutally cruel in her treatment of fools who fail to learn her lessons. So while many today may not recall Senator Burton Wheeler's name and many presently reprise his siren song of isolationism, for both, history will record and return an equally ignominious and indelible indictment. Or worse, for our contemporary isolationists.

After all, the isolationist Wheeler railed before 2,300 Americans were killed at Pearl Harbor. The new isolationists rail after 3,000 Americans were killed on 9–11.

Mr. Speaker, waging and winning the war on terror requires the arduous global eradication of terrorists through diplomatic, economic, and military operations, often including the concomitant tactics of rogue regime change and reconstruction, in tiered theaters of operations. To do so throughout this unsought struggle, we must mobilize our Nation's greatest resource: ourselves.

For while our path is clear, our road is hard. But we must trod it ever bravely to a better world for ourselves and our children. There is no turning back to await an ignoble death.

In his December 26, 1941, address to a joint session of Congress, Prime Minister Winston Churchill warned another shocked generation of Americans sucked into a world conflagration to firmly press on: ''Some people may be startled or momentarily depressed when, like your President, I speak of a long and hard war. But our peoples would rather know the truth, somber though it be. And, after all, when we are doing the noblest work in the world, not only defending our hearths and homes but the cause of freedom in other lands . . . Sure I am that this day, now we are masters of our fate, that the task which has been set us is not above our strength, that its pangs and toils are not beyond our endurance. As long as we have faith in our cause and an unconquerable willpower, salvation will not be denied us.''

Once again ambushed but unbowed, we heirs of Franklin Roosevelt and Winston Churchill have again allied and formed a coalition of the willing to defeat the common enemies of our countries and our civilization, while much of the world stands mute or worse and seems blithely ambivalent to the arrival of the terrorists upon their doorsteps. But we cannot evade this crusade. We cannot wish the world away. Today's war on terror will yield either a bitter death or a better day. And thusly does our generation of Americans face our fiercest foe and our finest hour.

As Americans, we are honor bound to defend freedom for ourselves and all the world. And no one more ably embodied and expressed this grim acceptance of our sacred duty than our valiant wartime Commander in Chief, whom I quote: ''There comes a time when you and I must see the cold, inexorable necessity of saying to these inhuman, unrestrained seekers of world conquest and permanent world domination by the sword: 'You seek to throw our children and our children's children into your form of terrorism and slavery. You have now attacked our own safety. You shall go no further.'

''Normal practices of diplomacy, note writing, are of no possible use in dealing with international outlaws who . . . kill our citizens.

''One peaceful nation after another has met disaster because each refused to look the danger squarely in the eye until it actually had them by the throat.

''The United States will not make that fatal mistake . . . ''

Our President continued: ''I have no illusions about the gravity of this step. I have not taken it hurriedly or lightly. It is the result of months and months of constant thought and anxiety and prayer. In the protection of your Nation and mine, it cannot be avoided.

''The American people have faced other grave crises in their history, with American courage, and with American resolution. They will do no less today.

''They know the actualities of the attacks upon us. They know the necessities of a bold defense against these attacks. They know that the times call for clear heads and fearless hearts.

''And with that inner strength that comes to a free people conscious of their duty and conscious of the righteousness of what they do, they will, with Divine help and guidance, stand their ground against this latest assault upon their democracy, their sovereignty, and their freedom.''

Those were the inspirational words our wartime President, Franklin Delano Roosevelt, which he used to conclude his fireside chat on national defense. The date: September 11, 1941.

Be it September 11, 1941, or September 11, 2001, our Nation, founded as a revolutionary experiment in democracy and remaining so to this day, so too remains the primary target of all would-be world despots. Consequently, as every generation of Americans inherits the blessings and the burdens of our liberty, every generation of Americans has the right and responsibility to defend our Nation and civilization against every tyrant and terrorist who knows they cannot enslave and exterminate humanity so long as the United States and its people breathe and fight on against them.

Mr. Speaker, in this, our moment, such is our duty, we must accept. And it will be met, in this, our finest hour, until tomorrow where a finer, kinder day awaits. May God continue to grace and guard and bless our United States of America.

SUPPORTING ROAD MAP FOR DEMOCRACY IN BURMA CONFERENCE

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

Mr. SOUDER. Mr. Speaker, I rise today to congratulate and support the

Road Map for Democracy in Burma Conference, which was held in Fort Wayne, Indiana, my hometown, on October 11 through 12, 2003. I had the distinct pleasure to address the conference and speak to some of the attendees. I pledged to them to insert this Road Map for Democracy in Burma into the CONGRESSIONAL RECORD, and let me explain why.

My colleagues are well aware of the military dictatorship currently ruling in Burma. In July of this year, the House passed the Burmese Freedom and Democracy Act, which imposes sanctions on Burma until the military gives up power and a new democratic Burma is established.

While the Burmese appreciate the support of the United States, they are working among themselves to organize a future democratic Burma. The conference in Fort Wayne brought together members of the democratically elected Burmese government-in-exile and various Burmese ethnic groups.

As the gentleman from Michigan (Mr. MCCOTTER) recently explained in the last few minutes, the problems that we face in Iraq, Burma, in fact, is trying to address these in advance. They had a democratic government overthrown by the junta, and they are now trying to pull the different factions together to be prepared, when this junta collapses, with a balanced democratic government.

□ 1645

Burma has long been plagued with ethnic tensions. The delicate balance among ethnic groups was shattered early in Burmese independence. Since the military takeover in the 1960s, many ethnic groups have been persecuted and harassed. In such an atmosphere, suspicion and mistrust have been the norm.

This conference was particularly significant, because so many of the Burmese ethnic groups were brought together to discuss Burma's future. The fact that the groups were able to meet in one room together is a noteworthy accomplishment. Compare this to the problems we had in Iraq. In my hometown we have 125 Iraqis who fled. There are Sunni, Shia and Kurds. Prior to the recent conflict in Iraq, when I wanted to meet with the different groups, they would not meet together. That was a pretty good forerunner of what was going to happen when we got into Iraq.

In fact, we have nearly 2,000 Burmese in Fort Wayne. When we tried to meet there, initially some of the ethnic divisions were a problem even in meeting with their United States Congressman from that district.

This conference, unlike what we are seeing in many places of the world, we see the Burmese and the different ethnic groups trying to pull together to address what kind of country should Burma be when democracy is restored. Cooperation among the groups at this conference is an important step towards a future democratic Burma.

The road to democracy is not easy for any country, and Burma is no exception. I believe that the resolution unanimously passed by the conference is a positive step in the right direction. Democracy in Burma will only be achieved if all Burmese work together. I encourage the groups to continue their dialogue and their work together.

I admire the courage and tenacity of all the Burmese people, and I will continue to work with them and do what I can to help them achieve their goal of a free and democratic Burma for all Burmese.

Mr. Speaker, I will insert in the RECORD following my remarks ''The Full Road Map for Democracy,'' and I will just summarize a couple points.

In this Road Map for Democracy, they established a long-term goal. For example, number one is, ''To fully realize that goal, the committee in charge of establishing a self-help, fund-raising body has been formed.'' Because, as they state right at the beginning, ''The conference firmly believes that the objective of the struggle to abolish dictatorship and promote democracy in our country,'' Burma, ''can successfully be achieved only through self-reliance.'' They understand that basic principle.

In the section ''Future Plan for Inland and Overseas Democratic Struggles,'' they say, ''In accordance with the belief of the Road Map for Democracy in Burma Conference held in Fort Wayne, that the elimination of the dictatorial system in Burma is the only way to successfully achieve genuine democracy and genuine national reconciliation among all ethnic nationalities, and that the only path that can lead to the realization of that goal is a correct road map from all of us.''

Then they proceed to lay out who are some of the steering committees. Under ''Solidarity of Nationalities of Burma,'' point Number 1 is, ''There must be equality and self-determination for all ethnic nationalities,'' a major step that we do not see in many other nations around the world. They have detailed things on unity-building committees.

Under strengthening ethnic unity, for example, they say, ''All nationalities should learn the language of at least one nationality other than their own,'' and ''Ethnic nationalities should mutually respect each other.''

For a strategy to end military dictatorship in Burma, they have things as diverse as, ''Accept the leadership of Daw Aung San Suu Kyi and the National League for Democracy,'' the elected president who has been held in exile.

Number 2 is, ''Any political change not based on the results of the 1990 elections will not be accepted.''

They also point out, ''The unwavering political objective of this conference is democracy and the establishment of a federal union.''

So they are very clear where they stand on the issue of democracy.

They have also, in conclusion, how to press the military regime in Burma by international communities and the United Nations.

Point one was to step up economic sanctions against the military regime of Burma through the United Nations Security Council.

Two is to seek stronger pressure from the international community to secure the release of Daw Aung San Suu Kyi and all political prisoners.

But they also have very explicit things in the resolutions. For example, to urge the Burmese expatriate communities to stop paying tax to SPDC, the military junta, embassies, and other specific things.

I commend this group and this conference for actually laying out a road map, having a plan of how to work together, how to build a country, so we do not see repeats of our struggles in Iraq, which are very important, which we must back up. We do not really have much option.

But, at the same time, to the degree we can to this in advance of a people getting their freedom back, this is what we need to do.

Mr. Speaker, I include the following for the RECORD:

[From the News Sentinel, Oct. 13, 2003]

PARTICIPANTS WORKED OUT SEVERAL KEY RESOLUTIONS

(By Kevin Kilbane)

They agreed any transition to democracy in Burma would begin with leader Aung San Suu Kyi, whom the ruling military dictatorship has kept under virtual house arrest for more than a decade.

Members of the various ethnic groups making up the Burmese refugee community agreed they all must be given political equality and the right of self-determination.

Most importantly, however, Burmese attending the two-day Road Map for Democracy in Burma conference this weekend in Fort Wayne agreed to work together.

''All arguments are settled,'' said U Peter Limbin of Bluffton, who was elected to the Burmese parliament in 1990. He and other pro-democracy officials elected then had to flee to escape government persecution.

About 300 Burmese gathered for the conference Saturday and Sunday at Neff Hall on the campus of Indiana University-Purdue University Fort Wayne. Organizers held the event here because the 1,500 Burmese in Fort Wayne make up the largest Burmese community in the United States.

The conference drew representatives from Burmese pro-democracy groups around the world. People flew in from Australia, New Zealand, Japan and Thailand, said Zar Wint, 30, of Fort Wayne, who attended the conference.

''I feel like I am home again,'' Wint said as many different conversations swirled around him, all in Burmese.

Guests also included Sein Win, acting prime minister of the exiled democratic government.

Burmese pro-democracy groups have enjoyed support from the United States and European Union, Win said during a break Sunday. Trade sanctions and travel restrictions those nations have placed on the Burmese government apply pressure for change. But Burmese refugees must network more to increase the pressure on the regime to step down.

''We need more push,'' he said.

To develop such strategies, people attending the conference broke into six panels to

discuss key topics and propose future action. Discussion topics included how to replace the ruling military dictatorship and how to build solidarity among Burma's ethnic groups. Panels also debated how to fund the democratic movement and how to increase international and United Nations pressure on the ruling regime to step aside.

Some of the key resolutions passed included:

To lobby leaders of conference goers' current country of residence to increase pressure on Burma's military rulers to relinquish control.

To follow Aung San Suu Kyi (pronounced Ahn Sahn Sue She) once military dictators leave power. The 1991 Nobel Peace Prize laureate largely has been kept under house arrest since the government cracked down in 1988 on a student pro-democracy movement.

To unify pro-democracy groups' power by working through the National Coalition Government of the Union of Burma, the exile government based in Washington, D.C.

To more actively support prodemocracy movements inside Burma, which the current rulers have renamed Myanmar.

To recognize the equality and right to self-determination of all Burmese ethnic groups. Members of the Mon, Karen, Shan and Chin ethnic groups exhibited unprecedented cooperation when planning the conference.

The resolutions how to replace the ruling government and on ethnic solidarity generated the most emotional debate. All of the discussion took place in Burmese peppered with occasional English words or phrases—''U.S.-China dialogue,'' for example—when no Burmese equivalent existed.

The room where the presentation's took place, Neff Hall's auditorium, resembled an international hearing room. The red, gold and white flag of the Democratic Burmese Students Association and letters spelling out ''Road Map for Democracy in Burma Conference'' hung on a velvet curtain behind the long tables set up on stage for panel members. Portraits and posters of Aung San Suu Kyi hung on the sides and front of the stage.

Men in blue jeans, suits and ties or traditional skirtlike longis—and, occasionally, women in business or traditional attire—would stand to make a comment or propose an amendment. Listeners often clapped or cheered in response.

The proposed resolutions for following Aung San Suu Kyi and working for replacement of Burma's dictatorship drew the most enthusiastic cheers and applause.

The conference closed with an appearance by area U.S. Rep. Mark Souder, who pledged to get resolutions ''in the hands of the right people'' in Washington.

The ''Roadmap for Democracy in Burma Conference'' held in Fort Wayne, Indiana, 11–12 October 2003, unanimously passed the following resolutions:

The conference firmly believes that the objective of the struggle to abolish dictatorship and promote democracy in our country, Burma, can be successfully achieved only through self-reliance.

(1) To fully realize that goal, the committee in charge of establishing a self-help fund raising body has been formed.

(2) The term of the committee will be (12) months.

(3) The committee will draft and approve rules, regulations, and procedures which will extensively be global in nature.

(4) The committee, which will come into force immediately from the date it is formed, has been assigned to undertake self-funding programs.

Future Plan for Inland and Overseas Democratic Struggles

In accordance with the belief of the ''Roadmap for Democracy in Burma Conference'' held in Fort Wayne that the elimination of the dictatorial system in Burma is the only way to successfully achieve genuine democracy and genuine national reconciliation among all the ethnic nationalities, and that the only path that can lead to the realization of that goal is the correct roadmap for all of us.

A concerted struggle must be waged both domestically and internationally through various means to remove the vicious SPDC military clique. After careful considerations of all issues, it is decided that: the force inside the country is the key force and the force inside the country is the deciding factor.

The key players who will be waging the deciding struggle are:

(a) The Committee Representing the People's Parliament and the National League for Democracy led by Daw Aung San Suu Kyi;

(b) The ''Veteran Politicians'';

(c) United Nationalities League for Democracy and the ethnic nationalities; and

(d) Masses (students, monks, workers, farmers, etc.) from all strata.

To provide all-round support to the intensification and improvement of the ''anti-dictatorship and people's liberation activities'' of these key players is the most important requisite and vital responsibility of our forces outside the country.

The conference unanimously viewed that a work committee is needed to effectively perform responsibilities, and it was formed accordingly.

Solidarity of Nationalities of Burma

1. There must be equality and self-determination for all ethnic nationalities.

2. Like all other ethnic nationalities, Myanmar nationalities should also be sincere and decisive in standing as one racial group.

3. The other ethnic nationality groups should recognize that the Burmese military is not an organization that represents the Myanmar nationalities.

4. When choosing a name for the federal union of the future, it should be representative of all the ethnic nationalities in the country.

5. Unity Building Committee comprising representatives of all ethnic nationalities should be formed.

6. With a view to strengthen ethnic unity, all nationalities should learn the language of, at least one nationality other than their own.

7. Ethnic nationalities should mutually respect each other.

Strategy to End Military Dictatorship in Burma

The conference resolves to:

1. Accept the leadership of Daw Aung San Suu Kyi and the National League for Democracy.

2. Any political change not based on the results of the 1990 elections will not be accepted.

3. To support and enhance the role of the Committee Representing People's Parliament.

4. To continue the struggle through all means to eliminate the dictatorship in Burma.

5. To secure victory through the revolutionary movement inside the country.

6. That the unwavering political objective of this conference is democracy and establishment of a federal union are:

7. To form ad hoc committee comprising individuals and organizations under the political leadership of the National Coalition Government of the Union of Burma and the National Council the Union of Burma. The committee is to be formed with members of the Strategy Panel and to be expanded later.

8. To support and assist the just revolutionary war of the ethnic nationality groups.

Forward Actions Planned at the Conference

1. Myanmar democratic forces abroad are to stage demonstrations on December 10 (Human Rights Day) to display unity.

2. To urgently carry out organizational work in different regions (of the world).

3. To organize and encourage all the people of Myanmar and organizations to oppose the dictatorship in Burma and participate in the activities to liberate the people.

Press Against Military Regime in Burma by International Communities & United Nations

1. To step up economic sanctions against the military regime of Burma through the United Nations Security Council.

2. To seek stronger pressure from the international community to secure the release of Daw Aung San Suu Kyi and all political prisoners.

3. To work toward the implementation of resolutions passed by the International Labor Organization at its conference in Year 2000.

4. To work toward the European Union to use stronger pressure mechanisms, including economic sanctions.

5. To request the United Nations Secretary General to fully implement the Burma resolutions passed by successive sessions of the United Nations General Assembly.

6. For the Burmese democratic forces worldwide to urge international governments and members of Parliament concerned to exert pressure on the Burmese military regime.

7. To collect information and prepare reports to increase the effectiveness of the visa ban on SPDC leaders and their close relatives, the freezing of their assets, and the ban of transfer of funds imposed by the United Sates and the European Union.

8. To urge Burmese expatriate communities to stop paying tax to SPDC Embassies.

9. To raise the awareness of the people of the world about the true condition in Burma through educational and lecture tours.

10. Believes that the nuclear reactor project being carried out jointly by the SPDC and Russia directly threatens regional security.

11. To work for the reversal of the ruling by the United States Department of Justice to suspend lawsuits against UNOCAL.

12. To prevent the SPDC from selling off land owned by the Burmese people in foreign countries where Burmese Embassies are located.

13. Proposed to the conference to form a Networking Committee so that Burmese democratic forces all over the world can coordinate their activities and work in unity.

THE INCREASING ECONOMIC DIVIDE AMONG AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Vermont (Mr. SANDERS) is recognized for 60 minutes as the designee of the minority leader.

Mr. SANDERS. Mr. Speaker, the corporate media does not talk about it too much, and we do not discuss it terribly much here in the Congress, but the United States of America is rapidly on its way to becoming three separate nations: An increasingly wealthy elite, a small number of people who have incredible wealth and incredible power; a middle class, the vast majority of our people, which is shrinking, where the average person is working longer hours for lower wages; and, at the bottom we

have a growing number of Americans who are living in abject poverty, barely keeping their heads above water.

Mr. Speaker, there has always been a wealthy elite in this country, that is not new, and there has always been a gap between the rich and the poor. But the disparities in wealth and income that currently exist in this country have not been seen since the 1920s.

In other words, instead of becoming a more egalitarian country, with a stronger middle-class, we are becoming a Nation in which the rich have more wealth and power, the middle-class is shrinking, and poverty is growing.

Mr. Speaker, today the wealthiest 1 percent own more wealth than the bottom 95 percent. One percent own more wealth than the bottom 95 percent. The CEOs of large corporations today earn more than 500 times what their employees are making. While workers are being squeezed, being forced to pay more for health insurance, while their pensions are being cut back, the CEOs of large corporations make out like bandits.

Mr. Speaker, the Nation's 13,000 wealthiest families, which constitute one one-hundredth of one percent of the population, receive almost as much income as the bottom 20 million families in the United States. One one-hundredth of one percent, more income than the bottom 20 million families. That, to my mind, is not what America is supposed to be.

New data from the Congressional Budget Office shows that the gap between the rich and the poor in terms of income more than doubled from 1979 to 2000. In other words, we are moving in exactly the wrong direction. The gap is such that the wealthiest 1 percent had more money to spend after taxes than the bottom 40 percent. The richest 2.8 million Americans had $950 billion after taxes, or 15.5 percent of the economic pie, while the poorest 110 million had less, 14.4 percent of all after-tax income. Once again, that is not what America is supposed to be. While the rich get richer and receive huge tax breaks from the White House, the middle-class is struggling desperately, in my State of Vermont and all over this country.

It is increasingly common to see people work at not one job, but two jobs, and occasionally three jobs. When I was growing up, the expectation for the middle-class was that one worker in a family could work 40 hours a week and earn enough income to pay the bills. Well, in the State of Vermont, and all over this country, it is becoming increasingly uncommon when that happens. Much more often than not, wives are forced to work alongside husbands in order to bring in the necessary income, and kids, in many instances, do not get the care that they need.

Unemployment in our country is now at a 9-year high. We are over 6 percent, and there are now over 9 million people who are unemployed. But in truth the real number is higher than that, because there are a lot of people who are working part-time because they cannot find full-time jobs, and there are a lot of people who are not part of the statistics because they have given up and are not actively seeking employment.

Mr. Speaker, of the 3.3 million private sector jobs that have been lost over the last 3 years, 2.7 million were in the manufacturing sector. This is an issue I want to spend a moment on, because what is happening in manufacturing today is a disaster for this country and bodes very poorly for the future of our Nation.

Mr. Speaker, the bottom line is, and this Congress must finally recognize it, our trade policies are failing. Permanent, normal trade relations with China has been a disaster. NAFTA has been a disaster. Our membership in the World Trade Organization has not worked for the middle-class and working families, for this country, and the time is long overdue for the United States Congress to stand up to corporate America, to stand up to the President of the United States, to stand up to all of the editorial pages all over America who have told us year after year after year how great unfettered free trade would be.

They were wrong. Their policies have led to enormous economic problems for the middle-class in this country. The decline of manufacturing is one of the reasons why our middle-class is shrinking and why wages for middle-class workers are in decline.

Many people understand the pain involved when we have lost 3 million jobs in the last few years. But we also have got to point out that our trade policies and our overall economic policies have been a disaster for the wages that American workers receive.

Today, American workers in the private sector are earning 8 percent less than they were in 1973. Now, just think for a moment. Think for a moment. In the last 30 years, there has been a revolution in technology. We all know that. We all know what computers have done, what e-mail has done, what faxes have done. We know what robotics in factories have done. In other words, we are a much more productive Nation than we used to be. Every worker is producing more.

Given that reality, why is it that the average worker in the private sector today is earning 8 percent less? That is an issue we have to put right up there on the radar screen, and we need to debate.

Mr. Speaker, manufacturing in this country is currently in a state of collapse. Let us be honest about it. In the last 3 years, we have lost 2.7 million manufacturing jobs, which comprise 16 percent of the total. That is right. You heard that right. In the last 3 years, we have lost 16 percent of our manufacturing jobs. At 14.7 million, we are at the lowest number of factory jobs since 1958.

In my own State of Vermont, my small State of Vermont, we have lost some 8,700 manufacturing jobs between January 2001 and August 2003, and the pity of that is that in Vermont, manufacturing jobs pay workers middle-class wages. In Vermont, on average, a worker working in manufacturing makes over $42,000 a year. That is a decent wage. We are losing those jobs, and the new jobs that we are creating are paying only a fraction of what manufacturing jobs are paying, and almost always provide much, much weaker benefits.

Mr. Speaker, in 2002 the United States had a $435 billion trade deficit, a $435 billion trade deficit. This year, the trade deficit with China alone, one country, China, is expected to be $120 billion, and that number is projected to increase in future years. It has gone up and up and up. The National Association of Manufacturers estimates that if present trends continue, our trade deficit with China will grow to $330 billion in 5 years.

□ 1700

But our disastrous trade policy is not only costing us millions of decent paying jobs; it is squeezing wages. It is squeezing wages. Because many employers are saying if you do not take the cuts in health care, if you do not take the cuts in wages, we are going to move to China, we are going to move to Mexico.

One of the areas where people are being most severely hurt is among young workers without a college education. For entry-level workers without a college level education, the real wages that they have received, that they are now receiving, have dropped by over 20 percent in the last 25 years. And the answer and the reason for that is quite obvious. 25 years ago, 30 years ago if somebody did not go to college, as most people did not, what they would be able to do is go out and get a job in manufacturing. And millions and millions of workers did that. And with those wages and those benefits they were able to lead a middle-class existence and raise their kids with a decent standard of living. But the reality now is that the new jobs that are being created, the jobs at McDonald's and the jobs in Wal-Mart are not paying people a living wage.

What is happening to our economy today is best illustrated by the fact that some 20 years ago our largest employer was General Motors. And workers in General Motors earned, and still earn today, a living wage. Today, Mr. Speaker, our largest private employer is Wal-Mart. And that is what has happened to the American economy. We have gone from a General Motors economy where workers earned decent wages and decent benefits to a Wal-Mart economy where people earn low wages and poor benefits. Today Wal-Mart employees earn $8.23 per hour or $13,861 annually. And that, Mr. Speaker, is an income which is below the poverty level.

And that is what the transformation of the American economy is about, an

economy where workers used to work, produced real products, made middle-class wages, had good benefits, to a Wal-Mart economy where our largest employer now pays workers poverty wages, minimal benefits, huge turnover.

Frankly, Mr. Speaker, in hindsight it did not take a genius to predict that unfettered free trade with China would be a disaster, which is why I and many other Members in the House have opposed it from the beginning. With educated, hardworking Chinese workers available at 40 or 50 cents an hour, and with corporations having the capability of bringing their Chinese-made products back into this country tariff-free, why would American multinational corporations not shut down their plants in this country and move to China? It did not take a genius, frankly, to think that that would happen.

Should anyone be surprised that Motorola eliminated 42,900 American jobs in 2001 and invested $3.4 billion in China or that IBM has signed deals to train 100,000 software specialists in China over 3 years? Who is shocked that General Electric has thrown tens of thousands of American workers out on the streets while investing $1.5 billion in China. Honeywell is a sophisticated corporation. Should anybody be really surprised that they have built 13 factories in China or that Ethan Allen furniture has cut jobs at three sawmills and 17 U.S. manufacturing plants, including some in my State of Vermont, as they import more medium-priced furniture from China into the United States? Nobody should be surprised at these developments.

China, for American multinational corporations, is a great place to do business, if by ''doing business'' we mean making products for export to the United States that companies previously made here. Not only are wages extremely low in China, but if workers attempt to stand up for their rights in China and form unions, those workers go to jail. Now, what a great place to do business where when workers try to organize, they go to jail. What more could a company ask for?

In China today environmental regulations are almost nonexistent. And while China becomes one of the most polluted countries on Earth, companies that invest in China, they do not have to ''waste money on environmental safeguards.'' In our country we said many years ago to companies you just cannot willy-nilly throw your garbage into our lakes and into our streams. You cannot pollute the air any way you want. You have got to have some environmental safeguards. Those safeguards are expensive. But in China, no problem, you can do whatever you want. Great place to do business.

Mr. Speaker, over the years advocates of unfettered free trade have tried to gloss over the bad news about the decline in factory employment by promising that a new economy was in the making. A new economy was in the making, one in which Americans would be working at good wages in the high-tech field. We have all heard it. Hey, you do not have to worry about them factory jobs anymore. We are the United States of America. We all have new clean, high-tech computer jobs. All of our young people will go out there, make $50,000, $60,000, $70,000 a year. That is the future for the United States. That is what they told us.

Unfortunately, the advocates of unfettered free trade are wrong again. We now know that blue collar manufacturing jobs are not the only casualty of unfettered free trade. Estimates are that some 50 to 60,000 high-tech white collar jobs have been lost in this country in the last 2 years, and that many of them have ended up in India. If any of the listeners sometimes want to argue with the phone company that your phone bill was wrong, you get on the phone and you are calling up and arguing, well you may end up going not to Chicago or New York or Los Angeles, you may be talking to somebody in India. And that is happening more and more.

According to Forest Research, a major consultant on this issue, they say, and I quote, ''Over the next 15 years 3.3 million U.S. service industry jobs and $136 billion in wages will move offshore. The information technology industry will lead the initial overseas exodus.'' That is from Forest Research. According to Booz Allen Hamilton, companies can lower their costs by as much as 80 percent by shifting tasks such as computer programming, accounting, and procurement to China.

Among many other companies moving high-tech jobs abroad is Microsoft, which is spending $750 million over the next 3 years on research and development and outsourcing in China. Just the other day, just last week, Intel Corporation chairman Andy Grove warned that the U.S. could lose the bulk of its information technology jobs to overseas competitors in the next decade, largely to India and China.

In other words, Mr. Speaker, not only has unfettered free trade cost us our textile industry, cost us our shoe industry, our steel industry, our tool and die industry, our electronic industry, much of our furniture industry, as well as many, many other industries, it is now going to cost us, unless we change it, millions of high-tech jobs as well.

Now, let me be very clear. The United States needs to have a strong and positive relationship with China. I am not anti-Chinese. I am an internationalist. China is the largest country on Earth, and this country must have a good and positive relationship with China; and there are a number of ways that we can do that. But doing that, having a positive relationship with China, does not mean allowing corporate America and their supporters in the White House, in Congress, to destroy the American middle class by making jobs America's number 1 export.

We want our exports to be products manufactured by American workers, not the jobs that American workers have. If we continue to force American workers to, quote unquote, compete against desperate people from China and other developing countries, both in manufacturing and high tech, the United States will be the loser.

By definition a sensible and fair trade agreement works well for both parties, not just for one. Trade is a good thing. Trade is a good thing when both sides benefit. The New York Yankees do not engage in free trade by exchanging their top ball player for a third string minor leaguer.

The United States is the most lucrative market in the world. We need to leverage the value of that market to achieve trade agreements that result in fairness for the American worker. And we can do that. Trade is a good thing. But our current trade policies are not working for American workers.

When we talk about trade with China, Mr. Speaker, we should also understand that today 60 percent, 60 percent of Dell Computer parts are made in China. Boeing recently said that it expected to purchase $1 billion worth of aviation equipment annually in China by 2009 and $1.3 billion by 2010, up from $500 million this year.

North Carolina's Pillowcase Corporation filed for bankruptcy on July 20, 2003, laying off 6,450 of its 7,650 workers and made plans to sell its textile-producing machinery to several nations, including China. Over the past year, Intel has added 1,000 software engineers in China and India. And on and on it goes. The bottom line is that American workers cannot and must not be forced to compete against workers in China who are paid extremely low wages.

Two-thirds of China's 1.3 billion citizens live on less than a dollar a day. The average factory wage in China is 40 cents an hour, 1/40th of what U.S. factory workers are paid. The average annual salary for an information technology programmer in the U.S. is $75,000; in China it is $8,952.

Mr. Speaker, for all of these reasons and more, I have introduced H.R. 3228, which would repeal permanent normal trade relations with China. My legislation, once again, would repeal permanent normal trade relations with China. It will acknowledge that our current trade policies with that country are a failure. And we have got to begin negotiating trade policies not only with China but with other countries that work well for the American worker and the American middle class.

I am happy to say that in just over 3 weeks, this tripartisan legislation has garnered 52 cosponsors, including 14 Republicans. So we are moving forward in that area, Mr. Speaker, in a tripartisan way.

Mr. Speaker, when we talk about the decline of the middle class, we are talking about high unemployment; we are talking about the conversion of the United States from a manufacturing

economy to a service economy whereby wages and benefits are much lower.

□ 1715

We are also talking about the fact that in the United States, workers today are now working the longest hours of the workers in any major country on earth. There should be little wonder why the average American family is so stressed out. And one of the reasons that they are so stressed out is that people are working incredibly long hours in order to make enough money to pay the bills. Today, the average American employee works by far the longest hours of any worker in the industrialized world, and the situation is getting worse.

According to statistics from the International Labor Organization, the average American last year worked 1,978 hours, up from 1,942 hours in 1990. That is an increase of almost one week of work. Since 1990, the average American is now working an additional week a year of work. We are now, as Americans, putting more hours into our work than at any time since the 1920s. Just think about that. Huge increases in productivity and an explosion of technology, logically, would lead one to believe that people would be working fewer hours for higher wages, but the converse is true. People are working longer hours for lower wages.

Americans are now putting in more hours at our work than at any time since the 1920s, 65 years after the formal establishment of the 40-hour workweek under the Fair Labor Standards Act, almost 40 percent of Americans now work more than 50 hours a week; and we should do a lot of thinking about that. An explosion of productivity and technology, people working longer and longer hours; and in almost every instance in the middle class, two bread winners are needed to pay the bills. Real wages for workers in the private sector have declined since 1973. The rich get richer. The middle class shrinks and poverty increases.

Mr. Speaker, I have talked a moment about what is going on with the middle class. I have talked a little bit about the conversion from a manufacturing society, a General Motors society, to a service industry economy, a Wal-Mart economy, but let us look for a moment at the people who are not even in the middle class. People who have not made it into the middle class. People who are at the lower end of the socioeconomic ladder in our country, the 34.8 million people in America who live in poverty. Sadly, Mr. Speaker, while the rich get richer, 1.3 million more Americans became poor and entered poverty, the group of poor people in America.

In the midst of those people, Mr. Speaker, we have got to ask about the 11 million Americans who are trying to survive on the pathetic minimum wage of $5.15 an hour which exists here, and I think it is morally repugnant that this Congress voted to provide huge tax breaks for millionaires and billionaires, but somehow the President of the United States and the Republican leadership, not for one moment have thought about raising the minimum wage, which today is at a pathetic $5.15 cents an hour.

How do people earning those wages survive? And I will tell you how some of them do it. After working 40 hours a week, they live in their automobiles because they cannot afford housing units in order to survive. They just cannot afford the housing because their wages cannot pay the rent. And what, Mr. Speaker, about the 43.6 million Americans who lack any health insurance? That is 15.2 percent of our population. What about the 3.5 million people who will experience homelessness in this year, 1.3 million of them children? What about our elderly citizens who cannot afford the outrageously high cost of prescription drugs? And the many of them who cut their pills in half or do not even bother trying to fill the prescriptions that their doctors write for them? What about those people? What about the veterans who have put their lives on the line defending this country and then try to get into a VA hospital but find out that they are on a waiting list?

Mr. Speaker, one of the clear crises being faced by the American middle class is the crisis in health care and the cost of prescription drugs. In the last several years, we have seen huge increases in health insurance and with the increase of unemployment, we have seen more and more working people lose their health insurance. In terms of losing health insurance, people then are open to bankruptcy, because if they end up with an accident or a serious illness, they go to the hospital, but they are unable to pay those bills. And the highest amount of people who are bankrupt are the people who cannot pay their health expenses that have been generated as a result of an accident or illness.

Mr. Speaker, our health care system today is in a state of collapse. More and more people are uninsured and more and more people are underinsured. That is, people have higher and higher copayments, higher and higher deductibles, higher and higher premiums. To my mind, the only solution, the only serious solution to our health care crisis is for this country to do what every other major industrialized nation on Earth has done and that is to move toward a national health care system which guarantees health care to every man, woman and child.

A hundred years ago, the United States of America said that every young person, regardless of income, could get a quality public education. Well, the rest of the world has said that every person in their country, regardless of income, is entitled to health care. But we lag behind what countries throughout Europe, Scandinavia and Canada are doing. To my mind, health care is a right, not a privilege. It is wrong that more and more Americans delay and hesitate going to the doctors because they do not have health insurance or because they cannot pay the deductible or the copayments.

When people in America get sick, they have a right to go to the doctor, to go to the hospital and get the health care that they need. The irony with regard to our collapsing health care system is that it is an extremely costly and wasteful system. The fact of the matter is that we spend more than twice as much per capita on health care as any other nation, and yet we end up with 43 million people with no insurance and many more who are underinsured. For the sake of our children, for the sake of our parents, for the sake of the middle class of this country, we have got to adopt a national health care system which finally says with no ifs, ands, or buts about it that in America, all of our people will receive the care that they need as a right of citizenship.

Now, Mr. Speaker, given the very, very serious problems facing the American people and especially our middle class, it is appropriate, I believe, to ask what President Bush and his administration have done to begin addressing some of these problems. What are their priorities? What are they doing to reach out to the middle class and say we are going to expand the middle class; we are going to lower poverty; we are going to improve health care? What are they doing in that direction?

Well, let me tell you a little bit about what they have done. They have given hundreds of billions of dollars in tax breaks to the very richest people in our country while cutting back on the basic needs of working families. Now, at a time when the middle class is shrinking, when poverty is increasing, when the number of people without health insurance is going up, when unemployment is far too high, who are the people that the Bush administration are reaching out to? Well, needless to say, it is their campaign contributors and the very wealthiest people in this country who have received hundreds and hundreds of billions of dollars in tax breaks.

Through legislative and administration efforts, the Bush administration is making it more and more difficult for workers to form unions and to protect their jobs and incomes. When a worker is a member of a union, by and large that worker will earn 30 percent more than a worker doing a similar job who is nonunion. That is why many workers want to join unions, and yet it is getting harder and harder for workers to do that because the law very clearly sides with the employer and the large corporation and not with the worker.

The Bush administration, if you can believe it, is now attacking overtime for American workers and trying to undo laws that have been on the books for decades which say that if you

worked over 40 hours a week, you will get time and a half. And I am proud that a number of Republicans join many of us on this floor of the House to say that when the middle class is shrinking, when real wages are declining, we are not going to cut back on the overtime pay that workers need.

Now, when we talk about the achievements of the Bush administration, and we understand that our deficit is now at an all-time high, that our national debt is going higher, that in the midst of all of this, our conservative friends who year after year told us how terrible deficits were and what kind of terrible obligations we were leaving to our kids and our grandchildren, well, these are the folks that are driving up the deficit, and they are driving up the national debt. Now, why are they doing that? Why are conservatives doing that?

Well, I think there are two reasons. Number one, obviously, the tax breaks for the rich are not hard to understand. Here in Washington, D.C. there are fund-raising dinners in which individuals have contributed $25,000 a plate, large corporations and their executives make huge contributions and that is payback time. Nothing new. The rich make contributions. They get paid back in tax breaks. They get paid back in corporate welfare. They get paid back with their trade policy which makes it easier for them to throw American workers out on the street and move out to China. That we can understand. That is obscene, but easily understood.

But, Mr. Speaker, let me suggest to you that there is another even more cynical reason for driving up this deficit and driving up the national debt. And I believe that that reason is that as the debt and the deficit become higher and higher, this President, or any other President, may be forced to come before the American people and say our deficit and our debt is so very high that we have no choice but to privatize Social Security, privatize Medicare, privatize Medicaid, privatize public education.

□ 1730

We have got to do it. We have a huge deficit. Oh, yeah, we did give hundreds of billions of dollars in tax breaks to the rich; but nonetheless, the deficit is so high that we are going to have to do away with all of the benefits, all of the guarantees that the American people have fought for over the last 100 years; and it is my belief that this administration really does want to take us back to the 19th century, where working people and the middle class had no protections whatsoever, where workers and poor people were dependent upon the largess of the wealthy for charity, but there were no guarantees.

Social Security has its problems; and in my view, Social Security must be strengthened. Seniors must be receiving larger COLAs, but the solution to the problems that we may have are not to privatize Social Security and bring us back to the 1920s when elderly people were the poorest segment of our society; but that is the direction that these folks are moving us towards, and they are moving us toward the privatization of Medicare.

Think about how many private insurance companies are really going to provide insurance for elderly, low-income sick people. The function of an insurance company is to make money, not to provide health care; and if a person is old and sick and poor, who is going to insure them? They are on their own.

In terms of prescription drugs, an issue that I have worked very hard on for a number of years, the Bush administration is working hand-in-glove with the pharmaceutical industry, the most powerful lobby here on Capitol Hill. While Americans pay by far the highest prices in the world for their prescription drugs, the pharmaceutical industry year after year after year is the most profitable industry in this country.

In order to maintain their status as the most profitable industry, they have hired over 600, 600 paid lobbyists right here in Washington, D.C., to descend on the Congress, on the House and the Senate, to make sure that we do not pass any legislation which will lower the cost of prescription drugs. Nonetheless, despite all of the hundreds of millions of dollars that they have spent on all of their lobbying efforts, all of their campaign contributions, I am happy to tell my colleagues, Mr. Speaker, that 6 weeks ago, longer than that, the House of Representatives, in a bipartisan way, had the courage to stand up to the pharmaceutical industry and pass legislation that would allow our pharmacists, prescription drug distributors, and individuals to buy FDA-approved medicine in 26 countries including Canada; and if we can get that bill through the Senate, we will be able to lower prescription drug costs in this country by between 30 to 50 percent. Unfortunately, on this issue, we are fighting not only the pharmaceutical industry but the Bush administration and the Bush campaign, which has received substantial support from the drug companies.

Mr. Speaker, on another area that is of enormous importance to the American people and more and more Americans are getting involved in it, the Bush administration is moving in precisely the wrong direction in terms of media consolidation. In my view, one of the crises that we face in our country today is fewer and fewer large media conglomerates own and control what we see, what we hear, and what we read. I know the average person says, well, man, I have got 100 channels on my cable. Check out who owns those 100 channels. Check out who owns NBC, which is General Electric; who owns CBS, which is Viacomm; who owns ABC, which is Disney; who owns Fox Television, which is Rupert Murdoch, an extreme right-wing billionaire. What we are seeing in terms of media is fewer and fewer large corporations controlling the flow of information in America. Clear Channel Radio now owns 1,200 radio stations all over this country.

In America, what our freedom is about is debating different points of view. No one has all the right answers, but we cannot flourish as a democracy unless we hear different points of view; and that is becoming harder and harder to achieve, as fewer and fewer companies own what we see, hear, and read.

Instead of acknowledging that problem and moving us to a more diversified media, where we will have local media reporting on local issues, where it will be different points of view being heard, where there will be more diversity in our media, the Bush administration is moving in exactly the wrong direction.

Michael Powell, who is chairman of the FCC, with the strong backing of the Bush administration, passed with a three to two vote on June 2 more media deregulation, which will allow for even fewer companies to own what we see, hear, and read; and one of the manifestations of that decision, if it is allowed to stand, is there will be cities in America where one company will own the local newspaper, will own the largest television station, will own many of the radio stations, and will own the local cable TV system.

Mr. Speaker, that is not what America is supposed to be; and I am happy to tell my colleagues that all over this country, in a grassroots fashion, millions of Americans have written and communicated to the FCC, some of them conservatives, the National Rifle Association, some right-wing organizations, some of them progressives, some left-wing organizations, some in the middle, different points of view philosophically on almost every issue, but they have come together to say that in America we need to have a diverse ownership of media and different points of view to be heard.

The Senate, listening to the demands of the American people, had the courage in a bipartisan way, Senator BYRON DORGAN, Senator TRENT LOTT helping to lead the effort, had the courage to pass a resolution of disapproval with regard to what the FCC did. In other words, they said we want to junk it. That bill is now here in the House of Representatives; and working with some of my colleagues again in a tripartisan way, we have now garnered 190 signatures on a letter to the Speaker of the House, because the bill is now on the Speaker's desk, and we have said, Mr. Speaker, let the American people have the debate and a vote about whether or not we want more media consolidation. I sincerely hope that the Speaker will allow that debate because if that debate takes place, I believe that the American people will win and that Republicans, Democrats, and Independent on the floor of this House will vote to junk what the FCC has done.

Mr. Speaker, when we talk about America, we often pride ourselves upon being a free country, a free country; and it is easier to stand in front of the American flag and give great speeches about freedom than it is to really fight for freedom, because one of the elements of freedom is to understand, among other things, that not everything, not everything that somebody says or does is something that we agree with, but what freedom is about is tolerating and respecting other points of view, of understanding that people have the right to read whatever they want to read, have the right to an attorney when they need an attorney.

I was one of the relatively few people in the House who voted 6 weeks after the horror of 9/11 against the USA PATRIOT Act, and I voted against the USA PATRIOT Act not because I am not concerned about terrorism. I happen to believe that terrorism is a very serious issue and that the United States Government must do everything that it can to protect the American people and fight terrorism, but I voted against the USA PATRIOT Act because I believe we can fight terrorism without undermining basic constitutional rights, which is what the USA PATRIOT Act is doing.

Again, on this issue, we have seen some very interesting nonideological coming-together. We have seen some really very conservative people who are honest conservatives who say because they do not believe in Big Government they do not want the United States Government monitoring the reading habits of the American people in their libraries or their bookstores. Unfortunately, again, on this issue, the Bush administration and Attorney General John Ashcroft are on the wrong side. They are, in many respects, working to undermine the basic constitutional rights that are given, that have made this country a free country.

So, Mr. Speaker, let me conclude by stating that it is high time that the Congress of the United States begin to focus on the needs of the middle class, the vast majority of our people, the middle class of which is shrinking, the middle class in which the average person is working longer hours and for lower wages. America will grow when the middle class grows; and to do that, we need some fundamental changes in our policies.

We need a national health care system which guarantees health care to all Americans. We need to raise the minimum wage to a living wage. We need to fundamentally change our trade policies so that we do not continue to see the collapse of manufacturing. We need to make sure that every American, regardless of income, has a right to go to college. We need to rescind the tax breaks that have been given to the wealthiest people and the largest corporations and create a tax structure which works for the middle class and not just for the wealthy and the powerful.

There is a lot of work that must be done, and I look forward to participating in that effort.

PRESCRIPTION DRUG COSTS

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

Mr. BURTON of Indiana. Mr. Speaker, I come here tonight to set the record straight because last night the Food and Drug Administration Commissioner, Mr. Mark B. McClellan, made some statements in a speech before the National Press Club that I think need to be corrected.

One of the big problems that we face as a Nation is that pharmaceutical products and the cost of them is totally out of line with the rest of the world. For instance, and I have used this example many times on the floor of the House, a woman who has breast cancer, a doctor will tell her the drug of choice is Tamoxifen, and Tamoxifen in Canada costs about one-sixth or one-seventh of what it does here in the United States. There are a number of other pharmaceutical products that cost five, six, or seven times what they cost here in the United States. The same thing is true in Germany, in Spain, and France and a lot of other countries in the world. So the American people are paying five, six, or seven times what it costs in other parts of the world for the very same pharmaceutical product.

The big issue has been whether or not these products, if they are reimported into the United States, are safe. Over 1 million, probably a million and a half, American citizens have been buying their pharmaceutical products from Canada because they can get them so much cheaper up there than they can here in the United States. So there was a question of safety, are these people being injured by reimporting these pharmaceutical products from Canada?

I had four hearings before my committee and subcommittee on this very issue, and we had people from the Food and Drug Administration, Mr. Hubbard who is a deputy over there, come and testify before our committee about the safety of the reimportation of these pharmaceutical products. I asked him on four separate occasions to give us any examples of where people had been injured by pharmaceutical products, FDA-approved, that had been reimported into the United States. He could not find one example, not one, and yet the FDA continues to say that there is a safety issue about the reimportation of these pharmaceutical products.

They do not mention that they are supposed to check the food supply and the importation of foods from around the world, but 40 percent of our orange juice comes from around the world, and that is not checked, maybe 1 percent of it is, and raspberries are imported from Guatemala. We had 1,024 people either get sick or die from those that we know of, and yet we do not mention those, and yet they talk about the safety of pharmaceutical products when we have not had one case of people being damaged by reimportation of pharmaceutical products from Canada.

Yet, last night, Mr. McClellan said in his speech, ''But at the same time, these Members,'' talking about Members of Congress, ''at the same time, these Members'' of Congress ''are clearly out of touch with the realities of keeping our drug supply safe, and the clear and present dangers to America's drug supply that their bills would create.''

□ 1745

He is talking about a bill that we passed overwhelmingly here in the House that would allow American citizens to buy pharmaceuticals at lower cost from other parts of the world because they are costing so much here in the United States.

Now, the Food and Drug Administration, in my opinion, is marching in lockstep with the pharmaceutical industry, which is making huge profits here, while in other parts of the world they are making very small profits. The big profits and the big costs are to the American consumer, while the rest of the world does not bear those expenses. I just think that is dead wrong.

The safety issue is a bogus issue. And there is another example that I would like to cite that shows that it is not a safety issue. The FDA has approved 949 different sites where they produce FDA approved drugs in the world. That is 949, and in places like Haiti and India and China and elsewhere. There are 949 sites. When they produce drugs in those sites, they send them out in large containers. Now, if there is a safety issue, it would be at those sites, because they are sending these drugs out in large containers where there could be some tampering taking place. But when they are sent in in very small amounts from Canada or Germany to United States citizens, they are usually in containers that are tamper proof, or could be made tamper proof so that the people would have absolutely no safety issue to be concerned about.

So I am very disappointed that the Food and Drug Administration continues to say to the American people and is trying to scare senior citizens and others that they should not buy their pharmaceuticals from Canada or Germany or elsewhere, because the safety issue simply has not manifested itself. As a result, many Americans, who cannot afford prescription drugs, are going to the pharmacist and saying, How much is it? And the pharmacist says, Well, it costs this much; and they say, Well, maybe I will come back tomorrow, or they buy half a prescription and split the pills, while at the same time they could go to Canada and buy the same prescription product at one-sixth or one-seventh what it costs here in the United States.

The Food and Drug Administration ought to be doing everything they can to make sure Americans get the best product, the best prescription drug at the best price in the world marketplace. World class drugs at world class prices. They should not be trying to say there is a safety issue when none exists.

THE CASE FOR LIFE

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes.

Mr. PENCE. Mr. Speaker, it is a privilege to come before the House tonight in a continuous series that this Member of Congress had the privilege of beginning scarcely a month ago, but a series of speeches that I hope will periodically and intermittently be a part of the fabric of my congressional career for howsoever long the Lord permits me to serve here.

I simply call it, Mr. Speaker, the case for life, and it is my ambition from time to time to time to come onto this blue and gold carpet of this Capitol and speak to my colleagues, and anyone else who may be listening, on the moral and intellectual and historical arguments for the sanctity of human life; and to perhaps, Mr. Speaker, in some small way enliven the moral sensibility of a Nation and be a part of an ongoing debate in America on this topic.

Mr. Speaker, this is a debate that continues at this very hour in the other body of this Congress. At this very moment, I am pleased to say, as a pro-life Member of Congress, that the United States Senate is at this very moment passing a conference report on the Partial-Birth Abortion Ban Act. That legislation, as of today, will have three times passed the Congress since 1995 and will be delivered for the first time to the willing desk of President George W. Bush, where, unlike the veto stamp of President Clinton that met the ban of partial-birth abortion not once but twice, President George W. Bush, upon returning from his tour of the Asia-Pacific Rim, will no doubt, in an emotional ceremony, put his pen to this legislation and end a practice that has no place in civilized society.

So it is especially poignant for me, just a few steps down the hallway from that Chamber, to rise tonight and continue my discussion of the case for life. And particularly tonight, Mr. Speaker, I feel prompted to speak about abortion and American women. You see, it has always been my belief, since first having my conscience enlivened on this issue, that there is not one victim of abortion, but there are two. There is undoubtedly the nascent human life that is ended abruptly and in darkness, but there is the other life that goes on that pays a price that psychologists are talking about today, but many Americans simply choose to ignore.

There are also other voices that I want to reflect on tonight as well, chiefly from our own history. As we think about the great American women who led this Nation in increasing measure towards equal status for women in voting rights and in property and in station in our society, women like Susan B. Anthony, Emma Goldman, and Elizabeth Cady Stanton come to mind.

I just came from a stroll in the rotunda, Mr. Speaker, where I grabbed a piece of paper and scribbled the names of a few of those heroic women that actually appear on a statute at the very center of our Capitol. In the rotunda, there is a statute that bears the likeness of the three great heroes of the suffrage movement. Two of them I would like to speak about tonight as we talk about great American women and abortion, but then also talking about what women of America today face in the struggle over the sanctity of human life.

One of the faces on that statute is Susan B. Anthony, a name that is almost like mom and apple pie for most Americans. Susan B. Anthony was born February 15, 1820 in Adams, Massachusetts. She was brought up in a Quaker family that had long activist traditions. Early in life, she developed a deep sense, historians tell us, of justice and what could only be described as moral zeal.

After teaching for 15 years, Susan B. Anthony became active in the temperance movement. Because she was a woman, she was not allowed to speak at rallies, and this experience, as well as her acquaintance with Elizabeth Cady Stanton, led her to help form what became the Women's Movement in 1852. Soon afterwards, she would dedicate her entire life to winning women not only the right to vote, Mr. Speaker, but Susan B. Anthony and Elizabeth Cady Stanton were about winning women a seat at the civic table; the opportunity not to be viewed, as women were in some aspects of common law, as the property of their husbands, but rather to be seen as coequal heirs of everything that freedom offers.

Ignoring opposition and abuse, Susan B. Anthony traveled, lectured, and canvassed across the Nation for the vote. She also campaigned for the abolition of slavery, women's rights to their own property and earnings, and even women's labor organizations. In 1900, she achieved a major victory in convincing the University of Rochester to admit women for the first time in their storied history.

Susan B. Anthony, who had never married, and was remembered as an aggressive and compassionate person with a keen mind and the ability to inspire, she remained active in the movement that she began until her death in March of 1906.

And Susan B. Anthony was pro-life. Let me read, if I may, from her publication, ''The Revolution,'' on this topic, published July 8, 1869. Susan B. Anthony wrote: ''No matter what the motive, love or ease or a desire to save from suffering the unborn innocent, the woman is awfully guilty who commits the deed.'' Referring to abortion. She went on to write: ''It will burden her conscience in life; it will burden her soul in death. But, oh,'' she wrote, ''oh thrice guilty is he who drove her to the desperation which impelled her to the crime.''

So wrote Susan B. Anthony, words that we will reflect on before I take my seat tonight. Brokenhearted words of the suffering of the unborn innocent and also of the suffering of the American woman who would burden her conscience in life and burden her soul in death, but of the guilt of the man who drove her to the desperation which impelled her to perform the abortion.

Susan B. Anthony, memorialized in marble in the rotunda of the United States Capitol, a woman whose name is synonymous with the voting rights and the equal status that women of 21st century America enjoy, was pro-life and understood the moral consequences of the act on an American woman and the deplorable position of a man that would force the outcome.

Elizabeth Cady Stanton also appears on the monument in the rotunda. And she, like Susan B. Anthony, her friend and colleague and colaborer for women's issues in America, was pro-life. Elizabeth Cady, the daughter of Daniel Cady, a lawyer and a politician, was born in Jonestown, New York, 12 November 1815. She studied law under her father, who became a New York Supreme Court judge, and during that period of time she became a very strong advocate for women's rights.

In 1840, Elizabeth married the lawyer, Henry B. Stanton. The couple became active in the American antislavery movement, and later that year Stanton and Lucretia Mott traveled to London as delegates to the World Antislavery Convention. Both women, history records, were furious when they, like the British women at the convention, were refused the permission to speak at the meeting to denounce slavery.

Stanton later recalled, ''we Resolved to hold a convention as soon as we returned home and form a society to advocate the rights of women.'' And so she did. But it was not until 1848 that Stanton and Lucretia Mott organized the Women's Rights Convention in Seneca Falls. Stanton's resolution, that it was ''The duty of the women of this country to secure to themselves the sacred right to the elective franchise,'' was passed, and this became the focus of the group's campaign for years to come.

□ 1800

In 1866, Stanton, Lucretia Mott, Susan B. Anthony, and Lucy Stone established the American Equal Rights Association. The following year, the association became active in Kansas where Negro suffrage and women's suffrage were to be decided in a popular

vote, although both ideas were sadly rejected at the polls. Stanton was a historian, a scholar, and one of the founders of the American Woman Suffrage Association formed in the 1880s and from which the suffragette movement was born that ultimately resulted in the passage and adoption of the 19th amendment of the Constitution of the United States of America.

This great American woman, Elizabeth Cady Stanton, is by all definitions a hero of American women. Like Susan B. Anthony, her friend, who also appears on that extraordinary monument in the Rotunda, Elizabeth Cady Stanton was pro-life, and unapologetically so. Think about these two women who appear on a miniature version of Mount Rushmore right here in the Capitol. We have three women who essentially represent a life-size smaller version of Mount Rushmore for women's issues in America; and they were women committed to equal rights, to the right to vote, and they were women committed to the right to life.

Elizabeth Cady Stanton classified abortion as a form of infanticide. She wrote in a letter to Julia Ward Howe, which is recorded in Howe's diary at Harvard University library on October 16, 1873, Elizabeth Cady Stanton wrote, ''When we consider that women are treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit.''

Elizabeth Cady Stanton in essence saw a connection, Mr. Speaker, between that vile reality that was part of American life that the woman herself was property and the belief that an unborn child within the woman was property as well. She saw them as equal evils, related together; and so they are. On 12 March, 1868, Elizabeth Cady Stanton wrote, ''There must be a remedy even for such a crying evil as this,'' referring to abortion, ''but where shall it be found, at least where it begin, if not in the complete enfranchisement and elevation of women.''

Elizabeth Cady Stanton looked at abortion that was a reality in America in 1868 and said the antidote to end this evil is to raise women up. She saw abortion as a natural consequence of the subordination of women in our society. It is an astounding historical fact and a dark irony, Mr. Speaker, when one thinks of the extraordinary sacrifices and advancements of Susan B. Anthony and Elizabeth Cady Stanton and the great American women that won women their equal status in our society, that that same momentum would be used in 1973 to rejustify the practice of abortion, which those same heroic American women loathed to the depths of their being.

Think about those words, Elizabeth Cady Stanton, one of the three heroes of the women's movement in America that is memorialized in this Capitol building in stone. In the Rotunda where only Presidents, Alexander Hamilton, and the Reverend Martin Luther King, Jr., are memorialized, there are also these three women. Elizabeth Cady Stanton saw a relationship between reducing women to property and reducing the unborn children growing within them to property.

Let me read these words again. She said, ''There must be a remedy for even such a crying evil as this, but where shall it be found, at least where it begin, if not in the complete enfranchisement and elevation of women.'' A powerful thought that the heroes of the suffragette movement would look to future generations and say that the abortions that were taking place in the middle 19th century would some day go away, we would no longer treat unborn children as property if we could achieve the day when women were not viewed as property.

Alice Paul is credited as one of the leading figures responsible for the passage of the 19th amendment, which is the women's suffragette amendment extending to women the right to vote in the Constitution of the United States of America. Alice Paul was raised as a Quaker, attended Swarthmore College and worked at the New York College Settlement while attending the New York School of Social Work. She left for England in 1906 to work in a settlement house movement there for 3 years. She was Chair of a major committee of the National American Woman Suffrage Association within a year, in her mid-twenties.

In England she had taken part in the women's suffragette movement, even participating in hunger strikes to make her point. She brought back this sense, some would say, of militancy, I would say more generously of urgency, to the women's movement in America. It was that urgency that characterized the life of Alice Paul.

Her emphasis on a Federal constitutional amendment for suffrage was at times at odds even with some within the women's movement; and after the 1920 victory for the Federal amendment, Alice Paul became involved in the struggle to pass an Equal Rights Amendment, which actually passed this Congress in the year 1970, was sent to the States, and it failed. Paul died in 1977 in New Jersey with the heated battle of the Equal Rights Amendment having brought her international acclaim.

Like Susan B. Anthony and Elizabeth Cady Stanton before her, Alice Paul was pro-life. Alice Paul said famously, and remember now, this is Alice Paul, born January 1885, died 1977, essentially the author of the Equal Rights Amendment, seen even as a young woman as one of the principal driving forces behind the constitutional amendment which won women the right to vote; Alice Paul was pro-life. It is an astonishing thing to think about, that the author of the Equal Rights Amendment, which I scarcely doubt I would have supported for a variety of cultural arguments, but someone who undoubtedly would be a hero of feminists to this day, and Alice Paul said, ''Abortion is the ultimate exploitation of women.''

Let me say again, hoping that somewhere in America those words land with a thud in the conscience of a feminist, that these women who are rightly remembered as heroes of the women's movement in America, a woman in Alice Paul who even in her twenties was seen as a driving force behind the constitutional amendment that won women the right to vote, seen as instrumental in the passage of the 19th amendment, and then would go on, however I might disagree with her, to be the author of the Equal Rights Amendment which passed this Congress in 1970, some 33 years ago.

Alice Paul would say, ''Abortion is the ultimate exploitation of women.''

Like Elizabeth Cady Stanton and Susan B. Anthony, Alice Paul knew and spoke the truth. And so it ever was of women who achieved great distinction in the cause of women's rights in America from the 19th century through the 20th century, until 1973 when women's issues became simply another way of speaking about the right to have an abortion.

It is an extraordinary irony of history, Mr. Speaker, to think that a women's movement that was born on names like Susan B. Anthony, Elizabeth Cady Stanton, Alice Paul, that was born on the moral consciousness of women, who said I am not property to be owned by a man, and who understood that that unborn child within them likewise should never be seen as property, that that same women's movement in 1973 would be hijacked by those whose moral view of the sanctity of human life is diametrically opposed to those that founded the women's movement in America.

Abortion is the ultimate exploitation of women, so said Alice Paul, author of the Equal Rights Amendment, and I agree. It is an exploitation of women for physical and emotional reasons. Let me speak to those tonight as I conclude this portion of the case for life, abortion, and American women.

There are many who believe that abortion is safe in America. But truthfully, despite the use of local anesthesia, a full 97 percent of women that have abortions report experiencing pain during the procedure, which more than a third describe as intense, according to medical studies, severe, or very severe. Compared to other pains, researchers have rated the pain from abortion as more painful than a bone fracture, about the same as a cancer pain, although not as painful as amputation, according to medical experts.

There are some, including former President Bill Clinton, who used to repeat the mantra that it was his goal that abortion would be safe, legal and rare; but abortion is not safe for women, Mr. Speaker. Complications

are common. According to medical experts, bleeding, hemorrhaging, laceration of the cervix, menstrual disturbance, inflammation of reproductive organs, bowel and bladder perforation, and serious infection are commonplace in the aftermath of the most routine abortions in America. Even more harmful than the short-term pain, which women describe as severe, are the potential long-term physical complications that we never talk about in America.

□ 1815

And when I say ''we,'' I mean those who support the right to an abortion and even those of us in the pro-life movement. I will never forget President Clinton's Surgeon General saying, so thoughtfully, that one particular denomination of Christianity needed to get over their ''love affair with the fetus.'' So said Surgeon General Joycelyn Elders. Despite the horrific aspects of her comment, the truth is that even we, in the pro-life movement, have not thought enough about the other victim of abortion as well, for there are, as I said at the opening of this Case for Life, two victims. We grieve the loss of unborn life, but we need to speak more boldly about the impact on American women, physical and emotional, that abortion extracts.

Among those long-term physical complications, Mr. Speaker, for example, overzealous curettage, a medical procedure, can damage the lining of the uterus and lead to permanent infertility. Overall, women who have abortions face an increased risk of tubal pregnancy and more than double the risk of future sterility. Perhaps the most important are that all the risks of these sorts of complications, along with the risk of future miscarriage, increases with each subsequent abortion. I am not altogether sure that women that make their way into clinics know that, that with each abortion they risk infertility, sterility or when the time comes that they decide to say yes to life, that they may be greeted with the heartbreak of miscarriage in increasing measure. More controversially, according to the Journal of the National Cancer Institute, there is strong evidence that abortion increases the risk of breast cancer. A study by the Institute of more than 1,800 women in 1994, which was published in the Journal of the National Cancer Institute, found that overall women having abortions increased their risk of getting breast cancer before the age of 45 by 50 percent. For women under 18 with no previous pregnancies, having an abortion after the eighth week increased the risk of breast cancer, according to this medical study, by 800 percent. Women with a family history of breast cancer fared even worse. All 12 women participating in the study who had abortions before 18 and had a family history of breast cancer themselves contracted breast cancer before the age of 45. I say this as someone who has consistently supported research with the National Institutes of Health to confront breast cancer. I have had dear friends beset by this scourge and disease and I do not mean to speak in any way insensitively about it or in any way to associate breast cancer with abortion, that one fits the other, but rather simply to cite the research, that we can hear the truth echoing perhaps from this place tonight that according to the medical community and the Journal of the National Cancer Institute, there is strong evidence that abortion increases the risk of breast cancer and women should know that.

There are also psychological consequences to American women for abortion. It seems to me that this may have been in the mind of Alice Paul, the author of the Equal Rights Amendment, when she said, ''Abortion is the ultimate exploitation of women.'' Because it seems to me it is altogether convenient for men for a woman to have an abortion. Men have a rather unlimited capacity to compartmentalize and move on, but what the medical community is finding out is what most men have known throughout the eons, that women by and large have better hearts than we do, have a greater moral sensitivity than we do, and it is reflected in the research of what has come to be known as postabortion syndrome, which is rising to epidemic levels in America. Clinical research provides a growing body of scientific evidence that having an abortion can cause psychological harm to some women. Psychologist Wanda Franz, Ph.D., in the March 1989 congressional hearings on the impact of abortion said, quote, women who report negative aftereffects from abortion know exactly what their problem is. They report horrible nightmares of children calling to them. When they are reminded of the abortion, Franz testified the women reexperience it with terrible psychological pain. They feel worthless and victimized because they failed at the most natural of human activities, the role of being a mother.

I think in my own heart of conversations with women of my generation who have become active in the pro-life movement but who have found in their faith the grace and the healing to move beyond that choice. And I think of a woman who said in my presence once, some 20 years after having an abortion, that not a day went by that she did not think how old that child would be. They do not tell you that in the lobby at the abortion clinic, Mr. Speaker, but they should. The exploding incidence of postabortion syndrome has even caused major medical associations in this country to recognize it. Women suffering postabortion stress may experience drug and alcohol abuse, personal relationship disorders, sexual dysfunction, communication difficulties and even in some cases attempt suicide. Postabortion syndrome appears to be a type of pattern of denial which may last for 5 to 10 years before emotional difficulties surface.

Now that clinicians have established that there is an identifiable pattern to PAS, postabortion syndrome, they face a new challenge. What is still unknown is how widespread psychological problems are among women who have had abortions. The LA Times did a survey in 1989 and found that 56 percent of women who had abortions felt guilty about it. And 26 percent, quote, mostly regretted the abortion, in a poll done by the LA Times. Clinicians' current goal now is to conduct extensive national research studies to obtain data on the size and scope of postabortion syndrome.

When one thinks, Mr. Speaker, of 1.5 million women undergoing abortions every year since 1973, it is almost overwhelming to think of the heartache that must grip the quiet moments of millions of women in our land. And because I am not standing in my home church, Mr. Speaker, I will not tonight explain to them that there is a way out under it, that there is grace and there is forgiveness and there is healing, and in a church near to them they can find it. It will always be my prayer as the Case for Life series goes forward in this Chamber that any woman who has experienced this under the sound of my voice would never in any way feel judged by this sinner, but that they would know that there is healing and there is grace in a God of mercy, and they would know there is a Nation that urgently needs them to take a stand and to tell the truth to the next generation of women about the cost of an abortion, not just the ending of an innocent human life and every potential that it would ever have but, Mr. Speaker, about the breaking of a heart.

Oftentimes, as I stand before groups of young women in the prime of their life, I am asked about my position on abortion. My pro-life views are fairly widely known in Indiana. I always make the point to offer young women in the room a promise, and it is a good place for me to close this installment of the Case for Life tonight as I think about Alice Paul and Susan B. Anthony who believed that abortion was the ultimate exploitation of women. I will look at these young women, oftentimes in a high school classroom, sometimes in a small church group, and I will look around the room knowing just statistically speaking that there may be some young women in that room who are faced with an unwanted pregnancy and are faced with a choice between bringing that unborn baby to term or ending its life in the womb. I always look at those young women and I say, I want to make you a promise that the other side can never make. I said, if you are faced with an unwanted pregnancy and you make the decision, however difficult, with your family's assistance or a crisis pregnancy center near you to take that baby to term and even if you turn that baby over to another family for adoption, versus if you choose to end that life in the womb, if you choose life, I will promise you from

the moment they hand you that wiggling little baby in the operating room, whether you raise it or you give it up, there will never be a day in your life but that you know that you did the right thing. And the other side cannot make that promise.

And if the statistics that we heard tonight, the physical cost and the emotional cost of abortion, are not jarring, perhaps that challenge would be, Mr. Speaker. My prayer is that as we think about the great women of American history, the great women of the suffragette movement that won women the right to vote, that wrestled equal status for women in our society, people like Susan B. Anthony and Alice Paul and others, when I think about the tender and wonderful women of my family and of America, I have hope for the cause of life, because I cannot help but believe that women who could take American society from a medievalist view of women as property and have the moral courage to win the right to vote and to win equal standing in the public square because of their courage and their conscience, that those same American women and their daughters and their granddaughters will not someday lead us back to the truth that life is sacred, to the truth that echoes through history in those ancient words, ''See, I set before you today life and death, blessings and destruction. Now choose life, so that you and your children may live.''

It is my belief that it will be when that day comes, that abortion comes to an end in America, it will be the women of America who lead us home, just as it was the women of America who led us to a more just society and to an equal station in our culture for women.

With that, I would conclude my part of this Case for Life series, Mr. Speaker, and yield for whatever approach he would choose to make to this issue to a man who while he has served in Congress for over 20 years, his vibrancy and vitality is intimidating to most of us who serve with him.

□ 1830

The gentleman from New Jersey (Mr. SMITH) has been an advocate of the cause of life since before Roe v. Wade, and he brings an energy and a commitment to this cause like no other, and I am deeply humbled that he would join me in this series of a case for life, and I yield gratefully to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. PENCE) for his leadership in realizing that we need to accelerate our efforts to inform, to enlighten, and hopefully to motivate America to stand up on behalf of life, to let women know that there are alternatives. We spoke the other day, actually the gentleman from Indiana (Mr. PENCE) and I and a few others, the gentleman from Arizona (Mr. FRANKS), and we cosponsored a forum on women who had had abortions. As a matter of fact it was called Women Deserve Better, and we were able to hear from four very brave women, including Jennifer O'Neil and Melba Moore and others, who told their stories of having had abortions and the horrific consequences to their emotions, to their bodies, to their psychological health as a direct result of that abortion.

And the abortion lobby would like to have us believe that this is something that is benign, and it is anything but. It is an ugly, very destructive act that is committed upon her unborn child, and women are the co-victims of every abortion. We know that the baby is either chemically poisoned, or he or she is dismembered as a result of the abortion; but we also know that the woman carries with her a terrible price that goes on year in and year out, and regrettably the abortion lobby enables that and somehow suggests that she ought to be happy with that decision.

And what we are trying to say is that there is reconciliation. The Women Deserve Better campaign is trying to reach out to those women who are suffering in carrying the burden of that abortion and to say that there is hope, there is reconciliation, and there is life after an abortion; but they need to come to terms with it. And I would encourage all those women who are perhaps listening to be in contact with the Women Deserve Better organization or to talk to some others who have direct experience, have experienced an abortion themselves and can bring, like I said, some reconciliation to them because, again, there needs to be that, I think, individually and collectively in America if we are to go forward.

Let me also point out, as my good friend and colleague I am sure pointed out, today is truly a historic day having seen the Senate pass by a very wide margin a ban on the gruesome act known as partial-birth abortion where a baby is partially delivered only to have his or her head punctured with scissors in the back of the head and the brains of that tiny innocent baby snuffed out, vacuumed out to complete this horrific procedure known as partial-birth abortion.

Partial-birth abortion, I would respectfully submit, is but the tip of an ugly and unseemly iceberg. Just below the surface, the surface appeal of choice, is a reality almost too horrific and cruel to contemplate, let alone face. Yet we persist in our allusions and denial as a country ever enabled by clever marketing, bias news reporting, and the cheap sophistry of choice. Let us be clear, and I do not think we can say this often enough, abortion is child abuse and it exploits women. Women deserve better than having their babies stabbed or cut or decapitated or poisoned. Women deserve nonviolent, life-affirming positive alternatives to abortion.

Thirty years after Roe v. Wade and Doe v. Bolton, the companion decision, the national debate on partial-birth abortion has finally pierced the multiple layers of euphemisms and collective denial to reveal child battering in the extreme. The cover-up is over, and the dirty secret concerning abortion methods is finally getting the scrutiny that will usher in reform and protective statutes. I would say to my colleagues that there is nothing compassionate, there is absolutely nothing benign about stabbing babies in the head with scissors so that their brains can be sucked out. That is child abuse. And yet over on the Senate side today and previously here in the House, we had Members for whom I have an enormous amount of respect defending the indefensible. We reach out to them and say, look at what you are saying. If they did this, if they were a young mother and they had a little baby girl, a young child who took her doll and took a pair of scissors and stuck those scissors into the back of the head of that baby, they would get counseling. They would say no, my daughter should not be play-acting that kind of activity. And yet there are Members of this Chamber who embrace, enable, facilitate, and defend that indefensible act on a tiny living baby girl or baby boy.

As the gentleman from Indiana (Mr. PENCE) knows and as my colleagues know, the loss of human life to abortion in this country has been staggering; 44.4 million babies have been killed by abortions since Roe v. Wade. And, yes, there were tens of thousands killed even prior to it in those States where abortion had been legalized like New York, like Hawaii, like Oregon, but 44.4 million kids. That is one out of every three of this generation missing. I say to my colleagues, the next time they are in a classroom, look around at the desks, count one, two, then the missing child; one, two, the missing child. This generation, perhaps more than any other in our own history, perhaps any other's history, is missing children who by ''choice'' have been destroyed by an abortionist.

Let me just conclude. On the WorldNetDaily site, there was an article on October 17, and I will just read part of it: ''Attendees of a national conference for abortion providers watched and listened with rapt attention as the inventor of the partial-birth abortion procedure narrated a video of the grizzly procedure, and then they burst into applause when the act was over and the unborn child was destroyed. The disturbing and eye-opening event featuring abortion doctor Martin Haskell, addressing members of the National Abortion Federation, was actually captured on audiotape, calmly and dispassionately describing each step of the process up to and including the insertion of the scissors into the base of the baby's head, followed by the sound of the suction machine sucking out the baby's brain. Dr. Haskell walks his audience through the procedure that opponents hope will finally be banned,'' that is us, ''during this congressional session. At the end of the

procedure,'' the article goes on to say, ''after the late-term fully developed unborn child's life has been violently and painfully terminated, the audience breaks into applause.''

That is sick, I say to my colleagues. These are the providers of abortion. These are the ones that our friends on the other side of this issue will defend passionately. They broke into applause as that baby met his death. That is what partial-birth abortion is all about. It is a horrific, grisly procedure. We are all about life, life affirmation. Thank God we have a President who respects the dignity and the value of each and every life and will sign this legislation into law, unlike his predecessor, Bill Clinton, who on two occasions vetoed this legislation.

And I want to thank the gentleman from Indiana (Mr. PENCE), my friend, for having these times on the floor so that we can begin the process of educating America. Much work needs to be done, and for those people who watch C–SPAN, know this: we care about life, the unborn, the newly born, all of those who are weak and disenfranchised. Many of us are the leaders on human rights, religious freedom, Trafficking Victims Protection Act, and a whole host of other important legislation designed to protect the innocent from the strong, the weak, and the vulnerable from those who would do them harm. That is what it is all about. Government is for the weakest and the most at risk. The unborn in our society are the weakest and the most at risk. Again I thank the gentleman from Indiana (Mr. PENCE), and I yield back to my good friend and colleague.

Mr. PENCE. Mr. Speaker, I thank the gentleman from New Jersey for his passion, for his generous remarks, and for his dogged determination in this issue.

We come to the close of this case for life much as we began, and it is always remarkable to me how sometimes God bookends things in ways that we could never have planned. Because we heard the gentleman from New Jersey begin his remarks by simply using a phrase I heard him use many times on floor, but I know he did not hear me use tonight. He said, ''Abortion is the ultimate exploitation of women,'' which was precisely the words of Alice Paul, who in her 20s was a driving force behind winning women the right to vote in America; a woman who was the driving force behind even another great signature item of the feminist movement in America, the Equal Rights Amendment. She said, ''Abortion is the ultimate exploitation of women.''

And I close with the words of Susan B. Anthony, who now every time I walk through the Rotunda and I look at those heroes of the suffrage movement carved in stone, I will think of it, if the Speaker will forgive me, as much a memorial to their moral courage as to their political accomplishment because these women were simultaneously about the elevation of women to equal political status, but they were also women committed to the sanctity of human life. Susan B. Anthony, and I close, said of abortion: ''No matter what the motive, love of ease, or a desire to save the suffering of the unborn innocent, the woman is awfully guilty who commits the deed. It will burden her conscience in life. It will burden her soul in death. But, oh, thrice guilty is he who drove her to the desperation which impelled her to the deed.''

Susan B. Anthony, without whom American women would have not a fraction of the status and the political power they have today, was a woman committed to the sanctity of human life. And as we go forward and as American women, in particular, listen in on our conversations on this Capitol floor, it is my hope that another generation of courageous and visionary American women of courage and conscience will lead us back to that profound moral truth echoed through the ages to choose life.

With that I yield to the gentleman from New Jersey (Mr. FERGUSON), another of my colleagues in this series, a man who brings with him an enormous pedigree in the right-to-life movement.

Mr. FERGUSON. Mr. Speaker, I am a little out of breath. I just got over here from my office. I was watching the debate and the conversation in my office, and I wanted to participate for a couple of different reasons. Number one, I wanted to pay tribute to the gentleman from Indiana (Mr. PENCE), who really is showing tremendous leadership and vision in helping to use this forum and use this opportunity to refocus our Nation's attention on an issue which is as fundamental to us and to our lives and to our society as any that we take up in this House and in these halls of Congress. I am proud to call him a friend, and I am so pleased and proud of his leadership on this issue.

I also want to pay tribute to the gentleman from New Jersey (Mr. SMITH), who has been fighting these battles for almost 25 years. He has brought passion and intelligence and commitment to an issue in trying to educate people around the country and around the world about the value of human life and this, unfortunately, very slippery slope which we have proceeded down in the years since Row v. Wade and even since before that.

□ 1845

Earlier today I was here on the floor and we were debating Medicare and talking about health care and talking about innovation and talking about trying to provide new health opportunities for our seniors, for people around this country. So much of the Medicare debate has been about medicines, it has been about medical devices, it has been about providing care to people who we care about.

One of the thoughts that I had as my friend the gentleman from New Jersey was talking about the millions and millions and millions of people who have been lost over the years to the terrible tragedy of abortion, I am thinking about that one out of three desks in the classroom. I used to be a teacher, and I was thinking back to those classrooms, one out of three desks where a child has been lost to abortion.

But it got me thinking about those who have been lost in another way. Think about the cures and the innovations, all the good that could have come from these millions and millions of human beings, these people who would be with us today, who would be participating. Researchers and scientists. They would be teachers, they would be moms, they would be dads. Thinking about the enormous good that would come from these individuals, these human beings who would be here to grow their hearts in love, to show love to other people, and compassion; the incredible insights they would be able to share with us. The philosophers, the theologians, the priests, the ministers, the rabbis, those who would seek to make our society better and stronger, more compassionate and loving. All that has been lost. So much of that has been lost. Of course, we are blessed with people today who are able to share these things with us.

But think of what has been lost by those who have not been able to be with us today and who we have lost over the years to the terrible tragedy of abortion. It is sad, but I think it also should instill in us a new commitment, a new understanding and perhaps a new perspective as to how important this issue is.

It is not just important in the ways that we know it is, the fundamental values that we all stand for as Americans, that we are fighting for around the world, but it is important, too, because we could be so much better, were it not for those who have been lost.

With that, I yield back to my friend the gentleman from Indiana.

Mr. PENCE. Mr. Speaker, I thank the gentleman from New Jersey (Mr. FERGUSON), who, along with his wife, Maurine, has been a champion for life in and out of the Congress for many years.

Mr. Speaker, I yield to the gentleman from Alabama (Mr. ADERHOLT), a moral leader in the United States House of Representatives.

Mr. ADERHOLT. Mr. Speaker, I thank the gentleman for yielding.

First of all, let me say it is a great day in the House, it is a great day in the United States Senate and it is a great day in the United States of America. I say to the gentleman from Indiana (Mr. PENCE), as we have said and talked about on many occasions, a lot of times we hear the courts speak on different issues. Well, today we have had an opportunity to hear the people speak, that this is an issue that we should not put up with in this Nation.

I believe we will be judged by how we treat those who are the most vulnerable in society. For that reason, it is especially exciting to be here on the

Floor of the United States House of Representatives in the United States Capitol when this legislation has passed.

Certainly, I was pleased to join 161 of my house colleagues in cosponsoring this legislation. This is the fifth Congress during which this debate has taken place. I am thankful we have done the right thing to outlaw this procedure once and for all, and look forward to President Bush having a signing ceremony and inviting all the Members of Congress that are very interested in this issue to be there, because I think this will be a great day for America and I think it will be a great day for not only this administration when he signs that, but also the United States Congress.

Mr. PENCE. Mr. Speaker, I thank my colleagues, the gentleman from New Jersey (Mr. FERGUSON), the gentleman from New Jersey (Mr. SMITH) and the gentleman from Alabama (Mr. ADERHOLT), for joining me in this case for life.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (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. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

(The following Members (at the request of Mr. MCCOTTER) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, October 28.

Mr. BURTON of Indiana, for 5 minutes, October 28.

Mr. BILIRAKIS, for 5 minutes, October 28.

Mr. FEENEY, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today and October 28 and 29.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 1900. An act to award gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on October 20, 3003, he presented to the President of the United States, for his approval, the following bill.

H.R. 3229. To amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the Congressional Record, and for other purposes.

ADJOURNMENT

Mr. SMITH of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Friday, October 24, 2003, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third quarter of 2003, pursuant to Public Law 95–384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, SLOVENIA, AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 5 AND SEPT. 10, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J. Dennis Hastert	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Livingood	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Eisold	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Palmer	9/5	9/7	Germany	695.50	750.16		(3)				
Ms. Morrison	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Walker	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Van Der Meid	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Charlie Johnson	9/5	9/7	Germany	695.50	750.16		(3)				
Hon. J. Dennis Hastert	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Livingood	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Eisold	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Palmer	9/7	9/8	Slovenia	54,560	248.00		(3)				
Ms. Morrison	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Walker	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Van Der Meid	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Charlie Johnson	9/7	9/8	Slovenia	54,560	248.00		(3)				
Hon. J. Dennis Hastert	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Livingood	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Eisold	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Palmer	9/8	9/10	France	[4] 730	794.00		(3)				
Ms. Morrison	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Walker	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Van Der Meid	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Charlie Johnson	9/8	9/10	France	[4] 730	794.00		(3)				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Euro dollar.

J. DENNIS HASTERT, Speaker of the House, Oct. 15, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. MARGARET PETERLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 13 AND AUG. 23, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Margaret Peterlin	8/13	8/16	Australia		1,050.00						
	8/16	8/18	Singapore		522.00						
	8/18	8/21	Thailand		615.00						
	8/22	8/23	Japan		239.00						
	8/21	8/22	Vietnam		193.00						
Committee total					2,619.00						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARGARET J.A. PETERLIN, October 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DAVID TEBBE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 27 AND SEPT. 2, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Tebbe	8/27	9/2	Egypt		868.00		6,718.00				
Committee total					868.00		6,718.00				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID TEBBE, Oct. 1, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO AFRICA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 3, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sheila Jackson-Lee	8/27	8/28	Ethiopia		71.00						71.00
	8/23	8/27	Zambia		588.00						588.00
Commercial airfare							10,647.29				10,647.29
Cathleen Harrington	8/24	8/27	Zambia		588.00						588.00
	8/27	8/27	S. Africa		161.00						161.00
	8/28	8/29	Ethiopia		504.00						504.00
Commercial airfare							9,555.45				9,555.45
Committee total					1,912.00		20,202.74				22,114.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SHERWOOD BOEHLERT, Chairman, Oct. 10, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE PARLIAMENTARY ASSEMBLY MEETING IN THE NETHERLANDS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 4 AND JULY 10, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Christopher Smith	7/4	7/7	Netherlands		1,489.45		(3)				1,489.00
Commercial airfare							3,349.90				3,349.90
Hon. Steny H. Hoyer	7/5	7/7	Netherlands		1,075.30		(3)				1,075.00
Hon. Benjamin L. Cardin	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Hon. Alcee L. Hastings	7/4	7/9	Netherlands		2,317.00		6,771.70				9,088.70
Hon. Robert B. Aderholt	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Hon. Louise McIntosh Slaughter	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Hon. Joseph R. Pitts	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Hon. Diane E. Watson	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Mr. Ronald J. McNamara	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Mr. Chadwick R. Gore	7/4	7/10	Netherlands		2,731.00		6,477.18				9,208.18
Mr. Donald Kursch	7/5	7/7	Netherlands		868.00		(3)				868.00
Ms. Marlene Kaufmann	7/5	7/10	Netherlands		2,317.00		(3)				2,317.00
Commercial airfare							3,827.80				3,827.80
Mr. David Killion	7/4	7/7	Netherlands		1,489.00		6,477.18				7,966.18
Ms. Janice Helwig	7/4	7/9	Netherlands		1,235.00		685.00				1,920.00
Mr. Patrick Prisco	7/5	7/10	Netherlands		2,317.00		(3)				2,317.00
Commercial airfare							3,792.00				3,792.00
Ms. Elizabeth Singleton	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Mr. Fred Turner	7/4	7/9	Netherlands		2,317.00		6,422.70				8,739.70
Mr. Bill van Horne	7/5	7/7	Netherlands		1,075.00		(3)				1,075.00
Delegation Expenses									13,335.28		13,335.28
Committee total					26,755.00		37,803.46		13,335.28		77,892.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation

CHRISTOPHER H. SMITH, Chairman, Sept. 30, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, IRAQ, JORDAN, AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 26 AND AUG. 4, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom DeLay	7/27	7/31	Israel		$1,448.00		[3]				$1,448.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, IRAQ, JORDAN, AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 26 AND AUG. 4, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ander Crenshaw	7/27	7/31	Israel		$1,448.00		[3]				$1,448.00
Brett Shogren	7/27	7/31	Israel		$1,448.00		[3]				$1,448.00
Stuart Roy	7/27	7/31	Israel		$1,448.00		[3]				$1,448.00
Dawn Loffredo	7/27	7/31	Israel		$1,448.00		[3]				$1,448.00
Hon. Tom DeLay	7/31	8/2	Jordan		476.00		[3]				476.00
Hon. Ander Crenshaw	7/31	8/2	Jordan		476.00		[3]				476.00
Brett Shogren	7/31	8/2	Jordan		476.00		[3]				476.00
Stuart Roy	7/31	8/2	Jordan		476.00		[3]				476.00
Dawn Loffredo	7/31	8/2	Jordan		476.00		[3]				476.00
Hon. Tom DeLay	8/2	8/4	Italy		892.00		[3]				892.00
Hon. Ander Crenshaw	8/2	8/4	Italy		892.00		[3]				892.00
Brett Shogren	8/2	8/4	Italy		892.00		[3]				892.00
Stuart Roy	8/2	8/4	Italy		892.00		[3]				892.00
Dawn Loffredo	8/2	8/4	Italy		892.00		[3]				892.00
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
Note: Congressmen DeLay, Crenshaw and Stuart Roy and Brett Shogren travelled to Iraq on 8/1 returning to Jordan on same day via military air transportation. No per diem.

TOM DELAY, Majority Leader, Sept. 3, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, SLOVENIA, AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 5 AND SEPT. 10, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J. Dennis Hastert	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Livingood	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Eisold	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Palmer	9/5	9/7	Germany	695.50	750.16		(3)				
Ms. Momson	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Walker	9/5	9/7	Germany	695.50	750.16		(3)				
Mr. Van Der Meid	9/5	9/7	Germany	695.50	750.16		(3)				
Hon. J. Dennis Hasters	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Livingood	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Eisold	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Palmer	9/7	9/8	Slovenia	54,560	248.00		(3)				
Ms. Momson	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Walker	9/7	9/8	Slovenia	54,560	248.00		(3)				
Mr. Van Der Meid	9/7	9/8	Slovenia	54,560	248.00		(3)				
Hon. J. Dennis Hasters	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Livingood	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Eisold	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Palmer	9/8	9/10	France	[4] 730	794.00		(3)				
Ms. Momson	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Walker	9/8	9/10	France	[4] 730	794.00		(3)				
Mr. Van Der Meid	9/8	9/10	France	[4] 730	794.00		(3)				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Euro dollar.

J. DENNIS HASTERT, Speaker of the House, Sept. 28, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	6/27	7/2	Italy		2,486.00		(3)				2,486.00
Bradley W. Smith	6/27	7/2	Italy		2,486.00		(3)				2,486.00
Hon. David Dreier	7/26	7/28	Senegal		541.50		(3)				541.50
	7/28	7/29	Mali		202.00		(3)				202.00
	7/29	7/31	Tunisia		412.00		(3)				412.00
	7/31	8/2	Malta		506.00		(3)				506.00
Bradley W. Smith	7/26	7/28	Senegal		541.50		(3)				541.50
	7/28	7/29	Mali		202.00		(3)				202.00
	7/29	7/31	Tunisia		412.00		(3)				412.00
	7/31	8/2	Malta		506.00		(3)				506.00
Robert Lawrence	7/26	7/28	Senegal		541.50		(3)				541.50
	7/28	7/29	Mali		202.00		(3)				202.00
	7/29	7/31	Tunisia		412.00		(3)				412.00
	7/31	8/2	Malta		506.00		(3)				506.00
Committee total					9,956.50						9,956.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Mililtary air transportation.

DAVID DREIER, Chairman, Oct. 7, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, Oct. 2, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON PRINTING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT W. NEY, Chairman, Oct. 2, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Oct. 8, 2003.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4812. A communication from the President of the United States, transmitting requests for FY 2004 budget amendments for the Departments of Agriculture and the Interior to reimburse emergency expenses to suppress forest fires in FY 2003; (H. Doc. No. 108—137); to the Committee on Appropriations and ordered to be printed.

4813. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106—246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

4814. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Indian Incentive Program [DFARS Case 2002-D033] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4815. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Approval of Services Contracts and Task Orders [DFARS Case 2002-D024] received October 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4816. A letter from the Under Secretary, Department of Defense, transmitting a report required pursuant to title 10, United States Code, section 12302(d), relating to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of July 1, 2003; to the Committee on Armed Services.

4817. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities in Fiscal Year 2002, pursuant to Public Law 107—117, section 8036(b); to the Committee on Armed Services.

4818. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Charles H. Coolidge, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4819. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency Administrator of National Banks, Department of the transmitting the Department's final rule — Electronic Filing and Disclosure of Beneficial Ownership Reports [Docket No. 03-23] (RIN: 1557-AC75) received October 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4820. A letter from the Secretary, Department of Housing and Urban Development, transmitting notification that it is estimated that the limitation on the Government National Mortgage Association's (''Ginnie Mae's'') authority to make commitments for a fiscal year will be reached before the end of that fiscalyear, pursuant to 12 U.S.C. 1721 nt; to the Committee on Financial Services.

4821. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services [CC Docket No. 92-297] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4822. A letter from the Deputy Chief, Wireline Competition Bureau/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Jt Bd on Universal Service [Dkt No. 96-45] 1998 Biennial Regulatory Review Streamlined Contributor Reporting Requirements Assoc'd with Admin. of Telecom. Relay Service, [Dkt No. 98-171]; Telecomm Services for Individuals with Hearing & Speech Disabilities & the A.D.A. Act of 1990 [Dkt No. 90-571]; Admin. of the N. Amer. Numbering Plan & N. Amer. Numbering Plan Cost Recovery Contribution Factor & Fund Size [Dkt. No. 92-237; NSD File No. L-00-72]; No. Resource Optimization [Dkt. No. 99-200; Telephone No. Portability [Dkt. No. 95-116]; Truth-in-Billing Format [Dkt. No. 98-170] Received October 16, 2003, to the Committee on Energy and Commerce.

4823. A letter from the Deputy Chief, Wireline Competition Bureau/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Services for Individuals with Hearing and Speech Disbilities; Recommended TRS Cost Recovery Guidelines; Request by Hamilton Telephone Company for Clarification and Temporary Waivers [CC Docket No. 98-67] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4824. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems [ET Dkt No.00-258] The Establishment of Policies and Services Rules for the Mobile-Satellite Services in

the 2 GHz Band [IB Dkt No.99-81] Amendment of the U.S. Table of Frequency Allocations to Designate the 2500-2520/2670-2690 MHz Frequency Bands for the Mobile-Satellite Service [RM-9911] Petition for Rule Making of the Wireless InformationNetworks Forum Concerning the Unlicensed Personal Communications to the Committee on Energy and Commerce.

4825. A letter from the Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — Forfeiture Proceedings [FCC 97-2] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4826. A letter from the Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — Inflation Adjustment of Maximum Forfeiture Penalties [FCC 00-347] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4827. A letter from the Assoc. Chief, CPD, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Policy and Rules Concerning the Interstate, Interexchange Marketplace [CC Docket No. 96-61] Implementation of Section 254(g) of the Communications Act of 1934, as amended [CC Docket No. 98-183] 1998 Biennial Regulatory Review-Review of Customer Premises Equipment and Enhancement Services Unbundling Rules In the Interexchange, Exchange Access And Local Exchange Markets — received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4828. A letter from the Deputy Director, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — The Pay Telephone Reclassification And Compensation Provisions Of The Telecommunications Act of 1996 [CC Docket No. 96-128] RBOC/GTE/SNET Payphone Coalition Petition for Clarification [NSD File No. L-99-34] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4829. A letter from the Assistant Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Access Change Reform [CC Docket No. 96-262] Price Cap Performance Review for Local Exchange Carriers [CC Docket No. 94-1] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4830. A letter from the Chief, Wireline Competition Bureau/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02-6] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4831. A letter from the Assistant Division Chief, Wireline Competition Bureau/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Petition by the United State Department of Transportaiton for Assignment of an Abbreviated Dialing Code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide [NSD-L-99-24] Request by the Alliance of Information and Referral Systems, United Way of America, United Way 211 (Atlanta, Georgia), United Way of Connecticut, Florida Alliance of Information and Referral Services, Inc., and Texas I&R Network for Assignment of 211 Dialing Code [NSD-L-98-80] The Use of N11 Codes and Other Abbreviated Dialing Arrangements [CC DOcket No. 92-105] Received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4832. A letter from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule — Review of Part 15 and other Parts of the Commission's Rules [ET Docket NO. 01-278 RM-9375 RM10051] Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment authorization Requirements for Digital Devices [ET Docket NO. 95-19] M/A-COM Private Radio Sysytems, Inc. Petition for Declaratory Ruling — received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4833. A letter from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 97 of the Commission's Rules to Create a Low Frequency Allocation of the Amateur Radio Service [ET Docekt No. 02-98 RM-9404] Amendment of Parts 2 and 97 of the Commission's Rules Regarding and Allocation of a Band near 5 MHz for the Amateur Radio Serivce [RM-10209] Amendment of Parts 2 and 97 of the Commission's Rules Concerning the Use Of the 2400-2402 MHz Band by the Amateur and Amateur-Satellite Services [RM-9949] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4834. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period April 1, 2002 through September 30, 2003, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

4835. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Kuwait (Transmittal No. DTC 100-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4836. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the United Kingdom (Transmittal No. DDTC 098-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4837. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination and certification for Fiscal Year 2004 concerning Argentina's and Brazil's Ineligibility Under Section 102(a)(2) of the Arms Export Control Act, pursuant to 22 U.S.C. 2799aa—2; to the Committee on International Relations.

4838. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4839. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004-03 on Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court; to the Committee on International Relations.

4840. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2003-40 on Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court; to the Committee on International Relations.

4841. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4842. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report entitled ''Competitive Sourcing: Reasoned and Responsible Public-Private Competition''; to the Committee on Government Reform.

4843. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's Strategic Plan for Fiscal Years (FYs) 2003 to 2008, as required by The Government Performance and Results Act of 1993; to the Committee on Government Reform.

4844. 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 Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Quota Harvested for Main Mahogany Quahog Fishery [Docket No. 021017238-2314-02; I.D. 090503B] received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4845. 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; Atka Mackerel in the Western Aleutian District [Docket No. 021212307-3037-02; I.D. 100103B] received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4846. 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; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 092903C] received October 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4847. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Establishment of a Threshold for Gamma-Butyrolactone [Docket No. DEA-203F] (RIN: 1117-AA52) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4848. A letter from the Program Manager, Bureau of Alcohol, Tobacco, Firearms & Explosives, Department of Justice, transmitting the Department's final rule — Implementation of the Safe Explosives Act, Title XI, Subtitle C of Public Law 107-296-Delivery of Explosive Materials by Common or Contract Carrier [ATF No. 2; AG Order No. 2683-2003 and Docket No. ATF2002R-341P] (RIN: 1140-AA20) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. OTTER (for himself, Mr. SIMPSON, Mr. CONYERS, Mr. SANDERS, Mr. KUCINICH, Mr. PAUL, Mr. FRANK of Massachusetts, Mr. UDALL of New Mexico, Mr. MEEKS of New York, and Mr. FLAKE):

H.R. 3352. A bill to amend the Foreign Intelligence Surveillance Act of 1978 and title 18, United States Code, to strengthen protections of civil liberties in the exercise of the foreign intelligence surveillance authorities

under Federal law, 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. BALLANCE (for himself, Mr. MILLER of North Carolina, Mr. BALLENGER, Mr. COBLE, Mr. PRICE of North Carolina, Mr. MCINTYRE, Mr. WATT, Mrs. MYRICK, Mr. BURR, Mr. JONES of North Carolina, Mr. ETHERIDGE, and Mr. HAYES):

H.R. 3353. A bill to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the ''George Henry White Post Office Building''; to the Committee on Government Reform.

By Mr. BOYD:

H.R. 3354. A bill to include in St. Marks National Wildlife Refuge, Florida, the land and facilities comprising St. Marks lighthouse; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. DINGELL, Mr. STARK, Mr. BROWN of Ohio, Mr. FROST, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. CARSON of Oklahoma, Mr. RODRIGUEZ, Mr. MARKEY, Ms. NORTON, Ms. KAPTUR, Mr. SANDERS, Mr. HOEFFEL, Mrs. MALONEY, Mr. GRIJALVA, Mr. HINCHEY, Mr. UDALL of New Mexico, Mr. ACEVEDO-VILA, Mr. KUCINICH, Mr. MOORE, Mr. LANTOS, Ms. CORRINE BROWN of Florida, Mr. THOMPSON of Mississippi, Mr. BERMAN, Mr. WEXLER, Mr. EVANS, Ms. ROYBAL-ALLARD, Mr. KILDEE, Ms. BALDWIN, Mrs. CAPPS, Ms. SOLIS, Mr. STUPAK, Mr. KLECZKA, Mr. BACA, Mr. MCGOVERN, Mr. HOLT, Mr. PALLONE, Ms. ESHOO, Mr. BRADY of Pennsylvania, Mr. CLAY, and Mr. MCDERMOTT):

H.R. 3355. A bill to amend titles XVIII and XIX of the Social Security Act to establish minimum requirements for nurse staffing in nursing facilities receiving payments under the Medicare or Medicaid 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 Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. MARIO DIAZ-BALART of Florida, and Mr. FEENEY):

H.R. 3356. A bill to amend chapter 8 of title 5, United States Code, to establish the Joint Administrative Procedures Committee; to the Committee on Rules, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS (for himself, Mr. WYNN, Mr. BEREUTER, and Mr. NORWOOD):

H.R. 3357. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide protections to members of the Armed Forces who terminate certain consumer contracts and real estate residential purchase contracts entered into before permanent change of station or deployment orders or motor vehicle leases entered into before military service; to the Committee on Veterans' Affairs.

By Mr. HENSARLING (for himself, Mr. BARRETT of South Carolina, Mr. MARIO DIAZ-BALART of Florida, Mr. BARTON of Texas, Mr. AKIN, Mr. DEMINT, Mr. GOODE, Mr. MANZULLO, Mr. THORNBERRY, Mr. GUTKNECHT, Mr. FLAKE, Mrs. MYRICK, Mr. BEAUPREZ, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. TANCREDO, Mr. MILLER of Florida, Mr. CHABOT, Mr. NEUGEBAUER, Mr. CARTER, Mr. CULBERSON, Mr. COLE, Mr. SESSIONS, Mr. PENCE, Mr. SHADEGG, Mr. TERRY, Mr. WILSON of South Carolina, Mr. TOOMEY, Mr. SMITH of Michigan, and Mr. FEENEY):

H.R. 3358. A bill to require a balanced Federal budget by fiscal year 2009 and for each year thereafter, to combat waste, fraud, and abuse, to establish biennial budgets, to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to impose spending safeguards on the growth of entitlements and discretionary spending, and to enforce those requirements through a budget process involving the President and Congress and sequestration; to the Committee on the Budget, and in addition to the Committees on Rules, and Government Reform, 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. KENNEDY of Rhode Island (for himself and Mr. UPTON):

H.R. 3359. A bill to increase awareness of and research on autoimmune diseases, such as lupus, multiple sclerosis, rheumatoid arthritis, and fibromyalgia, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LOFGREN (for herself, Mr. CASE, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. FARR, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Ms. SLAUGHTER, Ms. MCCOLLUM, Mr. EMANUEL, and Mr. GUTIERREZ):

H.R. 3360. A bill to amend the Immigration and Nationality Act to provide for the automatic acquisition of citizenship by certain Amerasians; to the Committee on the Judiciary.

By Ms. LOFGREN (for herself, Mr. CANNON, Mr. CONYERS, Ms. HART, Mr. MEEK of Florida, Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, and Ms. SCHAKOWSKY):

H.R. 3361. A bill to provide for the protection of unaccompanied alien children, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY:

H.R. 3362. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of screening for breast, prostate, and colorectal cancer; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and Government Reform, 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. MCCRERY (for himself and Mr. ALLEN):

H.R. 3363. A bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the Medicaid Program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases; to the Committee on Energy and Commerce.

By Mrs. MYRICK (for herself and Mr. SPRATT):

H.R. 3364. A bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulation are not successful; to the Committee on Ways and Means.

By Mr. RENZI (for himself, Mr. DELAY, and Mr. JONES of North Carolina):

H.R. 3365. A bill to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Georgia (for himself and Ms. MAJETTE):

H.R. 3366. A bill to designate the building located at 493 Auburn Avenue, N.E., in Atlanta, Georgia, as the ''John Lewis Civil Rights Institute''; to the Committee on Resources.

By Mr. SESSIONS:

H.R. 3367. A bill to provide for additional responsibilities for the Chief Information Officer of the Department of Homeland Security relating to geospatial information; to the Committee on Government Reform, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H.R. 3368. A bill to direct the Secretary of Labor to establish a pilot grant program to retrain displaced workers in high technology fields; to the Committee on Education and the Workforce.

By Mr. SOUDER (for himself, Mr. WYNN, Mr. OSBORNE, Mr. HASTINGS of Washington, Mr. KELLER, and Mrs. MUSGRAVE):

H.R. 3369. A bill to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage or adoption of rules for athletic competitions and practices; to the Committee on the Judiciary.

By Mr. STUPAK (for himself, Mr. FOSSELLA, and Mr. ENGEL):

H.R. 3370. A bill to establish a permanent grant program to improve public safety communications and the interoperability of emergency communications equipment; to the Committee on Energy and Commerce.

By Mrs. TAUSCHER (for herself, Mr. GREENWOOD, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. TOWNS, Ms. MILLENDER-MCDONALD, Ms. DELAURO, Mr. SANDERS, Mr. PAYNE, Mr. SCHIFF, Mrs. NAPOLITANO, Ms. NORTON, Mr. WELDON of Pennsylvania, Mr. BAIRD, Ms. MCCARTHY of Missouri, Mr. FROST, Mr. STENHOLM, Mr. WU, Ms. CORRINE BROWN of Florida, and Ms. SCHAKOWSKY):

H.R. 3371. A bill to provide for infant crib safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TAYLOR of Mississippi (for himself, Mr. WICKER, Mr. THOMPSON of Mississippi, and Mr. PICKERING):

H.R. 3372. A bill to designate the facility of the Agriculture Research Service of the Department of Agriculture located at State Highway 26 West in Poplarville, Mississippi, as the ''Thad Cochran Southern Horticultural Laboratory''; to the Committee on Agriculture.

By Mr. GOODLATTE (for himself, Mr. STENHOLM, Mr. LUCAS of Oklahoma, and Mr. HOLDEN):

H.J. Res. 74. A joint resolution recognizing the Agricultural Research Service of the Department of Agriculture on the occasion of its 50th anniversary for the important service it provides to the Nation; to the Committee on Agriculture.

By Mr. BISHOP of New York (for himself, Ms. KAPTUR, Mr. WALSH, Mr. RODRIGUEZ, Mrs. BLACKBURN, Mr. BELL, Mr. SESSIONS, Ms. BERKLEY, Mr. KING of New York, Mr. RYAN of Ohio, Mr. FOSSELLA, Mr. MICHAUD, Mr. JENKINS, Mr. TOWNS, Mr. TERRY, Mr. BISHOP of Georgia, Mr. FROST, Mr. GRIJALVA, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mrs. TAUSCHER, Mr. LEVIN, Mr. PETERSON of Minnesota, Mr. VAN HOLLEN, Mr. HOLDEN, Mr. KILDEE, Ms. HARMAN, Mr. SERRANO, Mr. ISRAEL, Mr. EDWARDS, Mr. MATHESON, Mr. BOYD, Mr. RANGEL, Mr. PAYNE, Mr. EMANUEL, Ms. WATERS, Mr. ALEXANDER, Mr. SANDLIN, Mr. ACEVEDO-VILA, Mr. CASE, Mrs. JO ANN DAVIS of Virginia, Mr. LANGEVIN, Mr. ROTHMAN, and Mr. GREEN of Texas):

H. Con. Res. 308. Concurrent resolution recognizing the members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day; to the Committee on Veterans' Affairs.

By Mr. MEEHAN (for himself, Ms. DELAURO, Mr. CASTLE, Mr. LANGEVIN, Mr. BASS, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. EMANUEL, Mr. INSLEE, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. DELAHUNT, Mr. QUINN, Mr. KIND, and Mr. PALLONE):

H. Con. Res. 309. Concurrent resolution expressing the sense of Congress regarding the improvement of combined sewer overflow control programs; to the Committee on Transportation and Infrastructure.

By Mr. STEARNS (for himself and Mr. ADERHOLT):

H. Con. Res. 310. Concurrent resolution requiring the posting of the Ten Commandments in the Capitol; to the Committee on House Administration.

By Mr. SOUDER (for himself, Mr. DELAY, Mr. CRANE, Mr. SHADEGG, Mr. STEARNS, Mr. CHOCOLA, Mr. DOOLITTLE, Mr. BOOZMAN, Mrs. MUSGRAVE, Mr. FEENEY, Mr. HUNTER, Mr. ROYCE, Mr. TOOMEY, and Mr. CAMP):

H. Res. 408. A resolution recognizing the 50th anniversary of The Conservative Mind, and for other purposes; to the Committee on Government Reform.

By Mr. BLUNT (for himself, Mr. HOYER, Mr. CANTOR, and Ms. BERKLEY):

H. Res. 409. A resolution repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing prime minister of Malaysia, which makes peace in the Middle East and around the world more elusive; to the Committee on International Relations.

By Ms. LEE (for herself, Mrs. TAUSCHER, Mr. WAXMAN, Mr. KUCINICH, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Ms. WOOLSEY, Mr. WATT, Mr. LEWIS of Georgia, Mr. CUMMINGS, Ms. WATSON, Mr. HINCHEY, Ms. KAPTUR, Mr. FARR, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLAY, Ms. CARSON of Indiana, Mr. TIERNEY, Mr. SERRANO, Mr. STARK, Ms. NORTON, Mr. BECERRA, Mr. CLYBURN, Mr. GRIJALVA, Mr. DOGGETT, Mr. HONDA, Mr. BELL, Mr. DAVIS of Illinois, Mr. CAPUANO, Mr. THOMPSON of Mississippi, Mr. OWENS, and Mr. RUSH):

H. Res. 410. A resolution expressing the sense of the House of Representatives that prior to the conclusion of the first session of the One Hundred Eighth Congress the House should pass legislation that would create an independent commission or select House committee to investigate United States intelligence relating to Operation Iraqi Freedom; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of California:

H. Res. 411. A resolution expressing the sense of the House that John Wooden should be honored for his contributions to sports and education; to the Committee on Education and the Workforce.

By Mr. SOUDER (for himself, Mr. COBLE, Mr. CUMMINGS, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. MICA, Mr. OSE, Mr. SERRANO, and Mr. SMITH of Texas):

H. Res. 412. A resolution honoring the men and women of the Drug Enforcement Administration on the occasion of its 30th Anniversary; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

206. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 130 memorializing the United States Congress to maintain the current imminent danger pay and family separation allowances for members of the military in combat zones; to the Committee on Armed Services.

207. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 134 memorializing the United States Congress to address the issue of traffic stopages at railroad crossings; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. BAKER.
H.R. 129: Mr. ROTHMAN.
H.R. 284: Mr. HERGER.
H.R. 369: Mr. HOYER.
H.R. 375: Mr. GEPHARDT.
H.R. 391: Mr. SMITH of Michigan.
H.R. 434: Mr. MCCOTTER, Mr. CALVERT, Mr. BURGESS, and Mr. FOSSELLA.
H.R. 528: Ms. MCCOLLUM.
H.R. 713: Mr. ROGERS of Michigan.
H.R. 728: Ms. PRYCE of Ohio.
H.R. 785: Ms. SCHAKOWSKY.
H.R. 806: Mr. CASTLE.
H.R. 839: Mr. TIAHRT.
H.R. 840: Mr. BOEHLERT.
H.R. 852: Mr. EMANUEL, Ms. DEGETTE, and Mr. FILNER.
H.R. 936: Mr. ALLEN and Mr. ORTIZ.
H.R. 998: Mr. ROTHMAN.
H.R. 1117: Mr. RYUN of Kansas.
H.R. 1125: Ms. LINDA T. SANCHEZ of California.
H.R. 1228: Mr. ANDREWS.
H.R. 1231: Mr. BECERRA.
H.R. 1322: Ms. MCCOLLUM.
H.R. 1345: Mr. BAIRD.
H.R. 1385: Mr. DEAL of Georgia, Mr. MANZULLO, Mr. WATT, and Mr. LEACH.
H.R. 1428: Mr. RUPPERSBERGER.
H.R. 1430: Mr. MEEK of Florida.
H.R. 1532: Mr. TIERNEY, Mr. SANDERS, Mr. PASCRELL, Mrs. MALONEY, Ms. BALDWIN, and Mr. WELLER.
H.R. 1563: Ms. SCHAKOWSKY.
H.R. 1582: Mr. MCDERMOTT.
H.R. 1657: Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. LYNCH, and Mr. GUTIERREZ.
H.R. 1660: Mr. SOUDER.
H.R. 1695: Mr. PAYNE.
H.R. 1726: Mrs. JO ANN DAVIS of Virginia.
H.R. 1735: Ms. MILLENDER-MCDONALD.
H.R. 1742: Mr. GONZALEZ and Mr. SHERMAN.
H.R. 1749: Ms. ROS-LEHTINEN.
H.R. 1782: Mrs. JONES of Ohio.
H.R. 1818: Mr. RYUN of Kansas.
H.R. 1856: Mr. DAVIS of Florida.
H.R. 1914: Mr. SESSIONS.
H.R. 2131: Mr. COOPER, Mr. COSTELLO, Mr. EVANS, Mr. LARSEN of Washington, Mr. LIPINSKI, Mr. MENENDEZ, Ms. VELAZQUEZ, Mr. BASS, Ms. MCCARTHY of Missouri, Ms. HARMAN, Ms. PRYCE of Ohio, Mr. HAYES, Mr. SIMPSON, Mr. HASTERT, Mr. MATHESON, Mr. ROGERS of Alabama, and Mr. TANNER.
H.R. 2133: Mr. SMITH of Texas, Mr. CRANE, Ms. GRANGER, and Mr. SANDLIN.
H.R. 2333: Mr. ALLEN.
H.R. 2366: Mr. CARDOZA and Mr. ACEVEDO-VILA.
H.R. 2494: Mrs. JOHNSON of Connecticut.
H.R. 2509: Mr. KLECZKA.
H.R. 2553: Mr. CUMMINGS.
H.R. 2625: Ms. MAJETTE and Mr. SPRATT.
H.R. 2719: Mr. LANGEVIN and Mr. WATT.
H.R. 2720: Mrs. MALONEY, Mr. RYAN of Wisconsin, Mr. TIBERI, Mr. NEY, and Mr. PETERSON of Minnesota.
H.R. 2727: Mr. CARDIN.
H.R. 2743: Mr. COLLINS.
H.R. 2768: Ms. PELOSI, Mr. SNYDER, Mr. PLATTS, and Mr. CUMMINGS.
H.R. 2813: Ms. PRYCE of Ohio.
H.R. 2821: Mr. DEUTSCH, Mr. PRICE of North Carolina, Mr. YOUNG of Florida, and Mr. GUTIERREZ.
H.R. 2839: Mr. PETERSON of Minnesota, Mrs. MILLER of Michigan, Mr. TAYLOR of Mississippi, Mr. MATHESON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROGERS of Kentucky, Mr. CRANE, AND Mr. GOSS.
H.R. 2866: Mr. CASE, Mr. BISHOP of Georgia, Mr. ISAKSON, Mr. NORWOOD, Mr. DEAL of Georgia, Mr. GINGREY, and Mr. SCOTT of Georgia.
H.R. 2906: Mr. DOOLITTLE.
H.R. 2929: Mr. BUYER.
H.R. 2956: Mr. SPRATT and Mr. UDALL of Colorado.
H.R. 2959: Mr. ROTHMAN, Mr. RANGEL, and Mr. WEXLER.
H.R. 3058: Mr. BALLANCE.
H.R. 3085: Mr. GUTIERREZ, Mr. GONZALEZ, Mr. BACA, Mr. ORTIZ, Mr. UDALL of New Mexico, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Alabama, and Mr. RANGEL.
H.R. 3103: Mr. SCHIFF and Mr. GARRETT of New Jersey.
H.R. 3107: Mr. GRIJALVA, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. BALLANCE, Mr. BISHOP of Georgia, Ms. SLAUGHTER, Mr. TERRY, Mr. BLUMENAUER, Mr. STARK, Mr. HASTINGS of Florida, and Mr. KILDEE.
H.R. 3119: Mr. FOLEY and Mr. TURNER of Ohio.
H.R. 3139: Mr. BACA.
H.R. 3142: Mr. DREIER, Mr. WALDEN of Oregon, Mr. SWEENEY, Mrs. MCCARTHY of New York, Mrs. CAPPS, and Ms. SOLIS.
H.R. 3152: Mr. MCDERMOTT, Ms. NORTON, Mr. RANGEL, Mr. FATTAH, and Mr. WATT.
H.R. 3154: Mr. PALLONE.
H.R. 3178: Mr. TERRY, Mr. ACEVEDO-VILA, Mr. MARKEY, Mr. FRANK of Massachusetts,

Mr. JANKLOW, and Mr. MILLER of North Carolina.

H.R. 3184: Mr. PETERSON of Minnesota and Mr. ALLEN.

H.R. 3190: Mr. BEAUPREZ.

H.R. 3191: Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. GREEN of Texas, and Mrs. MUSGRAVE.

H.R. 3193: Mr. KINGSTON, Mr. MANZULLO, Mr. CRANE, Mr. NORWOOD, Mr. RYUN of Kansas, Mr. BISHOP of Utah, Mr. BAKER, Mr. PITTS, Mr. TERRY, Mr. ROGERS of Michigan, Mr. WAMP, Mr. ADERHOLT, Mr. WELLER, Mr. MCCRERY, and Mr. BEAUPREZ.

H.R. 3204: Mr. LAHOOD, Mr. PLATTS, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. BOEHLERT, Mr. EHLERS, Mr. BASS, and Mr. KIRK.

H.R. 3208: Mr. CUMMINGS and Mr. NEUGEBAUER.

H.R. 3215: Mr. JANKLOW, Mr. HYDE, Mrs. BONO, and Mr. NETHERCUTT.

H.R. 3225: Mr. RAMSTAD.

H.R. 3237: Mrs. MALONEY.

H.R. 3242: Mrs. BONO and Mr. OBERSTAR.

H.R. 3244: Ms. WATERS, Mr. ACEVEDO-VILA, Mr. VISCLOSKY, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Mr. BOUCHER, Mr. NADLER, Mrs. JONES of Ohio, Mr. COSTELLO, Mr. LARSEN of Washington, Mr. WU, and Mr. KUCINICH.

H.R. 3251: Ms. SCHAKOWSKY, Ms. ESHOO, and Mr. SERRANO.

H.R. 3263: Mr. AKIN, Mrs. BIGGERT, Mr. BILIRAKIS, Mr. BLUNT, Mr. COLLINS, Mr. HASTERT, Mr. HAYES, Mr. MCCRERY, Mr. ROHRABACHER, and Mr. SIMMONS.

H.R. 3266: Ms. DUNN, Mr. GIBBONS, Mr. SHADEGG, Mr. KING of New York, and Mr. SWEENEY.

H.R. 3270: Mr. CAMP and Mr. LOBIONDO.

H.R. 3271: Mr. RANGEL, Mr. PASTOR, and Mr. EMANUEL.

H.R. 3275: Mr. BROWN of Ohio, Mr. SANDERS, and Mr. VAN HOLLEN.

H.R. 3281: Mr. LAHOOD and Mr. BOEHLERT.

H.R. 3294: Mr. GUTIERREZ.

H.R. 3313: Mr. WILSON of South Carolina and Mr. TIAHRT.

H.R. 3329: Mr. GUTKNECHT, Mr. FORBES, and Mr. GARRETT of New Jersey.

H.R. 3344: Mr. LARSEN of Washington.

H.J. Res. 40: Mr. BEAUPREZ.

H.J. Res. 62: Mr. HAYES.

H. Con. Res. 99: Mr. ROTHMAN.

H. Con. Res. 213: Ms. BERKLEY.

H. Con. Res. 247: Mr. TANNER, Mr. GARRETT of New Jersey, Mr. PUTNAM, and Ms. BALDWIN.

H. Con. Res. 257: Mrs. JONES of Ohio.

H. Con. Res. 264: Mr. PUTNAM.

H. Con. Res. 269: Mr. CUMMINGS.

H. Con. Res. 280: Mr. HOEFFEL.

H. Con. Res. 285: Mr. MCHUGH and Mr. BARRETT of South Carolina.

H. Con. Res. 291: Mr. UPTON.

H. Con. Res. 292: Mr. CARDOZA, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, and Ms. ESHOO.

H. Con. Res. 302: Mr. SESSIONS, Mr. HINCHEY, Mr. DEUTSCH, Mr. SOUDER, Mr. BERMAN, Mr. BELL, Mr. WU, Mr. LANTOS, Mr. ORTIZ, Ms. ROS-LEHTINEN, Mr. TANCREDO, and Mr. KIRK.

H. Res. 103: Mr. MANZULLO.

H. Res. 300: Mr. DEAL of Georgia.

H. Res. 354: Mr. DINGELL and Mr. BELL.

H. Res. 373: Mrs. MUSGRAVE.

H. Res. 390: Mr. BURTON of Indiana, Mr. LAMPSON, Mr. BLUMENAUER, Mr. MCINNIS, Mr. GILLMOR, Mr. HASTINGS of Florida, Mr. SMITH of New Jersey, Mr. HOUGHTON, Mrs. TAUSCHER, Mr. TANNER, Mr. BERMAN, Mr. CROWLEY, and Mr. PITTS.

H. Res. 393: Mrs. JONES of Ohio, Ms. MCCARTHY of Missouri, Ms. BORDALLO, Mr. LANTOS, and Ms. NORTON.

H. Res. 394: Mr. MATHESON and Mr. WICKER.

H. Res. 397: Mr. SNYDER, Mr. BERRY, and Mr. ROSS.

H. Res. 402: Mr. HOLDEN.

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. 2821: Mrs. MCCARTHY of New York.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, OCTOBER 21, 2003 No. 148

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, You are life, wisdom, truth, and blessedness. You are our hope and the center of our joy.

Lord, the Founders of this great land walked in Your guidance and rested in Your compassion. Unite us so that we can do Your will. Remove from us all evil desires and empower us to embrace the good. Speak to our Senators so that they may understand Your will for our Nation and our world.

Illuminate their understanding with beams of celestial grace. Make us thankful for the privilege of prayer. May we never take it for granted. Let us see Your goodness in our daily bread and in the gift of each new day. And, Lord, touch our world with Your peace. We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore. I ask the distinguished assistant Democratic leader to lead us in the Pledge of Allegiance to our flag.

The Honorable HARRY REID 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 there will be a period for morning business to allow Senators to make statements. At 10:30 today, the Senate will begin consideration of the conference report to accompany the partial-birth abortion ban bill. Under a unanimous consent agreement, there will be up to 4 hours of debate on that conference report. Under a previous order, the Senate will stand in recess from 12:30 until 2:15 for the respective party caucus meetings. After that recess, the Senate will continue consideration of the partial-birth abortion ban, with a vote on the conference report expected this afternoon. That vote will be the first vote of the day.

Following the vote on the partial-birth abortion ban, the Senate will resume consideration of the motion to proceed to S. 1751, the class action fairness bill. I remind my colleagues that we had hoped to begin consideration of the class action legislation yesterday. Unfortunately, there was an objection to proceeding which is why it was necessary for us to proceed to move to that bill. Yesterday, we filed a cloture motion on the motion to proceed and that vote will occur tomorrow morning.

It is important that we are able to proceed with that bill. I understand there are differences on the substance of the legislation. However, the Senate should be allowed to consider those issues through debate and votes, as appropriate. Therefore, I once again encourage my colleagues on the other side of the aisle to allow us to begin work on the bill to bring some sense to the overall class action process.

I was also disappointed with the objection to proceeding to the Healthy Forests initiative. Chairman COCHRAN and others on both sides of the aisle have been working in good faith to bring that bill to the floor in a way to consider some concerns that may exist on the Democratic side. Again, there was an objection to proceed to that measure. I hope Members can, over the course of this morning and today, rethink that objection and allow debate to begin on this very important initiative, the Healthy Forests legislation.

We are also working hard to clear for Senate action a number of other important issues, including the fair credit reporting bill, the so-called spam legislation, as well as an agreement to move forward on the charitable giving bill.

I remind my colleagues, both the Senate and the House have already passed their respective versions of that legislation and it is now time for us to move to conference and reconcile those differences. Having said that, we will continue to work with the Democratic leadership in an effort to reach an agreement to move forward on all of the bills I just mentioned.

As we approach the last weeks of this session, we need to redouble our efforts to stay focused and disciplined on these agreements so we can allow the Senate to consider all of these bills. I thank my colleagues in advance for their cooperation.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader is recognized.

Mr. REID. While the majority leader is in the Chamber, I say on behalf of the minority, we acknowledge the importance of class action, Healthy Forests, charitable choice. Those are the ones I remember the leader speaking of. For example, charitable choice could be done within a matter of minutes and sent directly to the House. There has been a decision made by the majority—and I think not a proper one—to take it to conference. We could send it immediately to the House.

We are working very hard to try to cooperate with the majority on the most important piece of legislation, class action. A vast majority of Members on this side of the aisle want to do something on class action. We have had

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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as our point person on this JOHN BREAUX, and he has had contact with the majority to try to come up with something on this issue. I think we are very close to working something out.

Healthy Forests, as the leader knows, is a difficult issue. For Western States it is extremely important. We hope that can be resolved quickly.

I bring to the leader's attention, however, we also have those appropriations bills we need to do. I spoke very briefly this morning with the distinguished Presiding Officer. He has been in contact, as I am sure the leader knows, with Senator BYRD. Maybe there is still something we can do on those appropriations bills to get, if not all of the six we have not passed here done, at least some of them completed. We have those most important conferences. We have had, as far as I am concerned, a difficult time getting a conference completed on the energy and water appropriations bill. That has been a bill we usually bring up first because it is so important to Members in the House and Senate. I spoke this morning to Majority Leader DELAY, saying we need a little help from the leadership in trying to move that.

I hope, in addition to these other important items the leader has mentioned, we can work together to come up with some program to get some of the appropriations bills passed. I think it is important for the country.

Mr. FRIST. Mr. President, I appreciate the comments just made by my colleague and I think his comments reflect the amount of work we absolutely must accomplish in the next few days. I say that because in terms of the numbers of days in the weeks remaining, there are very few legislative days. We should all redouble our efforts and focus on each and every one of these bills. They are all very important.

I know it may seem, as the Republican leader, I am encouraging the resolution of these bills by bringing them to the floor. That is exactly what I am doing, so we can all redouble our efforts to accomplish what really we want to do mutually: Go through each of these, have the appropriate debate and amendment on the floor as we go forward.

Mr. REID. One bill I did not mention that I feel strongly about is fair credit reporting. That is also very important. I bet my office has received 100 phone calls in the last couple of legislative days dealing with that legislation. We hope something can be worked out on that also.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until the hour of 10:30 a.m., with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the Senator from Texas, Mrs. HUTCHINSON, or her designee.

The majority leader.

ECONOMIC GROWTH

Mr. FRIST. Mr. President, on leader time, I want to make a very brief comment to highlight a few of the encouraging developments on our economic front. I know we will be going to morning business, and some of my colleagues will be talking shortly on the issue of our economy and where we are in terms of jobs and job creation.

There have been some very encouraging developments on the economic front. When the third quarter GDP figures are released next week, it is anticipated we will very possibly see growth as high as 6.5 percent. All signs, at this point, point to a very robust holiday buying season.

The Department of Commerce reports consumption is strong. In the third quarter, consumption grew by an annual rate of over 12 percent. Many economists tell us this third quarter consumption may be the strongest we have seen over the last 4 years—again, very good news.

Likewise, the Department of Labor reports the initial jobless claims are at their lowest levels since February. In August, the nonfarm sector employment rose by 57,000 jobs. In the area of manufacturing, mid-Atlantic manufacturing is showing promising signs of recovery. The index for new orders showed the highest gains in 8 years, and the monthly index of regional manufacturing significantly topped the economists' expectations. Inflation, meanwhile, remains very low. Short-term interest rates are also at historically low levels. There is much to cheer about in this positive news.

Smart, progrowth fiscal policy is helping lead this creation of new jobs. But we have a lot more work to do. There are some structural problems we need to tackle on this Senate floor in order to strengthen the marketplace. We need a more efficient marketplace, a more transparent marketplace. We need to make it less risky for businesses to go out and hire workers and to retrain those workers, and we can do that by focusing on appropriate reforms such as strengthening trade; reducing health care costs; reducing litigation costs; reducing insurance costs; strengthening energy policy, which we are doing in conference right now; and, I would also add, enacting strong asbestos reform. These are the sorts of policies that will increase productivity. They will increase predictability in the marketplace, and they ultimately will stoke the engines of economic growth.

I am really, for the first time, becoming optimistic that we have turned this corner and that we will see continued improvement. The agenda items we are working on to complete this session—many of which we just discussed—will lead to more jobs, more prosperity, and a solid economic recovery.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

Mr. REID. Will the Senator yield for a request?

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, before the majority leader leaves, I ask unanimous consent that in morning business each side get their full half hour. That would extend the vote a few minutes this afternoon.

The PRESIDENT pro tempore. That would add 12 minutes to the time.

Mr. REID. Yes.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Does the Senator from Nevada yield time?

Mr. REID. Yes. Mr. President, I yield 15 minutes to the Senator from North Dakota, Mr. DORGAN; 5 minutes to Senator KOHL; and 10 minutes to Senator STABENOW.

The PRESIDENT pro tempore. I thank the Senator.

The Senator is recognized.

APPROPRIATIONS, ENERGY, AND CUBA TRAVEL

Mr. DORGAN. Mr. President, let me make a comment about the appropriations bills, then about the Energy conference, and then I want to talk a bit about the Department of Homeland Security and the ban on travel to Cuba.

First, the appropriations bills.

Our colleague, the majority leader, Senator FRIST, talked just a bit about that today in response to questions by the Senator from Nevada. My understanding is the bills are all ready to come to the floor of the Senate. We were told in early September that we would, when returning from the August break, be on appropriations bills. We passed all 13 appropriations bills through the Appropriations Committee in the Senate. Yet since we passed a continuing resolution, because we did not have the appropriations bills done by October 1, since that time we have not completed even one additional appropriations bill.

I know the chairman of the Appropriations Committee wants to get these bills to the floor. But instead the leader is scheduling other issues. I am not suggesting the other issues are unimportant, but we have a responsibility to meet a deadline with appropriations bills; and the question is, Where are they, and why are they not being brought to the floor of this Senate?

I do not understand it, nor do most of my colleagues.

If the Committee on Appropriations has finished its work on the bills, why

are they not being debated on the floor of the Senate? If there is an intention to do one, big, continuing resolution, one large omnibus bill, and not have us consider on the floor of this Senate up to six appropriations bills, then the opportunity for a good many Senators to offer amendments and deal with these in a routine legislative way will be lost. I suspect that is what some are wanting to have happen. It is not something that looks like the legislative process as I know it.

Mark Twain once said: The more you explain it, the more I don't understand it. That is the case with these appropriations bills. They are ready. They ought to be brought to the floor, and they ought to be a priority now. I hope the majority leader and others who are doing the scheduling here in the Senate will understand that and bring appropriations bills to the floor.

Mr. President, let me now just talk for a moment about something else that is happening that concerns us. We have an Energy conference. My colleague Senator BINGAMAN spoke on the floor about this yesterday. We have an Energy conference. I am a conferee. I have not been invited to a conference meeting at this point because the Republicans have decided they will not allow Democratic conferees to be a part of the process.

What they are saying is, they will give us the conference report 24 hours ahead of time, and then we will have a meeting. Apparently that is now planned for next week. We were told it was going to be last Saturday, then perhaps a meeting this Monday. Now it will probably be next Friday, and a meeting the following Monday.

In any event, there are a couple hundred pages of that report which have been agreed to by Republicans dealing with very important, very complicated pieces of legislation—the electricity title, the ethanol title—and yet we are told, despite the fact it is now agreed to and completed, that those of us who were never invited to a conference are not allowed to see the conference report.

It is inexplicable to me. It is, in my judgment, a legislative process that is broken. I have told the chairman of the committee on this side, he would not stand for that in a moment. He would be on this floor pointing into the noses of those who are doing it to say that is not the way to legislate. To ask representatives of 49 Senators here in the Senate to simply sit by patiently while a conference occurs and while Democrats are excluded is an arrogance I think that is fundamentally wrong and unsound, and I think it threatens the future of an energy bill. It is the wrong way to get cooperation and the wrong way to write an energy bill.

It seems to me there are good ideas on both sides of the aisle in the Congress, and they ought to be available in a conference, as conferences are usually held, to be able to improve and write a bipartisan energy bill. But, once again, quoting Mark Twain: The more you explain it, the more I don't understand it.

The fact is, you can talk about this 100 different ways, and there is no justification for two people in the Congress to decide: We are going to convene in a room someplace, shut the door, and tell you what the energy policy is going to be for this country. It risks, I think, the ability to get an energy bill. I believe we need an energy bill for this country's future.

Having said that, Mr. President, let me just talk about another issue that has gotten very little attention but ought to, in my judgment.

The President gave a speech a couple of weeks ago saying he is going to crack down on travel in Cuba, because there is a law against traveling in Cuba.

Inexplicably, Americans cannot travel in Cuba. This country is trying to punish Fidel Castro for his abuses, and I agree with that. But in order to slap Fidel Castro around and punish Fidel Castro, this administration is going to limit the American people's freedom to travel. Oh, the American people can travel almost anywhere else—to Communist China, Communist Vietnam—but you cannot travel in Cuba.

The President gave a speech, I suspect aimed mostly at voters in Florida, saying we are going to crack down on casual travel in Cuba. He did not say ''casual travel.'' But I know it is casual travel because they are chasing retired schoolteachers who rode bicycles in Cuba. They are denying licenses to farm groups who want to go and promote and sell agricultural products in Cuba, part of which is now legal because of an amendment that I and then-Senator Ashcroft got passed in the Senate that became law. But they are trying to stop farm groups from promoting agriculture products in Cuba by denying licensees travel in Cuba.

The President said we are going to have the Department of Homeland Security, which is designed to protect this country against a terrorist attack, exert its resources to clamp down on travel in Cuba. Here is what the Department's Web site says: ''The Department of Homeland Security will use intelligence and investigative resources to identify travelers or businesses engaged in activities that circumvent the embargo.''

We are going to have the Department of Homeland Security, which is supposed to be protecting us from terrorists, now using investigative resources and also intelligence resources to try to track down people who are traveling in Cuba. They are doing that at the direction of the President.

Well, let me just give as example one of the kind of people they are going to use their intelligence and investigative capabilities to track down: Joan Slote. Joan, as you can see from this picture, rides a bicycle. She is in her mid 70s. She is a Senior Olympian. She joined a bicycle tour of Cuba with a Canadian group.

She had no idea it was illegal for an American to bicycle in Cuba. But she went there and came back and discovered she was fined $7,630 by the U.S. Department of Treasury. They slapped her around. Shame on you for bicycling in Cuba. We will fine you $7,630.

I said to the Department of Treasury's Office of Foreign Assets Control, which is called OFAC: You ought to be ashamed of yourselves. You are supposed to be tracking financial records of terrorists, and you are tracking little old ladies who ride bicycles in Cuba. They agreed, after some embarrassment, to reduce her fine to $1,900. Then 2½ months after she sent them a check, she got a letter from a collection agency saying they were going to enforce collection, and they were going to begin to take her Social Security payments. This was after she had paid the fine.

But there are more than just Joan Slote. Let me give other examples of whom they are investigating. Cevin Allen decides to take the ashes of his dead father to Cuba to sprinkle on the lawn of the church where his father ministered. It was his father's last request. They fine him for illegal travel to Cuba. That is who Department of Homeland Security now says they will use intelligence and investigative methods to track, people who travel illegally in Cuba, taking your dead father's ashes to sprinkle on the ground in Cuba.

Marilyn Meister, a 72-year-old Wisconsin schoolteacher, she also had a bicycle trip to Cuba. She was fined $7,500. Donna Schutz, a social worker from Chicago, went on a tour, she was fined $7,600; Kurt Foster. Tom Warner, 77 years old, a World War II veteran, posted on his Web site the schedule for the February annual meeting of the U.S.-Cuba Sister Cities Association in Havana. He never even went to Cuba. But this administration, clamping down on Cuban travel, said Warner was ''organizing, arranging, promoting, and otherwise facilitating the attendance of persons at the conference without a license.'' He did not attend the conference. And the conference was licensed by OFAC. All he was doing was posting information on his Web site. He was given 20 days to tell OFAC everything he knows about the conference and the organizations that participate in it. He has now hired a lawyer.

What is going on? We are chasing Joan Slote who rode a bicycle in Cuba for thousands of dollars of civil fines, and now the President says we want to use the Department of Homeland Security to investigate and use intelligence resources to identify Americans who travel to Cuba. It is the most preposterous thing. Have they lost all common sense?

I understand the President's announcement. That is pure politics. But ordering the Department of Homeland Security to use precious assets? Do you

know that we inspect less than 5 percent of the 7.6 million containers that come into this country every year on ships. Yet we are going to use Homeland Security assets to track little old ladies riding bikes in Cuba so we can slap a $7,500 fine on them? It is unbelievable to me. Yet nobody seems to be too concerned about it. We are going to hurt Fidel Castro by limiting the right of the American people to travel.

We have enough votes to lift the travel ban. You can travel virtually anywhere else in the world. I happen to believe the best way to get rid of Fidel Castro is travel and trade. Just as we argue that is the case with Communist China, just as we argue that is the case with the Communist country of Vietnam, it is clear to me that the quickest way to change the Government in Cuba is travel and trade. That Government will not be able to resist the influences of travel and trade. It will undermine it.

But a 40-plus year embargo has failed. It is time to understand that. It makes no sense. I am wondering how many of my colleagues really support this, having the Department of Homeland Security use scarce investigative and intelligence assets to identify travelers who are going to Cuba to ride a bicycle or perhaps to take their dead father's ashes to sprinkle on the church where he ministered. Is that what we should be doing? I think not. Yet the President gives a speech aimed directly at the center of the bull's eye of Florida politics and says: We are going to tighten up. We are getting tough. I will have the Department of Homeland Security investigate and use intelligence to track Americans who travel in Cuba. It is unbelievable.

I hope we can get a vote on this. One of the reasons we may not is we may not get appropriations bills on the floor of the Senate because a half a dozen of them are through the Appropriations Committee and are not being brought to the floor. If they are here, we have a chance to offer an amendment. Without it, when they are put in an omnibus, there will be no amendments. So we will see. If there is in the future some omnibus appropriations bill that is cobbled together by the leadership in the month of October with appropriations bills that have not previously been considered on the Senate floor, we will not be able to. We will be prevented from offering amendments.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Michigan is recognized.

HEALTH CARE

Ms. STABENOW. Mr. President, I thank my colleague from North Dakota for his comments and associate myself with them as well.

As we move through Appropriations Committees, there are a number of important issues that confront us. I rise to speak to the issue of health care and add my voice to the growing chorus of people who are concerned about our Nation's health and want us to have a sense of urgency about health care.

We have just passed a bill that will allow our tax dollars to be used in Iraq for a universal government-paid health care system for the Iraqis. There are people in the United States asking: What about us; what about making sure each of us has health care as well?

There are businesses seeing their premiums double. The average small business is seeing their premiums double now every 5 years, and that is, in fact, growing even higher. Large businesses, negotiating contracts, find themselves dealing with the issue of health care as the top concern of both the business and employees.

When we look internationally at our ability to compete around the world, the health care system that is tied to employment has created a situation where our large businesses competing in the world are having more difficulties competing successfully in this competitive environment where every dollar counts. We are hearing from unusual places a call for a focus on health care, a focus on a more universal kind of system that will allow us to have the health care we want for our families and our businesses to be able to compete both within our country and around the world.

What is most disturbing is when we look at the numbers in terms of the costs going up and the number of people now without insurance. A new survey by the Kaiser Family Foundation and the Health Research and Education Trust found that employer-sponsored health insurance premiums increased almost 14 percent this year. This is the seventh straight year of premium increases and the largest increase since 1990. Premiums now average over $9,000 a year for the typical family health insurance policy. And for an individual, it is $3,383. Rising premiums are placing a very heavy financial burden on our families and are making it increasingly difficult for families to find and afford health care.

Because there is no successful plan to stimulate the economy right now, we are seeing more and more Americans go without health care and other basic needs. According to a recently released U.S. Census Report, the number of Americans without health insurance has jumped by 5.7 percent to almost 44 million people. That equals the populations of 24 States plus Washington, DC. Think about that. The number of people who are uninsured now equals the population of 24 States and Washington, DC. If this is not a crisis, if we do not need a sense of urgency, I don't know when we will, when we look at what is happening.

Families U.S.A. has done their 2001–2002 survey and determined that in Michigan 2.3 million Michiganians under age 65 went without health insurance sometime within that year. That means one in four people in my great State of Michigan, under the age of 65, went without health care during this time period. This is not acceptable and we need a sense of urgency about these issues.

Who are these people? Well, the majority of them are working. Actually, more than 80 percent of the uninsured live in working families. The majority of those who are uninsured are working. So this is a small business issue. This is an issue of people who are working but are not in businesses that can afford health insurance themselves for their employees, which is why we need to tackle this issue working with our small business community as well as our large business community.

When one member of a family is uninsured, it can affect all of the family and their quality of life. We know many young people going out into their first jobs are not insured and run a high risk of something happening and of their not being able to deal with it in a productive way.

One of my major concerns right now, as we move forward in the work on a Medicare prescription drug benefit, is that we not forget that there are important parts of cost containment in that legislation that would affect all of those who need health insurance, or have health insurance. We know that about half of the reason the cost of insurance premiums is going up for businesses right now is because of the cost of prescription drugs.

So one of the primary ways we can help businesses to be able to afford health insurance and be able to provide more opportunities for people to have health insurance is to lower the price of prescription drugs. The average prescription brand name drug is going up faster than three and a half times the rate of inflation. So when we look at what we are debating right now under Medicare, there are two very important focus areas for us. One is to eliminate patent loopholes that stop patents from coming to an end and allow lower cost, unadvertised brands to be able to go on the market through our generic drug process.

We passed a bipartisan bill in the Senate not once but twice since I have been here in the last 2½ years. This needs to be passed by the entire Congress and put on the President's desk this year, whether it is part of the Medicare conference report or whether it is done separately.

We also know that if we create more competition by tearing down this artificial border which doesn't allow Americans to purchase safe FDA-approved prescriptions from other countries, particularly Canada, where we know their supply chain and safety processes are virtually equivalent to ours, if we do that, we can also create great competition to lower prices.

There are a lot of stories right now in the paper about concerns about the safety of prescription drugs at home as well as abroad—legitimate issues that deal with what is happening with

wholesalers in our country, issues that need to be addressed by the FDA and all of us. We need to be increasing the ability for the FDA to have the inspectors and enforcement powers against those kinds of activities that create unsafe medication.

But when you talk about the issue of what has been called importation, we are talking about a process that allows the local pharmacist, the licensed pharmacist at the local pharmacy or the local hospital, to have the same ability to do what every part of the pharmaceutical industry does right now, which is to do business with those in another country and bring a supply chain of prescription drugs back to the local pharmacies.

The reason we are seeing so much activity now, so many ways people are trying to find prescription drugs that are affordable to them, is because prices are too high. The fact is that people cannot afford their cancer medicine, their blood pressure medicine, and those other kinds of medicines they need to be able to live productive lives or, in many cases, be able to survive.

The reason we are seeing so many people looking for other ways to find prescription drugs is because the prices are too high. We need to work together to have a system with integrity and with safety, that creates a product that is affordable, that creates a product that can be available to our citizens who desperately need these lifesaving medicines.

If we do that, we address half the reason health care costs are rising. We then need to focus on the question of the uninsured and how we partner to be able to make sure people have access to health care, so we can bring those prices down.

In closing, we need a sense of urgency about health care. We need a sense of urgency here just as every business, every employee, every family has a sense of urgency about health care now and whether it will be available to their families. I hope we will make that a top priority for this Senate.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Delaware is recognized.

Mr. CARPER. Madam President, before the Senator leaves the floor, I have observed that she has been diligent in continuing to focus on health care issues, including our need to somehow effect and moderate the growing cost of health care in this country. She has seen an exodus of manufacturers out of her State and millions of manufacturing jobs from the United States. Among the reasons why they are leaving is the extraordinary cost of health care. Companies also tell us they are considering other places to locate and do business because of litigation costs, legal costs that flow out of the costs of doing business in our country. Those costs could deal with asbestos litigation, which has taken down now over 60 companies that have gone bankrupt.

Unfortunately, a lot of people who have been hurt or exposed to asbestos haven't gotten the kind of money their families deserve, and people who haven't been sick have taken away money from those who need it.

Another area with respect to legal costs that will get a lot of attention on this floor this week is the cost of class action litigation and whether or not the way our class action system works in this country is appropriate or needs to be changed.

Let me say from the outset that I think when a person is hurt or damaged in some way by the acts of another person or a company, that person should be compensated. They should be made whole. When a number of people, or a class of people, are hurt or damaged in some way by the actions of a company or business, that class of people should be compensated and made whole as well.

I submit to my colleagues today that our sense of balance, though, has been lost. We are seeing national class action litigation not taking place in Federal courts but in many instances taking place in local courts with locally elected judges against defendants from other States.

When the Framers of our Constitution provided for a Federal judiciary, one of the reasons they did so was to say when you have plaintiffs in one State and you have defendants in another State, just to make sure there is an objective legal system, we need a Federal judiciary to help provide for that leveling of the playing field.

All too often today national class action litigation pits plaintiffs in one State and defendants in another State in a local court where you have a locally elected judge whose election or reelection depends in no small part on their ability to satisfy the plaintiffs within their State. We've just lost our sense of balance.

There have been efforts for five years now to try to make changes with respect to class action litigation. It started out far different than where it has ended up. The current bill is much more moderate than those that came before it. Also, there is no effort with this bill to cap noneconomic or attorneys' fees. There is no effort to limit joint and several liability.

I want to talk about the bill that will come to the Senate floor if we agree to the motion to proceed tomorrow.

First of all, the legislation that will come to us is not perfect. It might need to be amended or changed further. It is certainly not the final product, but it is a good starting point. If we agree to the motion to proceed tomorrow—it takes 60 votes—we will have the opportunity for those of us on our side, the Democratic side, and the Republican side, to offer amendments, to have a full and open debate and decide whether or not we are going to change the bill. It can be improved, and I certainly will support amendments. I may talk about those later today or tomorrow.

Let me take a minute to describe the legislation that may come to the floor. The issue we are trying to get at is venue shopping, where you have, in some cases, litigation that is being brought and litigation of national scope that ought to be in a Federal court, where the attorneys who brought the lawsuit are looking for a venue where they can get a friendly judge and friendly jury.

In some places, it is almost a cottage industry, whether it is Madison County, IL; Jefferson County, TX; and other places, such as Alabama and Mississippi. There is a perception that a defendant is not going to get a fair shake in a national class action litigation in those venues.

The PRESIDING OFFICER. The time controlled by the minority for morning business has expired.

Mr. CARPER. I thank the Chair. I will have more to say about this later today.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, I ask that the next 15 minutes be equally divided between the Senator from Idaho, Mr. CRAIG, and the Senator from Oregon, Mr. SMITH.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

Mr. CRAIG. Madam President, I and my colleague need to be off the floor by 10:30 a.m. Will the Chair alert me when 5 minutes have passed?

The PRESIDING OFFICER. The Chair will so notify the Senator.

ENERGY AND THE ECONOMY

Mr. CRAIG. Madam President, I am here this morning to talk about the reality of U.S. prosperity and how it is so closely tied to a reliable, affordable energy supply. The U.S. economy has suffered for the last 3 years because of severe energy price fluctuations. Energy supplies have often been barely adequate and, in most instances, in high demand. I believe failure to enact an Energy bill will have dire consequences on all Americans, especially our economy, our workforce, and those who are building the American dream.

There is a growing sense of urgency amongst American manufacturers, small businesses, and others that they simply cannot remain competitive unless we have enough reasonably priced energy to meet their demands at a time when certain costs in our energy sector are skyrocketing, and that, in my opinion, has been a major factor in contributing to the prolonging of a recession.

Rising fuel costs helped cause the deepening of the recession in the past four recessions we have recorded: In the 1970s, in the early 1980s, in 1990 and 1991, and now the 2000 recession. When we look backward, when we talk with economists who study this issue, all of them will tie it to a spike in energy prices and the cost of energy rippling across the economy.

Abundant, affordable energy stimulates economic growth. Fluctuating energy prices have cost America many jobs in the last 3 years. The manufacturing sector has experienced over the past 2 years consecutive job losses, having lost over 2 million jobs. The National Manufacturing Association said that it has been caused in significant part to energy price spikes in 2000.

During the winter of 2000 and 2001, natural gas prices skyrocketed. Curtailments became common in the Northeast and in the upper Midwest. Skyrocketing natural gas prices of last winter went even higher than 2 years ago. Now many companies that have tried to secure this gas are shutting down simply because they can't afford to blend it into their stream. They can't afford the costs, and their product produced by it becomes noncompetitive. As a result, significant job loss has occurred.

The U.S. chemical, plastics, and fertilizer industries have been among the hardest hit, largely due to their dependency on affordable natural gas in the face of fierce international competition.

Electric utilities continue to build natural gas generation. Houses continue to be built and are plugged into the gas lines.

The Energy bill we are working on will both save jobs and create jobs by bringing affordable natural gas out of Alaska. The Presiding Officer certainly knows about this. Some 35 trillion cubic feet of natural gas can be brought to the lower 48 States. That and the construction of that pipeline could well create over 400,000 jobs. Federal royalties could flow from it at $48 billion, a new Federal revenue to reduce our deficit and again create jobs.

The Energy bill we are completing in conference calls for the investment of hundreds of millions of dollars in research and development in new energy technologies. This investment creates new jobs in engineering, math, chemistry, physics, science, and all related fields are tied into this kind of investment, this kind of development.

The bill increases America's stake in nuclear energy, encouraging the construction of a Federal advanced nuclear reactor for the production of electricity and hydrogen and new technology, driving that industry forward and, once again, allowing America to lead the world in this kind of technology, this kind of advancement: Clean, manageable, safe forms of electrical production.

Our bill will facilitate the expansion and the modernization of our national electrical grid. It will create additional opportunities for investments in pipelines and transmission lines and encourage the private investment in electricity transmission—all this creating more jobs.

The Energy bill will provide $2 billion in investment and clean coal technology, creating engineering and research jobs. The investment also protects existing coal mining jobs and processing jobs to ensure the longevity of the American coal industry.

We protect jobs in the gas and oil industry by encouraging deep well exploration of oil and natural gas at a time when domestic oil production is dropping and that level of production is flat.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. CRAIG. I will proceed for 1 more minute.

By stimulating our production of oil and gas, we not only produce the energy necessary to fuel our economy, we not only protect tens of thousands of jobs, but we will create abundant new jobs.

Lastly, we had Federal Reserve Chairman Alan Greenspan, who spoke before the Energy Committee, both of the House and the Senate, and he said:

> It is essential that we do not lose sight of the policies needed to ensure long-term economic growth. One of the most important objectives of these policies should be an assured availability of energy . . . Developments in energy markets will remain central in determining the longer run health of our nation's economy.

We all understand that. Now is the opportunity and the time to finalize a national energy policy, to pass it out of the Congress and put it on our President's desk. It is our future. It is one of the greatest job creators on which the Senate will ever vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

THE ECONOMY

Mr. SMITH. Madam President, along with my colleague from the State of Idaho, I will talk in morning business about the economy. We have heard for 2½, nearly 3 years of the Bush Presidency that President Bush is responsible for the economic downturn. Little is said about the economic facts that existed when he took his oath of office; specifically, that the economy was in a tailspin, that Wall Street had lost at least $7 trillion of equities, and unemployment was rising dramatically.

Indeed, President Bush inherited a situation that was not of his making and frankly not even of President Clinton's making, because we had witnessed the bursting of a stock market bubble and the dashing of hopes of tens of thousands of pensioners all over this country.

It is a fact of political life that politicians are given too much credit and too much blame for the natural, immutable cycles of a free market economy. The latest casualty in this judgment on politicians is probably Governor Gray Davis of California. I remember during the heydays, the bubble days, California was held up as the miracle model and Governor Davis was hailed as a hero. He accepted the credit.

I heard, with some pain, frankly, the other day when he acknowledged how much economic trouble they were in and that he had gotten too much credit for the good times and now was getting too much blame for the bad times. Guess what. Governor Davis was right. The truth of the matter is we in public life do not control a free market economy, and if we ever do, we will have a socialist economy which will ill serve the American people.

Before I came to this Chamber, I ran a business. On a seasonal basis, we employed as many as 1,200 people. During the Reagan years, they were boom years; they were wonderful years. In trying to expand my business, I always remembered the factors that helped me make a decision whether to invest in a new piece of equipment or to acquire another plant. It had little to do with who the President of the United States was. It had little to do with the fact that I was proud that Ronald Reagan was my President.

Two of the factors Government did have an impact upon, beyond regulation, were interest rates, which are controlled by the Federal Reserve, and taxes, which are controlled by the Congress and the President.

In those days, taxes were coming down, interest rates were falling, and the American economy was booming. Then during the Clinton years, there was a business correction under President Bush. As President Clinton took his oath of office, the American economy again boomed with productivity and prosperity, and President Clinton was great to take credit for the conditions of our free market economy but wanted nothing to do with its collapse as he left the Presidency. Again, too much credit, too much blame, for President Clinton and President Bush.

As I listen to those who aspire to the Presidency to replace our current President, I hear them speak of the Bush economy in the most derisive of terms, but I wonder how they are beginning to factor in all the good news that is beginning to come out about the American economy, as the immutable cycles of supply and demand, the falling of tax rates, the falling of interest rates, are beginning to show up in the lives of the American people. How will they deal with the fact that consumption has been rising and topped 12 percent on an annual rate last month, and that has the potential to translate into economic growth, GDP, of 6 percent? I suspect it will probably top out somewhere around 4 percent, but that is a very healthy economy. How will they deal with the fact that jobless claims are falling, and quickly, in many parts of our country? In fact, jobless claims are now lower than they were in February.

More good news: production in our Nation's factories has increased, not decreased. Home-building starts are now at record levels. Over 1.9 million new homes on an annual basis are on the books now and being built as we speak. This is the second highest level of home building in 17 years.

I believe consumers understand that things are improving and there is reason to feel that once again morning is coming to America and good days are ahead. But we can yet do more. I think we can do that in the FSC bill that has gone through our Finance Committee and is now in a conference committee. It contains a feature I helped get into the bill, as a most important provision, called repatriation. This is a provision that will bring at least $300 billion of new investment in the next year into the United States. What does it mean to companies in Oregon such as Nike, Intel, and Hewlett-Packard, which are our biggest employers? It means they can bring these foreign profits back for investment in American jobs.

Some say it is not good tax policy. Some say it is not fair. I say, do we want the jobs or do we not? If one wants to understand what this means in very real human terms to this country, recently Dr. Allen Sinai completed a study on what repatriation would mean to this country. He said it would mean up to 650,000 additional jobs created in the first 2 years. He said $70 billion of the deficit would be eliminated. He said that increased GDP could be enhanced by 7 to 9 percent by 2005. He also said business capital spending, primarily of equipment, could peak at $75 billion by 2005. We can do more and Government should do what it can. It cannot control the cycles of supply and demand, but we can keep downward pressure on interest rates. We can keep downward pressure on taxes. We can keep rules and regulations reasonable and we can allow the genius of the American people to be manifested again in a free market economy.

Finally, I think it is very important to note that our friends on the other side who say the key to American prosperity is to invest in public things, in public investments, are right at the margins, but they are not right at the center. What makes America work is entrepreneurial spirit with the right environment to invest to produce quality products we can afford, and to provide a service that makes us happy.

Ultimately, those who come with great jobs bills of public works—if that really could make an economy hum, then Japan would be leading the world and many European countries would be leading the world because they have fallen for this short-term, sugar-coated candy that says the government can do it, private industry does not need to do it, and it can be done through public works. If that were true, then the New Deal would have ended the Great Depression, but it did not. World War II did.

If that were true, then Japan and Europe would be leading the economies of the world instead of waiting for the American free market economy to begin taking off again.

In conclusion, I think the good news is the American economy is beginning to hum again. For that, I am very thankful.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. THOMAS. Madam President, I will take the remainder of our time to talk a little bit about jobs, an issue that has been highest on our agenda on this side of the aisle for a good long time, and continues to be. First, I have to react a little bit to some of the comments that were made earlier about moving forward. I am very frustrated that each bill brought to this floor is slowed down either by objection or by a week's discussion and debate of amendments. Of course, everyone is entitled to offer amendments. But when you have to stay with a bill that is fairly simple and be there for a week and a half and then complain about not getting our jobs done, that is sort of ironic.

Obviously, we have at least four things that need to be done in the next several weeks. We have to continue the supplemental bill to pay for our Armed Forces in Iraq as well as to get Iraq in a position to allow us to leave and take care of themselves.

We do have appropriations left. We have six that are not done yet. So we do have to worry about that and move forward.

We have the opportunity to do something with health care, particularly pharmaceuticals and Medicare, and we are in a position to do that.

We also have an opportunity to do more with energy than we have done for a very long time. I recall, having been on the Energy Committee both this year and last year, when we were in conference. We had a conference last year, you recall, and never succeeded in getting the bill finished.

So we have some real challenges. Frankly, I have become surprised at the kind of reaction we get off the floor, that almost every issue is designed to be critical of the Bush administration. What we ought to be doing is doing our job, to do the things that need to be done and that are pending for us to do and that we can do and will do some great things for the country.

I would like to talk a little about jobs. Of course they are most important to all of us. There are some good signs in the job market. The Labor Department reported on October 3 that employment rose by 57,000 last month, the first increase since January. The unemployment rate held steady. So we seem to be having some signs of getting that job situation back where we would like it to be.

We have had on our agenda a list of things that are designed to help create jobs and, as the Senator from Oregon indicated, the economy is what creates jobs—not the Government. But we can do things that help stimulate the economy which cause job growth.

One of them that is most important, and that has already been talked about by my friend from Idaho, an issue that is very important to me, is energy security, the Energy bill. Energy security for this country means job security and the creation of jobs.

The comprehensive Energy bill we are talking about here has been scored to have about 700,000 jobs that could be accentuated and could be encouraged by the passage of this bill. Many of the jobs will come from construction. Some have to do with the possibility of a pipeline in Alaska. Others have to do with domestic production.

Of course, energy has a great deal to do with our whole business community, our whole business interest. Everyone relies on available and affordable energy. Certainly one of the things we have to continue to recall is we have become almost 60-percent dependent on foreign oil. We need to do something about that. We have seen our gas supply in great demand and the prices rise while at the same time we have resources of gas that can be made available. We need to encourage that development.

We have an Energy bill that is quite balanced, it seems to me. We talk about research that will make coal more clean so we can use the coal, which is our largest fossil resource that we have available to us for electricity.

We have renewables in there. We will continue to work on electric energy created by wind and make that more efficient. We have some things in there for conservation. We can make better use of our energy and certainly that ought to be important to us as well.

In addition to that, and perhaps more important in the short term, is to increase domestic production. To do that, one of the opportunities is to make it economically possible for those who are developing it through some tax changes. Those seem to be held up now. We are hopeful we can move forward and get that job done. It is available for us to do immediately—this week, next week. We can get this done for the first time in a number of years.

There are other items on the agenda that have to do with jobs. There is tort reform, asbestos litigation reform—which is available now to come to the floor. There are different views about that, of course. There is nothing wrong with that. But the fact is that would create new jobs by allowing companies to divert some of their dollars from litigation toward new investment, which creates jobs. The litigation defense costs are tied directly to offset expenditures relating to 138,000 jobs that could be replaced if we can do something about those distortions in the economy.

Class action reform is here. In fact, we are going to vote on the opportunity to proceed with it tomorrow because it has been stopped by the other side of the aisle. Here again, class action litigation causes a good deal of confusion and uncertainty about the marketplace. Industries do not know whether their money is going to be

available for expansion and investment or whether it is going to have to be saved for payments on those things.

We have the workforce investment reauthorization. This will improve job training by focusing on core skills and encouraging effective cooperation among job training partners so people will be better prepared to take on the jobs that are available. Certainly what is happening in this economy is it is a more high-tech economy and more training is needed.

We have the Foreign Competitiveness Act, which we are dealing with now in the Finance Committee, where the tax situation we have now has caused a WTO objection. But we can change that so it does fit into our foreign trade operation and at the same time continue to create more jobs and to have businesses do better.

The Small Business Administration bill is there. That would help ensure that SBA programs will continue to provide products and services essential for small businesses. That is where most of our jobs are, particularly in a State such as mine, Wyoming. Almost all of our jobs are small businesses. So the SBA bill is certainly extremely important.

The Homeland Investment Act is pending, too. That allows the Internal Revenue Code to change with the objective of encouraging reinvestment of foreign earnings in this country. You would be surprised at the amount of money that is involved, if we allowed companies that do some of their work overseas to take some of their profits home with a reasonable tax payment, and we would have more money for investment.

So we have a lot of things to do. We have some great opportunities. Jobs certainly has to be the priority for all of us. The stock market is great. We love to see that grow up. But the fact is, jobs are the key to our success. We want to continue to improve there.

Finally, let me say quickly that I certainly hope we can come out of the committee and finish our work on the supplemental to supply funding for our Armed Forces overseas and to do something in Iraq so we can move ahead.

I had the occasion to be in Iraq and Afghanistan a week ago for a week. Certainly it was an interesting situation. There is a little different view there than what you hear from here. Certainly our troops have done an outstanding job, and continue to do an outstanding job not only on the war, not only on terrorism, but also helping to rebuild. We, obviously, have some continuing problems there with terrorism and that has to be handled, but we are moving toward having the Iraqis and their own police force moving into that.

But my point is, I hope we can get over there and put Iraq more quickly in a position to take care of themselves so we can bring our troops home. In terms of overall expenditure, that of course would be our greatest saving.

I yield the floor and yield back the remaining time we have in morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany S. 3. The clerk will report.

The assistant legislative clerk read as follows:

> The committee of 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, having met, have agreed that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

(The Conference Report was printed in the House proceedings of September 30, 2003.)

The PRESIDING OFFICER. Under the previous order, there will be up to 4 hours for debate equally divided between the majority leader or his designee and the Senator from California or her designee.

The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I would like to enter into a time agreement for the first portion of the time allotted in this debate. I ask unanimous consent I be given the first 20 minutes until 11 o'clock; following that, the Senator from California be recognized for 20 minutes; following the Senator from California, the Senator from Alabama, Mr. SESSIONS, be recognized for 10 minutes; following the Senator from Alabama, the Senator from Kansas, Mr. BROWNBACK, be recognized for 20 minutes; following Senator BROWNBACK, the Senator from California would then be recognized for 30 minutes. We will stop there and go from that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I have a question. That would take Senator BROWNBACK until 11:40 or 11:45?

Mr. SANTORUM. To 11:50, and the Senator from California would have until 12:20.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, we are here today on the verge of something the United States has done on two previous occasions; that is, pass a conference report to ban a partial-birth abortion procedure to be done in the United States of America. The only difference this time is we have a President who has said he is willing to sign this legislation. This is a very important day for this country and for those babies who would be the object of this brutal procedure. Having it banned in the United States of America is a historic event and a step forward in human rights for this country.

We have overcome two Presidential vetoes but now have a President who will sign this legislation.

The other thing that stopped this legislation from moving forward and becoming law was the United States Supreme Court decision in the Nebraska partial-birth abortion case. We have addressed those issues. There were two issues the court cited as its reason—in a 5-to-4 decision—for finding the Nebraska partial-birth abortion statute unconstitutional.

Those two reasons were, No. 1, that the statute was vague. We have amended the language of this statute to make sure that the description of a partial-birth abortion is clear to include only those types of abortions and not other late-term abortion procedures, which was the concern of the court. We did so by a couple of things, but the most essential part was that the court found that the prior description could have included other forms of abortion because during other types of late-term abortion procedures there may be a portion of the baby's body that at some point during the abortion procedure may come outside of the mother.

As a result of that, this could have been broadly construed to abolish those procedures, also.

In our language we are very clear. We say that the term ''partial-birth abortion'' means an abortion which the person performing the abortion:

> (A) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, [all new language] the entire fetal head is outside of the body of the mother, or, in the case of breech presentation, [that is, feet first] any part of the fetal trunk past the navel is outside of the body of the mother . . .

Now, that specificity of talking about the way in which the child is delivered and then killed is fundamentally different than anything we had before. All we said before was that some portion of a living, intact fetus must be outside of the mother. That, the court found, was a little too vague for them. It could have included other types of abortions. So we are being very clear. There is no other abortion procedure which the entire fetal head would be presented with the child still being alive out of the mother, or the child would be delivered all but the head at this point and then be killed. There can be no confusion as to what procedure we are talking about in this case.

We believe with the language we have put in this bill we have now solved the constitutional problem of vagueness.

The second issue is the issue of women's health. We have a substantial section of findings in this legislation.

Much of those findings occurred since the case was tried at the district court level of Nebraska, which was the record upon which the Supreme Court made its decision. There has been a substantial amount of evidence that has been printed in the record in Congress at congressional hearings that show not only the overwhelming weight of evidence but the dispositive weight of that evidence in this procedure is never—I underscore never—necessary to protect the health of the mother.

So the court found there needed to be a health exception because there may have been, according to the record they looked at in the Nebraska case, there may have been an instance in which this could have been necessary.

We have, without question, clarified that record to make sure that the court knows that there is no medical evidence out there that this procedure is ever necessary to protect the health of a mother, and therefore falls outside of Roe v. Wade where a health exception is necessary. In fact, the overwhelming weight of medical evidence suggests this is a dangerous procedure, a much more dangerous procedure for a woman than the other abortion procedures that are used at this time in pregnancy.

We believe this bill is constitutionally sound and obviously very necessary from the standpoint of who we are as a society and, I argue, for just basic human rights.

The question is, Why are we doing this? Let me describe the procedure. I did not do that when we had the conference report being moved to conference, but I think it is important for people who may not be familiar with this procedure to see this procedure. I hope sensibilities are shaken to the point where I do not have to explain why we want to ban this procedure; that by going through this procedure and showing what happens to a baby who is at least 20 weeks of gestation—in other words, at least halfway through the pregnancy; with 40 weeks gestation, this is at least 20 weeks, and in many cases, 21, 22, 23, 24 weeks, and in rarer cases, beyond that—but these are babies who would otherwise, had they been delivered, be born alive.

Now, in the case of 20 and 21 weeks, the chance of them surviving are not particularly high, although there are cases in which babies at 21 weeks have survived. But the point is these are children who would otherwise be born alive, and the people who perform these abortions, the abortion provider organizations, have testified that these abortions are performed on healthy mothers with healthy children. These are healthy children who otherwise would be born alive had this procedure not been performed on them. I put that in the context of this is what we are doing to healthy children, with healthy mothers who otherwise would be born alive. These are children who, again, the medical evidence has been presented, that experience and feel pain.

The partial-birth abortion takes 3 days. That is the normal time. What the doctor does when the mother presents to the abortionist—and I say the ''abortionist'' because these are only done—again, this is clear from the record—these are only done in abortion clinics. The person who designed this procedure did so, and he testified to this, for his convenience because he can do more of them quicker. He can do more abortions more often. He is in business. These late-term abortions are more complicated than earlier term abortions, and they take more time using other methods, so he designed a method that would take less time. So this method was designed not to protect the health of the mother.

In fact, it is less healthy; it is not to protect the mother's life. It is never done in the case of an emergency.

You would not do this in the case of an emergency because it takes 3 days to do this. It is done for the convenience of the abortionist, for them to make more money.

So this procedure was designed for the mother to be presented, to be given something to help dilate the cervix. So when the mother re-presents in a couple of days, her cervix is dilated, the doctor has access to the baby at this point.

What happens is, the doctor then takes the baby—because usually at that gestational age the baby is in a breach position—and goes into the uterus and grabs the child by one of the limbs, usually the leg or the foot, and then—if the next chart will come up—pulls out the baby through the birth canal, feet first.

Now, I have been blessed to have my wife deliver seven children. One of the fears of any pregnancy is having the child being in a breach position. Every obstetrician knows, everybody who has ever gone through a pregnancy knows, that a breach position is a dangerous position for the baby to be in; it is not the natural position to deliver a child. So what we are doing here is performing a procedure that is inherently dangerous; that is, delivering in a breach position.

So you are pulling the baby through the birth canal. Again, this baby is alive. If the baby is not alive, it is not a partial-birth abortion under the definition of the statute. The baby has to be alive and intact. So the baby is being pulled by these forceps from the mother.

Again, it is being pulled out completely—and, again, the definition that is in the statute—until the trunk is exposed, at least past the navel. So at least the lower extremities of the baby are exposed outside of the mother. As such, the term ''partial birth'' comes from the fact that the baby is partially born, is in the process of being delivered.

The physician—as you can see—is holding the baby in his or her hand. This child weighs about 1 pound. This is a fully formed baby. It is not completely formed, obviously, because it is of only 20 weeks gestation, but hands, arms—everything—legs, toes, ears, et cetera, all these things you see here, that is what a baby at that gestational age looks like. And the relative size, vis-a-vis the size of the hand, is a pretty accurate depiction. This is not a cartoon. This is an accurate scale medical drawing.

As you can see from the next depiction, the baby is born, really, with the exception of the head. The thing that grabs at me is, here is this child who is literally inches away from being born, who would otherwise be born alive, and in almost all cases is a healthy child—it is not being done for any health reason of the mother or life reason of the mother; it is simply being done because the mother wants to terminate her pregnancy very late in the pregnancy—and the doctor has to hold this living child in his or her hand, with the heart beating, with the baby, who is probably in shock at this point, but moving and alive.

Then what the procedure calls for is these scissors, called Metzenbaum scissors. The doctor feels up the baby's back. The doctor finds the base of the skull and then takes these sharp scissors and probes in to find the point right at the base of the skull—and, as you know, a baby's skull is soft. So they take these scissors and they thrust them into the baby's skull.

Now, Nurse Brenda Shafer, who has testified before Congress, said that when that thrusting action took place, she saw the baby's arms and legs spasm out like this—like a baby you would hold, and if you pretended you were going to drop the baby, how the baby sometimes would spasm their arms and legs out like that. That is what she said happened.

Then, as you see from this picture, the baby's arms and legs go limp, because when you thrust a pair of scissors in the back of baby's skull, you kill the baby.

But that is not enough. Now we have to remove the rest of the baby. So what the abortionist does is take a suction catheter, a vacuum hose, and, in the hole created by these scissors, they place a vacuum hose, and they suck the baby's brains out to collapse the skull. It is a soft skull. At that point, the rest of the baby can then be removed from the mother's womb.

This goes on in America virtually every day, maybe more than once or twice a day, depending on whom you believe, anywhere from a few hundred times a year to a few thousand times a year. We never have very good information because the very people who collect that information are the people who oppose this procedure being banned, so they try not to publicize too much about what they do.

But the fact is, if it occurred once in America a year, this kind of treatment to an innocent child, who would otherwise be born alive—was healthy, with a healthy mother—there is no excuse for it.

So when people ask the question, ''Senator, why do you keep bringing this procedure back up to the Senate floor; it only stops one procedure; you are not banning other procedures that are used,'' my answer is, ''Because this is horrendous.''

In America, whether we like it or not, we are the beacon of freedom, but in many cases we are also the model of what is right and just. The world looks to us as Americans, as free people, as people who, probably uniquely in the world, get a chance to determine what our law should be, what our collective morality should be, what our culture looks like because of the enormous freedom we have.

The heart and soul of America is reflected through our laws, unlike other countries that do not allow that democratic process to work so effectively. So when America passes laws, or when America allows certain behavior to occur, the world looks at that law or that behavior as supported by the collective consciousness and morality of the American public.

When they see this, what do they think of us? What do they think of us? What kind of culture do you think the rest of the world thinks America is all about? What kind of morality or ethics do you think the world thinks America is all about when they look at us and see that we allow this to be done to innocent little children?

So I think it is important for us to have laws that proscribe things that we would not want our children to see, that I know a lot of people do not want their children to see. My goodness, this goes on and you want little children to see this? We don't want the rest of the world to see that we allow this kind of brutality to occur to innocent little children.

So the answer is, we need to do this for ourselves. We need to police ourselves in what we are going to allow in our culture. We cannot allow this kind of brutality to corrupt us, to corrupt our soul. And that is what it does. It makes us a much more brutal and harsh country if we stand here and say, yes, for whatever reason, we are going to allow this to occur. It coarsens us, it dulls our senses, and that dulling of the senses has a corrupting effect on not just how we treat little ones here but how we treat each other in every aspect of our lives.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from California.

Mrs. BOXER. Mr. President, do let me know when I have 2 minutes remaining out of my 20 minutes.

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mrs. BOXER. Mr. President, I stand before my colleagues as a Senator from California but also as a mother who had two complicated pregnancies and two wonderful, fabulous children, and also as a proud grandmother. I stand before you to tell you this is a very sad day for the women of America, a very sad day for the families of America, because what is about to happen here is this Senate is about to pass a piece of legislation that for the first time in history bans a medical procedure without making any exception for the health of a woman. This is a radical thing that is about to happen.

Let's clear something up for the record. When the clerk read the bill, she said this is banning something commonly called partial-birth abortion. There is no such term in medicine as partial-birth abortion. There is either a birth or there is an abortion. There is a miscarriage. There is no such thing as partial-birth abortion. It is a made-up term to inflame passions.

My friend knows very well, if he was willing to agree to a health exception to protect the health of women, if he would have sat down with us on our side, we are ready to ban all late-term abortion. We are ready to ban all late-term abortion on our side, as long as there is an exception for the life and the health of a woman, which is the centerpiece of Roe v. Wade. If he was willing to do that, we would not be taking the time of the Senate. This would be done.

This is more a case of wanting to keep an issue alive out there to make people believe those on the other side are cruel, whether we are mothers or grandmothers or aunts. That is what it is about. It took me a while to figure that out. But once I saw this bill come back to us in this form—clearly unconstitutional, clearly without a health exception, clearly vague, and all those who have discussed this with me tell me it is clearly going to be declared unconstitutional because it is practically identical to other bills that have been declared unconstitutional—I saw what this is about. This is about politics. That is what I believe. Because we could have a bill today, as long as we protected the health of the women of this country.

Why would anyone in this Chamber be so callous as to pass a law knowingly keeping out a health exception for women? Well, if you listen to my friend's words and you hear the words he uses, you will understand why this is happening from the other side. My colleague uses the term ''killing the child.'' As the author of the Violence Against Women Act and the Violence Against Children Act, I take deep offense at that language—deep offense. Women do not want to kill their child. Women who have had this procedure have come to the Congress, have begged Members of Congress: Do not pass this without a health exception for the mother. If I didn't have this procedure, I would have been made infertile.

I am going to go into those stories later in the debate. But here is the situation. If you listen to the language ''killing the child,'' you must come to the conclusion my colleague believes abortion is murder and women are murderers and doctors are accomplices. I thought we moved away from that when Roe v. Wade became the law of the land.

Why are we here today? I will be honest with you: because I didn't want this bill to go through, and neither do people who believe women are important. Women deserve to have their health and lives protected and their fertility protected and their organs protected. Women want to take a look at what this debate is all about. I have already told you we were willing to go down the aisle with my friend and ban this, as long as it was not vague and had a clear health exception for women. Forget all this other talk about how cruel we all are. We were ready to do that. But no, my friend and his colleagues had to keep this thing going. It is their way or the highway.

Forget about what the Supreme Court has said about vagueness. Forget about what the Supreme Court has stated many times. This is basically a Republican court that has upheld Roe v. Wade.

With the next breath my colleague says: This bill is consistent with Roe v. Wade. It doesn't do anything to Roe v. Wade.

If that is the case, why in the conference—and I was a conferee along with the Senator from Pennsylvania—did they say—and they run the Senate and the House and the White House—we are taking out the Senate amendment authored by TOM HARKIN which simply said: The Congress believes that Roe v. Wade ought to be upheld?

There are two things in my friend's verbiage that show exactly what this is about. One, the term, used over and over again, ''killing a child,'' which gives me a very chilling feeling that what this whole thing is about is eventually saying women are murderers and should to go jail, and doctors are their accomplices and they should go to jail. When you listen to verbiage, you hear a lot around here. And then, no problem, this bill, he says, is just in concert with Roe v. Wade, even though there is no health exception because they declared, in writing this bill, that this procedure is never necessary to save the health of a woman, which I will prove to you is made up.

The Senators on the other side who are pushing this are not doctors. There is one, but he is not an OB/GYN. I would rather listen to the doctors. I would rather listen to the health organizations rather than my friend from Pennsylvania. I like him. We are friends. That is not the point. We just strongly see this very differently. And we will continue to see this very differently as this issue goes on and on.

There we are. We are sitting in a conference committee. Here is where we are. The House and the Senate passed different bills. What was different about our bill, S. 3? Senator HARKIN put in language, and the Senate voted on it twice—twice: once was unanimous, once was a majority—to keep Roe v. Wade in the bill, a simple statement of support of Roe. So I come to

the conference committee ready, along with Senator FEINSTEIN, and other Congress people, to debate this issue. After all, my friend says here, we don't have any problem with Roe. This has nothing to do with Roe.

Fine. Let's keep it in the bill, folks, a sense of the Senate that Roe v. Wade should not be overturned. The Senate voted for it twice.

Let me tell you how long it took them to kick that amendment out. It was about 5 minutes. Not even a real discussion, not even a discussion about an amendment that passed this Senate twice, not even a discussion about a law which was a landmark law which passed in 1973, which has been upheld by the Supreme Court over and over and over. That is the kind of attitude you find from the other side when it comes to a woman's right to choose. They threw out Roe v. Wade faster than you could blink an eye. That is what they want the Court to do, and that is what this bill is about. That is why I want to take time here.

I know this thing is going to pass. I know exactly that it is going to pass. I have respect for that. I wish my friends would have respect for the fact that Roe passed also and leave it in this bill, so we do not send a confusing signal to the women of this country that their health no longer matters.

The Senator from Pennsylvania says, no problem, there is no reason ever to use this procedure. Let's look at what some of the doctors' organizations say. Let's hold up some of our charts on that. I will tell you something; I never dreamed I would be down here with Senators who think they know more than doctors, but that is what happens. Let me read you a statement by the American College of OB/GYNs:

> Especially for women with particular health conditions, there is medical evidence that D&X [that is the procedure being banned] may be safer than available alternatives. A select panel convened by ACOG concluded that D&X may be ''the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman.''

Look at this. You are in the Supreme Court and you are hearing this case, S. 3; this bill is coming before you. They are going to quote Senator SANTORUM that never is this needed to save the life—though he will not say that—of a woman. It is not a problem. Are you going to believe Senators or the doctors who deal with this every day of their working lives? Common sense tells me, when I want to go to the doctor, I don't go to the Senator from Pennsylvania. We might have a nice chat about things, a good political talk, but I don't want him telling me or my daughter; I want a doctor who knows what they are talking about.

The doctors tell us this is necessary. Let's look at some other statements. This is a very important letter from the University of California-San Francisco, Center for Reproductive Health Research and Policy. This is a very important letter signed by a very important physician. What does she tell us. This print is too small to read, so let's get the large one that lists the problems women can face. What Dr. Stewart tells us in very clear terms is there are serious health consequences of banning safe procedures, which she considers the procedure that is being banned in this bill to be, a safe procedure: hemorrhage, uterine rupture, blood clots, embolism, stroke, damage to nearby organs, and paralysis. This is a partial list of what doctors tell us could happen to a woman if this procedure that is being banned is no longer an option.

Who do you think the Supreme Court will listen to? Senators with no degree in OB/GYN or doctors who are telling us this is what could happen to a woman? Do you think we are doing the right thing by banning a procedure without which a woman could face damage to a nearby organ, paralysis, or a blood clot? What is it about this bill that makes it so sacrosanct that you cannot add an exception for the health of the mother? We tried everything. The straight health exception is the one that is the most constitutional. Others around here said serious adverse health consequences. Oh, no, that wasn't good enough.

There wasn't anything we could say on behalf of the women in this country that the other side would not shoot down. I don't understand it. I do not understand that kind of mentality. Don't we love our wives and our daughters and our aunts and all the women in our lives? How could we pass a bill that would say even if a woman's health is threatened, this procedure cannot be used, when we could have walked down the aisle together and passed a bill with a health exception?

So when I come before the Senate this morning, it is with a very heavy heart. But it is also with the knowledge that I think this Court is going to throw out this bill, regardless of whether colleagues say in the beginning there is no problem, no relation to a woman's health, because doctors have told us the serious health consequences of banning this procedure include all these horrible things. By the way, what is not listed here is infertility. Later today I will show you the cases of women who were spared that problem because this procedure was used on a very complicated, difficult, emergency abortion where the brain was outside the baby's head, where the child would have suffered.

I am telling you that I don't know where the compassion is, when we would have agreed to do this with a health exception. I don't know where the compassion is on the other side. My friend talked about a civilized society. I want a civilized society. That means you care about the women of this country. That means you care about their pregnancies. That means you want to help them through the most difficult times. That means you don't play doctor here because you are not a doctor. We are about to play doctor in a big way. Fortunately, across the street in the Supreme Court they will see right through it.

So there are many things I could tell you about this bill. I will show you some others. Let's see what the Supreme Court said about why we believe this bill is unconstitutional. There was a case called Stenberg v. Carhart. The Supreme Court found their ban of this procedure in this State—it was Nebraska, I believe—was unconstitutional. They said it put an undue burden on women because the definition is vague.

Now the other side said they fixed that problem. We don't think they did. That will be decided. The second reason it was thrown out is there is no exception to protect women's health. I have to tell you that on both of these counts S. 3 failed the Supreme Court test. It failed it. Even some of the most anti-choice people out there have written letters criticizing the other side because they said why don't you do something that matters.

This is going to be overturned in the Supreme Court. So why are we going through this, seeing these pictures? Once I was on the Senate floor and a colleague wanted a 5-year-old to sit up there and look at these pictures. I objected to that. That is inflaming passions. I can show pictures of what it looks like when a woman gets a blood clot or when a woman is in a wheelchair and paralyzed, but I would not do that because this is not about sensationalizing anything. It is about doing the right thing.

I will yield the floor at this time. I see the Senator from Alabama here. I will return to continue this debate.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from California. I know she cares deeply about this. I just suggest that things are not as a lot of people think with regard to the question of abortion—particularly partial-birth abortion, which we are talking about today. That is all this bill has to do with.

I will just note that Faye Wattleton, a former president of Planned Parenthood, a very pro-choice group, and now head of a new organization, the Center for the Advancement of Women, recently commissioned a survey by the Princeton Survey Research Associates. It involved 3,329 women. This was a scientific survey. That is a very large number. A lot of polls on Presidential elections don't have that many people polled.

That survey found that 51 percent of the women, who are supposed to be offended by this small, but horrible procedure, wanted to ban abortion altogether, or limit it to cases of rape or incest or where the mother's life is in danger.

Another 17 percent said abortion—this is abortion in general—should be available under stricter laws than now

apply. That means that 68 percent of women polled think we ought to tighten up the laws. This idea, that dealing with partial-birth abortion is offensive to women, does not strike me as being sound based on that poll. But, of course, polls are not what we are about here. We are here to do what is right.

I do not believe this is the kind of action that most women in America are going to be offended by. I suspect if they knew the nature of partial-birth abortion, as Senator SANTORUM has explained, the numbers would be higher than 68 percent opposing it. I think we are having a growing understanding of the issue.

I thank Senator SANTORUM for raising this issue. He has been a good advocate of it. It is time now that we take a step that will make America a better place. We must just say no to this procedure. There are some activities that we can't allow. There are some activities that can't be justified and are so beneath the decency of a nation as great as America that we ought to ban.

I remember the debate a number of years ago when Senator Bob Smith, a former Senator from New Hampshire, raised this issue for the first time in this Chamber. He was attacked bitterly as being an extremist, talking about things he ought not to be talking about on the floor of the Senate. But Bob Smith stood firm, as he always did, for what he believed in. He said this was wrong. But year after year has gone by. We have had hearings, and I was on the Judiciary Committee when we had hearings on it. We heard the implacable opposition from the pro-abortion forces. They wanted no yielding, no compromise, nothing that would give an inch on this issue, and they dismissed facts and figures. Senator Bob Smith will now be vindicated. He displayed courage and determination in bringing this issue up and making sure that the American people understood what it is about and why this is a significant step in protecting the innocent unborn, but certainly does not have any broad impact throughout the abortion debate.

Many people probably did not believe what Senator Smith was saying at the time, frankly, but we have seen more about it. I think it is true that many people have not wanted to know about the gruesome details of this procedure: How a child, a baby, just 3 inches from complete birth is deliberately and systematically killed. That is not something about which we want to talk. We cringe to say the words. I wish they were not true, but unfortunately, they are true.

The destruction of a partially born child continues to this day. It is an affront to the decency of America, and I do believe this is a rational and appropriate legislative response on behalf of the American people.

The Senate is on record as agreeing with this view. Last year, we answered a very important question when we passed the Born Alive Infant Protection Act. This legislation basically said that if a child is accidentally born during a partial-birth abortion procedure—that is, the baby was actually born and removed from the mother—if the head was to move that final couple of inches, then that child's life would be protected. What else could we do? Why should we even have a law that would say that you have a right to kill a child who has been removed from the mother? The Born Alive Infant Protection Act was passed unanimously by this body. Partial-birth abortion inflicts pain and suffering on the child being born. That we know today. A few years ago, we were told by the experts that the anesthetic given to the mother would ensure the child feels no pain. However, we have learned this is just not true. Professional societies of anesthesiologists have refuted this claim.

The most mind-boggling aspect of this procedure, however, is that it is absolutely unnecessary. Almost all of the partial-birth abortion procedures that are performed in America are elective and not due to any danger to the mother's life. A number of people during this debate have expressed concern about the life of the mother, and that is a valid concern. I heard this argument during my time on the Senate Judiciary Committee. We had a number of hearings on the subject.

There are exceptions included in this bill to protect the life of the mother if it is in danger, although the evidence suggests that such circumstances virtually never occur.

Even in extremely rare circumstances where the life of the mother may be endangered by a pregnancy, the only medical requirement is that she be separated from the child. There is no requirement that the child be killed. The legislation provides, however, for a contingency in which the life of a mother is threatened. It would permit this partial-birth abortion procedure but only ''to save the life of a mother whose life is endangered by physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.''

That is a pretty broad protection to a mother who may be endangered, but I really think it is unnecessary. The fact is the American Medical Association, a major institution in America, one that has consistently defended abortion rights, has declared this procedure is never medically necessary. That is an official position of the American Medical Association that it is never medically necessary. This is not what we need to be doing when there is a danger to the life of the mother. It is not necessary, and it should be outlawed.

The support for ending this procedure goes beyond our traditional debate on abortion. The support exists overwhelmingly in a bipartisan way because the partial-birth abortion procedure deeply offends our sensibilities as a people, as human beings who care about one another, who know that life is fragile, and who believe that all human beings need to be treated with respect and dignity, even though they may be weak.

The Declaration of Independence notes life, liberty, and the pursuit of happiness as the ideals of the American life. Without this bill, a child partially born has those rights ripped away in a most vicious way. Allowing partial-birth abortion is a dangerous policy. It is a thin line. There is a thin thread that can justify this procedure that is, in essence, I believe, infanticide, as said by the former Senator Daniel Patrick Moynihan from New York.

This is a dangerous line we are pushing. If we say that a child partially born can be killed——

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be given 4 additional minutes?

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we certainly have no problem with that request, just that it come out of the time of the Senator from Pennsylvania, Mr. SANTORUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, the pro-abortion groups implacable in their opposition to any reduction in so-called choice powers, emphatically insisted and went around the country declaring that the number of partial-birth abortions performed every year was small.

They insisted these despicable procedures were only performed in extreme medical circumstances. Therefore, they said the Federal Government should not pass laws to stop it, but that was a flat out lie. I do not use that word often, but I will repeat it. It was not just an error. It was a lie.

These claims were either manufactured or disseminated in an attempt to minimize the significance of the issue and to dismiss the issues raised by Senator SMITH. In my view, it was based on an ends justify the means theory.

As reported in a 1997 front-page article in the Washington Times, Mr. Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers—let me say that again, the executive director of the National Coalition of Abortion Providers, who had been traveling the country saying these procedures were rare, had a change of heart. In his own words, he publicly admitted that he had ''lied through his teeth'' about the number of partial-birth abortions that were performed.

He estimated that ''up to 5,000 partial birth abortions are performed annually, and that they are primarily done on healthy women and healthy fetuses.'' That is what we are dealing with today.

So I say to my colleagues on both sides of the aisle, how can we answer to our children and our constituents, our highest ideals as Americans, if we

allow children to be destroyed in this way? If we are a nation that aspires to goodness, that aspires to be above the coarse and to meet minimum standards of decency, this legislation is most strongly needed.

I find it very puzzling that there continues to be strong resistance by a few to the banning of this one brutal procedure. I ask myself: Why is that? I have heard it said that the people who oppose partial-birth abortion do so for religious reasons, as if that is an illegitimate reason to consider as one evaluates public policy.

Was it illegitimate when Dr. Martin Luther King marched for freedom based on his belief in the Scriptures? Religious principle is not an illegitimate reason for a motivation, but that has been a complaint about those who question the procedure.

I have analyzed the opposition to this bill and I cannot see that it can be founded on the law. I cannot see that it can be founded on science; the AMA says it is not necessary. I cannot see that it can be founded on ethics; certainly not. Why is it? The only thing I can see is that there is a sort of a secular religious opposition to any control whatsoever on abortion that is, I believe, driven by an extremist group. We are going to allow these procedures to go forward as long as abortionists wish to perform them, they say, and you, Congress, just have no say in it whatsoever.

I do not believe that is a rational argument. It is not justified. This legislation is specific.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I ask unanimous consent that I have 1 additional minute.

Mr. REID. Mr. President, under the same conditions previously asked.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, this legislation would ban one simple, gruesome, unjustifiable procedure for destroying the life of a partially born child. I do not believe that threatens anybody's principles, but I will say one thing, not doing it threatens the decency and morality of the American people. Every day that it continues is a stain on the conscience of America.

I support this legislation, and I thank the Senator from Pennsylvania for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 20 minutes.

Mr. BROWNBACK. Mr. President, this is an historic day. For the first time since Roe v. Wade, we are going to deal with the issue of abortion and limit the practice in one significant way. This is an historic day for life; for establishing and supporting a culture of life in the United States; for freedom; and for human rights—for the dignity of the weakest and most vulnerable amongst us, which we all profess to support.

This is will go down in history as a pivotal day, where we start to recognize that the child in the womb is a child. The child in the womb is not a piece of property. The child is, indeed, a person with dignity and rights and is entitled to life. That is a very important thing for us to recognize and for the United States to support.

I will begin my comments by showing a picture of a very young child. Thanks to modern technology, we are able to see a lot more these days. We now have what is called 4D, four dimensional, CAT scans of children in the womb. We can see children smiling and yawning in the womb at a very young age.

I recently had a gentleman in my office—we actually had him testify in front of the Commerce Committee—who performs surgeries on children in the womb—in utero surgeries. This gentleman works on children in the womb a great deal, and in doing these surgeries, for example, he says a child in the womb acts just like a child outside the womb. One has to go into the womb, when they are performing the surgery, to anesthetize the child. When a doctor goes in with a needle to poke the child in the womb, they have to chase them. There is a confined area that the child can run around in the womb, but as they go in with that needle the child jerks back, holds their buttocks back. They do not like to get the needle in them.

Having five children myself—two of them are five now—I know it is a major procedure for us to go in and get immunizations in the doctor's office. For us to get two children immunized, it takes five people—two holding down, one giving the shot, and a couple of us saying, there, there, it is all right.

It turns out that children in the womb are very similar. They do not like the pain. They feel it. They pull back from it. They repulse, and yet it is something we need to do.

I wish to continue my remarks by talking about a famous young child who is probably more famous before he was born than most people are during their life—Samuel Alexander Armas. I had him testifying about 2 months ago. He is now 3 years old. Samuel is a unique and beautiful child. He actually testified in front of the committee.

This is his hand coming out of his mother's womb. He had spina bifida, which a number of people recognize is a very difficult thing. The spinal cord does not develop. The child generally has great difficult in mobility and can also be deaf resulting from that. Yet we have now found a way that in utero, in the womb, that we can operate on that child and close that area.

When Samuel testified at age 3 in front of my committee, he was fine; though, he does have some mobility problems with his legs. When his parents discovered that he had spina bifida, they had recommendations from their physicians that the pregnancy should be terminated. The parents said, no, no, we believe in life. We are not going to do this to our child. At that time, they had even named him Samuel. They asked: What else can we do? They were told of in utero surgeries, and they decided to try it.

This in utero surgery actually took place at 21 weeks of age, which is about the timeframe that partial-birth abortions occur—21 weeks. I want to show a positive side of this. They went in and did the surgery on Samuel. They fixed the problem of the spina bifida. As they were concluding the surgery on Samuel, this picture was taken of his mother's womb. The surgery on Samuel was resolved and a photographer from USA Today was in the room taking pictures. USA Today had asked previously if they could be present at the surgery, taking pictures. This surgery was being done at Vanderbilt University Medical Center. The photographer was there. He had taken pictures throughout the surgery. The surgery was just wrapping up when all of a sudden they saw the womb shake a little bit and Samuel's hand comes out of the womb.

The doctor is looking at it. Out of curiosity, I guess, as much as anything, he puts his finger near the womb and Samuel grabs the doctor's finger—21 weeks of age, and Samuel holds onto it.

The photographer, in just a moment's notice, just clicks it. He doesn't know if he even gets the picture. He just senses that there is something important that has just happened. The hand lets go and goes back into the womb—Samuel likes it better in the womb at this point in time—and they close up the womb. The surgery is successful.

This picture that appeared in USA Today—it has actually been all over the world and is one of those famous pictures—has been renamed ''The Hand of Hope,'' as Samuel reaches out from the womb and grabs hold of that next generation already there, seeking and yearning to join them.

The photographer was stunned about it. He was stunned how the picture had come out. He was stunned by the response that he received around the world. He gets e-mails on a regular basis, all the time, frankly, in response to this ''Hand of Hope.'' It has appeared in USA Today and in newspapers around the world multiple sets of times.

We had Samuel in to testify. We had his parents testify about what they went through to undergo this surgery. We had a doctor testify about the number of things we can now cure in utero. I think it is important that we start to cover children in utero because, when you have these sorts of surgeries, they are expensive, but they are important and they are better covered at that point in time. This is a heroic thing. It is a beautiful thing.

It is the other end of the tragedy that we close here today because Samuel, until this procedure is banned, could be

aborted legally and killed by this brutal procedure called partial-birth abortion. Partial-birth abortion is a procedure that we have had gruesomely described to the American public on numerous occasions. So while at this stage of life, Samuel has a hand of hope. He also could legally be killed at this point in time by that brutal procedure, partial-birth abortion, which involves no anesthetic, nothing—just a brutal, gruesome procedure that we will not stand for anyplace in the world, being the country that we are that believes in freedom and hope and in opportunity for everybody. We believe in life and liberty and the pursuit of happiness.

The central debate we are finally getting out into is this little hand of Samuel, and asking is that the hand of a person or is that the hand of a glob of tissue? Is it the hand of an individual? Is it the hand of an extension of the mother? Is it a person or is it a piece of property? That is the central question, and it is a question we have wrestled with before. We wrestled with this question on the slave issue when we—in that original sin of the United States of having slavery—would not recognize an individual as a person but rather as a piece of property. It was a horrible thing, a horrible chapter. We have all recognized that and we say it was a bad thing.

Now we are on the same debate. Here is little Samuel's hand. Is it the hand of a person or the hand of a piece of property? If it is property, we can dispose of it as we choose to see fit. If it is a person, it has rights and we have responsibilities towards that beautiful child; that Samuel is and is on a continuum, this child, from that point of time as well.

Do we want that child killed or do we want that child cured? Do we want that child in our society or do we want that child somehow just kind of done away with for whatever reason the case might be?

I do hope we get into a substantial and long-term debate about the nature of Samuel and his hand of hope as he reaches out from the womb and, by that little hand, says to us: I am a person. I am yearning to be free, yearning to live. I have much to give to you. I have much to give to this society. I have much to help with, and I want to do it and I want to be able to help you. I want to be there with you when my time comes. And Samuel did. He came out, and he is now with us.

We are this day moving forward on an issue of human dignity that I think is incredibly important. I think it is also an obligation for us to stand and recognize that human life—at whatever stage—is sacred, unique, and a precious gift. Each day when we have the call that says we lost a soldier in Iraq—two—three—each of us in this country just gets sick at the stomach because that person was somebody's brother; that person was somebody's sister; that person was somebody's father or mother; that person is unique, sacred, and that person is precious to us.

Is Samuel Alexander Armas any less unique and sacred and precious? If you kill him at this point in time, isn't he dead for the rest of his life? Is it somehow that because he is in the womb he is not a life continuum at that point in time? Is there something different here?

At this point in time he is property, and then when he comes out of the womb he becomes a person with rights and responsibilities? Why? Is it that he is dependent here in the womb? He is dependent when he is born, but he is property here that can be disposed of, and he is a person who must be protected when he is born? His hand speaks to us. His hand challenges us. His hand is a hand of hope to us as a society that says, yes, we recognize the rights of the most vulnerable amongst us, and we are going to protect them. We are going to stand for them. We are not going to let them be killed.

This is an enormous day. This has been a long, 7-year fight about the issue of partial-birth abortion. In many ways it has been instructive to us as a country. I am absolutely convinced the American people are convinced that Samuel is a child and not somehow a piece of property or a lump of tissue. People in this country do not want children killed. They do not want that to take place.

As this debate has gone on and on, what we found is the American public has shifted. Now, particularly amongst young women of child-bearing age, you are seeing for the first time since this has been recorded that they are more pro-life than pro-choice. They are recognizing this is a child, it is a person, it has rights, it has beauty, it has things it wants to contribute. It is important that we let that child contribute.

Last weekend was a celebration of Mother Teresa's beatification. It is quite something. A number of people in this body had a chance to meet Mother Teresa—a great contributor to the society around the world to the most weak and defenseless. She often came to the United States and graced us with her presence. She talked about the beautiful things, and she would talk about each of us having our own Calcuttas, where we can help people wherever we are. She talked about poverty in America. Actually, she was talking about the poverty of love.

She was most harsh about the institution of abortion, where a mother would end the life of her own child. She cared deeply for the mother and she cared deeply for the child.

She once said this: If we can accept that a mother can kill her own child, how can we tell other people not to kill one another?

She asked this sort of haunting, piercing question. If we allow this in society, don't we spawn a continual culture of death instead of a culture of life at the very inception of things? What do we say to Samuel later on? Well, OK, we could have killed you by a brutal procedure at this point in time, legally, and that would have been fine, or we could have saved your life. There was no protection in particular one way or the other.

This is an important day for life. It is an important day for a transition in the culture of life. I ask people who are opposed to this ban to look at this hand of Samuel.

My colleague from California cares passionately about this issue, and about the issue of choice and the right of a woman to choose. But I don't know that she or anybody else can deny that this is the hand of a child, and we have some responsibilities to that child as well. Maybe we can call a hand a piece of property. But I don't know how else biologically it could be defined. I don't know how else physically it could be defined.

With each passing day, and our technology getting better and better and better, I really do ask people on the other side, Is this not a child?

Am I not a person? Am I not a brother? A sister? Am I not?

Others care deeply about the right to choose. I respect that. But we all have choices to make. Is it one that we choose to terminate a brother or sister, a person who could be a parent, a person who could be a contributor, or do we not?

It really is a defining moment. I hope people on the other side would look at this picture and say: Yes, I cannot deny the humanity of that hand, the hand of hope. I support the ban on partial-birth abortion and look forward to the day when it is signed.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized for 30 minutes.

Mrs. BOXER. Mr. President, will you let me know when I have used 7 minutes and I will yield time to the Senator from New Jersey.

I am very pleased to be joined by Senator LAUTENBERG. I will respond with my comments to the comments of the Senator from Kansas who was very eloquently talking about the most vulnerable among us.

As the author, when I was in the House, of the Violence Against Women Act, as the person who offered the amendment which allowed abortion after rape in the House—and that passed for Medicaid patients—and as the author of the Violence Against Children Act today—and I hope my colleague will cosponsor that bill because it is a wonderful way to highlight the most vulnerable among us—the example the Senator talked about, the case of Samuel, illustrates why the pro-choice position is so much the right position—In that case, the doctor recommended an abortion but the parents made another choice. The parents acted and said to the doctor: We do not agree. So they had the right to choose what they wanted to do. And good for them.

But if we legislate bans on this and bans on this—you have to have a child, you do not—and we turn into China or countries like Romania that said you shall have the babies, on the one hand, or you may not ever have a baby, on the other, then we lose the ability for families, with their God, with their conscience, with their doctor, to make the decision they want to make.

The important thing is that the family have the choice. That is why I stand here today.

Mr. BROWNBACK. Will the Senator yield?

Mrs. BOXER. I will not yield time because Senator LAUTENBERG is in a rush.

Mr. BROWNBACK. I ask that it not be taken off your time.

Mrs. BOXER. I yield for a short time.

Mr. BROWNBACK. Is this the hand of a child?

Mrs. BOXER. Senator, you did not listen to what I said, because you were talking to your staff, when I stood up.

Mr. BROWNBACK. I am responding to what you were saying.

Mrs. BOXER. No, you did not. I said, good for the parents for making the choice and standing up for the doctor who gave them another suggestion. Fine. That is what a pro-choice position is. That is why I am so much for Roe v. Wade. That is why I stand here as a mother, as a grandmother, as a Senator from a very large State, admitting, Senator, and admitting to all my friends in the Senate, in the CONGRESSIONAL RECORD for all times, that I am not a doctor and I am not God. I am a human being. I trust other human beings to make these decisions. I trust Samuel's family to make the decision they made. The doctor gave his opinion.

Mr. BROWNBACK. Will the Senator yield?

Mrs. BOXER. And I will not yield at this time.

Mr. BROWNBACK. Just a question.

Mrs. BOXER. I will not yield at this time. I will continue my statement. I do not want to lose my trend of thought because we are about to do something today that, although hailed by the other side, is the first time in history that the Senate is going to ban a medical procedure that is considered by many doctors—and we have put it in the RECORD, pages and scores, and I ask unanimous consent that they be printed in the RECORD—doctors and nurses have told us this procedure is often essential to protect the life and health of a woman.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, March 6, 2003.

Hon. BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: The American College of Obstetricians and Gynecologists (ACOG) reaffirms its Statement of Policy on Intact Dilation and Extraction, initially approved by the ACOG Executive Board in 1997.

Sincerely,

RALPH HALE, MD,
Executive Vice President.

Attachment.

ACOG STATEMENT OF POLICY

STATEMENT ON INTACT DILATION AND EXTRACTION

The debate regarding legislation to prohibit a method of abortion, such as the legislation banning ''partial birth abortion,'' and ''brain sucking abortions,'' has prompted questions regarding these procedures. It is difficult to respond to these questions because the descriptions are vague and do not delineate a specific procedure recognized in the medical literature. Moreover, the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.

The American College of Obstetricians and Gynecologists (ACOG) believes the intent of such legislative proposals is to prohibit a procedure referred to as ''Intact Dilatation and Extraction'' (Intact D & X). This procedure has been described as containing all of the following four elements:

1. Deliberate dilatation of the cervix, usually over a sequence of days;
2. Instrumental conversion of the fetus to a footling breech;
3. Breech extraction of the body excepting the head; and
4. Partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.

Because these elements are part of established obstetric techniques, it must be emphasized that unless all four elements are present in sequence, the procedure is not an intact D & X.

Abortion intends to terminate a pregnancy while preserving the life and health of the mother. When abortion is performed after 16 weeks, intact D & X is one method of terminating a pregnancy. The physician, in consultation with the patient, must choose the most appropriate method based upon the patient's individual circumstances.

According to the Centers for Disease Control and Prevention (CDC), only 5.3% of abortions performed in the United States in 1993, the most recent data available, were performed after the 16th week of pregnancy. A preliminary figure published by the CDC for 1994 is 5.6%. The CDC does not collect data on the specific method of abortion, so it is unknown how many of these were performed using intact D & X. Other data show that second trimester transvaginal instrumental abortion is a safe procedure.

Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother. Intact D & X is one of the methods available in some of these situations. A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman. An intact D & X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision. The potential exists that legislation prohibiting specific medical practices, such as intact D & X, may outlaw techniques that are crucial to the lives and health of American women. The intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous.

Approved by the Executive Board.
January 12, 1997.

AMERICAN MEDICAL WOMEN'S ASSOCIATION, INC.,
Alexandria, VA, March 25, 2003.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NADLER: The American Medical Women's Association (AMWA) strongly opposes HR 760, the ''Partial-Birth Abortion Ban Act of 2003.'' While the Association has high respect for each member and their right to hold whatever moral, religious and philosophical beliefs his or her conscience dictates, as an organization of 10,000 women physicians and medical students dedicated to promoting women's health and advancing women in medicine, we believe HR 760 is unconscionable.

AMWA has long been an advocate for women's access to reproductive health care. As such, we recognize this legislation as an attempt to ban a procedure that in some circumstances is the safest and most appropriate alternative available to save the life and health of the woman. Furthermore, this bill violates the privilege of a patient in consultation with her physician to make the most appropriate decision regarding her specific health circumstances.

AMWA opposes legislation such as HR 760 as inappropriate intervention in the decision-making relationship between physician and patient. The definition of the bill is too imprecise and it includes non-medical terminology for a procedure that may ultimately undermine the legality of other techniques in obstetrics and gynecology used in both abortion and non-abortion situations. At times, the use of these techniques is essential to the lives and health of women. The potential of this ban to criminalize certain obstetrics and gynecology techniques ultimately interferes with the quality of health and lives of women. Furthermore, the current ban fails to meet the provisions set forth by the Supreme Court in Stenberg v. Carhart, a ruling that overturned a Nebraska statute banning abortion because it contained no life and health exception for the mother.

AMWA's position on this bill corresponds to the position statement of the organization on abortion and reproductive health services to women and their families.

AMWA believe that the prevention of unintended pregnancies through access to contraception and education is the best option available for reducing the abortion rate in the United States. Legislative bans for procedures that use recognized obstetrics and gynecological techniques fails to protect the health and safety of women and their children, nor will it improve the lives of women and their families. If you have any questions please contact Meghan Kissell, at 703–838–0500.

Sincerely,

LYNN EPSTEIN, MD,
President.

MARCH 10, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: We are writing to urge you to stand in defense of women's reproductive health and vote against S. 3, legislation regarding so-called ''partial birth'' abortion.

We are practicing obstetrician-gynecologists, and academics in obstetrics, gynecology and women's health. We believe it is imperative that those who perform terminations and manage the pre- and post-operative care of women receiving abortions are given a voice in a debate that has largely ignored the two groups whose lives would be most affected by this legislation: physicians and patients.

It is misguided and unprincipled for lawmakers to legislate medicine. We all want safe and effective medical procedures for women; on that there is no dispute. However, the business of medicine is not always palatable to those who do not practice it on a regular basis. The description of a number of procedures—from liposuction to cardiac surgery—may seem distasteful to some, and even repugnant to others. When physicians analyze and debate surgical techniques among themselves, it is always for the best interest of the patient. Abortion is proven to be one of the safest procedures in medicine, significantly safer than childbirth, and in fact has saved numerous women's lives.

While we can argue as to why this legislation is dangerous, deceptive and unconstitutional—and it is—the fact of the matter is that the text of the bill is so vague and misleading that there is a great need to correct the misconceptions around abortion safety and technique. It is wrong to assume that a specific procedure is never needed; what is required is the safest option for the patient, and that varies from case to case.

THE FACTS

(1) So-called ''partial birth'' abortion does not exist.

There is no mention of the term ''partial birth'' abortion in any medical literature. Physicians are never taught a technique called ''partial birth'' abortion and therefore are unable to medically define the procedure.

What is described in the legislation, however, could ban all abortions. ''What this bill describes, albeit in non-medical terms, can be interpreted as any abortion,'' stated one of our physician members. ''Medicine is an art as much as it is a science; although there is a standard of care, each procedure—and indeed each woman—is different. The wording here could apply to any patient.'' The bill's language is too vague to be useful; in fact, it is so vague as to be harmful. It is intentionally unclear and deceptive.

(2) Physicians need to have all medical options available in order to provide the best medical care possible.

Tying the hands of physicians endangers the health of patients. It is unethical and dangerous for legislators to dictate specific surgical procedures. Until a surgeon examines the patient, she does not necessarily know which technique or procedure would be in the patient's best interest. Banning procedures puts women's health at risk.

(3) Politicians should not legislate medicine.

To do so would violate the sanctity and legality of the physician-patient relationship. The right to have an abortion is constitutionally-protected. To falsify scientific evidence in an attempt to deny women that right is unconscionable and dangerous.

The American College of Obstetricians and Gynecology, representing 45,000 ob-gyns, agrees: ''The intervention of legislative bodies into medical decisionmaking is inappropriate, ill advised, and dangerous.''

The American Medical Women's Association, representing 10,000 female physicians, is opposed to an abortion ban because it ''represents a serious impingement on the rights of physicians to determine appropriate medical management for individual patients.''

THE SCIENCE

We know that there is no such technique as ''partial birth'' abortion, and we believe this legislation is a thinly-veiled attempt to outlaw all abortions. Those supporting this legislation seem to want to confuse both legislators and the public about which abortion procedures are actually used. Since the greatest confusion seems to center around techniques that are used in the second and third trimesters, we will address those: dilation and evacuation (D&E), dilation and extraction (D&X), instillation, hysterectomy and hysterotomy (commonly known as a c-section).

Dilation and evacuation (D&E) is the standard approach for second-trimester abortions. The only difference between a D&E and a more common, first-trimester vacuum aspiration is that the cervix must be further dilated. Morbidity and mortality studies indicate that this surgical method is preferable to labor induction methods (instillation), hysterotomy and hysterectomy.

From the years 1972–76, labor induction procedures carried a maternal mortality rate of 16.5 (note: all numbers listed are out of 100,000); corresponding rate for D&E was 10.4. From 1977–82, labor induction fell to 6.8, but D&E dropped to 3.3. From 1983–87, induction methods had a 3.5 mortality rate, while D&E fell to 2.9. Although the difference between the methods shrank by the mid-1980s, the use of D&E had already quickly outpaced induction, thus altering the size of the sample.

Morbidity trends indicate that dilation and evacuation is much safer than labor induction procedures, and for women with certain medical conditions, e.g., coronary artery disease or asthma, labor induction can pose serious risks. Rates of major complications from labor induction were more than twice as high as those from D&E. There are instances of women who, after having failed induction, acquired infections necessitating emergency D&Es, which ultimately saved her fertility and, in some instances, her life. Hysterotomy and hysterectomy, moreover, carry a mortality rate seven times that of induction techniques and ten times that of D&E.

There is a psychological component which makes D&E preferable to labor induction; undergoing difficult, expensive and painful labor for up to two days is extremely emotionally and psychologically draining, much more so than a surgical procedure that can be done in a few hours under general or local anesthesia. Furthermore, labor induction does not always work: Between 15 and 30 percent of cases require surgery to complete the procedure. There is no question that D&E is the safest method of second-trimester abortion.

There is also a technique known as dilation and extraction (D&X). D&X is merely a variant of D&E. There is a dearth of data on D&X as it is an uncommon procedure. However, it is sometimes a physician's preferred method of termination for a number of reasons: it offers a woman a chance to see the intact outcome of a desired pregnancy, thus speeding up the grieving process; it provides a greater chance of acquiring valuable information regarding hereditary illness or fetal anomaly; and there is a decreased risk of injury to the woman, as the procedure is quicker than induction and involves less use of sharp instruments in the uterus, providing a lesser chance of uterine perforations or tears and cervical lacerations.

It is important to note that these procedures are used at varying gestational ages. Neither a D&E nor a D&X is equivalent to a late-term abortion. D&E and D&X are used solely based on the size of the fetus, the health of the woman, and the physician's judgment, and the decision regarding which procedure to use is done on a case-by-case basis.

THE LEGISLATION

Because this legislation is so vague, it would outlaw D&E and D&X (and arguably techniques used in the first-trimester). Indeed, the Congressional findings—which go into detail, albeit in non-medical terms—do not remotely correlate with the language of the bill. This legislation is reckless. The outcome of its passage would undoubtedly be countless deaths and irreversible damage to thousands of women and families. We can safely assert that without D&E and D&X, that is, an enactment of S. 3, we will be returning to the days when an unwanted pregnancy led women to death through illegal and unsafe procedures, self-inflicted abortions, uncontrollable infections and suicide.

The cadre of physicians who provide abortions should be honored, not vilified. They are heroes to millions of women, offering the opportunity of choice and freedom. We urge you to consider scientific data rather than partisan rhetoric when voting on such far-reaching public health legislation. We strongly oppose legislation intended to ban so-called ''partial birth'' abortion.

Sincerely,

NATALIE E. ROCHE, MD,
Assistant Professor of Obstetrics and Gynecology, New Jersey Medical College.

GERSON WEISS, MD,
Professor and Chair, Department of Obstetrics, Gynecology and Women's Health, New Jersey Medical College.

MARCH 5, 2003.

Hon. BARBARA BOXER,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR BOXER: I understand that your will be considering Senate S. 3, the ban on abortion procedures, soon and would like to offer some medical information that may assist you in your efforts. Important stakes for women's health are involved: if Congress enacts such a sweeping ban, the result could effectively ban safe and common, pre-viability abortion procedures.

By way of background, I am an adjunct professor in the Department of Obstetrics, Gynecology and Reproductive Sciences at the University of California, San Francisco, where I co-direct the Center for Reproductive Health Research and Policy. Formerly, I directed the Reproductive Health program for the Henry J. Kaiser Family Foundation and served as Deputy Assistant Secretary for Population Affairs for the United States Department of Health and Human Services. I represented the United States at the International Conference on Population and Development (ICPD) in Cairo, Egypt, and currently serve on a number of Boards for organizations that promote emergency contraception and new contraceptive technologies, and support reducing teen pregnancy. My medical and policy areas of expertise are in the family planning and reproductive health, prevention of sexually transmitted infections including HIV/AIDS, and enhancing international and family planning.

The proposed ban on abortion procedures criminalizes abortions in which the provider ''deliberately and intentionally vaginally delivers a living fetus . . . for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus . . .'' The criminal ban being considered is flawed in a number of respects:

It fails to protect women's health by omitting an exception for women's health;

It menaces medical practice with the threat of criminal prosecution;

It encompasses a range of abortion procedures; and

It leaves women in need of second trimester abortions with far less safe medical options: hysterotomy (similar to a cesarean section) and hysterectomy.

The proposed ban would potentially encompass several abortion methods, including

dilation and extraction (d&x, sometimes referred to as ''intact d&e''), dilation and evacuation (d&e), the most common second-trimester procedure. In addition, such a ban could also apply to induction methods. Even if a physician is using induction as the primary method for abortion, he or she may not be able to assure that the procedure could be effected without running afoul of the proposed ban. A likely outcome if this legislation is enacted and enforced is that physicians will fear criminal prosecution for any second trimester abortion—and women will have no choice but to carry pregnancies to term despite the risks to their health. It would be a sad day for medicine if Congress decides that hysterotomy, hysterectomy, or unsafe continuation of pregnancy are women's only available options. Williams Obstetrics, one of the leading medical texts in Obstetrics and Gynecology, has this to say about the hysterotomy ''option'' that the bill leaves open:

''Nottage and Liston (1975), based on a review of 700 hysterotomies, rightfully concluded that the operation is outdated as a routine method for terminating pregnancy.''—Cunningham and McDonald, et al., Williams Obstetrics, 19th ed., (1993), p. 683.

Obviously, allowing women to have a hysterectomy means that Congress is authorizing women to have an abortion at the price of their future fertility, and with the added risks and costs of major surgery. In sum, the options left open are less safe for women who need an abortion after the first trimester of pregnancy.

I'd like to focus my attention on that subset of the women affected by this bill who face grievous underlying medical conditions. To be sure, these are not the majority of women who will be affected by this legislation, but the grave health conditions that could be worsened by this bill illustrate how sweeping the legislation is.

Take for instance women who face hypertensive disorders such as eclampsia—convulsions precipitated by pregnancy-induced or aggravated hypertension (high blood pressure). This, along with infection and hemorrhage, is one of the most common causes of maternal death. With eclampsia, the kidneys and liver may be affected, and in some cases, if the woman is not provided an abortion, her liver could rupture, she could suffer a stroke, brain damage, or coma. Hypertensive disorders are conditions that can develop over time or spiral out of control in short order, and doctors must be given the latitude to terminate a pregnancy if necessary in the safest possible manner.

If the safest medical procedures are not available to terminate a pregnancy, severe adverse health consequences are possible for some women who have underlying medical conditions necessitating a termination of their pregnancies, including: death (risk of death higher with less safe abortion methods); infertility; paralysis; coma; stroke; hemorrhage; brain damage; infection; liver damage; and kidney damage.

Legislation forcing doctors to forego medically indicated abortions or to use less safe but politically-palatable procedures is simply unacceptable for women's health.

Thank you very much, Senator, for your efforts to educate your colleagues about the implications of the proposed ban on abortion procedures.

Sincerely,

FELICIA H. STEWART, M.D.

CENTER FOR REPRODUCTIVE RIGHTS,
Washington, DC, March 6, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: On June 29, 2000, in Stenberg v. Carhart, 530 U.S. 914 (2000), the U.S. Supreme Court held that Nebraska's sweeping ban on abortion—misleadingly labeled a ban on so-called ''partial-birth abortion''—was unconstitutional. I was one of the attorneys who represented LeRoy Carhart, M.D., the Nebraska physician who challenged the ban in that case.

In Carhart, the Court held that Nebraska's abortion ban was unconstitutional for two reasons. First, the Court held that the ban did not prohibit only one type of abortion procedure, but instead outlawed several methods, including the safest and ''most commonly used method for performing pre-viability second trimester abortions,'' Carhart, 530 U.S. at 945, and therefore constituted an undue burden on women's right to choose. Second, the Court held that the Nebraska ban was unconstitutional because it failed to include an exception for women's health. The Court noted that ''a State may promote but not endanger a woman's health when it regulates the methods of abortion'' and that ''the absence of a health exception will place women at an unnecessary risk of tragic health consequences.'' Carhart, 530 U.S. at 931, 937.

The new federal bill (H.R. 760, S. 3) contains the same two flaws. Like the Nebraska law, the federal bill fails to limit the stage of pregnancy to which the bill's provisions apply, so the ban could criminalize abortions throughout pregnancy (nor just post-viability or ''late term'' abortions, as the bill's sponsors often claim), and the definition of ''partial birth abortion'' in the bill is broad enough to criminalize numerous safe abortion procedures, including the safest and most commonly used method for performing abortions early in the second trimester, the D&E method (not just one abortion procedure, as the bill's sponsors misleadingly imply). Moreover, the federal bill fails to limit its prohibitions to abortions involving an ''intact'' fetus, fails to explicitly exclude the D&E technique or the suction curettage abortion method from the law's prohibitions, and fails to include definitions of key terms such as ''living'' or ''completion of delivery.'' Like the Nebraska law, the federal bill also fails to include the constitutionally mandated health exception. Therefore, the federal bill is unconstitutional for the same reasons as the Nebraska law struck down in Carhart.

Because the U.S. Supreme Court has already struck down legislation containing the same constitutional flaws contained in the new federal bills, these bills can only be seen as a direct attack on the Supreme Court's decision, on the safest and most common abortion procedures in the second trimester, and on the protection for women's health that have been consistently reaffirmed throughout three decades of abortion jurisprudence.

Please feel free to contact me with any further inquiries.

Sincerely,

PRISCILLA SMITH,
Director.

Mrs. BOXER. Let me reiterate who is being compassionate. Our side of the aisle, down to every person, and the pro-choice side of the aisle. On the other side we have a few. We agree to this ban if there is an exception for the health and life of a woman. The other side said no. And the clear fact is, when the other side says there will not be an exception for the health of the woman, the other side is not being compassionate.

Let me tell you, when a woman is told—and we will take out what could happen to a woman if this is not available—some of the health consequences, when a woman is told she could have a stroke, that she could wind up paralyzed, that she could wind up hurting or harming other organs, we are talking about a major problem to women.

To say you are being compassionate and you are being caring to the most vulnerable when you turn your back away from the fact that a woman could have a hemorrhage, she could have her uterus ruptured, she could be made infertile, she could have blood clots, embolism, a stroke, damage to nearby organs, or paralysis if this particular procedure is not available to her—if you have no compassion, if you smile when you look at this, if you do not feel what it is like for a woman to face this, if you put this in the back of your mind, I am sorry, in my view you are not for the most vulnerable at all.

We could have banned this procedure if we had added a health exception. But the other side is so demagogic on this, they will not walk down the bipartisan aisle with us. That is a very sad commentary. They said the health exception is too broad. They do not trust women. Face it, they think a woman is going to make something up?

We said, OK, add ''serious adverse health consequences.'' No, they would not do that either.

The Supreme Court decided a very similar ban was unconstitutional. What the Supreme Court said about the fact that there was no health exception in the Stenberg v. Carhart case, that came out of Nebraska law, that had no health exception and was vague—first, they said the bill bans more than one procedure:

> Even if the statute's basic aim is to ban D&X, its language makes clear that it also covers a much broader category of procedures.

Some would say that is the intent of the other side, to take away a woman's right to choose. So they say they are banning one procedure when, in fact, it is so vague that maybe they are banning more.

I would have more respect and admiration for my friends on the other side if they just said, let's just ban abortion, just call it killing, put away the women into jail who have an abortion, send the doctors to jail. That is what is in their heart. But no, they do not want to do that.

My colleague from Alabama talked about a poll. I have other polls that did not track that which I will print in the RECORD. The polls I have do not go along with those polls.

The PRESIDING OFFICER. The 7 minutes the Senator asked to be notified of have elapsed.

Mrs. BOXER. I will take 3 more minutes before I yield as much time as he may consume to my colleague from New Jersey.

The poll I have is very difficult. We have a majority of 56 percent believing abortion should be legal in all or most cases. That is a very recent poll. It has a margin of error of 1 to 3 points; 55

percent believe the Government should not be involved in this private medical decision. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NARAL PRO-CHOICE AMERICA 2004 PRESIDENTIAL POLL

Anna Greenberg of Greenberg, Quinlan, Rosner Research Inc. conducted this poll for NARAL Pro-Choice America between June 5, 2003 and June 12, 2003 among 1,200 likely voters with a margin of error of 1/3.

While the 2004 election will be shaped by the economy, security and the war on terrorism, a woman's right to choose will play an important role in the presidential contest. Protecting a woman's right to choose, especially when it is framed as protecting her right to privacy and freedom from government interference, can move important swing voters including Independents and suburban voters toward a pro-choice Democratic candidate.

Here are our findings:

The country is pro-choice. A majority, 56 percent, believes that abortion should be legal in all or most cases.

The country does not want the government involved in a woman's private medical decisions. Eighty percent of voters believe that abortion is a decision that should be made between a woman and her doctor as compared to just 11 percent who say it's a decision that should be made by the government. Only 27 percent of those who are identified as ''pro-life'' believe that government should make the decision. Even a majority of those who identified as ''pro-life'' (55 percent) believe that a woman and her doctor should make the decision.

The presidential race will be competitive and choice can play an important role. After a fully informed debate that includes the candidate's position on a woman's right to choose, the race between President Bush and a generic Democrat tightens considerably. Initially, a generic Democratic candidate trails President Bush 15 points, 38 to 53 percent; after hearing the candidates' competing agendas that includes support for a woman's right to choose, the race tightens to a 6-point race, 44 to 50 percent.

Choice moves swing voters. After hearing two statements describing the Democratic candidate and President Bush's position on choice, support for a generic Democratic candidate increases from 44 to 46 percent, while support for President Bush drops 2 points, 48 to 46 percent. This movement is driven by moderately pro-choice voters who did not yet support the Democratic candidate at that stage of the survey (more below).

A principled commitment to privacy is the strongest message a pro-choice can make about choice. The privacy message is the strongest pro-choice message for a Democratic candidate and is consistent with the values promulgated in recent Supreme Court decisions. Fully 71 percent of voters say the privacy argument is a convincing reason to support the Democratic candidate for president; a majority (52 percent) says it is a very convincing reason.

A woman's right to choose is a private and very personal choice, and it should remain that way. The decision to have an abortion should be a decision made between a woman and her doctor. The government should stay out of private medical decisions.

Important swing voters move towards a pro-choice Democratic candidate. After a fully informed debate that includes the candidate's position on choice, there is a 16-point shift toward the Democratic candidate among Independent voters, a 12-point shift among suburban voters and a 10-point shift among moderate voters.

A pro-choice Democratic candidate can improve his or her standing with moderately pro-choice voters. Voters who describe themselves as pro-choice move from a 7-point margin for a Democratic candidate (49 to 42 percent) in the initial vote to vote to a 28-point margin for a Democrat (61 to 33 percent) in the final post-choice positioning vote.

Democrats have a strong advantage on gender issues. Whether that means women's rights, a woman's right to choose or abortion, voters believe that Democrats do a better job on these issues. The strongest advantage is on a woman's right to choose with 60 percent of voters saying Democrats do a better job on the issue as compared to just 19 percent who believe Republicans do a better job on the issue.

Other findings of interest: 61 percent of Americans know someone who had an abortion, including 56 percent of those who identified themselves as ''pro-life.''

Mrs. BOXER. We have different polls. But my friend from Alabama is totally correct. This is not about polls. He can prove in one poll that he is right; I can prove in one poll that I am right. The issue is in our hearts. We do not agree with each other.

If you want to make a woman a criminal, make a doctor a criminal, come here, we will have a vote up or down on that. Do not chip away, chip away, chip away, and hurt women in the process. The Court has stated that this is unconstitutional, bottom line.

On the other hand, my colleague said: our bill that bans this procedure is not violative of Roe because we have declared in the findings that the health issue is immaterial.

Well, good luck. When you have doctors testifying, when you have nurses testifying, when you have health professionals testifying, when you have women testifying, ''We have had this procedure,'' because they knew they might die if they did not or they would be made infertile, and compare that to Senators or Congresspeople, I think the Court will look at the professional judgment of doctors because we are not doctors here. And we are certainly not God.

So let's call it what it is. It is not compassionate to pass a bill today that turns its back on the health of women. That is not compassionate. And the Supreme Court, let's see what else they said about this particular philosophy that you are going to get in this bill and why they overturned the last one that did the same thing.

Even if it only banned D&X, meaning the proposal my colleagues say they are banning, this ban would pose grave health risks. This is the Supreme Court:

The record shows that significant medical authority supports the proposition that, in some circumstances, D&X would be the safest procedure.

This is the Court, the same Court that is going to hear your ban that has no health exception:

A statute that altogether forbids D&X creates a significant health risk. The statute consequently must contain a health exception.

I ask my colleague if he is ready to speak because I am ready to yield the floor.

Mr. LAUTENBERG. Yes.

Mrs. BOXER. Here is what we know so far. We have a bill that has no health exception. It bans a procedure doctors say is needed. We have a bill that looks just like the Supreme Court case, and the Supreme Court said it is unconstitutional. And in the course of the conference, the conferees on the other side threw out the language that supports the Roe v. Wade decision.

This is a bad package for the families of America. I know the handwriting is on the wall that it will pass, but the issue is not going away.

I yield to my colleague as much time as he may wish to consume, Senator LAUTENBERG from New Jersey. I thank him for coming over today.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleague from California for her courage to stand up here and take a position when what we are seeing on the other side, with its pictures and statements about how this process is running rampant through America. It is not. We ought to face up to reality.

My position is kind of: There they go again. There they go again, wanting to curb people's rights, rights that are abundant and ought to remain in place without us touching them, civil rights such as affirmative action, rights such as the ability to have your day in court to make your case, and not have it snatched away to protect the gun industry from lawsuits no matter how reckless their behavior.

We do not hear anything nor have we ever seen a picture here of a gunshot victim who may never be able to walk again. We know Jim Brady will not walk again on his own, because of a gunshot wound. Do we see those kinds of pictures, the horror? Do we see surgical procedures depicted here in the Chamber, pictures of people having their intestines removed or something of that nature? Sure, they are ugly, but the point is that sometimes doctors have to do them to preserve someone's health, and that's a positive purpose.

At any rate, the other side wants to take away workers' rights to join unions and get overtime pay. The other side wants to promote judicial nominees who are anti-choice, anti-union, and anti-civil rights.

This is an attempt to regulate people's behavior.

I have noticed one thing here since this debate has begun: We have not seen one woman talk in favor of the side that says: This procedure ought to be banned. Put the doctors in jail. We have 15 women in the Senate, but not one is here defending the position that says: Take away the doctors' ability to practice medicine as they see fit.

Listen. I want to be clear here. And I want everybody to hear my voice: I am

not pro-abortion. I am pro-choice. I believe a woman has the right to make a decision, in concert with her doctor, about her health.

What happens if she has another sick child or she herself suddenly finds that her health is being ruined, physically or mentally? Does she have a right to make her decision? I think so.

I have a child who is now pregnant with my 10th grandchild. We do not talk about abortions. Thank God, my other grandchildren and their mothers have been healthy. But we had their health checked to make sure everything was going to be OK because nothing is more important than having my three daughters and my daughter-in-law available to take care of the children they have and to make sure that their families stay intact.

But here, in what I call the ''malegarchy'' that is the United States Senate, we have the men deciding what ought to happen with women who, with their doctor, want to make a decision to protect their health.

The Senator from California was eloquent. She said: Provide those exceptions for the health and well-being of a mother. But no, that is not good enough: We don't like the way these women are making these decisions. We don't like it. We don't think they are mature enough to make these decisions. They are mature enough to be a mother, but are they mature enough to make their own decisions about their body? No, not according to the ''Big Boys' Club'' here; they should not be allowed to do that.

This is always a very difficult discussion. I don't think my friends who are on the opposite side are evil; they just happen to be wrong, in my view. I do not attribute anything to them except that I want to expose what I think is the truth; and that is, this growing trend to regulate people's behavior in this free, democratic society about which we talk so much.

When our young people fight in Iraq, when they fought in Vietnam, or in other wars—I fought in World War II—the fight has been to protect people's freedoms—freedoms. What are we doing trying to take away a right, and threatening doctors who perform a procedure they judge necessary to protect the life and health of the mother?

I voted against this bill, and I intend to vote against the conference report. A woman's right to choose is in greater danger now than it has been at any time since the Supreme Court issued its decision in Roe v. Wade 30 years ago.

Supporters of this bill use the term ''partial-birth abortion.'' There is no medical term ''partial-birth.'' It is a term deliberately concocted by the anti-choice movement to inflame passions. Make no mistake: the procedure(s) covered by this phony term are not chosen lightly. Does anybody here think that a woman who is 6 or 7 months along in her pregnancy, who falls prey to illness or disease, or discovers for some other reason that the pregnancy must be terminated—does anybody think that is an easy decision? It absolutely is not.

I am the father of 4 and, as I mentioned, the grandfather of 9—Lord willing, 10 soon.

But how can such a decision be challenged? How can the woman's decision, made in concert with her doctor, who says, ''I recommend this as a necessary procedure''—be challenged? Well, here in the ''Boys' Club,'' a woman and her doctor won't be allowed to make that decision. In my opinion, that is not right. I think the message the other side is sending to women is: Your behavior is abominable. We don't want you to do it. And here we have these poor people, these poor woman, who are risking their own health, carrying a fetus for 6 or 7 or 8 months—never a pleasant experience, I assure you.

As I said, there is no such medical term as ''partial-birth abortion,'' and that is intentional because this bill is not designed to ban one particular abortion procedure but many safe and legal medical procedures. If S. 3 is ultimately passed, and President Bush signs it into law, as he has promised, he will become the first U.S. President to criminalize safe medical procedures.

Nobody is fooled by the real objective here, which is to chip away at a woman's right to choose and, ultimately, to criminalize legal and safe abortion procedures.

No. When people know what this bill is really about, they are opposed. An ABC News poll showed that 61 percent of Americans oppose criminalizing abortion procedures if a woman's health is threatened.

The bill is deceptive. It is extreme. We already know this bill won't pass the constitutional test. When we debated this bill back in March, many of us who are pro-choice said clearly, directly, that we would accept this bill if the bill's proponents would just make an exception for the life and health of the mother. That is what we were asking for. What is wrong with that? I don't understand the other side's objection to that.

Their obstinance shows the true position of those who want to police our conduct and decide how people ought to behave. It is too bad. It is not right.

The sponsors of S. 3 have repeatedly resisted reasonable attempts to include a health exception such as the Feinstein substitute, which was defeated. This bill is purely political. Everybody here knows it will be ruled unconstitutional. Five members of the current Supreme Court have struck down a State ban on so-called partial-birth abortions. The same fate awaits this legislation. And in New Jersey, my State, the State Supreme Court overturned a similar ban in 2000.

About a month ago we had a very enlightening debate on the Senate floor over an important amendment offered to S. 3 by our colleague, Senator HARKIN. The amendment reaffirmed support for the Supreme Court's decision in Roe v. Wade. The House Republican leadership decided that the Senate did not have the wisdom, and their leadership and their anti-choice friends removed Senator HARKIN's language in conference. Striping this bill of the Harkin amendment that reaffirms Roe v. Wade shows us what the President and his anti-choice allies are really after. They want to overturn Roe v. Wade. It has been said many times. Unfortunately, this bill puts them on that path.

During the previous debate on this bill, the junior Senator from Pennsylvania characterized the Harkin amendment, a reaffirmation of current law, as extreme. That is absurd. Not being willing to protect a woman's health is extreme. It is extreme, and it is wrong.

We know where this administration is headed. We know the true motives of the anti-choice administration and its allies in Congress. Look no further than the recent decision in 2002 made by the Bush administration to amend the State Children's Health Insurance Program to provide coverage for fetuses and embryos rather than for pregnant women.

This rabid ideology extends so far that the administration won't allow the United States to participate in international family planning programs. We are so paranoid about this, it is ridiculous.

I urge my colleagues to think this whole matter through, to put women's health and access to safe medical care before ideology, not to vote for this thinly veiled attempt to overturn Roe v. Wade. I urge that they vote against this unconstitutional bill before us.

I yield the floor.

Mrs. BOXER. Mr. President, how much time do I still retain?

The PRESIDING OFFICER. The time remaining is 76 minutes.

Mrs. BOXER. I mean under the agreement.

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mrs. BOXER. I thank the Chair. I will use the 6 minutes and then the time will revert to my colleague from Pennsylvania.

I thank my colleague and friend from New Jersey for coming to the Chamber to lay out so many of the unstated issues that revolve around this debate. The points he made today are important. Before he leaves, I want to ask him a question on my time. I know he is the proudest grandpa of 9, soon to be 10, we hope and expect. You have served for many years not only in public life but as a leader in business and leader of the community.

We hear from the other side about the need to protect the vulnerable. My friend stands with me as a supporter of the Violence Against Women Act, a supporter of the Violence Against Children Act and the need to do everything we can for the most vulnerable, to protect them from environmental hazards.

I find it interesting that they will talk on the other side and show pictures on the other side of fetuses before

they are born. And the compassion, I don't doubt that for a minute. I have no doubt that my colleagues feel such compassion. Believe me, I do as well. Having given birth to two premature babies, I totally understand the love and compassion you give to the child you are carrying.

But I want to say to my friend, isn't there something missing here from this discussion of compassion? Should we not show compassion for a woman who desperately seeks to have a child and is told in the 7th month, the 6th month, something has gone terribly awry, that the baby's head is so large, the brain perhaps is developing outside of the skull, there are other problems, that the doctor says, to spare this woman a terrible life-threatening illness or to spare her infertility, that he recommends or she recommends that this procedure that is now being outlawed is the only way to, A, spare the woman from these possible health consequences which are serious and long term, could even land her in a wheelchair, render her unable to take care of her other children, and to spare that fetus, if it were born, the worst nightmare of a brief and short life? This happens to women. Does my friend not see the compassion in working with this family in a way that would give the woman dignity, preserve her health, the fetus dignity? I will talk about this because we have pro-life women, very religious, who went through this to spare the indignity to the fetus, to spare the pain to the fetus, to spare their own health. Is there not compassion in that decision and in that choice?

Mr. LAUTENBERG. Mr. President, in fact, the question is a very good one. It addresses the issue we are discussing. Why is there no agreement to the request of so many of us to go along and outlaw certain procedures altogether, get rid of them, as long as the health and well-being of the mother is taken care of?

I endowed initially—and it is still in existence—a cancer research center. It is called the Lautenberg Cancer Research Center, paid for with my own funds and people from whom I have raised money. We focus on breast cancer and other issues. We try to protect the women's health at all costs. We are not as generous here as we are to the fat cats who are going to get those huge tax cuts. Oh, no, they are entitled to theirs. But when it comes to potentially taking care of women's health, a child's health, men's health, all of it—well, it is OK to do that to a point. But to let women make their own decisions is outrageous.

There is nothing more tragic than to see a woman unable to take care of herself or her family as a result of continuing with a pregnancy that robbed her of her well-being.

Mrs. BOXER. Well, my friend is right. I just hope we recognize, because I know the Supreme Court recognizes it, that if we turn our backs on the women of this country as we are going to do today, first, it will never hold up across the street in the Supreme Court—no way.

Second of all, we are threatening the health of so many women. Before my friend leaves, I want to give him two brief stories. Eileen Sullivan of California—and these women are so courageous to tell the stories—is a Catholic with 10 brothers and sisters. Eileen had long awaited her first child. She and her husband were devastated to discover, at 26 weeks of pregnancy, that testing revealed overwhelming fatal abnormalities in their son, including an improperly formed brain, a malformed head, no lungs, and a nonfunctioning liver. The severe anomalies were incompatible with life.

The PRESIDING OFFICER. The Senator's time is up.

Mrs. BOXER. I ask unanimous consent for just 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Eileen and her husband sought the advice of medical specialists, but the prognosis grew worse with each additional test. Finally, the Sullivans, religious Catholics, made the decision they thought was most compassionate for their son, safest for Eileen, and most likely to allow them to have a healthy child in the future. Eileen had a D&X abortion in July of 1996.

I will conclude by saying I don't think it is compassionate to take away the choice of a woman such as this who is grappling with her religion, ethics, and making a decision with her family to do what is right for her family and for this unborn child. I think it is such a statement that there is no respect for the people of this country, there is no value given to their values, their souls, their religion, to their way of dealing with tragedy.

I don't understand how my friends from the other side of the aisle, who always talk about Big Brother interfering, could move into this area and turn their backs on the American families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, it is very clear to me that the Senator from New Jersey and I have a fundamental difference on how we view this issue. For the Senator from New Jersey to liken this procedure to the removal of an intestine, to compare the killing of a fetus——

Mr. LAUTENBERG. Will the Senator yield?

Mr. SANTORUM. To compare the killing of a fetus to the removal of an intestine—a fetus like in this picture, where you can see that little hand, that is a 21-week-old. That is the age at which these children are killed by partial-birth abortion. To compare the killing and extinguishing of life to the removal of an intestine is——

Mr. LAUTENBERG. Will the Senator yield for a very brief question? My father was 42 when he was stricken with colon cancer and he had his intestine removed to try to save his life. It was an ugly, painful procedure. As I equate this with any painful procedure that is surgically necessary. They tried to save his life but were unsuccessful.

Mr. SANTORUM. The Senator from New Jersey is equating the removal of tissue that was damaging to the person involved—removing an intestine to preserve that health or life. This little child, in almost every situation—in fact, the industry agrees: healthy mothers, healthy children—that little child is not a threat to this mother. It is not a cancerous lesion. It is not a defective or deformed part of that person's body that is threatening their health. This is a living organism. It happens to be a human being inside of the mother, and it is being killed not for the health of the mother or for the life of the mother but because the mother no longer wants the child.

The father of the Senator from New Jersey whose operation was performed was removing something that was damaging his health and potentially threatening his life. That is not the case here. To compare the two shows you the fundamental difference in our view.

What are we saying to people when we liken little children to cancerous parts of someone's body? We just see these little children as, what, threats? As something to be excised because they are not wanted? Is that the way we look at children? Is that how we see them—as cancerous lesions? Then we wonder why we have so much child abuse in this country, why one-third of the pregnancies end in abortion, why our culture is degraded, because we compare them to cancerous intestines on the floor of the Senate.

I yield 10 minutes to the Senator from Nevada.

Mr. ENSIGN. Mr. President, the first thing I want to address is: the other side has been talking about the health of the mother and that this bill includes a provision if the life of the mother is threatened. As far as the health of the mother is concerned, a select panel convened by the American Medical Association could not find any ''identified circumstance'' where a partial-birth abortion was the only appropriate alternative.

We have heard a lot of testimony from OB/GYNs and all kinds of medical experts that this procedure is never necessary. To argue that it is somehow medically necessary is a false argument. This procedure is so grotesque that when it is described, it makes people shudder. I once described this procedure when I spoke to some high school kids, and I used it as an example. I got complaints from the parents because we talked about such a gruesome procedure in a school. I can understand why they would be upset.

But people have to understand that this gruesome procedure is happening in the United States. What we are trying to do now in the Congress is to say

this is so outrageous that we need to ban it.

I am a health care professional and I cannot even imagine a doctor or a nurse being involved in one of these procedures, delivering the baby out of the birth canal up to about here, the neck—arms and legs moving, holding that little baby in their hand, feeling life in their hand, a little heartbeat—and voluntarily taking forceps and jabbing them into the back of the skull. The skull is too big to come out so they have to collapse the skull down, sucking out the contents of the skull—the brains, basically. The baby at that point can feel pain. It is documented. In fact, it feels pain more than a normal child that has inhibitory pain fibers. We are saying this is somehow humane for the child, and that is literally beyond me.

This procedure is completely, in my mind, indefensible; it is infanticide. I want to talk about abortion in general because the other side is saying this is just chipping away at the rights of abortion. I remember when President Clinton said that abortion should be safe, legal, and rare. I think those were his terms. I was thinking to myself, safe, I can understand that; legal, from his perspective, I can understand that; but if you don't believe it is wrong, who cares whether it is rare?

If there is nothing wrong with abortion, why should it be rare? Who cares? If it is not a baby, if it is just a blob of tissue, like the other side says, who cares whether it happens all the time? Why do we care whether it is rare?

The reason even somebody like Bill Clinton says it should be rare is because there is something in our conscience that is telling us abortion is wrong. Eighty-six percent of Down syndrome babies are aborted today—86 percent. We have an incredible young man right out here who runs the elevators. His name is Jimmy. He has Down syndrome.

We have a great organization in Las Vegas called Opportunity Village which deals with a lot of people. It employs a lot of people, finds them a job, people with either congenital problems, whether Down syndrome or other problems, or whether they have had a brain injury. We are saying to those people: You don't have the right to live. We are saying to the Jimmys of the world: You know what, you aren't perfect, so you don't have the right to live. That is what abortion is about. Is it going to be difficult? Yes, but life isn't guaranteed to be easy.

Mr. President, we have to look at what we are becoming as a society. If we do not value human life to the point where it is OK to have little imperfections, what are we becoming as a society? Haven't we seen in history the societies that have tried to create the perfect race, how immoral that was? Isn't that what we are trying to do somewhat with abortions and some of the other new medical technologies that are coming out?

This is a very emotional issue, and I understand people who believe abortion should be legal. There are a lot of women who have had abortions, who have gone through incredible stress—post-abortion syndrome, as it is known. It is likened to post-traumatic stress syndrome. I feel badly, and I feel pain for those women and men who have been involved with abortions.

Sometimes as a defense mechanism, one tries to justify what one did. I think it is important for us to show compassion for those people who have been involved and it is important not to judge other people's motives. But at the same time, we have to look, as a country, at whether it is right or wrong. If it is a baby, it is wrong. It just is. If it is a baby, it is murder. If it is not a baby, if it is some tissue, like the other side says, that is exactly right, it should be legal. It should be absolutely legal, if it is just tissue. But if it is a human life, then that human life deserves to be defended. That innocent human life deserves all the protections of the law, whether they have Down syndrome, spina bifida, or any other congenital ailment. They deserve the same protection under our law any other ''normal'' healthy child has.

We have to look at ourselves as a society and what type of a society we want to have going into the future. America's greatness has been because we have had strong moral standards. This is the great moral problem of our day about which we have to do some soul-searching as a country, to be on our knees in prayer to figure out the right course of action. For me, it is clear.

I urge all of our colleagues to do a lot of soul-searching on this issue. I believe if you are honest, people will see the rights of a baby deserve to be protected.

I thank the manager of the bill and others who have been involved in this issue for the great work they have done. This is truly a fight worth doing and worth doing right.

I thank the Chair. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. DEWINE).

The PRESIDING OFFICER. The Senator from Pennsylvania.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003 CONFERENCE REPORT—Continued

Mr. SANTORUM. Mr. President, I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I commend the Senator from Pennsylvania, Mr. SANTORUM, and Senator FRIST for their leadership on this particular issue. Both have worked extremely hard. I also commend the Presiding Officer for his leadership for the rights of the unborn.

I am pleased to be a cosponsor of the Partial-Birth Abortion Act, which is S. 3. This legislation is designed to help protect unnecessary suffering of the unborn child and also to protect the mother. It prohibits a partial-birth abortion, which is a partial delivery of a living baby, the killing of a baby before complete delivery.

The bill allows partial-birth abortion except for the life of the mother, and in cases where there is endangerment by physical disorder, illness, and injury.

I will go through some of the bill's definitions, which I think say a lot about what this bill is all about.

The term ''partial-birth abortion'' means an abortion which, first, ''the person performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus.'' That is the way it is defined in the bill. Further, the term ''partial-birth abortion'' means an overt act, other than completion of delivery, that ''kills the partially delivered living fetus with this procedure.''

This type of abortion is called a D&X abortion, which would be prohibited, also referred to as a dilation and extraction abortion. The bill defines ''extraction'' as: ''Extraction from the uterus and into the vagina of all of the body of a fetus except the head, following which the fetus is killed by extracting the contents of the skull.'' After the baby's skull tissue is rooted out, then the remains of the baby are removed.

I emphasize, this bill does not prohibit other abortions. For example, it does not prohibit what is commonly referred to as D&E, or dilation and evacuation, a procedure which includes dismemberment of the baby inside the uterus, induction of preterm labor with the fetus forced from the uterus, and suctioning of the baby out of the uterus. It does not prohibit suction abortion, which involves scraping the fetus apart from the placenta, or suctioning the baby out of the uterus. It does not prohibit all other types of abortion that might be applied, such as a Caesarian section or a hysterotomy.

The bill protects the life and safety of the mother. Partial-birth abortion was never intended to be a procedure to protect the health of the mother. This procedure has become a form of abortion. On the contrary, we need a ban in order to protect the health of the mother. It is a dangerous procedure, it is a fringe procedure, and it is outside the mainstream of routine medicine.

The American Medical Association, for example, which is an organization that is committed to medical excellence on behalf of patients and professionals, opposes this procedure. The AMA has described this procedure as unsafe and dangerous. The American Medical Association has stated it is ''not good medicine,'' ''not medically indicated.''

There are some specific exceptions: If the mother's life is in danger. The bill allows abortion if endangered by physical disorders or illness or injury.

In the bill, again, it says:

> Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years or both. This subsection does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

I went through a lot of the procedures of the bill just to let the Members of the Senate know how grotesque this procedure is. This bill is necessary and important.

This legislation is designed to protect infants. Testimony in committee indicates there is pain to the baby when this partial-birth abortion procedure is conducted. Professor Robert White, who is director of the Division of Neurosurgery and Brain Research Laboratory at Case Western Reserve School of Medicine, testified before the Constitution Subcommittee in 1995. These are his exact words:

> The fetus within this time frame of gestation, 20 weeks and beyond, is fully capable of experiencing pain. Without question, all of this is a dreadfully painful experience for any infant subject to such a surgical procedure.

The procedure should not exist or be permitted, in my view. It is painful, morbid, inhumane, and simply barbaric. A majority of Americans believe we should end this practice and it should be illegal except if necessary to save the life of the mother.

The House and Senate have passed a number of times on this legislation. We passed a partial-birth abortion bill from this body in the 104th, 105th, and 106th Congresses. In the 108th Congress, both the House and the Senate passed this ban—with a vote in the House of 181 for, 142 against. It was a bipartisan vote. Again, we had a bipartisan vote in the Senate, where we had 64 for and 33 against.

It is important that we pass this particular legislation. The President strongly supports S. 3. President Bush, in his State of the Union Address, asked Congress to:

> . . . protect infants at the very moment of birth, and end the practice of partial-birth abortion.

We need to act now. I again thank my colleagues in the Senate who have been such strong advocates of eliminating partial-birth abortion except in situations threatening the life of the mother. I am pleased we are acting now, and I thank my colleagues for their support of this important ban for the Nation's children.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. After conferring with my colleague from California, we set this in place. I will yield to the Senator from Illinois for 10 minutes. I ask unanimous consent that following that 10 minutes, the Senator from Ohio be recognized for 10 minutes.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I yield 10 minutes to the Senator from Illinois. If he needs further time, I agree to an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this debate is not something I look forward to on the floor of the Senate. This is one of the toughest issues any elected official ever has to face. It is highly controversial. In my home State of Illinois, in my hometown of Springfield, virtually everywhere I travel, there is a strong difference of opinion on the issue of abortion.

I understand that, and I really have to say as to all those who come to the floor today on either side of this issue, we should never question their motives because I think each and every one of us has tried to search our soul to find out what is fair and what is just. In many instances here, we are talking about things beyond our expertise as individuals. Some of us are lawyers, some have other backgrounds. Very few, if any of us, have medical credentials. But we come today to consider something which is historic, and that is that we would ban in the United States a medical procedure.

To my knowledge, that has never been done. It is being done here under the pretense that it is the humane and right thing to do. Yet when you speak to the professionals, those who do this for a living, the obstetricians and gynecologists, they basically tell you, be careful, because you can't really predict in every instance what a mother might face late in a pregnancy. But this bill has decided that regardless of the medical emergency that might face a mother late in her pregnancy—regardless, we are going to eliminate once and for all this medical procedure. I think that is a very historic and very dangerous action.

I wonder if, in retrospect, we would do it in any other area of medicine. But when it comes to the politically controversial area of abortion, many politicians and elected officials just come roaring through the door and say: Let me tell you what we are going to do and what we are not going to do.

I have tried to look at this in honest and fair terms. Let me tell you what I believe. I believe all late-term abortions should be strictly construed and prohibited in almost every case. I only allow two exceptions for any type of late-term abortion procedure: The life of the mother, and where the mother faces grievous physical injury if she goes through the pregnancy.

I said in an amendment I brought to the floor, just to make certain we know what we are doing, two doctors have to certify that either her life is at stake or, in fact, she runs the risk of grievous physical injury. I can stand behind that. I can say in good conscience that those are the only two exceptions for which I will stand.

But the bill before us today does not allow those two exceptions. If a mother faces the possibility of grievous physical injury if she continues the pregnancy, this bill will still ban a procedure which some doctors believe is best for her under those circumstances. Consider that for a moment. Consider what we are saying. Even if the woman faces grievous physical injury, she has to continue the pregnancy, or at least seek some other way of terminating the pregnancy that might not be as good for her.

Don't take my word for it. Again, I am a lawyer, I am a legislator. But the American College of Obstetricians and Gynecologists was asked about this procedure, and this is what they said. When abortion is performed after 16 weeks, intact D&X, which is what is called partial-birth abortion here, is one method of terminating a pregnancy. This is the important language from the professionals, from the obstetricians and gynecologists. Listen closely:

> The physician, in consultation with the patient, must choose the most appropriate method based upon the patient's individual circumstances.

If it were your wife whose life was at stake, whose physical well-being were at stake, isn't that the standard you would want, that the doctor and your wife and family would make the best decision, appropriate to her medical circumstances? There is no doubt in my mind. There is no doubt in the minds of the women who have come to tell me of the sad stories of their pregnancies that ended so badly.

Yet in this bill we are saying, as politicians and legislators, we want to step into that room in the doctor's office, we want to stand between the doctor and the patient, and we want to make the decision. We want to say to that doctor, regardless of what you think is best for this woman who faces grievous physical injury if she goes forward with the pregnancy, regardless of what is best for her in your medical, professional opinion, we are going to take away from you one procedure which you can use. It might be the best one for her, but it is not the best one politically. That is why this bill is before the Senate. That is a sad circumstance.

In one of the most frightening times in a woman's life, when she is so late in her pregnancy that they have decorated the room for the baby, picked the

name, they know what they will do when the baby comes home, she gets the tragic news that something has happened no one anticipated. One of the ladies from my State came forward. I met her a few years ago. Vicki talked about having two children and a third child on the way. Here she was, late in her pregnancy. She described the pregnancy as disgustingly normal. At 32 weeks in the pregnancy, 8 months into the pregnancy, she went in for an ultrasound and discovered the little boy she was carrying had at least 9 major anomalies, including a fluid-filled cranium with no brain tissue at all, compacted, flattened vertebrae, congenital hip dysplasia, skeletal dysplasia, and hyperteloric eyes. The doctor told her this baby will never survive outside the womb and because of her physical condition he said she should terminate the pregnancy if she wanted to live and if she ever wanted to have another child.

Her husband, a doctor, sat down with her. They told me, personally, of crying through the night, making this decision and finally deciding they had to do this. And they did. She terminated this pregnancy with the very procedure that is being banned by this bill. She did it because she thought she had no choice. The doctor told her she had no choice. Frankly, if this bill passes, that procedure would not be available to her.

What has happened to Vicki since? The good news is she became pregnant again and she delivered a son, Nicholas, a little boy I met right outside the Capitol. This is a woman who did not want to be a mother, who did not want to be pregnant? No. It is a woman who, through no fault of her own, found herself facing a medical emergency and deciding at the last moment, with her husband and her conscience, what was the best thing to do. She chose the very procedure which is going to be banned and prohibited by this bill.

That is unfortunate. There has been so much publicity back and forth about abortion procedures. Trust me, there is no way to terminate a pregnancy which is clean and sanitary and something you would want to publicize on television. It is a gruesome procedure at any stage in the pregnancy. Yet we have been led to believe this termination of pregnancy is somehow much different.

When I came before the Senate and said, all right, I will go along with terminating all late-term abortion procedures except when the mother's life is at stake or she is running the risk of grievous physical injury, we will require two doctors to certify that and will penalize a doctor if he misrepresents or lies about that, I thought, finally, we found a reasonable middle ground. Those who are opposed to virtually all abortions still would not vote for that amendment. Even though we had support of people who are pro-life and pro-choice, they could not support it.

The Supreme Court, across the street, has told us what happens to bills such as the one we are passing today. If you do not include a provision in there to consider the health of the mother, grievous physical injury, for example, if you do not include that provision, then you fail by the Roe v. Wade test.

Do not ask this Senator to stand here and make this statement with no evidence. The Court already mandated that decision in Stenberg v. Carhart. Nebraska, in that case, struck it down, with virtually the same language before the Senate today. They said it lacks any exception for the preservation of the health of the mother. This bill lacks any exception for the preservation of the health of the mother.

Why are we here today? Because some people understand that regenerating this issue on a regular basis is good for some politically. But it is not good for this Nation, not to have closure on an issue or at least some reasonable compromise where we can limit all late-term abortion procedures.

There are some who are opposed to all forms of abortion. I respect their point of view. I respect the principles that bring them to that decision. But for those who believe, as I do, that abortion should be rare and should be safe, that we should limit it to the most extraordinary cases, particularly late-term abortions, I offered an amendment to do that. It was rejected. Instead, we have this bill coming before the Senate, headed to the Supreme Court, which does not include the exception necessary to protect the health of the mother—protect the health of the mother I met, a woman who faced an extraordinary medical emergency.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized for 10 minutes.

Mr. DEWINE. Mr. President, I thank my friend and colleague from Pennsylvania, Senator SANTORUM, Senator BROWNBACK, Senator GRAHAM, Majority Leader FRIST, also my colleague, Senator ALLARD, who spoke just a moment ago, for their unending and unwavering efforts to put a permanent end to this horrible partial-birth abortion procedure.

We are here today because a civilized society cannot tolerate this type of procedure. With all due respect to my colleague, my friend from Illinois, this is not about politics. This is about what kind of a society we have, what kind of a country, what kind of a people we are.

This will be the third time for the Senate and the Congress to vote to ban this inhumane procedure—a procedure which, I point out, has absolutely no medical purpose. Time and time again, the testimony we heard in front of our Judiciary Committee is this procedure is never—I repeat, never—medically indicated. I also point out, just to make sure there is a a provision in this bill that provides for a life-of-the-mother exception, the testimony time and time again from all the experts was this is never medically indicated.

This has been before the Senate before. We have voted on this before. The difference today is after Congress votes to ban this procedure this time, this time the President of the United States will sign this bill into law. Soon, once this becomes the law of the land, the abortionist will not be able to legally perform this brutal act on our society's most innocent victims. Once this becomes the law of the land, the abortionist will no longer pull living babies feet first out of their mother's wombs, puncturing their skulls and sucking out their brains. Those are the facts, much as we hate to talk about them.

I have come to the Senate before and talked about different specific stories. I have talked about the story of Baby Hope. The stories of little children like Baby Hope will no longer occur. I described before in the Senate in detail the story of Baby Hope. This was the story where the abortionist, Dr. Mark Haskell, in Dayton, OH, inserted, as he has done thousands of times, a surgical instrument into this little child—in this case, Baby Hope—into Baby Hope's mother to dilate her cervix so Baby Hope could eventually be removed and killed. In this case, Baby Hope's mother went home to Cincinnati expecting to return 3 days later to Dayton for the completion of the procedure. This is a 3-day procedure. In this case, the mother's cervix dilated too quickly and as a result Baby Hope was actually born but died shortly thereafter.

Mr. President and Members of the Senate, on the death certificate there is a space for the cause of death or ''Method of Death.'' In Baby Hope's case, the method of death is written in with the word ''natural.'' Well, that, of course, is simply not true. There is nothing natural about the events that led to the death of this tiny little child. We all know that Baby Hope did not die of natural causes.

We cannot nor should we ever forget this tragedy, nor others like it as recounted by medical professionals.

My colleagues may recall the story of Brenda Pratt Shafer, a registered nurse who was assigned to Dr. Haskell's abortion clinic one morning in the early 1990s. I have told this story on the Senate floor many times.

Nurse Shafer observed Dr. Haskell use the partial-birth abortion procedure to abort babies that day. In fact, she testified before our Senate Judiciary Committee in 1995.

I would like to share with my colleagues again—and I pray that this time will be the final time we have to tell this story on the Senate floor—exactly what the nurse saw and what she testified to in front of the Judiciary Committee.

Nurse Shafer gave very gripping, very telling, very truthful testimony. This is what she said. She described the partial-birth abortion she witnessed on a child that was 26½ weeks. This is what she said:

The young woman was 18, unmarried, and a little over six months pregnant. She cried the entire three days she was at the abortion clinic. The doctor told us, ''I'm afraid she's going to want to see the baby. Try to discourage her from it; we don't like them to see the babies.''

The nurse continues:

Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal.

Then he delivered the baby's body and arms—everything but the head. The doctor kept the head right inside the uterus. The baby's little fingers were clasping and unclasping and his little feet were kicking.

The baby was hanging there, and the doctor was holding his neck to keep his head from slipping out. The doctor took a pair of scissors and inserted them into the back of the baby's head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks he might fall. The doctor opened up the scissors, stuck a high-powered suction tube in the opening and sucked the baby's brains out.

The nurse continues:

Now the baby went completely limp. We cut the umbilical cord and delivered the placenta. He threw the baby in a pan along with the placenta and the instruments he had just used. I saw the baby move in the pan.

I asked another nurse and she said it was just reflexes. The baby boy had the most perfect angelic face I think I have ever seen in my life. When the mother started coming around, she was crying—''I want to see my baby.''

''I want to see my baby.''

So we cleaned him up and put him into a blanket. We put her in a private room and handed her the baby. She held that baby in her arms and when she looked into his face, she started screaming—''Oh my God, what have I done? This is my baby.''

Soon we will rest more easily knowing we are very near the end, very near the day when we do not have to retell Nurse Shafer's story—the day when my colleagues, such as Senators SANTORUM and BROWNBACK and GRAHAM and Majority Leader FRIST and the rest of us who have fought this battle, will not have to come to the Senate floor and talk about partial-birth abortion. Nobody wants to talk about this act. Nobody wants to tell the story, to tell Nurse Shafer's story.

Now is finally the time we will ban this horrible, horrible procedure. I look forward to this forthcoming vote in just a few hours and our subsequent delivery of this bill to the President for his prompt signature.

This is the right thing to do. The facts are there. The facts are that this procedure is not medically indicated; it is not medically necessary. We should be judged, I believe, not just by what we do in society; I think we also should be judged by what we put up with, by what we tolerate.

I say to my colleagues, no civilized society should tolerate this type of action. We should say today, by our vote, we simply will not tolerate this, that this is wrong. We cannot allow this to continue in this great country of ours.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). Who yields time?

The Senator from California.

Mrs. BOXER. Mr. President, could you tell us how much time remains on Senator SANTORUM's side and how much time remains on our side?

The PRESIDING OFFICER. The Senator from Pennsylvania has 38 minutes remaining. The Senator from California has 58½ minutes remaining.

Mrs. BOXER. Would the Presiding Officer be so kind as to tell me when I have used 20 minutes?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. Thank you very much.

Mr. President, you have heard a tragic story here of a woman who had an abortion who really did not want to have one. I have to tell you, that is why I am so proud to be a pro-choice Senator, a pro-choice American, a pro-choice Californian, fighting for that woman's right to never, ever, ever have to have an abortion if she decided she did not want one.

At the same time, I want the other side to understand that Roe v. Wade is the law of the land and that at the early stages of a pregnancy Government should stay out of a personal, private, moral, and religious decision. That is exactly what being pro-choice means. It means the woman described by my friend must never be forced to have an abortion, ever, no matter what goes wrong with the pregnancy—no matter what—if she insists on going through with it and wanting to have that child. Regardless of the risk to her health, she has the right to do it. That is what being pro-choice is about. Being anti-choice means that Government will dictate that situation.

What we have here today and why our side has decided we wanted to have another debate on this is because, just as the other side has said, the anti-choice side has said this is a historic day, we agree. This is, indeed, a historic day because, for the first time in history, Congress will be banning a medical procedure that is considered medically necessary by physicians, physicians who know. And we will put those statements in the RECORD once again.

My colleague, Senator DEWINE, very eloquently said this debate is about what kind of a country we are. That is true. What kind of a country would say to half of its population, ''We don't trust you; We think you would choose murder''? What kind of a country would say to its doctors, who take the Hippocratic oath, ''Do no harm. We don't trust you. You are going to jail''? In this bill, they will go to jail if they use this technique and it was not to save the life of a mother.

Imagine the circumstance where a doctor is making this decision: I think my patient might die if I don't use this. My God, I have to read the law. Oh, my God, she might live. How could I be sure? I am not positive. I think she might die.

That woman lying in front of that doctor is in great danger. That is why so many medical organizations and OB/GYNs are saying: Please, Senators, stop playing doctor. When we were kids, we had a doctor's set. We put on the white coat. If we want to do that, we should go get our medical degree. But don't stand here and talk about the fact that we can just make this a better country by outlawing medical procedures without an exception for the health of the woman. What kind of country does that? What kind of country says to half of its population: Yes, you are important, but if you are lying on the table and you could wind up being paralyzed or getting a stroke, you are just not that important. What kind of country says that to women? That is why I am here today. This bill is going to pass overwhelmingly. We know the drill. This President is going to sign it. There is going to be a big signing ceremony. There is going to be an immediate court suit. The bill will be stayed. The debate will occur across the street in the Supreme Court. This bill is the same bill essentially that was declared unconstitutional before because the judges understand—maybe better than my colleagues over here understand—the life and the health of a woman is very important, and it must be protected in accordance with the law.

We have been told by physicians—we have the statements in the RECORD—that by banning this procedure, a woman might get a hemorrhage. She might rupture her uterus. She could get very serious blood clots. She could get a stroke, an embolism. She could have damage to nearby organs. She could be paralyzed for life. Do you want to vote that way? You have a chance. If you don't make a health exception, then you are essentially saying women are just not that important.

If you love your mother, don't vote for this bill. If you love your daughter, don't vote for this bill. Because if she finds herself in this horrific circumstance of a pregnancy gone desperately wrong, where the doctor informs her, perhaps, that the baby's brain is outside of the skull, that there would be excruciating pain if the baby is born, that she could lose her fertility, that she could perhaps suffer a stroke, she won't be able to do anything about it. Is that what we want to do here in the Senate?

In many ways this is an exercise in politics, because we believe very strongly this bill will be overturned when it gets across the street. It is not an exercise I take lightly when colleagues think so little of the women of this country, of the mothers of this country, of the daughters of this country that they would pass a bill with no health exception.

I don't think that is what Americans want. When they really understand this, they turn against it. If you hear it without the full explanation, of course we say: Let's not do this procedure. But if you say, but it may be necessary to save the life or health of a woman, people say: OK, then at least allow it in those circumstances.

There isn't a Democrat on this side of the aisle who wouldn't have voted for a health exception along with a life exception, and this procedure would be banned. As a matter of fact, we have proposed—and I have written legislation—banning all late-term abortions except for a health exception and a life exception.

We all come here and say we know what Americans want. It is interesting because, of course, we are trying to determine that. Senator SESSIONS had a poll that said women in this country no longer want the right to choose. That is what he said. I have a poll that shows everyone in this country believes Roe is a fair balance and should continue. But let me tell you what I think Americans want. Let me tell you what I know Californians want. I don't speak for every Californian. I couldn't. There are 35 million of us. But the vast majority of us—and we have had amazing polls on this point—want American women protected. They want children protected. They want privacy protected. They want women respected. They trust women more than they trust Senators. They want us to do the right thing, and they know what the right thing is.

They understand Roe v. Wade took a very difficult decision and explained it in a way that is a balance between all the rights involved.

Here is what Roe v. Wade essentially says: In the first 3 months after pregnancy, a woman has the right to choose and the Government cannot get involved. After that, the Government can get involved. As a matter of fact, after viability, the Government could ban all abortion, which I support, except for the life or health of a woman. I happen to believe that was a Solomon-like decision. It balanced all the concerns. But the most important thing it did is it respected women for the first time.

This was a struggle. Women died. The Senator from Pennsylvania says it was only 85 women a year who died before Roe. We have evidence and we have articles to put in the RECORD today that will show you we believe the 5,000-a-year figure is more on the mark, because the 85 is only a report to the CDC from States where abortion was legal and in many States abortion was illegal in those years. Thousands of women died.

As I said before, let's face it, that is what the underlying tension is in the debate, because this particular procedure is done very rarely. What is really at stake here is Roe v. Wade.

How do I know that? I know it because of the language used on the other side over and over again: Killing children, killing children, killing children. My God, as someone who wrote the Violence Against Children Act, I have to hear people talk about the fact that women are out there every day killing children, that doctors are out there killing children.

Roe v. Wade is not about killing children. Roe v. Wade is about respecting women to say this is a moral issue. This is a religious issue. This is a family issue. This is a privacy issue. Government should stay out in the early stages. In the later stages, government can in fact legislate.

If you take the rhetoric used in the Chamber today and you extrapolated it in a logical fashion, it means the other side thinks all abortion is murder from the minute of conception. If there is a murder committed, there is a murderer, and you have to say that is the woman because, if you listen to their rhetoric, that is what it is about. The doctor is an accomplice in this act. Frankly, I would have more, shall we say, legislative respect for my colleagues—I have personal respect for them, but I would have more legislative respect for them—if they just came out and said, call it what it is: Abortion is murder. That is why we threw out the Harkin amendment that was in this bill supporting Roe. We think abortion is murder. We want women in jail. We want doctors in jail. Maybe they even want the death penalty for a woman. I don't know. I haven't probed them on it.

That is really what this debate is about. It is why it is important to take the debate to the American people. The beauty of being pro-choice is you totally respect the woman regardless of her view.

If she is 18 years old, or 17, or 19, and she wants to have that child, a pro-choice American says: What can we do to help you make it easier? But if she doesn't and it is something she wants to deal with very early in the pregnancy, then just the same way, we say it is your choice; we respect that choice.

This debate is a very important one, a very historic debate. It is true that this bill has passed several times. We expect it to pass today. But this is the first President who will ever sign a bill outlawing a medically necessary procedure.

Now, I am going to prove it is a medically necessary procedure because I am going to put in the RECORD a series of letters. First is the ACOG statement, the American College of Obstetricians and Gynecologists. We can play doctor all we want here. These are the folks who are out there birthing our children, out there telling us month after month, as we go back for our checkup when we are pregnant, how important it is to have good nutrition, not to smoke, not to have alcohol, how to protect that fetus and have a healthy baby. These are the people who want healthy babies born. What do they say? They say:

> The intervention of legislative bodies into medical decisionmaking is inappropriate, ill-advised, and dangerous.

I will repeat that. The obstetricians and gynecologists from all over this country told us that:

> The intervention of legislative bodies into medical decisionmaking is inappropriate, ill-advised, and—

The last word is powerful—

> dangerous.

This bill, if it is upheld by the Court—which I don't believe it will be—is putting women's lives in danger. Don't ask me; ask the doctors. The testimony of Anne Davis is clear. She is a physician. She is very eloquent on the point. She even says that the life exception in the bill is very narrow, which is something I agree with, but I hope the Court will look at that. She says this procedure that is about to be banned by this bill may well be the safest procedure for women in certain circumstances. She was very clear in her testimony.

I commend to my colleagues her testimony on March 25, 2003, before the House Subcommittee on the Constitution.

Mr. President, the American Public Health Association writes:

> We are opposed to [this bill] because we believe this and other legislative and judicial restrictions to safe, medically accepted abortion procedures severely jeopardize women's health and well-being.

You are going to hear my colleagues on the other side say: This bill doesn't hurt women's health—not a problem, not an issue. This bill doesn't conflict with Roe. Why? Because they wrote in the findings that this bill has nothing to do with the health of a woman. Please. Give women just a little bit of credit here.

So here is the American Public Health Association clearly telling us why they believe this is a jeopardy to women's health and their well-being.

Then we have the American Medical Women's Association in a letter they wrote to us. They strongly oppose this ban, and this is what they say, because I think it is a very important thing they say here:

> While the Association has high respect for each member and their right to hold whatever moral, religious and philosophical beliefs his or her conscience dictates, as an organization of 10,000 women physicians and medical students dedicated to promoting women's health and advancing women in medicine, we believe [this bill] is unconscionable.

Doctors are telling us this bill is ''dangerous.'' These doctors are telling us that this bill puts women's health ''in jeopardy.'' Doctors are telling us loudly and clearly that this bill is ''unconscionable.'' But it is going to be passed and it will get the signature of the President and, if not overturned, it is going to hurt the women of our country.

They go on to say:

> Legislative bans for procedures that use recognized [OB/GYN] techniques fail to protect the health and safety of women and their children, nor will it improve the lives of women and families.

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:

AMERICAN MEDICAL WOMEN'S ASSOCIATION, INC.,
Alexandria, VA, March 25, 2003.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NADLER: The American Medical Women's Association (AMWA) strongly opposes HR 760, the ''Partial-Birth Abortion Ban Act of 2003.'' While the Association has high respect for each member and their right to hold whatever moral, religious and philosophical beliefs his or her conscience dictates, as an organization of 10,000 women physicians and medical students dedicated to promoting women's health and advancing women in medicine, we believe HR 760 is unconscionable.

AMWA has long been an advocate for women's access to reproductive health care. As such, we recognize this legislation as an attempt to ban a procedure that in some circumstances is the safest and most appropriate alternative available to save the life and health of the woman. Furthermore, this bill violates the privilege of a patient in consultation with her physician to make the most appropriate decision regarding her specific health circumstances.

AMWA opposes legislation such as HR 760 as inappropriate intervention in the decision-making relationship between physician and patient. The definition of the bill is too imprecise and it includes non-medical terminology for a procedure that may ultimately undermine the legality of other techniques in obstetrics and gynecology used in both abortion and non-abortion situations. At times, the use of these techniques is essential to the lives and health of women. The potential of this ban to criminalize certain obstetrics and gynecology techniques ultimately interferes with the quality of health and lives of women. Furthermore, the current ban fails to meet the provisions set forth by the Supreme Court in Stenberg v. Carhart, a ruling that overturned a Nebraska statute banning abortion because it contained no life and health exception for the mother.

AMWA's position on this bill corresponds to the position statement of the organization on abortion and reproductive health services to women and their families.

AMWA believes that the prevention of unintended pregnancies through access to contraception and education is the best option available for reducing the abortion rate in the United States. Legislative bans for procedures that use recognized obstetrics and gynecological techniques fails to protect the health and safety of women and their children, nor will it improve the lives of women and their families. If you have any questions please contact Meghan Kissell, at 703–838–0500.

Sincerely,

LYNN EPSTEIN, MD,
President.

Mrs. BOXER. Then you have the Physicians for Reproductive Choice and Health. They make a very good point—a point we have made over and over again: There is no mention of the term ''partial-birth abortion'' in any medical literature. Physicians are never taught a technique called ''partial-birth abortion'' and cannot even define it, which is one of the things the Court said was too vague a definition. So why do you think my colleagues are banning something called partial-birth abortion when there is no such thing, according to physicians, as partial-birth abortion? I will give you 10 seconds to think it over.

The PRESIDING OFFICER. The Senator has used 20 minutes.

Mrs. BOXER. I ask unanimous consent for 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I gave you 10 seconds to think about why we are banning something called partial-birth abortion when there is no such medical procedure. The answer is, it is a highly charged bunch of words. There is no such thing as partial-birth abortion in the medical literature; you either have a birth or an abortion. But it charges people up. It gives you a picture that is not accurate.

This is what the Physicians for Reproductive Choice and Health tell us:

Physicians need to have all medical options available in order to provide the best medical care possible. It is unethical and dangerous—

There is the word again ''dangerous''—

for legislators to dictate the details of specific surgical procedures. Banning procedures puts women's health at risk.

''Risk,'' ''danger,'' ''jeopardy,'' and ''unconscionable'' are the words that go along with this bill. They are not my words. They are words of physicians who have lived their life to help women have babies. That is what they are about.

Politicians should not legislate decision-making by doctors.

They call it medical decisionmaking.

To do so would violate the sanctity and legality of the physician-patient relationship. To falsify scientific evidence in an attempt to deny women their right is unconscionable.

There it is. ''Unconscionable,'' ''dangerous,'' ''jeopardy,'' and ''at risk'' are the words we are being told. But we are going to vote for this bill because it is about politics. It is easy to say I cannot buy this procedure. We could have banned it completely. We could have banned all late-term abortion completely with a life exception, health exception. But, oh, no, I think the other side would rather have an issue than make progress. That is not just me talking, that is very anti-choice people who have said this is going to be overturned across the street in 5 minutes.

I ask unanimous consent to print this letter from Physicians for Reproductive Choice and Health in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PHYSICIANS FOR REPRODUCTIVE CHOICE AND HEALTH,
New York, NY.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NADLER: We are writing to urge you to stand in defense of women's reproductive health and vote against H.R. 760, legislation regarding so-called ''partial birth'' abortion.

We are practicing family physicians; obstetrician-gynecologists; academics in obstetrics, gynecology and women's health; and a variety of other specialties in medicine. We believe it is imperative that those who perform terminations and manage the pre- and post-operative care of women receiving abortions are given a voice in a debate that has largely ignored the two groups whose lives would be most affected by this legislation: physicians and patients.

It is misguided and unprincipled for lawmakers to legislate decision-making in medicine. We all want safe and effective medical procedures for women; on that there is no dispute. However, the business of medicine is not always palatable to those who do not practice it on a regular basis. The description of a number of procedures—from liposuction to cardiac surgery—may seem distasteful to some, and even repugnant to others. When physicians analyze and refine surgical techniques, it is always for the best interest of the patient. The risk of death associated with childbirth is about 11 times as high as that associated with abortion. Abortion is proven to be one of the safest procedures in medicine, significantly safer than childbirth, and in fact saves women's lives.

While we can argue as to why this legislation is dangerous, deceptive and unconstitutional—and it is—the fact of the matter is that the text of the bill is so vague and misleading that there is a great need to correct the misconceptions around abortion safety and technique. It is wrong to assume that a specific procedure is never needed; what is required is the safest option for the patient, and that varies from case to case.

THE FACTS

(1) So-called ''partial birth'' abortion does not exist.

There is no mention of the term ''partial birth'' abortion in any medical literature. Physicians are never taught a technique called ''partial birth'' abortion and therefore are unable to medically define the procedure.

What is described in the legislation, however, could ban *all* abortions. ''What this bill describes, albeit in non-medical terms, can be interpreted as any abortion,'' stated one of our physician members. ''Medicine is an art as much as it is a science; although there is a standard of care, each procedure—and indeed each woman—is different. The wording here could apply to nay abortion patient.'' The bill's language is too vague to be useful; in fact, it is so vague as to be harmful. It is intentionally unclear and deceptive.

(2) Physicians need to have all medical options available in order to provide the best medical care possible.

Tying the hands of physicians endangers the health of patients. It is unethical and dangerous for legislators to dictate the details of specific surgical procedures. Until a surgeon examines the patient, she does not necessarily know which technique or procedure would be in the patient's best interest. Banning procedures puts women's health at risk.

(3) Politicians should not legislate medical decision-making.

To do so would violate the sanctity and legality of the physician-patient relationship. The right to have an abortion is constitutionally protected. To falsify scientific evidence in an attempt to deny women that right is unconscionable and dangerous.

The American College of Obstetricians and Gynecologists, representing 45,000 ob-gyns, agrees: ''The intervention of legislation bodies into medical decision making is inappropriate, ill advised, and dangerous.''

The American Medical Women's Association, representing 10,000 female physicians, is opposed to an abortion ban because it ''represents a serious impingement on the rights of physicians to determine appropriate medical management for individual patients.''

THE SCIENCE

We know that there is no such technique as ''partial birth'' abortion, and we believe this

legislation is a thinly-veiled attempt to outlaw all abortions. Those supporting this legislation seem to want to confuse both legislators and the public about which abortion procedures are actually used. Since the greatest confusion seems to center around techniques that are used after the first trimester, we will address those: dilation and evacuation (D&E), dilation and extraction (D&X), instillation, hysterectomy and hysterotomy (commonly known as a c-section).

Dilation and evacuation (D&E) is the standard approach for second-trimester abortions. The D&E is similar to first-trimester vacuum aspiration exception that the cervix must be further dilated because surgical instruments are used. Morbidity and mortality studies indicate D&E is preferable to labor induction methods (instillation), hysterotomy and hysterectomy because of issues regarding complications and safety.

From the years 1972–76, labor induction procedures carried a maternal mortality rate of 16.5 (note: all numbers listed are out of 100,000); the corresponding rate for D&E was 10.4. From 1977–82, labor induction fell to 6.8, but D&E dropped to 3.3. From 1983–87, induction methods had a 3.5 mortality rate, while D&E fell to 2.9. Although the difference between the methods shrank by the mid-1980s, the use of D&E had already quickly outpaced induction.

Morbidity trends indicate that dilation and evacuation is much safer than labor induction procedures and for women with certain medical conditions, labor induction can pose serious risks. Rates of major complications from labor induction, including bleeding, infections, and unnecessary surgery, were at least twice as high as those from D&E. There are instances of women who, after having failed inductions, acquired infections necessitating emergency D&Es as a last resort. Hysterotomy and hysterectomy, moreover, carry a mortality rate seven times that of induction techniques and ten times that of D&E.

There is a psychological component which makes D&E preferable to labor induction, undergoing difficult, expensive and painful labor for up to two days can be extremely emotionally and psychologically difficult, much more so than a surgical procedure that can be done in less than an hour under general or local anesthesia. Furthermore, labor induction does not always work: Between 15 and 30 percent or more of cases require surgery to complete the procedure. There is no question that D&E is the safest method of second-trimester abortion.

There is also a technique known as dilation and extraction (D&X). There is a limited medical literature on D&X because it is an uncommonly used variant of D&E. However, it is sometimes a physician's preferred method of termination for a number of reasons: It offers a woman the chance to see the intact outcome of a desired pregnancy, to speed up the grieving process; it provides a greater chance of acquiring valuable information regarding hereditary illness or fetal anomaly; and D&E provides a decreased risk of injury to the woman, as the procedure is quicker than induction and involves less use of sharp instruments in the uterus, providing a decreased chance of uterine perforations or tears and cervical lacerations. The American College of Obstetricians and Gynecologists addressed this in their statement in opposition to so-called ''partial birth'' abortion when they said that D&X ''may be the best or most appropriate procedure in a particular circumstances to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based on the woman's particular circumstances, can make this decision.''

It is important to note that these procedures are used at varying gestational ages. Both D&E and D&X are options for surgical abortion prior to viability. D&E and D&X are used solely based on the size of the fetus, the health of the woman, and the physician's judgment, and the decision regarding which procedure to use is done on a case-by-case basis.

THE LEGISLATION

Because this legislation is so vague, it would outlaw D&E and D&X (and arguably techniques used in the first trimester). Indeed, the Congressional findings—which go into detail, albeit in non-medical terms—do not remotely correlate with the language of the bill. This legislation is reckless. The outcome of its passage would undoubtedly be countless deaths and irreversible damage to thousands of women and families. We can safely assert that without D&E and D&X, that is, an enactment of H.R. 760, we will be returning to the days when an unwanted pregnancy led women to death through illegal and unsafe procedures, self-inflicted abortions, uncontrollable infections and suicide.

The cadre of physicians who provide abortions should be honored, not vilified. They are heroes to millions of women, offering the opportunity of choice and freedom. We urge you to consider scientific data rather than partisan rhetoric when voting on such far-reaching public health legislation. We strongly oppose legislation intended to ban so-called ''partial birth'' abortion.

Sincerely,

MEMBER PHYSICIANS.

Mrs. BOXER. Mr. President, I am going to read you the story of Viki Wilson. Viki is a pediatric nurse. She lives in California. Her husband Bill is an emergency room physician. The Wilsons were expecting their third child when they received a devastating diagnosis at 36 weeks of pregnancy.

I hope every colleague will listen to this story and, for a moment, think about this couple and what they faced.

Viki was married to an emergency room physician. They were told after 36 weeks of pregnancy, of looking forward to this baby, that a large portion of the brain was formed outside the skull and most of the baby's tissue was abnormal. They were told by several physicians, including geneticists and perinatologists that their daughter they named Abigail could never survive outside her mother's womb, and that the so-called healthy baby kicks that Viki had thought for sure she was feeling were, in fact, seizures caused by the pressure as the baby's head had lodged in her pelvis.

Think about how you would feel if you were that father, if you were that mother, if you were that grandma, if you were that grandpa, if you were the mother of Viki or the mother-in-law or the father or the father-in-law or you were the brother of Viki or you were the brother-in-law or you were the sister or you were the aunt. They learned this pregnancy was doomed. They learned the baby they wanted so much could never live outside the womb. They learned the risks of this continued pregnancy to Viki, the very severe risks she faced.

They decided this procedure that is being banned today was the safest and best procedure for Viki. They talked about it; they prayed on it; they discussed it with their family; they discussed it among themselves with their physicians. They brought in every specialist one can think about, and they decided this was the best thing for Viki's family and for her children and for her children she hoped to have in the future.

The Wilsons held a funeral for Abigail, and a playground at their children's Catholic school is named in her honor. And then, very soon after, the Wilson family welcomed a baby son, actually through adoption. Is this the kind of person you want to harm? Is this the kind of woman you want to put at risk? Is this the kind of couple to which you are saying: Sorry, even if your doctors say Viki might have a stroke, Viki might be paralyzed, no can do; we can't help you because Senators playing doctor decided this procedure should no longer be a choice, an option for a woman in a severe and tragic circumstance.

I have to tell you, I have looked inside my heart up and down. I do not understand how we move forward as a society, how we move forward as a compassionate country when we do something that can conceivably hurt thousands and thousands of women and thousands and thousands of families. We could have passed this bill in a nanosecond. Just make a health exception. It would have met the objections of the Court with the health exception and a little bit less vagueness on the procedure, and we would have done something that would have been important. But, oh, no, I guess in the end the women of this country just don't matter that much.

I think this record is very clear. The physicians who know what they are talking about, who deal with these pregnancies every day don't want us to do this. The women, many of them very religious, who have been faced with this crisis tell us: Please, please make a health exception because if we didn't have this procedure, A, we might have died; B, we might have been paralyzed; C, we might have been made infertile; D, we might have had a stroke or embolism or damaged our nearby organs.

Why are we doing this? There is no such procedure called ''partial-birth abortion.'' It is in every letter from the physicians. There is no such procedure. It is a made-up term to make this debate what it really is not about. It is a very sad day for us that we are banning a procedure that I have proven, by putting into the RECORD letter after letter from physicians, is necessary sometimes to save the life and health of a woman. We are banning this with no health exception. This is not the right thing to do.

This bill was stripped of the supportive language of Roe v. Wade that this Senate passed twice—not once but twice—saying that Roe v. Wade should remain the law of the land. Oh, no,

they were so radical in that conference committee, they kicked out that very simple statement where most Americans agree that Roe v. Wade, making this decision in the early stages of a pregnancy in private—Government stay out of it; Senator BOXER, I might think you are really a good gal, but stay out of my private life. They are right. I don't deserve to be in it.

Senator HARKIN has just come to the Chamber. He is the one who had that amendment which was adopted by this Senate twice, and how proud I was to stand with him. I wonder if it is OK with my colleagues, since Senator HARKIN has arrived, if I give him 10 minutes.

Mr. President, can Senator HARKIN take about 10 minutes? Does the Senator want more time?

Mr. HARKIN. Yes, if I can have a couple minutes.

Mrs. BOXER. Fifteen minutes, 20? I yield up to 20 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for up to 20 minutes.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARKIN. Mr. President, are we under time constraints on this measure?

The PRESIDING OFFICER. Yes, we are.

Mr. HARKIN. Will the Chair please state for the Senator what the situation is right now in terms of this conference report?

The PRESIDING OFFICER. The Senator from California has 27½ minutes. The Senator from Pennsylvania has 37, almost 38 minutes.

Mr. HARKIN. I thank the Presiding Officer.

Mr. President, I wish to take a few minutes to talk about this pending measure. First and foremost, I applaud the Senator from California, Mrs. BOXER, for her unwavering leadership and commitment in protecting a woman's right to privacy and to choose. No one has fought harder and longer, both in the House and in the Senate and in all of their public life, to protect a woman's right to choose than Senator BOXER of California.

Senator BOXER has my highest esteem for all the work she has done to make sure that the women of this country are not controlled by ideology, by one religious belief, or by the actions of a male-dominated Senate and House of Representatives and, I might add, now a male-dominated Supreme Court.

We are going to vote this afternoon on this so-called late-term abortion bill. I have serious questions about whether it will pass constitutional muster. I don't believe it will. So what we are doing is really a political exercise. This is what I call something to go out and get the vote for, by exciting passions, arousing fears, and by trying to state in overblown terms what this is all about.

The bottom line and what it really comes down to is whether or not the health of the mother is a constitutionally protected right of women in this country.

In 2000, the U.S. Supreme Court said similar State legislation was not constitutional because it lacked a health exception. It was not constitutional because there was no protection for the health of the mother. So what does the Senate and the House do? Pass legislation that still lacks the health exception. That is why it is unconstitutional.

I am also very disappointed that the conferees stripped from the bill my sense-of-the-Senate resolution about a woman's right to privacy. I had offered, as I had before, a simple statement that it was the sense of the Senate that we supported the Roe v. Wade Supreme Court decision and it should not be overturned. It passed 52 to 46. It was attached to this late-term abortion bill which also passed the Senate. The Senator from California said the conference took less than 5 minutes to drop my resolution, without discussion.

Roe v. Wade is the moderate, mainstream policy American women have come to rely on, and it took the conferees less than 5 minutes, without discussion, to drop it. What that says to me is very startling. Congress has turned its back on America's women—their right to privacy, their right to choose. America's women are now second-class citizens.

Let me again give a brief review of what I am talking about. On January 22, 1973, the U.S. Supreme Court announced its decision in Roe v. Wade, a challenge to a Texas statute that made it a crime to perform an abortion unless a woman's life was at stake. That was the Texas law. The case had been filed by Jane Roe, an unmarried woman who wanted to safely and legally end her pregnancy. Siding with Roe, the Court struck down the Texas law. In its ruling, the Court recognized for the first time the constitutional right to privacy ''is broad enough to encompass a woman's decision whether or not to terminate her pregnancy.''

It also set some rules. The Court recognized the right to privacy is not absolute and that a State has a valid interest in safeguarding maternal health, maintaining medical standards, and protecting potential life. A State's interest in ''potential life'' is not compelling, the Court said, until viability, the point in pregnancy at which there is a reasonable possibility for the sustained survival of the fetus outside of the womb.

A State may but is not required to prohibit abortion after viability, except when it is necessary to protect a woman's life or health.

That is what my resolution was all about, to say we agree that Roe v. Wade was an appropriate decision and should not be overturned.

Before the 1973 landmark ruling of Roe v. Wade, it is estimated that each year 1.2 million women resorted to illegal abortions, despite the known hazards of frightening trips to dangerous locations in strange parts of town, of whiskey as an anesthetic, of ''doctors'' who were often marginal or unlicensed practitioners, sometimes alcoholic, sometimes sexually abusive, unsanitary conditions, incompetent treatment, infection, hemorrhages, disfiguration, and death. By invalidating laws that forced women to resort to back-alley abortions, Roe was directly responsible for saving women's lives.

It is estimated as many as 5,000 women died yearly from illegal abortions before Roe. Only 10 pieces of legislation were introduced in either the House or the Senate before the Roe decision, but in the 30 years since the ruling more than 1,000 separate legislative proposals have been introduced. The majority of these bills have sought to restrict a woman's right to choose.

Unfortunately, what is often lost in the rhetoric and in some of those proposals is the real significance of the Roe decision. The Roe decision recognized the right of women to make their own decisions about their own reproductive health.

The decision whether to bear a child is profoundly private and life altering. As the Roe Court understood, without the right to make autonomous decisions about pregnancy, a woman could not participate freely and equally in society. Roe not only established a woman's reproductive freedom, it was also central to women's continued progress toward full and equal participation in American life.

In the 30 years since Roe, the variety and level of women's achievements have reached a higher level. As the Supreme Court observed in 1992:

> The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.

As I have often said, the freedom to choose on the part of women is no more negotiable than the freedom to speak or the freedom to worship in our Constitution.

I do not believe any abortion is desirable. I do not think anybody does. I have struggled with this issue all my adult life as a father. However, I do not believe it is appropriate to insist my personal views be the law of the land and that I impose those on anyone else. So I urge my colleagues to vote against the final bill, first because it is unconstitutional, but also because by dropping the resolution we adopted saying Roe v. Wade should continue to be the law of the land, it sends the wrong message to American women. What it says is they are not equal to men. They cannot make decisions for themselves. We men will make those decisions for them. They do not have the same protections under the Constitution in this bill. Somehow they are second-class citizens.

I say to the women of this country, as I have said before on the floor, they must be concerned about this.

We passed the resolution on Roe v. Wade 52 to 46. Well, that was a win, I guess one might say, for upholding the belief that Roe v. Wade continue to be the law of the land, but 46 Senators basically voted to say Roe v. Wade ought to be overturned, that it should not be the law of the land, that we need to go back in time to prohibit all abortions, regardless.

I say to those who may think this is just one particular procedure that we are somehow prohibiting here—and again I want to point out, as the Senator from California so eloquently pointed out time after time, this is the first time in the history of this Senate that Senators have decided against a medical procedure, the only time we have somehow put on the cloak of knowing better than doctors, professionals, and women that somehow we politicians know better.

Aside from that, if my colleagues think this is all this is about, they are sadly mistaken. That is not what this is about. I say to the women of America, this is step one. I say especially to young women, who sort of take it for granted—I mean, Roe v. Wade was 30 years ago, ancient history in the United States of America—especially young women who believe, as they have grown up, having this freedom to choose, having the right to control their own reproductive health, if they think this is something that inures to them because they were born in America, they have another think coming. There are people who do not want them to have that right. There are people in this Senate who want to turn the clock back and say women have no right to make any decision on their reproductive health. But, then again, isn't that what we had in Texas before Roe v. Wade? That is what this country was like before that.

The Supreme Court said no, there is something else that has to do with the health of a woman, too, and a woman's right to control her own body and a woman's right to privacy.

Again, I see where this is going with 46 votes in the Senate. Just think, a couple of votes here or there in the next election, you can kiss Roe v. Wade goodbye, because that is what will happen. And with one or two Justices on the Supreme Court who feel this way, that will be the end of Roe v. Wade. That will be the end for women who think they have the right to control their own reproductive health in this country—to make their own decisions. That is where this is headed.

I know Senators, many Senators have personal feelings about that. Fine. There are Senators who believe very deeply that Roe v. Wade should not be the law of the land, who believe it never should have been decided that way, who believe that women should not have a right over their reproductive health. There are people who believe that.

Fine, if they want to believe that for themselves, that's their belief structure. But in this pluralistic society in which we live, in which we respect each other's rights but do not try to impose our own personal religious or moral beliefs on others, the Supreme Court really did, in fact, reach a logical and I think fair and balanced approach.

Yet there are those who want to strip that away—that no matter what—a woman does not have the right to make her own decisions and the right to privacy. And what does that mean? Well, it will mean we're going back to the back alley.

This, really, to me is more than just an issue about some narrow procedure, I say to my friend from California. This is about whether or not the women of this country are going to be treated as equals with men or as second-class citizens. I ask the Senator from California, rhetorically, what other times has the Senate said there are certain medical procedures which applied to men that cannot be conducted? What is next? Is there something else coming down the pike we don't know about? I don't think it will affect men but it will affect women. It is a holdover from mediaeval times, a holdover from the days in which women did not have the right to participate fully in society. That is what this is about more than anything else.

I thank the Senator from California for her courage, for her wisdom, for her judgment, and for being so stalwart, making sure we know what this battle is about. I think we see the writing on the wall here. It is going to pass. It is going to pass. If the Supreme Court adheres to its previous decisions, it will throw it out because there is no exception for the health of the mother. I guess then there will be a political issue to whip up emotions around the countryside.

I wish we could take emotions out of this and just talk about it on the basis of what women want. I will close on this. I have often asked, think to yourself, what would happen if we had 100 women sitting here? I mean a cross section of America, liberal, conservative, moderate, different religions, different ethnic backgrounds—just a good cross section of women in America. Do you really think, down deep in your heart, this would be passed before the Senate? No way. No way would this ever pass. Or, if you had a majority of the women in the House of Representatives? Absolutely not.

Women do make up more than half of our society. I forget, how many women Senators do we have now?

Mrs. BOXER. Fourteen.

Mr. HARKIN. There are 14 out of 100. So women are drastically underrepresented in the body. They are underrepresented on the Supreme Court.

Women have made great strides. Fourteen is more than there were when I came here—there were only one or two at the time I came here. They are making strides.

What this says is we are going to turn the clock back. I don't want to turn the clock back and neither does the Senator from California. We have to make sure women in America have their constitutional right to privacy, just like men. That is what this is really about.

I thank the Senator. I am proud to be on her side.

I retain the remainder of our time. I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I yield 10 minutes to the chairman of the Judiciary Committee who has done incredible work on this legislation now for a fourth Congress that he has been involved in moving this forward. This moment of accomplishment here would not have happened except for the great work of the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 10 minutes.

Mr. SANTORUM. I ask unanimous consent that following the remarks of the Senator from Utah, the Senator from California be recognized under Senator BOXER's time for 15 minutes.

The PRESIDING OFFICER. The Senator should be advised——

Mr. SANTORUM. Mr. President, while I have the floor, let me ask unanimous consent that the vote on adoption of the conference report to accompany S. 3, the partial-birth abortion ban bill, occur at 5 p.m. today, provided that the time between the expiration of the current time allocation and 5 p.m. be equally divided between Senators SANTORUM and BOXER or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized for 10 minutes.

Mr. HATCH. Mr. President, I rise today because it is difficult for me to understand how anybody could support this barbaric, heinous approach toward abortion. The Senate passed S. 3, the partial-birth abortion ban of 2003, with strong bipartisan support, 64 to 33, back in March of this year. The legislation passed the House in June with similarly strong bipartisan support, 282 to 139. We were then forced to debate the motion to go to conference in September.

We completed the conference in September. Now we are finally able to vote on passage of the conference report. Let's get on with it. This has taken a long time in this Congress, but it also has taken 7 years to get to this point. Even though the Congress has passed similar legislation before, finally we will be able to send it to President Bush, who will sign it into law.

I know the people of my home State of Utah recognize the importance of this effort. The vast majority of people in Utah and, I believe, in our country, recognize that the practice of partial-birth abortion is immoral, offensive,

and impossible to justify. This procedure is so heinous that even many who consider themselves pro-choice cannot defend it.

Senator SANTORUM should be applauded for his tireless efforts to achieve this goal. His leadership has been essential and very much appreciated. I admire his efforts to protect innocent human life, especially here, where it is so graphically obvious this procedure cannot be defended.

By now we have all seen Dr. B. Benoit's film of the 3-dimensional ultrasound of the baby in utero, yawning and even smiling. This appeared in the Evening Standard in London. It is a picture of an unborn baby smiling inside the womb. It says: ''Picture Exclusive, Proof Babies Smile in Womb.'' It is truly amazing and enlightening what advancing technology has enabled us to see. This truly is an incredible window into the mother's womb, where it has to be clear to all who view it that this is a living human being, a living baby.

Yet there are those who want to protect the ability to violently crush this young life. In the case of the procedure we seek to ban with this legislation, it is a baby just inches away from being born. Yes, inches away from being born.

For those who may not have a clear understanding of this procedure, let me describe it. This is a little graphic, I agree, but we need to ensure that the American people understand what is going on. How anyone can justify this barbaric procedure is beyond me. A baby is almost fully delivered with only her head remaining inside the birth canal when the doctor stabs scissors into the base of the baby's skull to open a hole into which he then inserts a suction tube and sucks out the brain so the skull collapses. Then they pull the baby out and say it is not a living human being even though just seconds before this was a full human being, a living human being with legs dangling and kicking. I honestly do not know how anyone can avoid being truly sickened when they see a baby being killed in this gruesome manner. It is not done on a mass of tissue but to a living baby capable of living outside the womb, capable of feeling pain, and at the time this procedure is typically performed, capable of living outside the womb.

All this legislation does is ban the one procedure. As the testimony in the House made clear, the fact is, there is no medical need to allow this type of procedure. It is never medically necessary, it is never the safest procedure available, and it is morally reprehensible and unconscionable.

As I mentioned when we debated the bill in the spring, we have all heard in recent years about teenage girls giving birth and dumping their newborns into the trash can. One woman was criminally charged after giving birth to a child in a bathroom stall during the prom and strangling and suffocating the baby before leaving the body in the trash. Tragically, there have been several incidents around the country in the past few years. This should not surprise us. This is what happens when we continue, as some would do here, to devalue human life—those who would like to stop this bill by and large.

William Raspberry argued in a column in the Washington Post:

> . . . only a short distance [exists] between what [these teenagers] have been sentenced for doing and what doctors get paid to do.

He got it right. When you think about it, it is incredible that there is a mere 3 inches separating a partial-birth abortion from murder. Partial-birth abortion simply has no place in our society and rightly should be banned. President Bush has described partial-birth abortion as ''an abhorrent procedure that offends human dignity.'' With that, I wholeheartedly agree.

Basic human decency, I hope, will prevail. I pray that never again will it be legal in this country to perform this barbaric procedure. Unfortunately, I am sure the opponents of this measure will seek to challenge the law in court where I hope good judgment will ultimately prevail.

In Stenberg v. Carhart, the Supreme Court confirmed:

> . . . by no means must physicians [be granted] unfettered discretion in their selection of abortion methods.

The House has already passed this conference report. It is time for this Congress to finish its work and send this bill to the President for his signature.

Oddly enough, young girls out there, young women, are becoming more and more opposed to abortion. I believe it has been this debate, this barbaric procedure that is the cause for them to think it through and to acknowledge that inside that womb of the mother is a living human being, a living baby, and especially one capable of living outside the mother's womb.

This is a serious debate. This is as serious a bill as we can have before the Senate. I hope our colleagues will vote overwhelmingly to pass the conference report as we simply have to get rid of this barbaric and inhumane procedure.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I rise in opposition to the conference report accompanying S. 3 which some, I think inaccurately, call the partial-birth abortion bill. In fact, this bill, originally introduced by Senator SANTORUM, is more accurately called the unconstitutional anti-choice bill, given the fact that it is flagrantly unconstitutional and its primary result will be to chill second-trimester abortion procedures.

I voted against this conference report in the recent House-Senate conference on this bill and also on the floor of the Senate last March.

This is the first bill since Roe v. Wade in 1973 that outlaws safe medical procedures and recriminalizes abortion. It is a major step forward in the march to obliterate a woman's right to control her own reproductive system and to eviscerate the entire choice movement in this country.

This bill is unconstitutional, I believe, for two reasons. First, it uses a vague definition of dilation and extraction abortion, or D&X abortion. This technique is also called intact dilation and evacuation, or intact D&E. It is also sometimes called, inaccurately, partial-birth abortion.

The sponsors of the bill have refused to use a definition of D&X that I suggested and that tracks the medical definition submitted by the American College of Obstetricians and Gynecologists. Why? Why would they refuse to use a definition suggested by the elite medical group of obstetricians and gynecologists who deal with this issue—a definition that would enable those obstetricians and gynecologists to know exactly what this legislation makes a crime?

I believe there is a reason. I believe that this bill deliberately uses a vague definition of D&X in order to affect other kinds of second-trimester abortions and thus impact the right to choose. Because its definition is so loose, the bill would ban and otherwise interfere with perfectly legal, permissible abortion techniques. It will also have a chilling effect on doctors, who will be afraid to perform abortions other than D&X for fear they will be subject to investigation and prosecution. Why? Because the bill does not use an accepted medical definition of D&X.

Second, the bill lacks any health exception. This has been spoken about before, and I will do it again. The Supreme Court ruled in Stenberg v. Carhart that any ban must have a health exception. This bill has no health exception. Why are we bothering to pass a bill that is so clearly unconstitutional?

The only reason I can think of is the proponents of the bill do not believe the health of a mother is sufficient reason to interrupt a pregnancy.

In fact, the supporters of the bill are not trying to remedy its constitutional defects. Rather, they are just making minor alterations to the findings in the bill.

I also oppose the bill because it omits language a majority of the Senate added last March recognizing the importance of Roe v. Wade and stating that this important opinion should not be overturned.

Unfortunately, as has been said, this language was stripped out in conference over the strenuous opposition of Senator BOXER, Congressman NADLER, Congresswoman LOFGREN, and myself.

As an initial matter, I want to lay one myth to rest; that is the myth that

most Americans support this bill. Supporters of the bill have repeatedly and erroneously argued that a majority of the country supports banning D&X abortion.

For example, in introducing this bill, Senator SANTORUM stated on the floor that ''the American people clearly believe this is a procedure that should be prohibited.''

However, such statements are not borne out by recent polls. For example, last July, ABC News released a nationwide poll which showed 61 percent of Americans oppose bans on so-called partial-birth abortion procedures if a woman's health is threatened. The bill now before us contains no health exception. That means a substantial majority of Americans think this bill is wrong.

I also want to mention a poll taken by Greenberg, Quinlan, Rosner Research, Inc. between June 5, 2003, and June 12, 2003, of 1,200 likely voters. The poll found a majority of Americans—56 percent—believe abortion should be legal in all or most cases.

In addition, this poll found the country does not want the Government involved in a woman's private medical decisions. Eighty percent of voters believe abortion is a decision that should be made between a woman and her doctor. In fact, even a majority of those who identified themselves as pro-life said a woman and her doctor should make the decision.

In stark contrast, this bill criminalizes safe abortion procedures, and it puts the abortion decision in the hands of the Government and in the hands of politicians, not the woman and her doctor.

I would now like to mention Randall Terry, the founder of Operation Rescue, and the man who the New York Times called ''an 'icon' of the pro-life movement.'' Mr. Terry is one of the staunchest foes of the right to choose in the entire Nation. He is known for harboring views so strong on the abortion issue that he has been jailed dozens of times for blocking clinics and for having a human fetus delivered to former President Bill Clinton. He is also known for speaking his mind.

Let me read some quotes from Mr. Terry in a press release issued through the Christian Communication Network, dated just a month ago, September 15, 2003. This press release is entitled: ''Randall Terry, Founder of Operation Rescue Says, 'Partial-Birth Abortion Ban is a Political Scam but a Public Relations Goldmine.''

Let me repeat that: ''Partial-Birth Abortion is a Political Scam but a Public Relations Goldmine.''

Mr. Terry says the bill before us is a ''Political Scam.'' Specifically, he states:

> This bill, if it becomes law, may not save one child's life. The Federal courts are likely to strike it down. . . .The bill provides political cover in an election season to cowardly ''pro-life'' political leaders who have done little for the pro-life cause.

That is not me. I am quoting Randall Terry, the founder of Operation Rescue.

Let me repeat: ''This bill, if it becomes law, may not save one child's life. The Federal courts are likely to strike it down. . . .''

And he is right.

Mr. Terry then goes on to say:

> If the President and Congress want to accomplish a small, but real, step they should outlaw all abortions after 20 weeks—the age when a baby can live outside the womb.

Interestingly enough, his suggestion is similar to an amendment I offered on the floor of the Senate and in the joint House-Senate conference on this bill. This amendment would have banned all postviability abortions except and unless a doctor determines such an abortion is necessary to protect the life and health of the woman.

This is the way to go. If someone truly believes these abortions, which are not medically defined in the bill, should not take place, and if one believes the child is capable of life, then ban postviability abortions. I was prepared to see that enacted into law. But it was voted down twice, on the floor and in the conference committee.

I would like to take a moment to explain in detail why I think this bill is poorly drafted and is virtually certain to be struck down by the courts.

The conference report bill is unconstitutional for two reasons.

First, it attempts to ban the specific medical procedure it calls ''partial-birth abortion,'' but it fails to use the accepted medical definition of what surgical procedure constitutes partial-birth abortion. The refusal of the sponsors of the bill to accept the medical definition of intact D&E is revealing. It makes it clear they are not really intent or interested in banning intact D&E or D&X, but, rather, they seek to muddy the waters to make it harder for women to get legal abortion using other legal and acceptable techniques. That, in my view, is the underlying purpose of the bill.

The Supreme Court ruled in Stenberg v. Carhart that any ban must have a health exception. This bill clearly, despite many attempts by this senator and others to put one in, has no health exception. The other side has repeatedly opposed a health exception.

Here is what Justice O'Connor said in her deciding opinion in Stenberg v. Carhart:

> [B]ecause even a post-viability proscription of abortion would be invalid absent a health exception, Nebraska's ban on pre-viability partial birth abortions, under the circumstances presented here, must include a health exception as well. . . .The statute at issue here, however, only excepts those procedures necessary to save the life of the mother whose life is endangered by a physical disorder, physical illness or physical injury. This lack of a health exception necessarily renders the statute unconstitutional.

Now, I must ask you, why would anybody, after this case, with the swing judge making that statement, draft a bill that so clearly violates the Supreme Court's decision? Justice O'Connor has very clearly said the ''lack of a health exception necessarily renders the statute unconstitutional.''

The fact the sponsors are ignoring the clear words of the Supreme Court is suspect to me. It is even more suspect given the fact that just last year the U.S. Government took the position in court that any ban on D&X must include a health exception. The Santorum bill, then, not only contravenes the Supreme Court but also flies in the face of the position taken by the U.S. Department of Justice.

Let me read from a brief filed by the United States in February of 2002 in Women's Medical Professional Corporation v. Bob Taft, a case in the Sixth Circuit involving an Ohio statute prohibiting late-term abortion including D&X. According to this brief:

> the Court [in Carhart] stressed that the Nebraska statute prohibited the partial birth method of abortion except where that procedure was ''necessary to save the life of the mother,'' . . . in violation of the Court's prior holdings in Roe v. Wade . . . and Planned Parenthood of Southeastern Pennsylvania v. Casey . . . that a State must permit abortions, ''necessary in appropriate medical judgment, for the preservation of the life or health of the mother . . . ''

The original brief even has the words ''or health'' underlined.

In other words, according to a brief filed by the United States Government last year, under Carhart, Roe, and Planned Parenthood, a State ''must'' provide a health exception for the woman. Yet we fly merrily in the face of that. It is ridiculous.

Supporters of the Santorum bill argue that they can ignore this language by throwing into the bill some questionable factual findings that a health exception is unnecessary. Baloney. They argue that these so-called findings make irrelevant the Supreme Court's constitutional determination in Carhart that a health exception is necessary.

The Framers of the Constitution did not intend that Congress be able to evade Supreme Court precedent and effectively amend the Constitution just by holding a hearing and generating questionable testimony from hand-picked witnesses. In fact, the Supreme Court has made crystal clear that Congress cannot simply ignore a constitutional ruling they dislike by adopting a contrary legislative finding and telling the Court that they have to defer to it. That is just what is being done here.

Let me quote Chief Justice Burger on this point:

> A legislature appropriately inquires into and may declare the reasons impelling legislative action but the judicial function commands analysis of whether the specific conduct charged falls within the reach of the statute and if so whether the legislation is consonant with the Constitution.

So make no mistake about it. You can say anything you want in the findings, and it isn't going to be dispositive

as to whether the statute meets the test of the Constitution of the United States.

I also want to quote from U.S. v. Morrison, 529 U.S. 598 (2000), a decision that struck down part of the Violence Against Women Act. I personally disagree with this decision, but it is controlling law. In that case, the Supreme Court held that ''the existence of congressional findings is not sufficient, by itself, to sustain the constitutionality'' of the challenged provision of the Violence Against Women Act. That is on page 614.

So why are these findings in the bill? I believe the other side is well aware of U.S. v. Morrison and other cases. Why are they doing it this way then? There has to be a reason.

Here the sponsors of S. 3 are trying to do exactly what the Supreme Court said the Congress cannot do: Use congressional findings to do something that is clearly unconstitutional. The sponsors of this bill are effectively trying to overturn binding Supreme Court precedent and rewrite the Constitution by enacting a bill that on its face violates Stenberg v. Carhart. They have clearly overstepped their bounds.

Mr. President, one of the most disappointing aspects of this debate is that a majority of the House-Senate conference on this bill decided to thwart the will of the Senate and strip out language recognizing the importance of Roe v. Wade. This decision clearly unmasked the sponsor's clear intention in introducing this bill: to strike at Roe. The provision stripped out of the bill was a simple sense-of-the-Senate resolution. Let me read its exact language:

One, the decision of the Supreme Court in Roe v. Wade, 410 U.S. 113, 1973, was appropriate and secures an important constitutional right.

Two, such decision should not be overturned.

They struck this language out. Why? Because they want Roe overturned. That is the reason.

I am pleased that the Roe v. Wade amendment was added to the bill last March on a bipartisan vote of 52 to 46. Unfortunately, the House-passed late-term abortion bill lacked the language. The House refused to agree to it.

While I oppose the criminalization of safe abortion techniques in S. 3, I strongly support the Roe v. Wade language we added to that legislation.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator has used 20 minutes.

Mrs. BOXER. Mr. President, I yield 4 additional minutes and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Senator from California.

In the past 30 years, since the Supreme Court upheld a woman's right to choose, a great deal has changed for women in America. But now, in 2003, we are about to push women back to where they were in the 1950s, a generation that I remember well, a generation of passing the plate to raise money for abortions in Mexico, a generation of back alley abortions, a generation of tremendous mortality and morbidity for women, a generation of fear. It makes no sense.

The fact that a majority of the House-Senate conference stripped out sense-of-the-Senate language that merely summarized Federal abortion law should be exhibit A for anyone who doubts that this bill is really a frontal political attack on choice in America.

I am also disappointed that the conference refused to accept a commonsense amendment I offered to the bill before us today. That amendment, as I said, would have banned all postviability abortions except if determined by the doctor that such an abortion was necessary to protect the life and health of the woman.

With that amendment, the sponsors of this bill could have gotten what they wanted legally. Why didn't they take it? The reason they didn't take it is because if you have an anti-choice bill with a nebulous, vague definition, you can chill all legal second trimester abortions.

Let me tell you one more thing about the amendment I offered. To ensure compliance with the amendment, we even provided that a doctor who would perform a postviability abortion on a woman whose health or life is not at risk could be fined up to $100,000. That amendment would have put medical decisions back into the hands of doctors but, at the same time, prevented abuses. In my view, if a doctor believes such a procedure is necessary to protect a woman's life or health, then he or she should be able to perform that procedure.

Why do some Senators believe that the Federal Government even needs to be involved in this issue?

Why is this legislation even necessary? Roe v. Wade clearly allows States to ban all postviability abortions unless it is necessary to protect a woman's life or health, and 41 States already have bans on the books. All States are free today to do so if their State legislatures so choose.

The fact is, abortions this late in the pregnancy are rare and usually performed under tragic circumstances, such as a brain outside of a child's skull or vital inner workings outside of the body that cannot be connected.

Mr. President, the whole focus of many in this Congress and in the conservative movement has been to give power and control back to the States and eliminate the Federal Government from people's lives. So anyone who believes in States' rights must now question the logic of imposing a new Federal regulation on States in a case such as this, where States already have the authority to ban postviability abortions and where a dominant majority of States—41—have already enacted such a law.

Is Federal legislation really necessary? No. I say to my colleagues that this clearly is a political bill designed to fan the flames and invade Roe v. Wade and weaken it substantially. It attempts to ban a medical procedure without properly identifying that procedure in medical terms.

Mr. President, I ask unanimous consent that a number of letters demonstrating that this legislation poses a serious threat to women's health be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF REPRODUCTIVE HEALTH PROFESSIONALS,
Washington, DC, October 20, 2003.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: We are writing on behalf of thousands of health care providers to urge you and your colleagues to oppose federal legislation criminalizing safe abortion procedures (S. 3, the so-called ''Partial Birth Abortion Ban Act of 2003'').

This bill is deceptive, is based on a number of flawed assumptions, and is unnecessary. First, ''partial-birth abortion'' is not a medical term but a non-scientific and politically biased rhetorical expression invented by activists to convey misrepresentations about safe and medically necessary abortion procedures. The term ''partial-birth abortion'' is not used by any of the major national medical organizations, including the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Public Health Association, and the Association of Reproductive Health Professionals (ARHP).

Second, the bill is deceptive because it does not specify any particular stage of pregnancy—contrary to assurances by its sponsors that the bill's intent is to focus only on third trimester abortions.

Finally, abortions during the third-term are already illegal in almost every state except to save the woman's life or health, and are rarely performed. This legislation is unnecessary and is an example of political ideology trumping science and appropriate medical decision-making.

Published literature attests to the fact that placing restrictions on abortion services is harmful to the health of women and that medical decisions should be left to health care providers. ARHP is concerned because S. 3 dictates health care methodology to the clinicians who must provide medical care under the most difficult of circumstances. Restrictions imposed by the government on abortion services will not reduce the need for abortion or the quantity of abortions performed, it will only make abortion less safe.

If you or members of your staff have any questions or would like additional information, please contact Wayne C. Shields at the ARHP office at (202) 466–3825 or wshields@arhp.org.

Sincerely,

FELICIA H. STEWART, MD,
Chair, ARHP Board of Directors.
WAYNE C. SHIELDS,
President and CEO.

OCTOBER 17, 2003.

U.S. SENATE,
Washington, DC.

DEAR SENATOR FEINSTEIN: The National Latina Institute for Reproductive Health (NLIRH) strongly opposes S. 3, the ''Partial-Birth Abortion Ban Act of 2003''. As an organization that is dedicated to ensuring the

fundamental human right to reproductive health care for Latinas, their families, and their communities, we cannot support the proposed legislation which would drastically inhibit a woman's right to choose, as well as prohibit medically safe procedures which are often necessary to protect and save the life of the woman.

NLIRH supports the right of every Latina to be in charge of her own life, to determine if and when to have children, and, to seek the full range of reproductive health options available. These health options include access to quality gynecological care, family planning and contraception, fertility treatment, and all abortion services. Contrary to popular belief, Latinas do access abortion services, and 51% of Latinas actively identify as pro-choice. While abortion may not be an option for every Latina, we support the right of every Latina to make her own personal and private decision about abortion and we also support efforts to restore public funding for abortion. For Latinas, accessing abortion services is often difficult already, due to cultural, linguistic, legal, and economic barriers, and banning safe abortion procedures would only further impede upon our rights to choose what is medically and personally appropriate for us.

Restricting and criminalizing any abortion procedure would undermine the fundamental human right to self-determination, and would endanger the lives of women for whom abortion may be medically necessary. Decisions regarding when to have children are often difficult, personal, and morally complicated, and should be made only by the woman.

We appreciate your attention to our concerns, and strongly urge you to vote against the so-called ''Partial-Birth Abortion Ban of 2003.''

Sincerely,

———.

MEDICAL STUDENTS FOR CHOICE,
Oakland, CA, October 19, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of Medical Students for Choice, a national organization representing more than 7,000 medical students and residents, I write to urge your opposition to H.R. 760/S. 3, the (so-called) Partial-Birth Abortion Ban Act of 2003.

Medical Students for Choice is dedicated to ensuring that woman's right to choose from a full range of reproductive health options is preserved. We believe that a physician, in consultation with the patient, should make the decision regarding what method should be used to terminate a pregnancy. Physicians need to have all medical options available in order to provide women with the best medical care possible.

We are opposed to H.R. 760/S. 3 because we believe this and other legislative and judicial restrictions to safe, medically accepted abortion procedures severely jeopardize women's health and well-being. We also oppose the bill because it fails to include adequate health exception language in instances where certain procedures may be determined by a physician to be the best or most appropriate to preserve the health of the woman. This bill ties the hands of physicians and endangers the health of women. Further, we believe that this bill is deceptive and represents a thinly veiled attempt to restrict women's access to all abortion procedures. ''Partial birth'' is a political term, not a medical term. Despite the anti-choice political rhetoric, this bill is neither designed nor written to ban only one procedure. The bill's prohibitions would apply well before viability and could ban more than one procedure. These so-called ''partial birth'' abortion bans are deliberately designed to erode the protections of Roe v. Wade.

Thank you for your attention to our concerns regarding the negative effect this legislation would have to a woman's right to a safe, legal abortion.

Sincerely,

ANGEL M. FOSTER, D.Phil.,
President.

MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND,
Washington, DC, October 14, 2003.

Re Conference Report H. Rept. 108–288—The Partial Birth Abortion Act of 2003.

DEAR SENATOR: I am writing on behalf of the Mexican American Legal Defense and Educational Fund (MALDEF) to urge you to oppose Conference Report H. Rept. 108–228, the so-called Partial Birth Abortion Act of 2003 (the Act). MALDEF, a national nonprofit organization whose mission is to protect and promote the civil rights of the over 35 million Latinos living in the United States, believes this legislation is unconstitutional and harmful to women's health.

The Act is unconstitutional for at least three reasons. First, the legislation does not include a health exception. The Supreme Court has held that laws regulating abortion must adequately safeguard a woman's health. This legislation does not include such an exception. Contrary to the legislative findings indicating that a health exception to the ban is never necessary, many physicians have stated that this legislation would prevent them from performing procedures that are necessary to protect a woman's health. Second, the legislation is unconstitutional because the language of the ban is overly broad. The ban is not limited to specific medical procedures and actually could prohibit the safest abortion techniques in certain cases, thereby unduly burdening a woman's right to choose. Finally, determining which procedure is medically necessary is a medical decision that should be made by a physician and his or her patient, not by the federal government. The Supreme Court has emphasized the need for physicians to have adequate discretion to make these types of medical decisions.

The Supreme Court directly addressed this type of ban in *Stenberg* v. *Carhart*, 530 U.S. 914 (2000). In *Stenberg*, the Court found Nebraska's ban on so-called partial birth abortion unconstitutional because the legislation's language was overly broad and it lacked a health exception. The federal version of the ban now pending before you contains the same flaws and is similarly unconstitutional.

This legislation is an unprecedented attempt by the federal government to restrict women's access to abortion that ultimately jeopardizes the health of women. MALDEF strongly opposes this legislation and urges you to do so as well. If you have any questions please contact Angela Hooton at (202) 293–2828.

Sincerely,

ANTONIA HERNÁNDEZ,
President and General Counsel.

NATIONAL LATINA INSTITUTE FOR REPRODUCTIVE HEALTH,
Brooklyn, NY, October 17, 2003.

U.S. SENATE,
Washington, DC.

DEAR SENATOR FEINSTEIN: The National Latina Institute for Reproductive Health (NLIRH) strongly opposes S. 3, the ''Partial-Birth Abortion Ban Act of 2003''. As an organization that is dedicated to ensuring the fundamental human right to reproductive health care for Latinas, their families, and their communities, we cannot support the proposed legislation which would drastically inhibit a woman's right to choose, as well as prohibit medically safe procedures which are often necessary to protect and save the life of the woman.

NLIRH supports the right of every Latina to be in charge of her own life, to determine if and when to have children, and to seek the full range of reproductive health options available. These health options include access to quality gynecological care, family planning and contraception, fertility treatment, and all abortion services. Contrary to popular belief, Latinas do access abortion services, and 51% of Latinas actively identify as pro-choice. While abortion may not be an option for every Latina, we support the right of every Latina to make her own personal and private decision about abortion and we also support efforts to restore public funding for abortion. For Latinas, accessing abortion services is often difficult already, due to cultural, linguistic, legal, and economic barriers, and banning safe abortion procedures would only further impede upon our rights to choose what is medically and personally appropriate for us.

Restricting and criminalizing any abortion procedure would undermine the fundamental human right to self-determination, and would endanger the lives of women for whom abortion may be medically necessary. Decisions regarding when to have children are often difficult, personal, and morally complicated, and should be made only by the woman.

We appreciate your attention to our concerns, and strongly urge you to vote against the so-called ''Partial-Birth Abortion Ban of 2003.''

Sincerely,

SILVIA HENRIQUEZ,
Executive Director.

NATIONAL BLACK WOMEN'S HEALTH PROJECT, INC.,
October 20, 2003.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the Black Women's Health Imperative (formerly National Black Women's health Project), I am writing to convey our opposition to H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

As the only national organization that is solely dedicated to the health of the nation's 19 million Black women and girls, the Black Women's Health Imperative (the Imperative), has focused on issues that disproportionately affect Black women from access to healthcare, inclusive of reproductive health care. The Imperative has been in the forefront advocating for a comprehensive agenda that includes the full range of medical and socially available technologies and services for fertility management.

We believe that H.R. 760 would restrict safe, medically acceptable abortion procedures that would severely endanger women's health and well-being, disproportionately affecting low-income African American women. Moreover, we feel that this legislation fails to include adequate health exception language in instances where certain procedures may be determined by a physician to be the most appropriate to preserve the health of the woman.

For the past 20 years, the Black Women's Health Imperative has been instrumental in highlighting disparities in health and will continue to play an essential role in helping to shape policies that seek to improve African American women's overall health. On behalf of our constituency, we urge the United

States Senate to oppose H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

Sincerely,

LORRAINE COLE, PhD.

[From Medscape General Medicine, June 25, 2003]

THE FEDERAL BAN ON SO-CALLED ''PARTIAL-BIRTH ABORTION'' IS A DANGEROUS INTRUSION INTO MEDICAL PRACTICE

(By Paul D. Blumenthal, MD, MPH)

Congress has passed the ''Partial-Birth Abortion Ban Act of 2003,'' the first federal legislation ever enacted that bans abortion procedures. This unprecedented intrusion by Congress into medical practice will reduce access to second-trimester abortions and defines the doctors who perform them as criminals. Moreover, by undermining a woman's right to select the reproductive healthcare most appropriate for her and interfering with a physician's ability to make medical decisions, Congress derogates the physician-patient relationship.

Proponents of this law claim that it bans only a particular procedure. However, the legislation does not define what is being banned in such a way that a physician can know exactly what is prohibited. There is no formally recognized medical procedure to which the term ''partial-birth abortion'' used in this legislation applies; it is therefore vague and medically incorrect. None of my colleagues know or could state whether the abortion procedures they now perform are covered under this law. Indeed, as I read the definition of the banned procedures, any of the safest, most common abortion methods used throughout the second trimester of pregnancy could proceed in such a manner as to be outlawed. One can only assume that by intimidating medical providers with the constant threat of criminal accusations, the intent of this law is to frighten the medical community—the same community that swears an ancient oath to use its knowledge and skills to serve and protect the lives of its patients—from performing pregnancy terminations at all.

The practice of high-quality medicine requires that physicians be knowledgeable about and able to perform variety of procedures to accomplish a given treatment or therapy. Planning any procedure is done in consultation with the patient, and it is based on the medical judgment, experience, and training of the provider, and the individual circumstances of the patient's condition. Sometimes, as a result of developments during a surgery or in a patient's condition, it becomes necessary to adapt and choose a different course or modify the procedure as it progresses. These decisions are often quite complex and mandate that physicians use their best professional and clinical judgment, most often right on the spot. These are decisions that should be made by physicians and their patients stone. Indeed, when performing surgery, there is not time for a call to Congress, the Supreme Court, or anyone else in order to obtain clarification of the statutory intent or to request a waiver. This law evokes a preposterous image of physicians with their attorneys present in the operating room advising and counseling them at each step, and perhaps even in the middle of surgery suggesting a physician alter a technique deemed best for the patient to avoid committing a federal crime. Physicians and surgeons should be allowed to practice their art in accordance with time-honored peer-reviewed standards and with only the interests of the patient at . . . .

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. I yield myself such time as I may consume.

Mr. President, I have listened to this debate on both sides, and I continue to hear a lot of the same things. I just think it is important to set the record straight with respect to what many have heard today.

First, the Senator from California, Mrs. BOXER, has objected to my using the term ''killing'' the child when describing the diagrams of the partial-birth abortion. So I wanted to make sure I was not using terms that were inflammatory or inaccurate. She said I was referring to the fetus as a child instead of the fetus. I looked up the definition of fetus: ''An unborn child.'' So I don't think referring to a fetus as a child is incorrect when the definition of a fetus is ''an unborn child, from the third month until birth.'' This child is obviously in excess of 3 months into gestation, so it is obvious I am using a correct term.

She objected to me using the term ''killing.'' I will quote some people in the abortion movement to justify my using of this term. This is from Faye Wattleton, former president of Planned Parenthood:

I think we have deluded ourselves into believing that people don't know that abortion is killing. So any pretense that abortion is not killing is a signal of our ambivalence, a signal that we cannot say, yes, it kills a fetus, but it is a woman's body and ultimately her choice.

So say even those in the abortion movement.

Judy Arcana, a pro-choice author and educator, said:

Sometimes a woman has to decide to kill her baby. That is what abortion is.

I understand how people want to avoid talking about the baby, the child, the fetus, or whatever term you feel most comfortable using. It is what it is. It is a human being. I understand we like to use terms that don't refer to the human being. In fact, in all the debate we have heard today on the other side, we hear this concentration and talk about the woman and the right to choose. We hear very little discussion about what the choice is all about. I know most Americans like choices and they like the right to choose. But I think it is important that people know what the choice is all about, what we are choosing.

What we are choosing here is to kill a human being. Yet many on the other side just don't want to consider what is being chosen here. What many on that side like to think is that we are choosing a medical procedure. The Senator from New Jersey earlier referred to it being similar to the removal of a cancerous intestine. Maybe some people look at babies as this sort of cancer or this thing that they don't want anymore, that somehow affects them in some way. But I think it is important for us, if we are going to make decisions that impact millions of lives, to face up to what we are doing and we don't try to couch it in terms that sound nice, that sound American—words such as ''freedom'' and ''choice'' and words such as that.

What we are choosing is to take away a fundamental right of every person in America, and that is the right to life. So, yes, I will use the term ''killing'' because that is exactly what it is, the extinguishing of a life. It is a child, it is a baby, an infant, a fetus, a living human being.

Second, the Senator from California has suggested that this is not a medical term. Well, I had my staff run and look it up in Webster's Medical Dictionary. In Webster's, the term ''partial-birth abortion'' is in fact defined:

Abortion in the second or third trimester in which the death of the fetus is induced after it is passed part way through the birth canal.

As to this idea that it is not a term used, it is in the dictionary. It is interesting that the Senator from California would say that this is not a medical term, that this doesn't exist. Yet she has repeated many times that this thing that doesn't exist is a great threat to women. If we abolish something that doesn't exist, somehow or another this is a horrible thing we are doing to women. That doesn't necessarily make sense to me. Then she goes on and says this thing that doesn't exist—she claims it doesn't exist—is medically necessary at times. I have a hard time grappling with this argument in the alternative. First you argue it doesn't exist, and then it does exist and it is medically necessary.

The Senator from California, last month, put in the RECORD statements from Physicians for Reproductive Choice and Health, and in this letter in the CONGRESSIONAL RECORD, they say:

So-called partial-birth abortion does not exist. There is no mention of the term partial-birth abortion in any medical literature.

That is not true.

Physicians are never taught a technique called partial-birth abortion; therefore, they are medically unable to define the procedure. We know that there is no such technique as partial-birth abortion.

She makes the argument that it doesn't exist, and then she argues that it is necessary. I don't know how you can have it both ways. It either does exist and it is necessary or it doesn't exist and it is not necessary. We find interesting arguments that don't seem to hold up upon closer examination.

Another thing that doesn't hold up under examination is the repeated attempts by those who oppose this legislation to misinform the public as to what it does. I am not only going to go through the most recent example of this, but the chronology of events around this legislation, which started with Charles Canady in the House of Representatives and Bob Smith in the Senate, who did an outstanding job.

I remember when Bob first came to the Senate floor. He was ridiculed as being this extreme person who would bring this medical procedure to the floor and it was an outrageous thing for a Senator to do. He had the courage to stand up for his convictions and follow through. But I remember at hearings, they were saying this procedure

didn't exist, first, and, second, the anesthesia given to the mother would kill the baby, and that this was only done on mothers who were in a position where the baby was badly deformed or the mother's health was in danger, and it was only done a few dozen times a year.

Every one of those things I have mentioned has been debunked. They are simply not true. Yet here we are just days away from passing this bill again in the Senate for the third time, but the fourth time we have debated, and we see a statement by Planned Parenthood last month that says:

> S. 3 is a bill to outlaw the medical procedure used primarily in emergency abortions.

''Primarily in emergency abortions.'' Let me, again, without reading the comment below, state this is a 3-day procedure. This is a procedure where the woman presents herself to the abortionist, and I say abortionist because this procedure is only done in abortion clinics. It is not done in hospitals, as this organization that Senator BOXER submitted for the RECORD said. They don't teach this procedure in medical school. It was designed by an abortionist for the convenience of the abortionist.

She presents herself to an abortionist who gives her something to help dilate her cervix and tells her to return 2 days later.

Can you possibly imagine someone in an emergency situation presenting themselves to a health care professional who is in an emergency situation because of her pregnancy, who is given something to dilate her cervix and sent home for 2 days?

On the face of it, it makes no sense. But yet they persist in spite of the fact that Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, is quoted in the New York Times on February 26, 1997—1997, not February 26, 2003, 2002—6½ years ago:

> Mr. Fitzsimmons recalled the night in November 1995, when he appeared on ''Nightline'' on ABC and ''lied through my teeth'' when he said the procedure was used rarely and only on women whose lives were in danger or whose fetuses were damaged.

''Lied through my teeth'' in 1995, he said, on ''Nightline.'' But in 1997, he came clean. He said:

> In the vast majority of cases, the procedure is performed on a healthy mother with a healthy fetus that is 20 weeks or more along, Mr. Fitzsimmons said. The abortion rights folks know it, the antiabortion folks know it, and so probably does everyone else, he said in the article in the Medical News, an American Medical Association publication.

They knew it. In 1997, they knew this. A month ago they were still saying it.

I don't mind having a good honest debate, and the Senator from California, Mrs. FEINSTEIN, brought up legitimate legal issues, a proper, good debate, but when the organization that is principally behind the stopping of this bill a month before this bill gets presented continues to try to misinform the American public, I think you have to ask yourself a question as to the credibility of that organization and the credibility of their case.

There are a couple other comments that were made on which I have to set the record straight. The Senator from California, Mrs. BOXER, said this abortion procedure needs to remain legal out of respect for women and ''because it gives the fetus dignity.''

Anyone who looks at this abortion procedure and suggests that pulling a child feet first through the birth canal at 20 weeks of gestation, who otherwise would have been born alive, and have a pair of scissors thrust in the base of their skull and have their brains suctioned out is an act of dignity I think has to rethink what the word ''dignity'' means. To treat any human being, to treat any living thing in that fashion is insulting to that life. It certainly is not an act that I would call a dignified act or an act that shows respect for that child.

A lot has been made by both Senators from California and others about the need for a health exception. This gets in to the meat of this debate with respect to its constitutionality. The Court did state that there were two reasons for the Nebraska law on partial-birth abortion to be overturned. One was that it did not have a health exception that was required by Roe v. Wade.

Step back and think about this debate in a larger context. I don't think most Americans, if I can put up the last chart of the diagram of the procedure—I don't think most Americans contemplate that Roe v. Wade covers abortions done late in pregnancy by healthy mothers with healthy babies who would otherwise be born alive being treated in such a brutal and barbaric fashion. I don't think most Americans see the scope of Roe v. Wade as including that type of abortion but it does.

That is really the wake-up call for America here: That Roe v. Wade is not what they claim it to be. If it is later in pregnancy, it is mothers who have health issues or the child has health issues. No, that is not what we are talking about here. We are talking about there needs to be a health exception, according to this court, for a procedure done late in pregnancy on healthy mothers with healthy babies treated in a brutal fashion such as this. I don't think most Americans would have said: Gee, we need a health exception here or Roe v. Wade covers this issue, but that is what they say; that based on the evidence they compiled in the Federal district court in Nebraska, the court examined the evidence and determined that a health exception was necessary, based on the evidence that was submitted at trial.

We believe strongly the evidence submitted at trial was incomplete; that there has been a lot of evidence submitted to the Congress and in publications that is counter to what the Nebraska district court found, and that the overwhelming weight, and I would argue the dispositive weight, of evidence presented to this Congress, which is a finder of fact just as the district court is, is that it is never medically necessary.

The Senator from California has said the American College of Obstetrics and Gynecology has written a letter saying that it may be medically—that is the term, ''may be medically necessary.'' Yet in the letter she has entered into the RECORD, which she has entered many times before, they do not present one example of a case in which it would be medically necessary.

For 8 years I have stood on the floor of the Senate and have asked for such a case from the American College. To date, the American College has never replied to my request. They have not sent one case to be submitted into this RECORD as to where this may be medically necessary actually is medically necessary.

One has to wonder the validity of the statement that it may be medically necessary if they can't find a case in fact where it is. Cases have been submitted by both Senators from California where some obstetricians have said this was medically indicated in this case. For every 1 letter that has been submitted, we have had 6, 7, 8, 9, 10 letters from maternal fetal medicine specialists—they are specialists in high-risk pregnancies—perinatologists who say not only aren't those cases good cases but they are contraindicated.

It is bad medicine. So we do not really have any uncontrovertible case where it is medically necessary. I think that is important for the Court to consider. I think it is also important for the Court to consider that the Congress, which has had multiple hearings of fact, unlike the Court, was able to make a determination and have a vote overwhelmingly in both the House and Senate that these facts are as we say they are. I believe we have a right as a body to make that determination.

We hope, just as we listen to the Court in matters of law because that is their responsibility, that as finders of fact they would listen to what we come up with. I know many on the Court think it is a one-way street. They just tell us what they think and we have to do whatever they tell us and we have no input into what the Court decision is.

That is not the way our Framers envisioned it. I found it sort of humorous that the Senator from California said the Framers did not envision the Congress amending the Constitution by legislative findings. I will assure the Senator from California that our Framers did not envision the Supreme Court amending the Constitution by judicial fiat but they do. Roe v. Wade is a case in point.

So there are lots of things our Framers did not envision, I say the most

grotesque of which is the Court activism that we have seen across the street.

With respect to this health exception, it is overwhelmingly clear that it is never medically necessary.

Why do we go to such length in saying that a health exception is not medically necessary? Well, because if we had a health exception to this bill—and many have suggested, just put in a health exception. I mean, are you not concerned about women's health?

Well, I do not think anyone is not concerned about women's health. In fact, the evidence presented is overwhelming that this procedure is a riskier procedure than other abortion procedures and is never medically indicated. So if one looks at the overwhelming body of evidence and they are concerned about women's health, they would be for banning this procedure because it is never medically indicated. It is done only for the convenience of abortionists and is, in fact, unhealthy. So if one's concern is women's health, then they would be for banning this procedure.

The interesting point is, why are they pushing so hard for this health exception and why are we resisting it so much? Well, what does the health exception mean? This is the little secret that to those who have not followed the abortion debate may say, what is the big deal? Why do you not put in a health exception? That sounds reasonable.

The problem with the health exception is that it is so broad an exception it swallows up the bill because a health exception—when Roe v. Wade was decided, there was a companion case decided called Doe v. Bolton, and in that case health was defined as: Medical judgment may be exercised in the light of all factors: physical, emotional, psychological, familial, and the woman's age relevant to the well-being of the patient. All of these factors may relate to health. This allows the attending physician the room he needs to make the best medical judgment.

So over time what this has been interpreted to mean is health means anything: emotional, physical, spiritual, psychological, whatever it is, stress, anxiety. Some have even brought it to economic concerns.

Health is an exception that swallows the rule. So as long as the doctor says the woman obviously exhibited anxiety, stress, discomfort, she had a headache or whatever, it does not matter. It does not say severe. It just says anything. So what this provision did, and that is what the Court wanted to do, was to give absolute latitude to the doctor to do whatever the doctor wanted to do in consultation with the patient. So the health exception is no exception at all. It is a barred antiprohibition. So understand that the health exception bars the bill, stops the bill from having any effect. So that is why we resist.

In our case, we think we are outside this health exception because it is actually unhealthy for the woman and it is never medically necessary.

Before I move on to the next topic, I want to go through some of the health risks as outlined—we have a series of letters which I will submit for the RECORD—that partial-birth abortion poses serious health risks for women.

First, as I mentioned before, the physician has to dilate the cervix a couple of days before the abortion is performed, creating a risk, according to several physicians, to an incompetent cervix, a leading cause of future premature deliveries or infection, and is the main cause of subsequent infertility.

As we can see, the baby is brought in feet first through the birth canal. When they reach in to pull the baby out of the uterus—reaching into the uterus to pull the baby's feet through the cervix is a dangerous procedure, risking the tearing of the uterus. It poses an increased risk of uterine rupture, abruption, amniotic fluid embolus and trauma to the uterus as a result of converting the child into a footling breech position. Grabbing the baby's legs could perforate the uterus, which could result in severe hemorrhage and possibly a hysterectomy. Then the procedure that follows where the Metzenbaum scissors are placed in the base of the baby's skull to kill the baby and puncture the baby's skull, putting the scissors into the baby's brain is a partially blind procedure. As we can see, the physician has no way of seeing where those scissors are entering the baby or if they are even entering the baby.

This blind procedure with a sharp instrument may expose the uterus to sharp bone shards, bone shards from the baby's skull upon the puncture. They may lacerate different parts of the woman's body and cause hemorrhaging and could necessitate a hysterectomy to save the mother's life. This is not a riskless procedure. This is a risky procedure.

I reiterate, this is not taught in medical schools. There are no peer review journals published that suggest this is a superior way, much less an appropriate way, to deal with an abortion. There are no studies that have been done, that are controlled in nature, to show that this is a proper procedure. This is a rogue procedure. It is medically unhealthy and it is medically unnecessary.

Both Senators from California talked about their recollection of the pre-Roe v. Wade days. The Senator from California, Mrs. BOXER, suggested the debate we had a month ago with respect to the number of maternal deaths as a result of abortion prior to Roe v. Wade were women in all States—in some States, abortion was legal, not in all States—that women as a result of that had higher incidents of maternal death. The Senator from California continued to indicate that there were some 5,000 deaths per year as a result of abortion not being legal everywhere in the United States.

I entered information in the RECORD from the Bureau of Vital Statistics, including more recently the Centers for Disease Control, suggesting at the time of 1972, prior to the decision being made, there were 83 maternal deaths. The Senator from California suggested that is only because the only reported deaths were States in which abortion was legal.

That is not the case from the statistics. Had that been the case—it is not, according to the information we have gathered, but had it been the case, then why were there 1,231 reported deaths from abortion in 1942, where abortion was not legal in any State in the country?

So if her information was correct, if they were only reporting cases in States in which abortion was legal in 1942, there would have been no deaths because there were no States in which abortion was legal. But in fact they were reporting from States where abortion was legal and illegal.

What you saw from 1942 down to 1972 was a decrease, from 1,231, almost straight line down to 83 deaths in 1972. Why? Because medicine improved. Antibiotics, first and foremost, is probably the principal reason, because of infection, but there were a whole variety of reasons. The improvement of medical science is why those numbers continued to decrease. So the idea that somehow or another there were thousands of women dying prior to Roe v. Wade is just not backed up by the facts.

We have an obligation; as much as we would like to paint a picture for the eyes particularly of young people who didn't live then, as much as we would like to paint this picture to young people to convince them of the justice or righteousness of the right to abortion, that things were really bad, that women were dying in droves, there was a horrible situation prior to Roe v. Wade, we cannot. You have to deal with the fact that was not the case with respect to the amount of maternal deaths.

There may be other factors that you consider and you are welcome to make the arguments about how people felt at the time. That is fine. But you cannot play with the facts to present a case that is not true.

I want to quote Bernard Nathanson who was, at the time of 1972, an abortionist. He says:

> How many deaths were we talking about when abortion was illegal? In N.A.R.A.L.—

A group he helped found, the National Abortion Rights Action League—

> we generally emphasized the drama of the individual case, not the mass statistics, but when we spoke of the latter it was always ''5,000 to 10,000 deaths a year.'' I confess that I knew the figures were totally false, and I suppose the others did too, if they stopped to think about it. But in the ''morality'' of our revolution, it was a useful figure, widely accepted, so why go out of our way to correct it with honest statistics?

This is a very serious issue. I would argue it is the greatest moral issue of

our time. I think we have an obligation to use honest statistics, at least honest statistics—honest statistics, honest cases. The Senator from California brought up the case of Vicki Wilson, as she has repeatedly throughout this debate over the past several years. She said Vicki Wilson needed a partial-birth abortion because of a medical condition she and the baby had. Let me quote from Vicki Wilson's own testimony to Congress.

> My daughter died with dignity inside my womb, after which the baby's body was delivered head first.

Not feet first. Vicky Wilson did not have a partial-birth abortion. Yet it is a case that is continually used here to justify a partial-birth abortion being kept legal.

The case was also made she needed to have one done. Quoting Vicki Wilson:

> I knew I could go ahead and carry the baby until full term but knowing, you know, that this was futile, you know, that she was going to die, I felt like I needed to be a little bit more in control in terms of her life and my life.

Vicki Wilson did not have a medical emergency or a health need, from the standpoint of what most people would consider to be a health need, which is physical health.

I caution, when people listen to this debate, that they listen to the debate of what is real, what the facts are, and what the consequences are. There is no question in my mind that the consequences of this debate are the most profound consequences we face as a country and more specifically as a culture as to who we are. Because ultimately what this is about, banning this procedure, is about who we are going to accept in our human family. Do we accept this little baby? You can pull out the photo Senator BROWNBACK showed earlier. If we can accept this little baby at 20 weeks or 21 weeks into our human family, or do we say no, no, you may look like us, you may have hands and feet and you may have a heartbeat, you may be perfectly normal, you may have looked like us when we were that age, but we are not going to include you in the human family. We are not going to call you an American. We are not going to give you the rights provided to you under the Constitution.

It really is about who we accept. I would argue it is about who we are going to love, who we are going to nurture, who we are going to support.

Today in the Senate we have a chance to say in some very small way—and I admit, I will agree with the Senators from California and others that this will do very little to limit the number of abortions. I agree with that. But in some small way we are acknowledging this little child, this little child is a member of our family.

The Senator from Iowa, Senator HARKIN, as well as the Senator from California, Senator FEINSTEIN, talked at length about the striking of the Roe v. Wade language from this bill that passed the Senate. The language stated Roe v. Wade was the law of the land and should continue to be the law of the land. It passed by a couple of votes here in the Senate.

I think many of us found that to be somewhat in contrast with the underlying purpose of this bill, in the sense that this was a very small tip of the hat, recognition of the humanity of this child, we were not going to treat this child in this grotesque fashion. That is all.

It doesn't say that child couldn't be killed in some other fashion that was medically safer for the woman. But it says when it comes to delivering a child and having that child just inches away from being born, we were not going to go that far. This, really, was too close. So we gave a small nod, a small nod to the humanity of that child in the process of being born.

So many of us thought, sort of restating this sense of the Senate about the primacy of Roe v. Wade was an insult to even this little nod that I would argue is outside of Roe v. Wade. Unnecessary, is what it is. Roe v. Wade is, according to the Court, how they will decide abortion cases.

I vehemently disagree with them and I will continue to fight on this floor and anywhere else I can to make sure that law, that Court decision taking the decision away from the American public—which is where it was prior to Roe v. Wade—taking the decision of great moral import away from the American public, is returned to the people.

We just saw an election in California where the people rose up and said they wanted to take back control of their State. We don't have such a process here. The Court is insulated from the public rising up and saying no, we don't like your decision—or even from the Congress. It takes a huge amount of effort. It is a very difficult process to amend the Constitution, pass both Houses of Congress by a constitutional majority, 67 percent; plus get three-quarters of the States to ratify a constitutional amendment. Yet this Court by a whim can amend the Constitution with five votes, and did so. They amended the Constitution like that.

I don't think that is the way the Framers wanted it. I think they set forth a constitutional amendment process because that is the way they wanted to create new rights or change the Constitution, not to allow the Court to do it.

I have likened the Roe v. Wade decision—I was fortunate enough Sunday to be in St. Louis, MO and had the opportunity to walk by the courthouse, which is right in downtown St. Louis, where the Dred Scott case was initially decided. That is where the district court was.

You look back, and people in St. Louis have great pride in the fact that case was there, and many Missourians stood up and fought against what that case was all about. I would argue that Roe v. Wade is exact in kind as the Dred Scott decision. Like the Dred Scott decision, Roe v. Wade—unlike, if you think back, and think of any other major Supreme Court decision, where rights, individual rights were dealt with—almost every other Supreme Court decision in which individual constitutional rights were dealt with, over time the public grew to accept. That is because over time, the public grew to understand the justice of that decision.

The most recent one is civil rights decisions. But in Dred Scott the abolitionist and so many others knew of the injustice—yes, it was the law; that is what the court said. They decided the case. There were too many in this country who said, no, I don't believe that is right.

It is amazing if you see the polling of young people in America, there is actually a higher pro-life sentiment among young people than older people, but you would think people who grew up, knowing this was the law—because when people hear the law they think, if it is the law, it must be right; it must be just; it must be ethical; it must be moral; otherwise, it would not be the law. The law is a great teacher. It is the greatest teacher to young people as to what is right and what is wrong. Young people, knowing the law, still say there is something inside me that says this is not right. Just like young people in the 1850s and 1860s, who said there is something inside me that tells me this is not right.

Abraham Lincoln said a house divided against itself cannot stand. So here we are today, with the American public deeply divided on this issue, deeply divided because so many people for 30 years have only known the law and the popular culture. Does the popular culture depart at all from what the law is? Is there anything you see coming out of Hollywood or New York that at all disagrees with this, the Supreme Court notion of what the law should be? Of course not. Yet this feeling is out there, this sentiment, like the abolitionists of the 1860s who said it may be the law, but in this case that does not make it right. That does not make it just. So while we had a great debate on Roe v. Wade, this will have no impact. It is just a debate that will continue to go on.

The final point I make about this is one I have made before. Why are Dred Scott and Roe v. Wade alike? Because the Dred Scott decision put the rights, the property rights, the liberty rights of the slaveholder above the life rights of the slave. In our founding document, the Declaration of Independence, Thomas Jefferson wrote: We are endowed by our creator with certain inalienable rights. Then he listed them: The right to life, liberty, the pursuit of happiness. In that order—life, liberty, pursuit of happiness.

In Dred Scott, we took the fundamental right, life—for without life you cannot have liberty; without liberty you cannot pursue happiness. So they are put in order for a reason. What

Dred Scott did was take the life rights of a slave and put them under the liberty rights of someone else.

And Roe v. Wade, the reason I compare it to Dred Scott, does the same thing. It puts the life right of this little human being that we have decided not to accept in our society as a person and subjugates them to the liberty rights, the choice of someone else, in this case the baby's mother.

The Senator from California says why don't we trust women more? I do. But you cannot ignore the fact that one-third of all pregnancies in America end in abortion. This is a very small piece of legislation, I will admit that. But it is important just for a brief moment, just for some rather small piece of legislation that affects, if you consider 1.3 million abortions, less than 1 percent of all abortions, far less, .1 of all abortions, but in some small way it begins to recognize the humanity that we have to display toward this child and not treat this child in such a brutal fashion.

I conclude by thanking my colleague from California and all those who have been involved in this debate over the years. We have had a vigorous debate. That is important in the Senate that we debate these very important issues. I thank all those on both sides of the aisle who have engaged in that. I thank Senator SMITH for his courage in bringing this bill up; Senator DEWINE, in particular, who has been a tremendous champion on this issue; along with Senator BROWNBACK, Senator ENSIGN, Senator VOINOVICH, and so many others who have come to the Senate and taken on this issue.

I thank my staff: Heather MacLean, for the tremendous work she has done in supporting me in every way possible in getting the information I need when I need it, to carry this debate forward; and Michelle Kitchen; prior to her, Wayne Palmer, my legislative director; and all the members of my staff.

Finally, I thank all who have been sending your prayers to Washington, DC, through this debate. They have made a difference.

Mr. DOMENICI. Madam President, I rise today to support adoption of the conference report to accompany the ''Partial-Birth Abortion Ban Act of 2003.'' I compliment the distinguished Senator from Pennsylvania, Mr. SANTORUM. He has carried this bill and I offer him my congratulations for his efforts in this regard.

I have always been a supporter of the rights of the unborn. And, after many years of debate on this issue, I am very pleased that this body is going to pass this measure, and that the President has said he will sign it.

In March, I came to the floor and I discussed this very issue. At that time, I quoted one of our very distinguished former colleagues, Mr. Daniel Patrick Moynihan. Senator Moynihan described the Partial Birth Abortion procedure as follows:

> I think this is just too close to infanticide. A child has been born and it has exited the uterus. What on Earth is this procedure?

That is what the distinguished Senator from New York said.

And, the Senator was right. This debate is not about Roe v. Wade; this is not a pro-life or pro-choice vote. This debate is about humanity and necessity. The procedure of partial- birth abortion, to put it candidly, is cruel and inhumane. The issue here today is whether we should prohibit a form of abortion that borders on infanticide. As Senator Moynihan said, ''what on Earth is this procedure?''

By now, many Americans are uncomfortably aware of the details of a partial-birth abortion. They have heard the testimony of doctors who perform this procedure and nurses who witness it. They have also most likely seen information ads or read descriptions of the procedure. Maybe they have even watched us debate the issue on prior occasions. I will not go through the details of the procedure. I will only say that at a minimum it is cruel and inhumane, and when this debate is completed, I hope that the Senate will take a stand and ban a procedure that diminishes the life of a child that has been born and has exited the uterus.

This debate today is about protecting a fetus, a baby, a life that is now destroyed in a cruel and inhumane way. It is about a life that is unnecessarily destroyed and it need not happen. We are not really talking about banning abortion here, we are talking about banning a form of infanticide and it is for this reason that I will gladly vote in favor of the ''Partial Birth Abortion Act of 2003.''

Mr. VOINOVICH. Madam President, today is a glorious day. Today is the day that we finally send the Partial-Birth Abortion Ban Act to the President for his signature, and we can now begin to save human lives. Today's vote is only marred by the fact that it took us so long to get here. Just imagine the number of lives we could have saved if we had sent this bill to the President 8 months ago, when we first passed it.

The subject of partial-birth abortion is not a new one for me. Eight years ago, when I was Governor of Ohio, we were the first State to pass a partial-birth abortion ban, which was unfortunately struck down by the courts. Subsequent to that, I watched the partial birth abortion ban make its way through the 104th and 105th Congresses, only to be vetoed by President Clinton. After I arrived in the Senate in the 106th Congress, I gave a speech in support of a partial birth abortion ban that passed both chambers but never made it to Conference. I am overjoyed that we finally got this done in the 108th Congress!

During debate on this bill, I listened to my colleagues quote statistics and spout off facts about medical necessity and the health of the mother. Well, we can all quote different statistics, but the bottom line is that there is no need for this procedure. Most of these partial birth abortions are elective. They take 3 days to complete and are never medically necessary.

The victims of the partial-birth abortions are human beings. I find it interesting that they are sometimes called living fetuses. Whether they are called babies or fetuses, no one seems to dispute the fact that they are living. In fact, they are human babies and they can feel pain.

I would like to thank all of my colleagues who voted for this very important legislation. We can certainly be proud of what we have accomplished today!

Mr. BUNNING. Madam President, today I come to the floor with joy in my heart knowing we will finally put an end to the death of unborn children through partial-birth abortions. I am joyful that our efforts will not go in vain this year because President Bush is eager to sign this bill.

But my heart is also heavy knowing that this procedure has gone on too long. Too many children have died in this horrific way. The vast majority of Congress has been trying for the better part of a decade to ban partial-birth abortions but has been stymied by President Clinton and the current minority party in the Senate. I am glad the days of obstruction and vetoes have come to an end and this bill will become law.

I can think of no more clear-cut case between right and wrong. All one needs to know is a description of the process to understand how wrong partial-birth abortions are. First, an abortionist induces dilation of the mother so the baby can be almost fully delivered. Next, the baby is delivered to the point that only its head remains inside the mother. Third, the child is stabbed in the back of the skull with scissors or some other sharp object. Finally, a tube is used to suck the child's brains out of the hole left by the stabbing.

There is no gray area or middle ground when it comes to this procedure and there are no justifications for it. The child is delivered to within inches of breathing its first breath. If the doctor lets the head of the baby slip just an inch or two, the child would be born and the doctor would be prosecuted for murder. Nevertheless, some abortion supporters cannot see through the fog of their fervor to realize just how wrong that is.

I do not mean to suggest that there is widespread support for partial-birth abortions. There is not. The vast majority of the American people want the procedure to end. Congress has voted overwhelmingly many times in the last few years to enact a ban like the one before the Senate today. Most doctors oppose the procedure including quite a few who perform other forms of abortion.

There is no evidence that this procedure is ever necessary to preserve the health of the mother. In fact, it is quite dangerous. Babies being killed in this manner can feel the pain of its skull being pierced and have been seen

writhing in pain, flailing tiny arms and legs until its skull collapses after its brains have been vacuumed out. I do not understand how anyone can believe this should go on.

Doctors and medical researchers have made great progress in fetal health care. Babies can be operated on while still in the womb. Premature babies can survive outside their mother at younger and younger ages. With those and other advancements Americans are continually placing a greater value of life. By passing this law Congress will further advance the cause of life and send an unmistakable message that ours is a just society that values every human being and believes in the sanctity of life.

I look forward to President Bush signing this bill into law. I am proud of his support of this bill and for life.

Mr. NICKLES. Madam President, as I am sure all of my colleagues know by now, the procedure banned by this bill—the partial-birth abortion procedure—defies description. I am not going to go into the terrible details of this procedure which is performed on a living child late in pregnancy.

This is a truly shocking procedure—absolutely indefensible. The term ''partial-birth'' is perfectly accurate. Some prominent defenders of partial-birth abortions insist that anesthesia kills the babies before they are removed from the womb. This myth has been refuted by professional societies of anesthesiologists. In reality, the babies are alive and experience great pain when subjected to a partial-birth abortion.

It has been asserted that this procedure is the only way to prevent serious health damage. However, partial-birth abortions are performed thousands of times annually on healthy babies of healthy mothers.

Hundreds of ob-gyns and fetal/maternal specialists, along with former Surgeon General Koop have come forward to unequivocally state that ''partial-birth abortion is never medically necessary to protect another's health or her future fertility.'' Thus, the first section of S. 3 contains Congress' factual findings that, based upon extensive medical evidence compiled during congressional hearings, a partial-birth abortion is never necessary to preserve the health of a woman.

In January 2003, even the Alan Guttmacher Institute—an affiliate of Planned Parenthood—published a survey of abortion providers that estimated that 2,200 abortions were performed by the method in the year 2000. While that figure is surely low, it is more than triple the number that AGI estimated in its most recent previous survey, for 1996.

The stark fact is that unless this bill becomes law, more innocent unborn children will have their lives brutally ended by the inhumane partial-birth procedure.

It is unbelievable to me that this unspeakable abortion procedure even exists in this country, much less that we are having to take legislative action to ban such a procedure. It is further unbelievable to me that anyone in good conscience can even defend the partial-birth abortion procedure. It is a fiction to believe that it is all right to end the life of a baby whose body, except the head, is fully delivered. In order to engage in such a fiction, one has to take the position that curling fingers and kicking legs have no life in them. Those who subscribe to such a fiction, are at best, terribly misguided.

As Former Surgeon General C. Everett Koop stated: ''. . . in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby.'' American Medical News, August 19, 1996.

Now it is time for the Senate to approve a ban on partial-birth abortions. It is time to end this injustice and the practice of this inhumane procedure. I urge my colleagues to join me in ending this atrocity.

Mr. BOND. Madam President, I rise today in support of the conference report to the Partial-Birth Abortion Ban Act. I am pleased to be a cosponsor of this legislation, and I look forward to the day when partial-birth abortion is banned once and for all.

Medical experts agree, partial-birth abortion is not good medicine. The Physicians Ad Hoc Coalition for Truth, PHACT, a group of over 500 doctors, mostly specialists in OB/GYN, maternal and fetal medicine, and pediatrics, have stated that partial-birth abortion is never medically necessary to protect a woman's health or her fertility. In fact, the exact opposite is true; the procedure can pose a significant threat to both the pregnant woman's health and her fertility.

Today we move one step closer to putting an end to this brutal procedure. One of life's greatest gifts is our children, and we cannot allow them to be victims of this heinous and cruel procedure.

I have cosponsored this legislation in the past three Congresses, and I am a cosponsor of the bill before us today. I am pleased to rise once again in support of protecting human life. I hope that Congress will deliver this bill to the President, who is eager to sign this bill into law.

Ms. MIKULSKI. Madam President, I rise today in support of the Roe v. Wade decision that was made by the Supreme Court over 30 years ago, and in opposition to the late term abortion conference report before the Senate.

The Supreme Court's acknowledgement of the fundamental ''right to privacy'' in our Constitution gave every woman the right to decide what to do with her own body. Since that historic day, women all across the country and the world have had improved access to reproductive health care and services. However, Congress is on the brink of turning back the clock.

Last month, my colleague from California, Senator BOXER, led a fight on the Senate floor to keep Senate passed language in support of Roe v. Wade in the late term abortion bill, S. 3. I was disheartened to hear that the conference committee stripped the Senate passed Roe v. Wade language. The Roe v. Wade decision is important to women's rights, women's health, and public health.

I believe that this bill is the first step in a plan by the leadership of this Congress to overturn Roe v. Wade. When President Bush signs this bill, he will become the first President since Roe V. Wade to recriminalize abortion procedures.

As I have stated previously on the Senate floor, the bill before us is unconstitutional. Just 3 years ago the Supreme Court ruled in Stenberg v. Carhart that a Nebraska State law that bans certain abortion procedures is unconstitutional. The Supreme Court ruled it was unconstitutional for two reasons. First, it did not include an exception for a woman's health. Second, it does not clearly define the procedure it aims to prohibit and would ban other procedures, sometimes used early in pregnancy.

S. 3 is nearly identical to the Nebraska law the Supreme Court struck down. The proponents of this legislation say they have made changes to the bill to address the Supreme Court's ruling. They have not. It still does not include an exception to protect the health of the woman. It still does not clearly define the procedure it claims to prohibit. Let me be clear about this. S. 3 is unconstitutional. That is why I supported the Durbin substitute when the Senate considered this legislation.

I supported the Durbin amendment because it was consistent with my four principles. These are my principles: It respects the constitutional underpinnings of Roe v. Wade. It prohibits all post-viability abortions, regardless of the procedure used. It provides an exception for the life and health of a woman, which is both intellectually rigorous and compassionate. And it leaves medical decisions in the hands of physicians—not politicians. The Durbin alternative addressed this difficult issue with the intellectual rigor and seriousness of purpose it deserves.

I strongly support a woman's right to choose and have fought to improve women's health during the more than two decades I have served in Congress. Whether it is establishing offices of women's health, fighting for coverage of contraceptives, or requiring federal quality standards for mammography, I will continue the fight to improve women's health.

Congress must protect a woman's freedom of choice that was handed down by the Supreme Court over 30 years ago. This Congress must not turn back the clock on reproductive choice for women. I urge my colleagues to vote against the conference report for the late term abortion bill.

Mr. NELSON of Florida. Madam President, today the Senate considers the conference report to accompany S. 3, the Partial-Birth Abortion Ban Act, and I want to take this opportunity to explain my vote. I am opposed to the procedure known as partial-birth abortion, except in cases where the life or physical health of the mother is in jeopardy. This legislation does not include an exception to provide for the physical health. That means that a physician could determine that a woman could be paralyzed for life, and it would not be considered an adequate exception under this legislation. Therefore, I must respectfully vote against this bill.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD)

● Mr. EDWARDS. Madam President, I rise today to express my opposition to the conference report to accompany S. 3, the late term abortion ban bill.

As we know, the Supreme Court has ruled on this issue. The Court said that a ban on later-term abortion procedures must protect a woman's health. In Stenberg V. Carhart, the Court ruled that an abortion ban must include a health exception when ''necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.''

The bill before us today does not include an exception for a woman's health. If this bill becomes law, a woman would be refused this procedure even if other procedures would cause her grave harm. While late-term abortions should occur only in rare circumstances, this bill bans them in all circumstances. That is not constitutional and it is not fair to the women who are in the rare circumstances where this procedure is required. For this reason, I cannot support this bill.●

Mr. FEINGOLD. Madam President, earlier this year, the Senate passed S. 3, the Partial Birth Abortion Ban Act. I opposed that bill and instead supported a constitutionally sound alternative offered by my colleague, Senator DURBIN. The Durbin alternative would ban post viability abortions unless the woman's life is at risk or the procedure is necessary to protect the woman from grievous injury to her physical health.

I understand that people on all sides of this issue hold sincere views. I respect those who oppose abortion on principle. Like most Americans, I would prefer to live in a world where abortion is unnecessary. I support efforts to reduce the number of abortions through family planning and counseling to avoid unintended pregnancies. I have always believed that decisions in this area are best handled by the individuals involved, in consultation with their doctors and guided by their own beliefs and unique circumstances, rather than by government mandates.

I support Roe v. Wade, which means that I agree that the government can restrict abortions only when there is a compelling state interest at stake. I feel very strongly that Congress should seek to regulate abortions only within the constitutional parameters set forth by the U.S. Supreme Court.

Unfortunately, the conference report fails to cure the flaws in the bill that make it unconstitutional on its face. The conference report's description of the procedure that it would ban is so vague and overbroad that it could place an undue burden on a women's right to choose by encompassing safe and common abortion procedures used prior to viability.

I am also disappointed that the conference report failed to adopt the Senate's language in S. 3 reaffirming the Senate's commitment to Roe and its belief that Roe should not be overturned. The Senate had a straight up-or-down vote on this language, which was offered by my colleague Senator HARKIN. A majority of the Senate agreed to support the Harkin amendment. The House was wrong to remove this language during its consideration of the bill, and I am disappointed that the conference report failed to adopt the Senate's position on this issue.

The Senate should only legislate in this area in a way that is constitutionally sound. This conference report does not meet that test and I cannot support it.

Ms. CANTWELL. Madam. President, I rise today to express my opposition to the conference report to S. 3 the so-called Partial-Birth Abortion Ban Act of 2003. This is an unconstitutional piece of legislation that puts women's lives in jeopardy.

Supporters of this bill will argue that this legislation bans only one procedure but this is not the case. Make no mistake about it. This bill puts us on a path outlawing abortion. The language in this bill is vague, and this law could be used to ban other safe and legal procedures. Moreover, this legislation imposes an undue burden on a woman's ability to choose by banning abortion procedures at any stage in a woman's pregnancy. This bill does not only ban post-viability abortions, it unconstitutionally restricts women's rights regardless of where the woman is in her pregnancy.

In 1973, in Roe v. Wade, the Supreme Court found that women have a constitutional right to choose. However, after the point of viability—the point at which a baby can live outside its mother's body—States may ban abortions as long as they allow exceptions when a woman's life or health is in danger. The bill before us, however, restricts abortions before viability and it does not include a health exception. Let me repeat that. This bill is fundamentally flawed because it does not protect the women when her health is in danger.

In June 2000, the U.S. Supreme Court reinforced the importance of this health exception in Stenberg v. Carhart, which determined that a Nebraska law banning the performance of so-called ''partial birth'' abortions was unconstitutional under Roe v. Wade.

The Supreme Court has stated unequivocally that every abortion restriction, including bans on so-called ''partial-birth abortion,'' must contain a health exception. The Court emphasized that, by failing to provide a health exception, the Nebraska law would place a woman's life in danger. That is exactly what the legislation before us today does as well: it places a woman's life in danger.

Despite the Supreme Court's very clear mandate, this underlying legislation does not provide an exception for the health of the mother. For this reason, this legislation, like the measure that was struck down in Stenberg, is unconstitutional.

I am very disappointed that this conference report does not include language passed by the Senate that abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade; and that the 1973 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of states to restrict the right of a woman to choose to terminate a pregnancy.

Furthermore, the amendment firmly laid out the sense of the Senate that the decision of the Supreme Court in Roe v. Wade was appropriate and secures an important constitutional right and that the decision should not be overturned.

I fundamentally believe that private medical decisions should be made by women in consultation with their doctors—not politicians. These decisions include the methods by which a physician chooses to treat his or her patients. Why should we decide that here on the Senate floor? Congressional findings cannot possibly make up for medical consultation between a patient and her doctor. This bill, however, would undermine a physician's ability to determine the best course of treatment for a patient.

Physicians must be free to make clinical determinations, in accordance with medical standards of care, that best safeguard a woman's life and health. Women and their families, along with their doctors, are simply better than politicians at making decisions about their medical care. And I don't want to make those decisions for other women.

During the course of this debate we heard painful stories about women who were anxiously awaiting the birth of a child when something went horribly wrong. We heard true stories of women who were devastated when they discovered that their child had severe health problems and would not survive. We heard stories about women who wanted to complete their pregnancy and were told by their physicians that, should they do so, they would put their health at risk. The truth is that this is a

heartbreaking, painful, personal decision that should be made by solely a woman with the advice of her doctor.

I trust the health care providers and organizations like the American College of Obstetricians and Gynecologists, and the American Medical Women's Association who oppose this ban. These physicians know their patients, they know their stories, and the painful choices that many make, and they know that this ban is wrong. Most importantly, I trust the women in my State and around this country to make the decision that is right for them. During such a difficult, private time, women should be surrounded by those who love and support them. Women should not have to listen to rhetoric that demonizes their heartbreak, but should be able to receive medically accurate information from a trusted health care professional.

Three States, including my home State of Washington, have considered similar bans by referendum. All three failed. We considered this debate in my home State in 1998. The referendum failed decisively—by a vote of 57 to 43 percent.

These so-called ''partial-birth'' abortion bans—whether the proposals that have been before the Senate in the past or the one before us today—are deliberately designed to erode the protections of Roe v. Wade, at the expense of women's health and at the expense of a woman's right to privacy.

The Supreme Court, during the 30 years since it recognized the right to choose, has consistently required that, when a State restricts access to abortion, a woman's health must be the absolute consideration. This legislation does not only disavow the Supreme Court's explicit directive, but the advice of the medical community, and the will of the American people. We must continue to ensure that the women of America have the right to privacy and receive the best medical attention available.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I understand I have a minute, 51 seconds remaining.

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I understand Senator FRIST will take some leader time and Senator DASCHLE has given me 4 minutes of his leadership time, so I will speak for about 6 minutes if that is all right.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, the Senator may use the leader's time.

Mrs. BOXER. Madam President, I, too, thank everyone involved in this debate on both sides because I think it has been a very enlightening debate. I have been on the Senate floor about this bill many times. This particular debate brought out so many issues.

I also thank the many women who experienced this procedure, who were able to come to Washington on many occasions to tell us what their world was like when they found out late in the pregnancy that something had gone horribly wrong and the doctor told them that their baby could never live outside of their womb and the doctor told them if they did not have the procedure that is being banned in this bill, they could suffer a stroke, they could suffer paralysis, they could lose their fertility. These women came out and put a face on this issue, a real, human face; many of them very religious, many anti-choice, who said this was an excruciatingly difficult choice, but they knew it was right for themselves and their baby.

What we are about to do today—and I have no illusions; I know this bill will pass—we are about to ban a procedure that doctors say is needed to save the life and health of a woman. If I went up to you on the street and I said, I know there is a medical procedure that is sometimes necessary to save the life and health of a woman, would you want to ban it or would you be willing to ban it except for those occasions when it is necessary. I think and I know most Americans would do the humane thing and say absolutely, we want to make an exception for life and health. That is not what is done in this bill.

The doctors tell us this is a dangerous piece of legislation. The doctors tell us this is an unconscionable piece of legislation. The doctors tell us that women's lives and health will be put at risk if we pass this. I happen to believe, on issues such as these, we have to turn to the women themselves who have faced this agonizing decision, and to the doctors, the OB/GYMs whose job it is to bring life into the world.

Well, when we have done that, they have told us not to go this route, that if we are going to ban the procedure, always to have an exception, always for the life and health of the woman. Yet this Senate is going to turn its back on the women of this country, turn its collective back on the doctors of this country, and basically outlaw a procedure they say is necessary.

When the President signs this bill—and he will do so—it will be the first time in history any President of either party has banned a medical procedure that is necessary to save the life and health of the people of this country. I think that is a historic moment, and I think the people of this country will understand all of the ramifications. There is no question about that.

To make it clear, I will reiterate what many of my colleagues who are pro-choice have said. We believe Roe v. Wade was rightly decided. We believe it balanced all the interests that were before the Court. We believe when the Court said, in the very early stages of a pregnancy, Senators, Congress people, stay out of this decision, they were right. When the Court said, in the late stages of a pregnancy, the State can control what occurs in an abortion, but always with an exception for the life and health of a woman, we believe that is right.

Now the other side tells us: Oh, well, this bill has nothing to do with Roe v. Wade. It does not in any way challenge Roe v. Wade. Well, that is just untrue on its face. The Court has already ruled in the Nebraska case that when you do not make an exception for health, when you have vague definitions, that is violative of Roe.

What we are doing is passing a piece of legislation that will be signed with great fanfare, and it will be declared unconstitutional across the street. Instead, we could have joined hands across party lines, we could have joined hands across ideological lines, we could have banned every single late-term abortion with an exception for life and health, but the other side refuses to do this—refuses to do this. I do not understand how you can stand here and say you are doing the right thing by the women in this country and not make an exception to protect the health of a mother.

I hope many of us will vote this down. I have no illusions in the final vote, but it has been an excellent debate. I hope America was listening.

I thank you very much.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I know I just have a few seconds, but I do want to recognize the tremendous effort and work the majority leader has made over the years on this issue. His presentation, when he first came to the Senate, as the only physician in the Senate, was compelling, persuasive, and I think one of the things that allowed us to get the 60-plus votes we needed to have this bill passed on previous occasions and now gives us the margin we have today. He is to share a significant amount of credit for today's victory.

Thank you, Madam President.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, on leader time, I will use just a remaining few minutes.

The partial-birth abortion ban is finally at the finishing line. I expect today the Senate will vote for the last time to end this morally reprehensible procedure. We will have a bill on the President's desk, and this President will sign the ban into law.

As a physician and as a board-certified surgeon, I can say without equivocation that partial-birth abortion is brutal, it is barbaric, it is morally offensive, and it is outside of the mainstream practice of medicine.

Contrary to the claims of its supporters, partial-birth abortion is a fringe procedure outside of the mainstream. It is not performed by people who are board-certified surgeons. It is not found in common medical textbooks. It is not taught in our surgical residency programs.

The sole purpose of this partial-birth abortion is to deliver a dead baby. It is not, as some insist, to protect the life of the mother. In fact, partial-birth

abortion, as we have heard again and again, is dangerous to the health of the mother, more dangerous than other alternatives. We could go on and on with these undeniable medical facts in greater detail, but something larger is at stake, and we speak to that powerfully with this vote today.

Beyond even the ethical practice of medicine, our Nation's charter, the Declaration of Independence, asserts our Creator has blessed us with certain rights—rights from which we, as beings made in God's image and likeness, cannot be alienated.

In destroying the body of a mature, unborn child, we are alienating that child from his or her most essential right; and that is, the right to life.

In doing so, we are violating the very premise of our Republic—that our rights are enduring gifts of God, not privileges to be revoked by human whim.

In Evangelium vitae, Pope John Paul II tells us true human freedom is rooted in a ''culture of life.''

We will reaffirm in this Chamber that human personhood is precious, that doing no harm is still the bedrock of medical morality, and that we have the will to stop a practice we know is evil and morally reprehensible.

I yield back the remainder of the time.

Mrs. BOXER. Madam President, I ask unanimous consent that I be allowed to speak for 2 minutes from Senator DASCHLE's leader time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Thank you.

Madam President, I want to reply to what the good Senator has said, with great respect, when he says this procedure is outside the mainstream. I want to point out, I respect his opinion, but I think doctors who have gone into OB/GYN, if that is their field—I do not believe the American College of OB/GYNs—45,000 doctors—are out of the mainstream. I do not believe the American Medical Women's Association—10,000 female doctors—are outside the mainstream. Nor do I believe the American Public Health Association—thousands of doctors—are outside the mainstream.

So although I totally respect the opinion of my colleague, and I would fight for his right to have it, and his right to believe what he does, I think it is a bit dismissive of the mainstream OB/GYN doctors in this country, all of whom have told us, please do not pass this ban that they have said is dangerous to women. They have said, to use their words, it is risky to women, and they are very upset about it.

I did not want the Senate to believe these organizations back this bill, because they do not. We have put those letters into the RECORD.

I thank you very much.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, obviously we have a strong disagreement in the statements that were just made. Let me finally close by saying this is a brutal procedure. It is a barbaric procedure. It offends the sensibilities of 90 percent or more of Americans. It is outside of mainstream medicine as practiced in the United States of America today.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Texas (Mrs. HUTCHISON) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 402 Leg.]

YEAS—64

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Miller
Bayh	Dorgan	Murkowski
Bennett	Ensign	Nelson (NE)
Biden	Enzi	Nickles
Bond	Fitzgerald	Pryor
Breaux	Frist	Reid
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Byrd	Hagel	Shelby
Campbell	Hatch	Smith
Carper	Hollings	Specter
Chambliss	Inhofe	Stevens
Cochran	Johnson	Sununu
Coleman	Kyl	Talent
Conrad	Landrieu	Thomas
Cornyn	Leahy	Voinovich
Craig	Lincoln	Warner
Crapo	Lott	
Daschle	Lugar	

NAYS—34

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bingaman	Graham (FL)	Nelson (FL)
Boxer	Harkin	Reed
Cantwell	Inouye	Rockefeller
Chafee	Jeffords	Sarbanes
Clinton	Kennedy	Schumer
Collins	Kerry	Snowe
Corzine	Kohl	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Levin	
Durbin	Lieberman	

NOT VOTING—2

Edwards	Hutchison

The conference report was agreed to.

Mr. MCCONNELL. 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.

CLASS ACTION FAIRNESS ACT OF 2003—MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will resume consideration of the motion to proceed to S. 1751.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, parliamentary inquiry: Is it in order at this point in time for the Senator to speak as in morning business for about 10 minutes?

The PRESIDING OFFICER. The Senator should seek consent for that purpose.

Mr. REID. I could not hear the Senator's request. I am sorry.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The Senator from Virginia simply asked the parliamentary situation, could I proceed as in morning business for 15 minutes?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

REMARKS BY SERVICE MEMBERS

Mr. WARNER. Madam President, the press have reported comments made by a general officer, General Boykin, and those remarks have been the subject of considerable concern. They are also regrettably a subject of great discussion in the Arab press.

I also am concerned, and I rise to advise my colleagues and others of a recommended course of action. I do so by first reading a letter signed by Senator LEVIN and myself dated last Friday. We wrote this letter jointly in the course of the debate on this floor in response to the request by the Commander in Chief, the President, for some $87 billion to support our military and to support our reconstruction efforts in Iraq and elsewhere. I was a strong supporter and was happy to vote for it. Fortunately, the measure has passed and is now subject to the conferees.

It is interesting, at the very time that we were passing this legislation, which are taxpayer funds in considerable amounts, the object was to provide freedom and quality of life for the people of Iraq. The people of Iraq largely follow the Muslim religion in teaching, in tenets, and it is dear to their hearts. At the same time, the coverage in the United States is about comments made by a distinguished officer, a man who has shown great personal courage in the profession as a soldier.

Nevertheless, there are allegations with regard to these remarks that have been reported in the press. Senator LEVIN and I felt it was our duty, as chairman and ranking member of the Armed Services Committee, to make a recommendation to the Secretary of Defense.

I am about to read that letter we sent on Friday, because I think it is a very responsible way to deal with a high-profile situation.

Dear Mr. Secretary:

Enclosed are copies of articles that have appeared in the press recently about public statements allegedly made in uniform by LTG William G. Boykin, U.S. Army, the Deputy Under Secretary of Defense for Intelligence. In matters pertaining to religious beliefs, the practice and expression, the Armed Forces have traditionally permitted as much latitude as possible,

consistent with the requirement of good order and discipline in the military's ability to accomplish its mission. We recognize the right of every American to free speech. However, as is well established, in part—I add, part in law—there are limits on the right of expression for service members. Public statements by a senior military official of an inflammatory, offensive nature that would denigrate another religion and which could be construed as bigotry may easily be exploited by enemies of the United States and contribute to an erosion of support within the Arab world and perhaps—I underline perhaps—increased risk for members of the U.S. Armed Forces serving in Muslim nations. It is the responsibility of the United States Senate to render constitutional ''advice and consent'' with respect to the officer corps. Implicit in this confirmation process is our judgment that officers, especially those of flag and general rank, are persons possessing sound judgment and respect for the rights and beliefs of others. We recommend, therefore, that you refer this matter to the Department of Defense Inspector General for a thorough review of the facts and a determination as to whether or not there has been any inappropriate behavior by Lieutenant General Boykin. Please advise the committee of the results of this review.

I now read from a press account of today, which purportedly carries—and I have to rely on the authenticity of the press reports. I have no reason to disagree with them—an exchange between Secretary of Defense Rumsfeld and members of the press corps. The question: Mr. Secretary, last week here you were referring to Lieutenant General Boykin, you and General Myers said in effect he has the right to freedom of speech and the freedom of expression and yet, as we all know, we are responsible for what we say. How can you keep a man in a senior position on your staff whose views are so diametrically opposed to those of the President and to yours? End of question.

Response by Secretary Rumsfeld: Let me make several hopefully precisely put sentences on this subject. First of all, I appreciate your question because it correctly indicated that the President's views and my views, or the President's views are that this is not a war against a religion. And all I did, despite the columnists and the press reports to the contrary, all I did was precisely state what the President and what I think are—I am having some difficulty reading this but I just have to literally read it as printed. I have not seen General Boykin's comments. I have since seen one of the network tapes and it had a lot of very difficult to understand words and subtitles which I was not able to verify. So I remain inexpert on precisely what he said and I was told he used notes and not text. And so I will stop there.

General Boykin has requested an Inspector General review of this matter, and I have indicated if that is his request, I think it appropriate.

I know that General Pace, who was apparently with the Secretary, has talked to him more recently. You may want to comment as well.

General Pace: Yesterday, Jerry and I were just waiting for a meeting to begin and he just mentioned to me how sad he was that his comments have caused the furor that they have. There is no doubt in my mind, in talking to him, that if he could pick his words more carefully he would. There is also no doubt in my mind that he does not see this battle as a battle between religions. He sees it as a battle between good and evil. He sees it as the evil being the acts of individuals, not the acts of any religion or affiliation with religion. So clearly, in my very short conversation with Jerry, which he instigated, he is sad that this is the way that it is, but he is anxious to have the investigator do the investigator's job.

I commend the Secretary of Defense, and I commend General Boykin. I think Senator LEVIN and I took the proper step. We had the option to put this letter into the public domain on Friday, but purposely I said to my colleague and to others—by the way, there were a number of others, as Senator LEVIN and I just discussed, on his side of the aisle and on my side of the aisle who expressed concern and asked of us, as the chairman and the ranking member, what we intended to do. Well, we made this recommendation and we purposely withheld it from public delivery, public release, as a consideration to the Secretary, such that he might take it into consideration as he dealt with this matter. I just presume he saw it and that he did take it into consideration. But I think at this point in time, while we have young men and women patrolling the streets in Iraq, Afghanistan, and other areas of the world, it is best we try to take this matter, hopefully, off the front pages, with the representation to the American public and others that the proper authorities are reviewing it—the Inspector General of the Department of Defense, and I anticipate my committee and indeed perhaps others here in the Senate will review the matter. But in fairness to this distinguished officer, such that he can devote his full time and attention to dealing with this issue, I am recommending—not calling for, not demanding but recommending, having spent some time in the Department of Defense myself—that without any prejudice this officer be detailed from his present position, a position that deals with the war on terrorism throughout the world, that he be detailed elsewhere temporarily until such time as the Inspector General comes back with his report, at which time we can have further deliberations.

That is in fairness to so many people who are deeply concerned about this issue, and indeed the men and women of the Armed Forces, and indeed the integrity of the military itself. When an officer wears that uniform and he stands before the people of the United States, or wherever he may be, and he makes remarks, people see in that uniform that he has been appointed to that position by the President of the United States of America and confirmed by the Senate of the United States. In that confirmation process we look at the professional credentials, we examine all the material that comes before us, but implicit in our confirmation by this body, the Senate, pursuant to the Constitution, implicit therein is that we feel this individual should be promoted and given the rank to which the President has appointed him because we have confidence in him that he has good, sound judgment—I repeat that: good, sound judgment—in the exercise of his freedom to speak.

That is the question that remains to be answered. He is in a very high-profile position with global responsibilities on the war on terrorism. I think temporarily, without any prejudice whatsoever, asking him to take on another assignment until this matter is fully examined and studied and a report made to the Secretary of Defense and the Senate is in the interests of all concerned and indeed this officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I want to express my appreciation for the thoughtfulness of Senator WARNER. He has served his country for many years as a marine, a naval officer, as a Secretary of the Navy, and now the Senate chairman of the Armed Services Committee. I know he takes this issue very seriously.

I do believe this officer should be entitled to a hearing, have an inspector general look at these very delicate matters. When we talk about people's personal religious beliefs as to whether one theology is valid and another one is not, we wouldn't expect a person of the Islamic faith to ratify the Christian faith or other faiths to say they validate the faith of someone else. That is just the way we see things, as we deal with matters of personal faith.

But I think it is a delicate matter, particularly when a person is in uniform. I think going forward with a look at this and some thoughtful analysis as to what would be the right procedure would be appropriate. I thank our chairman of the Armed Services Committee for his comments.

Mr. WARNER. I thank my colleague because you formerly served as attorney general. You have full comprehension of the importance of being fair to everyone. This recommendation I have is in the sense of fairness. I think it is in the interest of all, and I thank the Senator for his remarks.

Mr. SESSIONS. I think it would be good for all of us to think a bit about the subject and what would be appropriate to ask of an officer in a church proceeding and whether uniforms make a difference and those kinds of things.

I was going to speak about the class action reform. Did the Senator from Illinois have some comments?

Mr. DURBIN. If the Senator from Alabama would yield for a moment, I would like to address the same issue and then yield back to him to discuss class action reform.

Mr. SESSIONS. Would 5 minutes be sufficient? I am pleased to yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I commend the Senator from Virginia. There are times when he and I have come together and I think good things have happened. I think this may be such a moment. I hope it is. I came to the floor to address this issue involving General Boykin, fully cognizant of the great contribution which he has made to this country in his military capacity over many years, risking his life and serving our Nation well, but feeling at this moment in time important questions need to be asked and answered about the things he said and did. I believe the Senator from Virginia—I do not want to mischaracterize his remarks—has suggested he be detailed to another position while these important questions are asked and considered and answers are brought forward. Am I correct in that conclusion?

Mr. WARNER. Madam President, the Senator is correct, to simply give full and complete opportunity and have him temporarily detailed elsewhere. I think until such time as this thing is resolved factually—what did happen, what didn't happen—as the Secretary of Defense said, he didn't fully have all the facts at his command at this point in time and was asked a question. Although I must say I have read press accounts where the general was trying to explain what he did say, you and I know from experience in public life, when you try to explain what you tried to say, you need time out to do a little study.

Mr. DURBIN. I thank the Senator from Virginia. I do say that is a very judicious and thoughtful approach. We want to be fair to this man who served his country well, but we also understand his remarks were viewed by many in a very negative light at a very critical moment in our history. I think what we should ask of everyone in the service of our country is what the President has asked, and that is to keep it very clear ours is a war against terrorism and not a war against the Islamic faith or people who adhere to it. We could no more expect General Boykin to embrace the Islamic faith and its principles than we would expect someone of the Islamic faith to accept Christian principles or Jewish principles and values. But we can expect every member of our Government to be tolerant and sensitive of other people's values and principles. I think that is a standard we should all live by in public life, whether appointed or elected.

I think what the Senator from Virginia has done today is an important step forward. I would say his extraordinary service to this country in the military and as Secretary of the Navy and in the Senate I think means his recommendation will be understood as a heartfelt recommendation and taken seriously by the administration. I hope they do. I hope they follow his counsel and follow it quickly. The sooner we can defuse this matter the better for all, including the general, and I think the sooner it will be that we can bring some stability and perhaps some coherence to our position so we can fight this war on terrorism in terms all Americans, including the President, agree with.

I thank the Senator from Virginia.

Mr. WARNER. I thank my colleague.

Muslims and Christians and people of other faiths all over this world are united in this fight against terrorism. We must make it very clear of our mutual respect for one another's faith.

I yield the floor.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senators for their comments. I fail, but I attempt to take my faith seriously. I respect followers of the Islamic faith who take their faith seriously, who study the scriptures and act in accordance therewith. We may disagree, but we respect one another. That is the way I was raised as an American, to respect one another's faith. I think respect for one another's faith makes me somewhat sympathetic to General Boykin, who goes to a church and shares some of his insights and beliefs. But then again he is an officer of the United States and has a position in a time of conflict, in a sensitive period, and maybe at one point apparently he may have worn the uniform while he made those remarks.

I think it is appropriate for us to take some time out and look at this. I thank the chairman for that.

Madam President, we are now to undertake and begin debate on the motion to proceed to the Class Action Fairness bill, S. 1751.

Unfortunately, we are seeing a trend in which there are more and more pieces of legislation that deserve an up-or-down vote being subjected to a filibuster and 60-vote procedural hurdles. That is unfortunate. We should proceed with this legislation and discuss it and not be obstructive about going forward with it.

The Class Action Fairness Act represents modest reform. It is a restrained bill that will address a number of very serious problems with the current status of class action lawsuits such as the plaintiff receiving coupons while trial lawyers pocket millions of dollars in fees.

This body has a duty to address problems with the legal system. It is something we are required to do and should not have to overcome 60-vote hurdles. I am disappointed we may have to overcome another filibuster as we move forward.

Obstructionism is always available, but I don't believe there is strong opposition to this bill. There is bipartisan support. If we let the debate go forward and people honestly consider whether it ought to be law or not, we would be willing to accept an up-or-down vote. That is a concern I express.

The distinguished Senator from Delaware is here. He is very thoughtful on these matters. I know he would like to speak for approximately 15 minutes. I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Delaware.

Mr. CARPER. I express my thanks to the Senator from Alabama for his kind words. I appreciate the opportunity to work with him on these and other issues. Tomorrow morning around 11 o'clock, an important vote will occur in the Senate. At the heart of this vote, for me, is to determine whether or not we go forward, Democrats and Republicans, to actually take up and debate the way we allow people who are harmed, hurt, or injured—in many cases, by business—to be compensated.

Most would agree that if you or I, as individuals, are damaged by the actions of another or by the actions of a business, we should be made whole. I believe the same protection should inure to a group of people or a class of people who may be harmed or damaged in some way by the actions or products of some business.

Over time we seem to have lost our sense of balance in the way we litigate class actions. When our Founding Fathers came up with our Federal courts, we did not have class actions. We did not have mass actions. We did not have private attorneys general actions. We did not have any of that. We had a concern on the part of our Founding Fathers that if a group of people in one State were harmed by a business or person in another State, maybe we ought to have a Federal court system, to ensure that the case is not heard by the potentially biased judges in the injured party's home state.

The trial bar gets a bad rap in a lot of quarters, but I believe they play a very helpful and constructive role in this country. They sometimes do not get credit for that. One of the things they do is try to make sure, where people are harmed, they get compensated.

Our system has lost the right kind of balance. Too often today—not always but too often—we end up debating national class action not in a Federal court but in a local court—in some cases, in a court where the judges are locally elected and the defendant is placed at a real disadvantage. I will give an example because this does not make much sense to me.

Say I were poisoned by food we bought from a fast food restaurant. Say I decided to sue. If the amount in dispute were less than $75,000, my case could be heard in State court. If I sue for more than $75,000; it would be heard in a Federal court.

On the other hand, if thousands of people, or tens of thousands of people,

bring a class action against that same restaurant for some alleged sin they have committed—and it may involve tens of millions of dollars—it may well end up in a State court, not in a Federal court. That does not seem right to me.

There has been an effort to try to establish or reestablish the sense of balance in these kinds of cases. It started about 5 years ago, in the 105th Congress. Over time, I believe a more thoughtful approach has evolved and has led to the introduction of a bill this year, S. 274, called the Class Action Fairness Act. That bill has gone through hearings, I think in the last Congress, and hearings in this Congress. It has been through regular order. The Senate Judiciary Committee has had an opportunity to hold hearings, to debate the bill, to vote on amendments to the bill and ultimately to report the bill out.

There are a number of aspects of the legislation that recommend it to me. I am a cosponsor of the legislation, and it enjoys bipartisan support. Among the original cosponsors are Senator GRASSLEY and Senator KOHL of Wisconsin. The bill was reported out on a bipartisan vote. More Republicans voted for it than Democrats, but it had some bipartisan support.

I will discuss how the class action system will work in our country if this legislation or something akin to it becomes law. First, it is not a perfect bill. I have an amendment or two that I want to offer to perfect the legislation. I noticed Senator LIEBERMAN does as well. I have talked to other colleagues, including Senator LANDRIEU, who have ideas for amendments they want to offer. It is a work in progress. It is one that can be improved and should be improved.

In order for us to be able to offer our amendments to the bill to perfect and improve it, we have to go through a vote tomorrow at 11 o'clock on the motion to proceed, which, understandably but unfortunately, is opposed by leadership on my side. The fear, the concern, is we will get on to the bill and the opportunity for those who would like to offer amendments may not end up to be realized; the opportunity for us to offer amendments, to be fairly heard and vote will not occur. Therefore, they are reluctant to go to the bill without some further assurance.

In the end, the only way we know for sure if our amendments are going to get a fair hearing, and have the opportunity to be debated and adopted, is to go to the bill, to take it up. I hope tomorrow, when we vote, that is what we will vote to do.

Let me talk briefly about how I understand our legal system would work a little differently if this were to become the law of the land.

First, the question is, Is this litigation going to be heard in State court or Federal court? Under the legislation, for a matter to be heard in Federal court or for the defendant in the case to be able to argue successfully that a case ought to be in Federal court as opposed to a State court, there would have to be a certain dollar amount at stake, and it would be $5 million. If it is under $5 million, it will be in State court.

Second is the number of people in the plaintiff class. If you have less than 100 people in your plaintiff class, this litigation is going to be heard in a State court.

Third, if a case is filed in a State court, and the defendant says, no, this ought to be in a Federal court, and they go to Federal court to try to get it removed to the Federal court, and the Federal court says, no, this remains in the State court, then it goes back to the State court. And unless the plaintiffs change the plaintiff class, or unless the plaintiffs somehow change their complaint, it is going to stay in State court.

There are no caps on pain and suffering, no caps on punitive damages, no caps on noneconomic damages, no caps on attorney fees. We leave joint and several alone.

In some States they apparently do not have class actions; they have mass actions—a few States such as West Virginia, Mississippi—where they aggregate a number of individual claims. The question is whether those are more properly heard in a Federal court or a State court.

I think Senator SPECTER has negotiated a pretty good compromise in those instances. In some cases, if it were a major incident, such as an explosion or a fire or a catastrophic incident that involves people in one State, then it would basically be handled in State court; if not, it would be in a Federal court.

Senator FEINSTEIN had an issue on these private attorneys general cases, which apparently you or I could stand up or any citizen can stand up and say they represent a group of people on a particular wrong that has been committed. In some cases that is the way they really go about class action. Her amendment was adopted as part of the final agreement. If the bill comes to the floor, the private attorneys general agreement would be within the purview of State courts, not the Federal court.

Senator FEINSTEIN also offered I think quite a thoughtful amendment and one that addresses a concern raised by the Judicial Conference that we heard discussed earlier. My colleagues will recall the Judicial Conference is actually headed up by the Chief Justice of the United States, Chief Justice Rehnquist. But they, from time to time, will opine on things that are before us and maybe share their opinions with us. They suggested, when asked back in March, that there were some real concerns that they had with S. 274, and that it would cause a lot of cases that are now heard in State courts to end up flooding the Federal courts. They suggested that we ought to do something about it, that the Judiciary Committee ought to do something about it.

Well, the Judiciary Committee did something about it. What they did is they adopted the Feinstein amendment in their markup back in April. The Feinstein amendment says basically this. It says: The plaintiff class, the people who are bringing the grievance, if two-thirds or more are from the same State of the defendant, automatically that case is heard in the State court. It says, if fewer than one-third of the plaintiff class are from the same State as the defendant, automatically it is heard in a Federal court. If the percentage of the plaintiff class is somewhere between one-third and two-thirds who are from the same State as the defendant, then it is up to a Federal judge in that area to make the final decision based on criteria. There are five pieces of criteria spelled out in the bill.

So, again, if there are more than two-thirds of the plaintiff class in the same State as the defendant, it is a State matter; if fewer than a third of the plaintiffs from the same State as the defendant, it is in the Federal court; and between one-third and two-thirds are from the same State as the defendant, it is kind of a jump ball. The Federal judge in the area is asked to make the decision based on the criteria spelled out in the bill.

Interestingly, the Judicial Conference came back after this amendment was adopted and the legislation was about to be reported out and they seemed to suggest, in a letter that they sent to the ranking Democrat on the Judiciary Committee, that their earlier concerns had been addressed. I think the Judicial Conference sent a similar letter to the folks in the House of Representatives suggesting the same thing in the month of May.

A concern has been raised, a legitimate concern, about what percentage of cases are now going to end up in Federal court as opposed to State court under this bill. Some pretty smart people actually took the data from the last 5 years in States where they collected this data to look to see—in States such as New York, Massachusetts, Maine, where data is available—what percentage of cases in those States over the last 5 years would have ended up in a Federal court as opposed to a State court. Sixty percent or more of the cases in those states in the last 5 years would still have ended up in a State court. I think that is a good point to be mindful of.

I do not know if any of us going forward could say what the future is going to be, but we should sure look back over the last 5 years and say if this were the law of the land, again, 60 percent or more of the cases would have stayed in State court.

Let me close with this thought, if I could. Senator LIEBERMAN is prepared to offer an amendment, I think a real good amendment, to the bill that addresses an issue for Connecticut. It is

similar to an issued raised for Indiana, and similar to an issue I have heard raised, I think, for New Mexico.

This is the issue that was raised. Let's say in Connecticut you have a river that has been polluted by a plant that damages people in Connecticut under Connecticut law. The plant is in Connecticut but owned by a company in another State. Again, the people who are damaged, the plaintiff class, if you will, are in Connecticut. The damage was in Connecticut and there are two defendants, one in Connecticut—the plant that did the pollution—and the owner of the plant that is in another State.

What Senator LIEBERMAN has come forth with and said is, in a case such as that, it ought to really be in a Connecticut court. I think he is right.

Senator LIEBERMAN will offer an amendment that says in those cases State law should prevail. They should not be moved someplace else. State law should prevail. He will offer that amendment if we have the opportunity—if we have the opportunity—to actually go to the bill, take it up, and debate it. In order to do that, we have to vote tomorrow for the motion to proceed.

There is a real test that is going to take place here. If we actually vote for the motion to proceed and go to the bill, there is a burden of proof that rests on our colleagues on the other side of the aisle. They need to act in good faith. We need to actually have the opportunity to offer our amendments. We need to have the opportunity for a fair and open debate on reasonable perfecting amendments. If we do, then I think it may act as a confidence builder and maybe establish a measure of trust around here where, frankly, there is not too much. On the other hand, if our Republican colleagues take a different course and seek to cut off debate and reasonable amendments and not support reasonable amendments, perfecting amendments, then that sends a different message.

I think there is more at stake for this body than just whether or not we are going to take up a class action bill. There is a whole lot more at stake. My hope is tomorrow, when we vote, if we vote to proceed, that our colleagues on the other side will keep that in mind and that their actions in the days or week or so ahead will reflect as much.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today to speak on behalf of the Class Action Fairness Act, a bill to stop unfair and abusive class action settlements that ignore the best interests of injured plaintiffs. It tickles the cockles of my heart that this is the first time I can recall that my colleague from the State of Delaware and I have spoken out on the same position on a bill before the Senate. Senator CARPER and I have worked together for many years in the National Governors Association. We have been looking for an opportunity to collaborate and support legislation on the floor of the Senate. It is a particular pleasure for me to follow the Senator from Delaware. We both believe this is good legislation for the people in our districts and for our country.

This legislation is sorely needed to help people understand their rights in class action lawsuits and protect them from unfair settlements. It is also needed to reform the class action process which has been so manipulated in recent years that U.S. companies are being driven into bankruptcy to escape a rising tide of frivolous lawsuits and has resulted in the loss of countless numbers of jobs, especially in the manufacturing sector.

I believe that for the system to work, we must strike a delicate balance between the rights of the aggrieved parties to bring lawsuits and the rights of society to be protected against frivolous lawsuits and outrageous judgments that are disproportionate to compensating the injured and made at the expense of society as a whole. I believe that is what this legislation does, and I am proud to be a cosponsor of it.

Since my days as Governor of Ohio, I have been very concerned with what I call the ''litigation tornado'' that has been sweeping through the economy of my State and throughout the United States. Ohio's civil justice system is in a state of crisis. Ohio doctors are leaving the State, and too many have stopped delivering babies because they cannot afford liability insurance. Ohio businesses are going bankrupt as a result of runaway asbestos litigation. Today, one of my fellow Ohioans can be a plaintiff in a class action lawsuit that she doesn't even know about that is taking place in a State she has never visited.

In 1996, as Governor of Ohio, I was proud to sign H.B. 350, strong tort reform legislation that became law in Ohio for a while. It might have helped today's liability crisis, but it never got a chance. In 1999, the Supreme Court of Ohio, in a politically motivated decision, struck down Ohio's civil justice reform law, even though the only plaintiff in the case was the Ohio Academy of Trial Lawyers, the personal injury bar's trade group. Their reason for challenging the law: They claimed their association would lose members and lose money due to the civil justice reform laws that were enacted. That is how they got standing in court. It was an incredible situation that I hope we never see again.

While we were frustrated at the State level, I am proud to have continued my fight for a fair, strong civil justice system in the U.S. Senate. To this end, I worked with the American Tort Reform Association to produce a study titled ''Lawsuit Abuse in Ohio'' that captured the impact of this rampant litigation on Ohio's economy with a goal of educating the public on the issue and sparking change. Can you imagine what this study found? In Ohio, the litigation crisis costs every Ohioan $636 per year, and every Ohio family of four $2,500 per year. These are alarming numbers. This study was released on August 8, 2002. Imagine how these numbers have risen in 1 year. In tough economic times, families cannot afford to pay over $2,500 to cover other people's litigation costs. Something needs to be done, and the passage of this bill will help.

This legislation is intended to amend the Federal judicial code to streamline and curb abuse of class action lawsuits, a procedural device through which people with identical claims are permitted to merge them and be heard at one time in court. In particular, this legislation contains safeguards that provide for judicial scrutiny of the terms of the class action settlements in order to eliminate unfair and discriminatory distribution of awards for damages and prevent class members from suffering a net loss as a result of a court victory.

This bill is designed to improve the handling of massive U.S. class action lawsuits while preserving the rights of citizens to bring such actions. Class action lawsuits have spiraled out of control with the threat of large overreaching verdicts holding corporations hostage for years and years. In fact, America's civil justice system had a direct cost in 2001 of $205.4 billion or almost 2.5 percent of GDP. That is a 14.3-percent jump from the year before, the largest percentage increase since 1986. Thousands of jobs have been impacted by that litigation.

I emphasize to my colleagues that this is not a bill to end all class action lawsuits. It is a bill to identify those lawsuits with merit and to ensure that plaintiffs in legitimate lawsuits are treated fairly through the litigation process. It is a bill to protect class members from settlements that give their lawyers millions while they only see pennies. It is a bill to rectify the fact that over the past decade, State court class action filings increased over 1,000 percent. It is a bill to fix a broken judicial system.

I am a strong supporter of this bill, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand the Senator from Illinois would like to speak on this subject. First, I ask unanimous consent that Senator VOINOVICH be added as a cosponsor to S. 1751, the Class Action Fairness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I ask the Senator from Illinois how much time he thinks he might need?

Mr. DURBIN. Twenty minutes.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this is an important debate. The average person listening to it may wonder why.

First you have to understand what a class action lawsuit is. I will try to define it in the simplest of terms. It is when not just one person but a group of people believe that they have been wronged, either financially or otherwise, and go to court and bring a lawsuit against a corporation, for example. So you have a large group of plaintiffs bringing the lawsuit, usually suing one defendant, a corporation. And oftentimes, this large group of people who have been harmed don't live in the same State. They may be from across the Nation. And so they have to decide where they are going to file the lawsuit. And that is what this comes down to.

You say to yourself: Why is it so important to understand where you are going to file a lawsuit? Well, when I explain it from my point of view, perhaps you will understand why so much time and so much lobbying is going on behind this whole question about where you can file your lawsuit.

First understand this: In my State of Illinois and virtually every other State in the Union, if you are a business and you want to do business in Tennessee or Illinois or Alabama or South Carolina, you can't just start up your business. The laws of your State will require you to register in that State that you are going to do business in. In my State of Illinois you register so they know you are there, who you are, what your home headquarters happens to be, and where it is located. Then you also have to do something in my State and most other States: You have to say where you can be served process. In other words, if you are sued by someone in the State of Illinois, and you are a registered corporation, you have already told the State of Illinois where they can find you.

Why is that? Because the understanding is, if you want to have the advantage of selling your product in Illinois to Illinois citizens, you also have to submit yourself to the jurisdiction of Illinois law. That law will govern your business in the State of Illinois.

It is very basic. If, in fact, someone believes that your product is defective, or you have done something wrong, they have to know where to find you. You don't want a situation where the corporation is unidentifiable, unapproachable. So every company—major companies in particular—understands the rules. If you want to do business in Illinois, you submit yourself to the jurisdiction of Illinois law.

Now let's go back to the earlier example. This group of plaintiffs, this class, decides they are going to sue XYZ Corporation for something wrong. Where will they sue them? The corporation has already said, by virtue of doing business in Illinois, that we are prepared to be served process. We are prepared to submit ourselves to Illinois laws. We are prepared to go before Illinois courts. That is a pretty simple outcome. If you do your business in Illinois, you submit to that jurisdiction. You submit to those courts. And if people want to sue you, they know exactly where to find you to bring you into an Illinois court and let the court decide whether the plaintiff recovers or doesn't recover.

Now, that is the simplest explanation of jurisdiction that I can remember from law school so many years ago and how it applies to States. In Federal courts it is a little different. If you have a defendant from one State and a plaintiff from another State, if you have a certain amount in controversy—I think it is $75,000—you have diversity of jurisdiction, so you can go into the Federal courts.

In this case, this whole bill is about in which court you can file a class action lawsuit. You say to yourself, why does it make any difference if you are going to go into a State court in Illinois or into the Federal court in Illinois for your class action lawsuit? Why would it make any difference? The substantive law is supposed to be the same Illinois law. Why do you want to go to Federal court?

Therein lies the reason for the bill. The people who are pushing this legislation understand that Federal courts are more conservative, less likely to let people have a lawsuit, to certify a class. When it comes to liability, Federal courts are more restrictive in liability than State courts.

Don't take my word for that. I will tell you about several cases. This one is Birchler v. Gehl. Federal law discourages Federal judges from providing remedies for violation of State law. The Seventh Circuit—where Illinois sits—stated:

> When we are faced with opposing plausible interpretations of State law, we generally choose the narrower interpretation which restricts liability, rather than the more expansive interpretation which creates substantially more liability.

That was a 1996 case. Go to Federal court and it is less likely your class will be certified and you will receive any damages.

Another case is Accord Werwinski v. Ford Motor Company, a 2002 case. A class action was brought by purchasers of Ford vehicles. The cars Ford sold had defective transmissions that cracked prematurely and inadequately lubricated gears that caused numerous car failures such as sudden acceleration or shifts into reverse. Plaintiffs who bought the cars presented evidence that Ford knew about this defect long before it was corrected but continued selling the cars. The case was originally filed in State court, but Ford Motor Company removed it to Federal court which dismissed the claims of the people who bought the Fords. In affirming the court's decision to dismiss the class action, the Third Circuit stated that when faced with two competing interpretations of State law, a Federal court ''should opt for the interpretation that restricts liability, rather than expands it. . . .''

Those are two cases in the Federal law that explain why we are here today. The idea is to move the cases out of State court in the hopes that the defendant corporation that has been sued will have the case dismissed or, if there are damages, they will be reduced. It is not a question of whether they are liable or guilty; it is a question of where they are going to get the best deal.

So the bill before us is an effort on behalf of the corporation defendants across America to push these cases into the Federal court. So for all the good reasons given for this class action reform, the real reason is that defendant corporations don't want to be held responsible for their misconduct. If held responsible, they want to pay less money. That is what it comes down to. That is what this is all about. They want to protect themselves and limit their liability.

Under current law, Federal diversity jurisdiction for a class action doesn't exist unless every member of the class is a citizen of a different State from every defendant, and every member of the class is seeking damages in excess of $75,000.

This bill would create a ''minimal diversity'' standard in two ways. In other words, you can get into Federal court. First, the amount-in-controversy requirement is met if the total amount of the damages at stake exceeds $5 million, notwithstanding the amount of damage suffered by each individual plaintiff.

Second, diversity can be achieved one of three ways: any member of a class of plaintiffs is a citizen of a State different from any defendant; two, any member of a class of plaintiffs is a foreign state or a citizen or a subject of a foreign state and any defendant is a citizen of a State; three, any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

This is what it gets down to. We are trying to find, through this bill, ways to move more cases into Federal court. So what does the Federal court system think of this idea?

Well, the man who is at the top of the Federal court system, Chief Justice William Rehnquist, in a rare, rare occurrence, sent a letter to Congress saying: Don't do this; don't push these cases into Federal court. We don't have the expertise, the judges, or the time to consider the class action cases coming out of State courts into Federal court. It is understandable.

The Federal court's first responsibility is in criminal cases, such as on the war on terrorism, and all the concerns we have about criminal procedure and criminal prosecution. That is their first responsibility.

Then they have their own civil docket, where you have individuals suing one another, and companies suing one another. Chief Justice Rehnquist says: Do me no favors, U.S. Senate; don't push all these class action cases into the Federal courts; we cannot handle them.

You would think, would you not, that some of the Members of the Senate, when coaxed by the Chief Justice of the Supreme Court not to push all these cases into Federal court, might stop. But they will not. The reason they are pushing this bill is they have their eye on the prize. The prize is that the corporate defendants found guilty and liable want to be protected from liability or want their liability reduced. They don't care what the Chief Justice has to say. They certainly don't care what the consumers have to say.

I have some examples of class action cases so you can understand for a minute why these cases should be of concern to everybody. These are not cases that involve large corporations alone; they involve a lot of ordinary citizens.

To give you an example, do you remember the Jack-in-the-Box restaurant scandal a few years back? In that scandal, it was found that Jack-in-the-Box restaurants were selling products which had been undercooked and, because of this, they were adulterated, dangerous, and there were children dying as a result. So a class action lawsuit was brought against the company that owned Jack-in-the-Box, Foodmaker, Inc., on behalf of some 500 victims—mainly children who had been to Jack-in-the-Box and got sick. Those 500 victims came together to hold Jack-in-the-Box, a Washington State corporation, liable. The court decided, yes, it should be held liable to the tune of $14 million for 500 plaintiffs.

Now, what this bill tries to do is to move that case out of the State court in Washington and into a Federal court so the amount of the verdict—if there was one—would be considerably less. That is good for the bottom line of that corporation. Is it fair to the families who went to the Jack-in-the-Box restaurants in States across America and thought they were going to get a wholesome product, safe for their children to eat, and then the parents watched their children die from E. coli, and not have their day in State court, where Jack-in-the-Box said they were submitting to the jurisdiction? I don't think so.

There was a class action lawsuit in California against Beech-Nut Corporation and its parent company, Nestle. They were guilty of selling something they called apple juice which, after being examined, turned out to be nothing more than sugar water. Parents were buying what they thought was nutritious apple juice for their infants, and the company was selling them fraudulently a product marked apple juice but was literally sugar water and a little coloration. Blame went back and forth between companies and suppliers, and the court ultimately decided these two companies, Beech-Nut and Nestle, were liable to the tune of $3.5 million to be reimbursed to consumers across America.

What companies such as Nestle are trying to do with this bill is reduce their liability and make it even more difficult for parents, each of which may have been out only $10 or $20, but each had given a product to their children that was misrepresented and fraudulently labeled. This is designed to help those powerful special interest groups and corporations at the expense of consumers such as those parents whose children were receiving this adulterated product.

Ford Motor Company had a class action to replace defective ignition systems in millions of cars that stalled often on the highways.

Mobil Corporation entered into a $14 million settlement agreement in a class action suit because a fire at a refinery in New Orleans resulted in sending volatile and hazardous compounds into the air and it caused great health damage to the people living around them.

Blue Cross and Blue Shield paid a $14.6 million settlement in a class action suit because they fraudulently billed individuals and failed to pass on savings to consumers. They ended up paying for it.

American Airlines breached a contract with frequent fliers when it retroactively changed rules for redeeming mileage awards.

The point is that each and every one of these lawsuits, for each plaintiff, may seem small. But compounded, they represent a large amount of liability for the corporation and they represent, in fact, a large number of people, each with a small recovery.

Frankly, I think there are things we can and should do to make class action suits better in this country. JOHN BREAUX of Louisiana, who has been a friend of business and has worked with them over the years, has a good substitute bill. Many who have called me from the business community say I urge you, for goodness' sake, to take a look at the Breaux substitute. It is a sensible bill. It will clean up some of the worst abuses in class action lawsuits. But it is not going to get into this game-playing that is suggested in this bill that allows defendant corporations to literally pick the Federal court they want to go into in the hopes they will have reduced liability or no liability. That is what it comes down to.

I think this debate before us is a lot more important than some lead to believe. Some suggest we are merely modifying and reforming tort law in America. It is much more. It is a question of whether the courthouse door is open for the average citizen. It is a question of whether those people, wronged by giant corporations, have an opportunity for a day in court. Those who back this bill want to close that courthouse door and make it difficult to open. They want these plaintiffs to end up in a Federal court where they are less likely to succeed, and if they do succeed, they will have less in compensation. That to me is unjust and that is the reason we should oppose this legislation.

I hope my colleagues will think long and hard before they sign on to this bill thinking it has no impact. It has a great impact on a lot of innocent people who deserve a day in court. Justice is at stake here. I urge my colleagues not to accept the easy argument that this is a simple reform. It goes to the heart of justice in this country, and it does not affect the real abuses in the system which I believe the Breaux bill does.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I want to make one thing crystal clear: I am not here to provide any unfair benefit to any corporation or any defendant. We want fairness and justice in the legal system. But in a major class action case, under the current state of the law, a plaintiff lawyer who represents perhaps potential plaintiffs all over America—let's say it is a national case—can virtually choose any county in America to file the lawsuit. He can choose some counties that have only one judge, and perhaps he knows precisely what that judge thinks about plaintiff lawsuits. Or maybe he thinks that county has a most favorable jury.

Let me state what the Constitution says about it. Sure, a corporation has to register to do business in a State, but the Constitution, in article III, section 2 of the courts' power says this:

> The judicial Power shall extend to all Cases, in Law and Equity . . . between Citizens of different States. . . .

And corporations are considered domiciled in that place of domicile. Fundamentally, what has happened over the years is we have eroded the constitutional protection of diversity by rulings that allow plaintiffs to sue not only the foreign corporation from another State, but to sue some entity also as a defendant in that State, and the courts have concluded you have to have total diversity before you can remove it to Federal court. That has been a problem, allowing the real payor, the real target to be subject to jurisdiction in virtually any county in the country.

I am not here for any injustice. I think we have a pattern of injustice going on in class action lawsuits. We can make them better. They would be better in a more objective tribunal of Federal court where judges have lifetime appointments. They are not so tied to the plaintiff lawyer who may go to church with them or have contributed to their campaign or the jurors might not be buddies with some of the folks, and you have a more objective court. That is just a fact. That is why the Founding Fathers said what they said.

In sports we talk about home cooking. I know the hometown the Presiding Officer is from in Tennessee. It is such a wonderful place. It would treat foreigners just as fairly as local people, but most communities tend to favor the local guy from somebody

from out of town. That is why we have it set up so Federal judges hear these cases and give a little more objectivity, although the judge is from the local community, at least from the State, and the jurors are from the region. That is what we are about.

This bill would also fix some other situations. It would eliminate the coupon settlements. It would eliminate class notices that cannot be understood. The letter goes out to all the class members in language so complex nobody can understand. It eliminates negative awards. We have actually had cases in which the so-called plaintiffs, not even knowing they are plaintiffs, get a bill for attorneys fees and costs. It would protect against high awards for one group because they are from one area of the country, and it would eliminate the payment of bounties for lawsuits and help knock down some of the blackmail that has been going on: Filing these huge lawsuits costing so much money and embarrassing a defendant so they feel forced to pay rather than litigate for years at a very high cost.

Mr. President, those are the remarks I wish to make at this time. I will have some more later. I see the distinguished Senator from South Carolina is here, Senator GRAHAM, who is an experienced litigator in his own right. I know he wants to speak on this subject.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I will be brief. I wish to speak about class actions and echo what my friend from Alabama said. I have tried very hard during my time being a legislator at the State and Federal level to make sure when legal reform is accomplished it is done so in a balanced way.

I am not a big fan—I think many of my colleagues know this—of the Federal Government taking over State legal systems. If you can do it at home, it is better to do it at home. I am not a big fan of deciding what is fair before the jury meets. We have honest differences on some of those issues.

Having said all that, there is a huge need for legal reform. I cannot tell you one system in America that really doesn't need to be reformed, the legal system included. My friend from Alabama is absolutely right. What we are trying to do today is correct an abuse. The Constitution, as he read to us, envisioned a dynamic where we would have two people from different States and we would not want to put one person in the other person's backyard. The Constitution has survived so long and so well, and it spoke to that and said: Let's take that into Federal court, a neutral side.

As the diversity clause of the Constitution has been interpreted, it requires complete diversity of all plaintiffs and all defendants. About 100 years later, maybe 200 years later—I don't know when class action lawsuits came into being—there is another way of suing people. It has its place in our society to bring a bunch of people affected by a similar event in different places to try as a unit rather than doing hundreds or thousands of individual cases. But this class action concept flies in the face of why the Constitution speaks about diversity.

My friend from Alabama is exactly right. It is being abused. We have a situation where you may have many plaintiffs throughout the country with a single defendant, and it allows people to go into an area that is equivalent to home cooking. It really destroys the purpose of the diversity provisions in the Constitution. What we are trying to do is correct that. There are no damage limitations. There are no limitations on anybody making a claim at all. If you buy the idea this is unfair, then you buy the idea that the Federal court is unfair; that you can't get a good hearing by a Federal judge. I think that is absolutely wrong.

Justice Rehnquist has a problem on his hands. He has a lot of cases. He has a lot of overworked judges, and I am going to get to that in a minute. I have a way to help Justice Rehnquist. There are a bunch of people who need to help him, and I will talk about that in a moment.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. GRAHAM of South Carolina. Yes.

Mr. SESSIONS. Is the Senator aware that the letter I believe the Senator from Illinois was referring to is actually a letter from the Judicial Conference, not from the Chief Justice and, in fact, they have written another letter on March 26 of this year in which they actually warm up to this idea, and that the legislation, as we are now proceeding, answers a number of the questions they had originally?

Frankly, I know they don't want any more work. Nobody does, I guess. But I think many of these problems may have been solved.

Mr. GRAHAM of South Carolina. Mr. President, I am more informed than when I began this debate. That is good for me and good for the public. I did not know that. It makes a lot of sense. I find it a little odd that people would be opposed to the level that was being portrayed.

The idea that we should not do this in Federal court, I think we can accommodate it. I am all for having more Federal judges, and we will talk about that in just a moment, but the bottom line, and the reason I am voting for this particular legislation is I think it corrects an abuse. It gets us back to the constitutional model that everyone envisioned where if you have a diversity—and this is what class action is all about, bringing a lot of people together from disparate places and groups to try it at one time, in a place that is convenient to everybody and in a logical way, that one would want a fair forum. I think Senator FEINSTEIN's amendment was perfect. If there are two-thirds of the plaintiffs in any one State, it stays in State court. If there are half the people in one State, the judge can decide whether to remove it. If less than a third are in a particular State, then it goes to Federal court. To me, that is a perfect compromise. It makes a lot of sense.

I have no problem voting for this because we are correcting abuses. This is one way to reform our State legal system.

Let me give a quick statement about home cooking. I am sure, as the Presiding Officer said, in Tennessee people will treat you fairly. I am sure that is true in Alabama, and in South Carolina I am sure that is true. But there are places that one does need to know who they are up in front of. I can remember very well one of the first cases I had as a young lawyer getting out of law school. It involved a speeding ticket of a friend of mine. We were going to go to magistrate's court. I was going to be Perry Mason, and we were going to make this great injustice right.

The highway patrolman was getting ready to testify and he said: Hello. And then he said: How are you doing, uncle?

So the judge was the uncle of the police officer. That struck me as not being quite right, and I said: Your Honor, nothing personal, but do you mind if we have a jury trial?

He said: Well, Lord, no.

He called his wife out, the aunt of the police officer, and she called up some of the cousins and we had a jury trial.

The point is, that was not a good experience. Part of it is true and part of it is embellished, but I do not want anybody to go into a situation, businesspeople or otherwise, where they believe they are being dragged to a place that is unfair, and that is what is going on.

There is a group of plaintiffs attorneys out there and they have a right to use the law to their benefit, and they are using it very cleverly to their benefit but in a way that is unfair and is hurting our economy. I am glad and proud to support this reform measure because I believe it does more good than harm, and that is what we in the Senate are all up here to do.

I ask unanimous consent to go into morning business or speak as if I was in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. GRAHAM of South Carolina. I am trying to change subjects. May I make an inquiry to the Presiding Officer? Can I speak about Mr. Pryor's nomination as a judge now? Is that appropriate?

The PRESIDING OFFICER. The Senator is free to speak on any subject he wishes.

Mr. GRAHAM of South Carolina. Mr. President, I am liking these rules.

NOMINATION OF WILLIAM PRYOR

When we are speaking about judges and whether or not we need judges, we

really do. There is a backlog in this country in certain courts, and one of the people being nominated by President Bush is William Pryor from Alabama. He has been nominated to a seat that has been declared a judicial emergency by the Judicial Conference of the United States.

All I can say about this case is that my friend from Alabama should be very proud of the nominee who has been put forward by President Bush. Bill Pryor is the attorney general of Alabama. That is a political job, and ofttimes the hardest thing for lawyers to do is to be a good lawyer when politics are involved because the thing I love most about the law is that it is a place to go to where polling does not matter and where the popular cause does not always win out.

Sometimes the unpopular cause has its day and would win in a forum it could never win otherwise. Our Founding Fathers were brilliant in creating a system where popularity meant a lot in the area that we live, but a courtroom is a place where it should be quiet, and there are good men and women who are listening to the facts of one's case and no matter whether someone is rich, poor, regardless of their background, it is a place they can go to be listened to, where maybe the crowd would not listen to them. That is what I love so much about the law. It is a place where people who could not get a fair shake in the popularity world of politics could get a fair shake where people would actually listen to their individual claim, where the unpopular may have its day.

When one is attorney general, they get elected by their people, but they are also required to enforce the law, and the concept of the law is to give people who are not popular their day in court. What I am looking for in a judicial nominee is someone who can be very passionate about life's issues and questions but can also be very fair. President Bush has done us a great favor to send Bill Pryor forward. I have met him. I have talked to him. He is the kind of young man I think most of us would want our child to grow up to be, the son we would love to have. He is academically qualified, rated by the American Bar Association as extremely qualified. People from all walks of life who know him like him. If my colleagues met him, they would find he is a charming young man. He seems to be somebody who is sure of who he is and what he believes.

A lot of this filibustering that is going on now has behind it the issue of abortion. Special interest politics is very strong in America, and it has its place. Groups need to ban together and speak out about things they have in common. I think our job as Senators, when it comes time to look at judges, is not to judge somebody on whether they are just pro-choice or pro-life. I am a pro-life person, and I agree with Bill Pryor. He is a very passionate man. He is a very honest man about his pro-life beliefs.

There will come a day when there will be a Democratic President and maybe I will be in the Senate and that Democratic President may send up a pro-choice person. I think my job is to see whether or not they can take their beliefs on that issue and put them aside when it comes time to be a judge.

All I can say about Bill Pryor is that when he was attorney general he had the obligation to review a statute that the State of Alabama passed—the Senator may correct me if I am wrong—about partial-birth abortion, something we just did today. This is an emotional area. People are very emotional about partial-birth abortion. We are evenly divided on early-stage abortions, abortions in the early stages of pregnancy. It is about 50/50. But when it gets to the seventh, eighth, and ninth month, about 75 to 80 percent of Americans say we should not be having abortions on unborn children at that stage in pregnancy unless the mother's life is at stake.

We had about 60 Senators today vote for that. For 8 years now, we have been voting on that concept. So it is an extremely popular concept. A lot of people buy into it who are not strictly pro-life. There are some pro-choice people today who voted to ban partial-birth abortion. So that is an issue that has a lot of emotion and a lot of momentum behind it.

He read the statute and he issued an opinion that had to make him the skunk of the garden party. He issued an opinion that said: I read the statute and I do not think it will meet constitutional muster.

If anyone has talked to him at all, they know he is a very serious, pro-life person. So I argue to my colleagues, this is exactly the kind of young man or woman they would be looking for to promote, to be able to take the politically popular event, put a good legal analysis on the event, and make a decision that is not going to sell well. That is exactly what I am looking for in somebody to be a judge, and the Senators from Alabama should be very proud they have sent a very noble person forward.

There are other examples of doing things that just are tough. My State of South Carolina had in our constitution for the longest time a ban on interracial marriage. One does not have to be a rocket scientist to figure out how that all came about. Those of us in the South who have grown up in the South have had tremendous struggles to be fair to African-American citizens. There is a legacy there that no one should be proud of, but things are getting better, thank God. When we look into the past—and it is in other parts of the country, but it is particularly true in the South—when that is put into a State constitution, one can only imagine the passion that went into placing something like that in the constitution.

Well, now, later on in life, all of us realize that is unfair, that should never happen, but who wants to be the person to step forward and get that argument started all over again because it really was never used?

Well, Bill Pryor, as attorney general, had the courage to tell everyone, whether they agreed with him or not, that there is no place in our constitution for this kind of prohibition, and he led a charge to get rid of it, something I think tells a lot about the young man.

The bottom line is, we are going to have a lot of time to talk about Bill Pryor because there is a movement to keep him from being on the Federal bench, a movement that is driven by politics, a movement that, if it continues, will change over 200 years of how the Senate and the executive branch work.

The worst thing we could do, in my opinion, is to take the political disagreements we have in the early part of the 21st century and change the constitutional process, probably forever, the consequence being that good young men and women such as Bill Pryor can't become judges because a few special interest groups don't like them.

If Bill Pryor can't be a Federal judge, given his academic background, the way he has lived his life, and the qualifications he brings to the job, then America is hurting because we have let politics get into the judicial process in an unhealthy way.

There will be many more days and many more hours to talk about this. I look forward to talking to anybody who will listen about why I believe so strongly that we should allow the nomination of this young man to be voted on on the Senate floor—he has come out of committee—and why he would make a fine Federal judge.

I, again, let the Senator from Alabama know I am sorry that he and his colleagues from Alabama have to go through this. I am sorry for Mr. Pryor's family, that they have to go through this. But there will be some fighting back going on. I urge my colleagues on the other side of the aisle, if you continue to do this, inevitably here is what will happen.

The next time there is a Democratic President there will be special interest pressure placed on our party over here on the Republican side to do exactly the same thing to some other nominee who may be equally qualified. The next thing you know, we are going to have a situation where good men and women will not put themselves through this. They are going to say it is not worth it.

One of the things that came up in the hearing about Bill Pryor was that he and his wife were going to take their daughters, I believe, to Disney World. Disney World had Gay Pride Day that day, and they made a decision not to go on that particular day.

It is uncomfortable for me to talk about that. I imagine it is very uncomfortable for Bill Pryor to have to talk about things like that. That has no

place in the evaluation process, because what is the purpose of that? ''Yes, we got you now. You must hate gay people because you and your wife decided not to go to Disney World on a particular day.''

His answer was: It was a family decision that my wife and myself made. But I promise you that if anybody comes before me as a judge, that I will honestly and fairly deal with him.

We are getting into areas of people's personal beliefs and family decisions that are unhealthy, that will drive good men and women away if that is what you are going to have to put up with to try to serve your country.

The bottom line is, we are going to have some fussing and fighting about what is right for Bill Pryor and others, but if we don't wake up we are going to ruin 200 years of history that has worked and we are going to drive good men and women away from wanting to serve their country as a judge and all of us lose then.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from South Carolina. I, too, have some very strong feelings about Bill Pryor. He is one of the finest nominees ever to be submitted to this body. I have no doubt about that. He needs an up-or-down vote. If he receives one, he will be confirmed.

We started out the debate tonight talking about the class action reform bill that is before us. We are seeking to consider the bill, but we are still debating the motion to proceed to the class action bill. I see the distinguished chairman of the Finance Committee is here, Senator GRASSLEY, to speak on that legislation. I will be speaking on it further tonight, also.

I am pleased to yield to him.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would like to address my colleagues, as I did last night, on a bill of which I am the sponsor. It came out of the Senate Judiciary Committee on which I serve with very broad bipartisan support. It is called the class action lawsuit reform legislation. There has been a lot said about that legislation today that I would like to address.

I did listen with great interest, yesterday and today, to speeches made by my colleagues across the aisle, and I fear they greatly misrepresent the bill and the problems facing the class action system, so I will spend a few minutes setting the record straight.

First, my colleagues are trying to characterize this bill as special interest legislation and are suggesting that the President is pushing this as part of some rightwing agenda.

Given that I introduced this bill with my Democratic colleague from Wisconsin 6 years ago, I am surprised that my colleagues think that this President Bush's idea is bad and part of some rightwing special interest agenda because Senator KOHL, a Democrat from Wisconsin, would not be interested in participating in any effort of a rightwing conspiracy.

Anyway, Senator KOHL and I put this bill together because there is unfairness in the current class action system. Lawyers are getting rich while consumers and plaintiffs are getting worthless certificates and coupons. The current system has select State county courts deciding policies and interpreting laws for people that ought to be decided on the Federal level, in the Federal court, when they affect all 50 States. Some county judge in Illinois should not be making a decision that is going to affect consumer law of 49 other States.

That flips, as you know, the Federal system on its head, and it needs to be fixed. Our legislation fixes it. I think that wanting to fix this problem makes sense. It is not part of some rightwing agenda. It is a very key economic issue in our country.

This term ''special interest legislation'' is amusing in several other ways. The real special interest here is the plaintiffs bar; they are fighting this bill with everything they have. Crafty class action lawyers who are making out like bandits by bringing frivolous class action lawsuits and settling cases where they get all the money are the ones with the big special interest in this legislation because, if this bill passes, judges will have to scrutinize settlements to make sure that lawyers are not unfairly getting more money for their professional services than they ought to get.

Also, if this legislation passes, these very same lawyers will not be able to do what we call forum shopping—finding the best county judge someplace in the country who is sympathetic to their cause, before whom they can go and win for sure.

Of course, we have the Judicial Conference. In this bill, it would be required to figure out a way to make attorney's fees more reasonable and settlements more fair. So it looks like the biggest special interest with a dog in this fight is the plaintiffs bar.

I heard a lot of talk on the floor about how critical class actions are, and I would be the first to suggest that there is a place in our legal system for class action suits. They are a great, important tool to help injured people collectively recover for their injuries in cases where it might not be worthwhile for an individual to do that by himself or herself.

Somehow, my Democratic colleagues think this bill is the end of class action suits, and that is entirely wrong. Our bill leaves the important tool of class actions right where it is, in rule 23 of the Federal Rules of Procedure, and similar rules in most of the individual States. But the bill just allows more class actions, those that ought to be nationally viewed and obviously national in scope, to be heard in the Federal courts. In-state class actions will continue right along in State courts and large national class actions will continue right along in the Federal courts. Consumers will still have their day in court. That is very important. Our bill does not take away their ability to sue as an individual or to sue as a class.

Another claim I heard yesterday was that our bill allows defendants to remove a case to Federal court at any time, even on the eve of a trial. Senator BREAUX says he is worried about this problem and his alternative would fix it. The claim is just plain wrong. Our bill does not change the current removal rule. Under that rule, a defendant can remove a case within 30 days of receiving notice that a case is removable. That is a good rule and one we do not need to change. I do not appreciate people saying we are changing it when we are not changing it. Our bill will function under that rule so a defendant can move only a case within 30 days of receiving a complaint or an amended complaint. To say a defendant under our bill can willy-nilly remove a case at any time or even while a jury is deliberating a case is just not true. That is not the case under the current rule. It is not the case with this bill which does not change the current rule.

There are some other potential problems with the proposal by my friend Senator BREAUX that he talked about yesterday, but I will be happy to look at any amendments he has available. One thing he said sticks out in my mind. Senator BREAUX suggested if a class of plaintiffs is all from Louisiana and a class is injured by an out-of-state meatpacker—that was the example he used—they should be able to sue the meatpacker in the State court. He describes a pure diversity case which under the Constitution belongs in the Federal court. He is proposing to turn constitutional diversity jurisdiction on its very head. That does not sound like a very good idea to me. His approach would allow the same rampant forum shopping we currently see in the system. Senator BREAUX's alternative would not fix any of these abuses and, in fact, his alternative plan makes things much worse.

Another misstatement that concerned me is this claim that the bill before the Senate is not the same bill that came out of committee; that the mass action language materialized out of thin air; that we are trying to pull the wool over our colleagues' eyes. Not true, again.

First, the Class Action Fairness Act—the bill before the Senate, the bill I am sponsoring—included a provision dealing with mass actions when it was first introduced. If my colleagues look at the transcript of the committee markup, they would find, and I think they would probably remember this, that Chairman HATCH of the Judiciary Committee agreed to strip the mass action provision in committee on the condition that Senator SPECTER and Senator FEINSTEIN worked on compromise language to be included in the

bill when it got to the Senate floor. It is in the RECORD. Nobody is pulling any wool over anybody's eyes.

Chairman HATCH, Senator SPECTER, and I collaboratively reworked the mass action language, had Senator FEINSTEIN look it over and sign off on it. In fact, we made modifications she requested and then we ran it by all of the original cosponsors of the Class Action Fairness Act. So the claim this bill is somehow unexpected and that we are hiding the ball is an unfair, untrue statement.

I also heard opponents of the bill claim this bill will hurt consumers, will hurt civil rights litigants, will hurt tobacco plaintiffs, and will hurt gun victims. The reality is these class actions will continue to be brought in both Federal and State court after this bill becomes law. I don't understand what the big fear is about the Federal courts deciding some of these cases. In fact, I remind my colleagues many of these cases against tobacco plaintiffs and gun manufacturers and civil rights violations have for years been routinely filed in the Federal courts of America. The claim that somehow taking a big national class action out of State court will hurt these folks just does not hold water.

Another claim we heard yesterday was Chief Justice Rehnquist opposes this bill. For months we have been hearing this claim, that the Chief Justice opposes the bill, and for months we have asked for proof of the claim. There is no proof. Why continue to quote him? Maybe this claim comes from a letter the Judicial Conference sent to the last Congress criticizing certain aspects of the older version of the bill. Justice Rehnquist is the de facto chair of the Judicial Conference. They must be making a gigantic leap to claim he had problems with parts of that old bill. The fact of the matter is, currently the Judicial Conference, which Chief Justice Rehnquist chairs, supports many things about this bill and has publicly thanked the Congress for taking up this issue. It offered a few ideas last spring for determining which cases should stay in the State courts and which ones should go to the Federal courts, and our Feinstein compromise addressed some of those very ideas suggested by the Judicial Conference Chief Justice Rehnquist chairs.

We are going to hear a lot about class actions during this debate. Many of them will be important cases. Two things I ask my colleagues to remember regarding a good, necessary class action: First, it is very possible our bill will not have any effect whatever on the case. Second, the only effect our bill might have is just to make the case eligible for Federal court where the case was filed. In fact, many of the cases discussed yesterday sounded to me as if they would either be unaffected by the bill or could be proceeded to in Federal court.

I know there are Members of this body who will not ever support this bill. They will never go up against the plaintiffs bar. They will never go up against those personal injury lawyers. They would say the present system, even though it gives lawyers millions of dollars and little old consumers a coupon for some product they will never want to buy, or for some part of an airplane ticket for some place they are never going to go, somehow is OK. I hope they will check their facts before they make statements against this bill even though they may never vote for it. They ought to be intellectually correct as they make their points.

I have taken this opportunity to set the record straight. That ought to give us the number of votes it takes to get beyond a Democrat filibuster and move forward on a bill that has passed the House three times in 6 years and ought to pass the Senate and ought to go to the President. We ought to have fairness in our court system. When consumers need to be protected, we ought to have consumers getting the benefit of winning the case, not their lawyer.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the distinguished chairman of the Finance Committee, a senior member of the Judiciary Committee, for his leadership on this legislation for quite a number of years. He is a champion of commonsense fairness in the legal system. That is all we are talking about.

I agree with Senator GRASSLEY. I cannot imagine why somebody thinks that Federal courts, which have been the champion of liberties for Americans for years and years, are somehow now not fit to handle complex interstate class action lawsuits. It just boggles the mind. It is not sound logic. That argument is driven by the objections being made by the plaintiff lawyers who are interested in these cases. They want to be able to file them where they choose. They want no erosion of their ability to do so, and they are calling in their friends on the other side of the aisle, and some of them are responding.

It was referred to earlier that these are big corporations that need to be dealt with and we ought to be able to sue them, presumably, in any county in America you choose to sue them in. I do not believe that is what was contemplated by our Founding Fathers.

Let me tell you about another major industry in this country, the industry that is driving the objections to this bill; the plaintiff trial lawyer industry. A recent Tillinghast—I believe is the name of it—study showed their income last year was $37 billion. The income of the ''Trial Lawyers, Inc.'' is larger than that of Microsoft, Coca-Cola, and other companies of that size. It is a huge industry. They contribute aggressively to political campaigns, and they promote their agenda aggressively. It is a free country, and they have every right to do so. But I would just suggest that those who would argue that the only wonderful people in this deal are the plaintiff lawsuits may not be so correct.

Another study has shown 2 percent of the gross domestic product of this country goes to litigation costs. That is double what the other countries in the industrialized world are paying for litigation costs, and it is an extraordinary figure. It is a figure that is paid for not by just big corporations, it is paid for by every single American when they take out insurance.

I wish it were not so. If someone makes an error in America today, and you sue them, and then you seek punitive damages to punish them, the unfortunate reality is, probably they have insurance or the case would not have even gone forward. The lawyer would not proceed, probably, if they did not have money to pay and did not have insurance. They have insurance, so the punitive damage verdict gets rendered, and the insurance company pays it. What does the insurance company do? They raise the rates on everybody who is paying premiums. Innocent people are paying the penalty imposed by the litigation.

So we really need to think about how this system is working. I want it to work better. This is a modest step. As I noted earlier, the Constitution contemplates that lawsuits between people from two different States would be in Federal court. That is the diversity clause in the Constitution which has been the way things work for a long time. But the way things are working now, if you can name one defendant to be an in-State defendant, then in many instances you can make the case stay in State court. This process is allows a plaintiff to essentially pick the forum they want to pick.

If you are suing McDonald's for a problem in their entire system that affects people all over America, then that case ought to be in Federal court, unless you are located in the State where McDonald's is headquartered. That is what I think clearly was contemplated by the Founders. But by using the device of naming in-State plaintiffs for suing a defendant in the state he does business in, plaintiff lawyers have been able to break the diversity and keep it in State court.

We want people who have been injured to be compensated, and we want to make sure they are adequately compensated and that their compensation is legitimate and fair, and that the attorneys get paid a legitimate fee, and not get a huge fee and little or no compensation to the victims. The ugly truth is, in a lot of these cases, the corporations really just want the lawsuit to go away and have to take the plaintiff lawyer's word for what the plaintiff class wants in a settlement agreement. If the plaintiffs' lawyer says his clients—many of whom, virtually all of whom, he may never have met—would accept a coupon for a Blockbuster video, as long as the defendant pays the plaintiff lawyer's fees totaling $10 million, the defendant may be willing to pay that to get rid of the lawsuit.

So the clients get paid little and the attorney gets paid a lot. There is a conflict of interest and a tension there for people who are sensitive to it. We are seeing that in these cases. That is what Senator GRASSLEY was talking about. We are seeing that as a pattern. This legislation will help deal with that problem, help bring more integrity to the system, allow the courts to monitor it more closely, and ensure more fairness for the victims of wrongdoing.

Don't misunderstand me, class actions can be an effective and legitimate tool. Some people are so frustrated by the abuses that they just want to attack all class actions. That is not what we are doing with this bill. Class actions are effective tools for a large number of people who may have been wronged by a single defendant or by defendants acting in concert. This can happen in a bank. Banks have been known to overcharge people. For example, a bank does not pay proper interest on an escrow account, and they owe each depositor $2 in interest. But there are 1 million depositors, and it has been going on for 5 years. The calculations get worked out. It is appropriate that those people get the interest they are entitled to and often a class action is the appropriate way to get this done. They ought to be paid fully what the law says you ought to be paid on the escrow account. The question is, however, are those plaintiffs always getting the money, and are these cases being handled in a way that is fair and just? How it works is what we are talking about. Certainly, 100,000 lawsuits—and they can be brought that way—each brought individually for a $2 misappropriation in an escrow account is not an efficient way for lawsuits to be settled. That is why we allow them all to be brought in one court. Then all plaintiffs are bound by the result as well as the defendant.

Too often, in recent years, however, these lawsuits have become a vehicle by which some trial lawyers are cashing in at the expense of the plaintiff class. The most troublesome aspect is that in many of these class actions the lawyer does not even know the clients, and in some cases does not even have a client. In these situations a lawyer first discovers a potential claim he or she thinks is a good one, and then runs around and finds a client to be the named client as a vehicle for the lawsuit. The end result is often not justice for the plaintiffs, and enrichment for the attorney. I know of a case in which the client—the named plaintiff—in the case died, and the lawsuit went on with no real party there for months before the attorney discovered his client had died. The attorneys were running the lawsuit, proceeding as they chose, with so little communication with their supposed client that they did not even know the person had died.

Not always. This is not always the case. A lot of these lawsuits are handled fairly and objectively, but we are seeing abuses there on a regular basis.

For some cases they have not even been able to show any damages, yet the lawyers have still received huge amounts of money. For example, the Toshiba case. In this case, a class action suit was filed in Texas. It complained of an entirely theoretical defect in the ''floppy disk controllers'' of Toshiba laptops. There were no allegations that the asserted defect had resulted in injury to any user, and not one customer had ever reported a problem attributable to the defect. Facing potential liability of $10 billion, Toshiba decided they needed to settle this claim. They were willing to pay. The class members received as their payment between $200 and $400 off any future purchases of Toshiba products. In other words, they got a settlement—a discount on future purchases of a Toshiba product—only if they bought products from the defendant again in the future. The two named plaintiffs, the ones who were working with the attorneys, presumably, got $25,000, and the plaintiffs' attorneys received $147 million. That is a lot of money. The fact that most class members only benefitted from the lawsuit if did business with the defendant in the future is not good. It seems to me the company was wanting the lawsuit to be over, they were willing to pay the lawyers whatever fee they asked for, and give some sort of token settlement to the class members, and get out of this thing, just to make the suit go away, even though no real damages had happened to the class members as of that date.

Lawyers are supposed to represent real clients who have been truly harmed. They are ethically bound to represent the clients' interests foremost, far above their own interests.

Class action lawsuits are designed to be available when lawyers realize that an entire class of people have been harmed in the same way that his client has been harmed. However, class actions should not become a feeding trough for attorneys. Class actions should not be a situation where good advocates figure out a way, by adding unrelated defendants, to file actions in friendly circuits or to use other methods to utterly maximize the benefit from their side of the litigation, while ignoring the fairness overall.

I respect lawyers. I believe in them. I have litigated, many cases. I believe lawyers should maximize the ability to protect their clients. In my comments about some of these lawyers that say they are protecting their client's interests but are really protecting their own pockets, I mean to be critical. Some of the lawyers, in fact, deserve no real criticism because they are simply choose to file the lawsuit in the forum most favorable to their client, and they are not supposed to look at whether that forum is fair to the defendant or not. You have to admire lawyers that are genuinely seeking to protect their client's best interests.

But we must, as a legislative body, monitor these cases. We must, as a legislative body, work to make sure that fairness is occurring in our courts.

Let me cite the Bank of Boston case filed in my State of Alabama. I was attorney general of Alabama during part of this time and I heard about some of these complaints. It is a good example of the class action system and how it is broken.

In this case a class action was filed by a Chicago attorney in the circuit court, the county court of Mobile, AL. A Chicago attorney looked all over the country, and decided to file the lawsuit in Mobile. The case alleged that the Bank of Boston, MA, did not promptly post interest to the escrow accounts of its members. The settlement that was agreed to limited the maximum recovery for each individual class member to $9 each. However the class action attorneys received over $8 million in legal fees, an amount approved by the State court. It is shocking that the legal fees the class action attorneys received, were debited from the plaintiff class' bank accounts, averaging 5.3 percent of the balance in each account. Many of the bank members did not even know they were members of the plaintiff class, did not even know that attorneys were representing them, and most of all, had no idea that money would come out of their accounts to pay those attorneys. Imagine not even knowing you were involved in a class action until you realize that money has been taken out of your bank account to pay their legal fees.

What is even worse is that for a number of the accounts, the debit to the account exceeded the credit they obtained from the settlement, meaning that after the settlement, more money came out of their account than went back in.

Dexter Kamowitz of Maine—a plaintiff in Maine that is being bound by a county judge in Alabama—was one of those plaintiffs. He did not initiate the class action against the Bank of Boston. However, he received a credit of $2.19 to his account after the settlement. At the same time, the class action attorney debited Mr. Kamowitz's account for $91.33 in legal fees, producing a net loss of $89.14. Such results, as might be expected, produced outrage from class members in other States.

Judge Frank Easterbrook, reviewing the case as a Federal judge on the Seventh Circuit Court of Appeals asked: What right does Alabama have to instruct financial institutions [headquartered] in Florida to debit the accounts of citizens in Maine and other States?

I do believe that we need to be careful about expanding Federal jurisdiction. We don't want to do this willy-nilly. But we also need to be careful to ensure that State courts cannot unfairly include class members from all over the country and bind them by the verdict they render.

Federal jurisdiction is currently allowed in cases where there is a de minimis interstate commerce nexus. We

know that from civil rights cases and plaintiffs cases and civil cases. If there is a Federal nexus, you can file it in certain cases in Federal court. I believe it is certainly appropriate, when we are dealing with a national corporation, dealing with clients in every State in America.

The bill offered by Senators GRASSLEY and KOHL would help eliminate some of these class action abuses. We have talked about class action problems for a very long time. I believe it is time to stop talking and get moving and pass a bill that will help class action plaintiffs be treated fairly in this entire process. I hope we can have a healthy debate and move this legislation that reforms class action forward.

I am also pleased to see, as I conclude these remarks, the distinguished chairman of the Senate Judiciary Committee, Senator ORRIN HATCH. He has wrestled with the class actions issues from the beginning. As a skilled lawyer himself, he understands the issues ably. He is able to discuss them in a very intelligent way. He understands the history of this entire proceeding. It is a pleasure for me to serve with him on the Judiciary Committee. I know at this time he would like to share some remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am sorry to keep the body a little bit later, but I do think we need to make some points that really need to be made. We should be debating the Class Action Fairness Act of 2003 rather than squandering away the Senate's time debating a motion to proceed to the bill. That has become typical around here. Anything that can delay, anything that can make it miserable, anything that can make it difficult to pass legislation or even consider legislation, we are finding the other side is doing to us.

Yesterday, my colleague from Vermont, the ranking member of the Judiciary Committee, observed accurately that the days remaining in this session are numbered and that floor time is indeed precious. But what puzzles me is if there is such a premium for time, then why in the world are we faced with a Democrat filibuster on the motion to proceed to a bill? Usually, if you are going to filibuster, you filibuster the bill. So we all know what is going on here.

From what I know, based on the remarks yesterday from the ranking member and others, I understand that there is an objection to proceeding to S. 1751 because it has been characterized by some as ''special interest legislation.'' What ''special interest'' are we talking about? Are we talking about the ''special interest'' of millions of consumers throughout the country who are affected every day by class action abuses, or are we talking about the ''special interest'' of the everyday American worker who stands to lose because his or her employer can't increase wages or offer better health benefits because of the commercial uncertainties created by uncontrolled class action litigation, or are we talking about the ''special interest'' of the general American public that is losing faith in the American civil justice system because of the outrageous class action coupon settlements that only benefit the attorneys?

On this whole special interest point, I would like to direct your attention to a recent poll showing that the overwhelming majority of Americans believe that class action lawsuits benefit lawyers at the expense of their clients.

Look at this chart. ''Opinions on class action lawsuits; who benefits most from class action lawsuits.'' Lawyers for the plaintiffs, the public says—47 percent believe the lawyers benefit the most. They are right, especially in these frivolous suits we have been referring to. Buyers of products, 5 percent; companies being sued, 7 percent; 9 percent of the American people think the plaintiffs benefit the most from class action lawsuits—the ones they are bringing the suits for. Only 9 percent of the American public think the injured parties, the so-called victims, are the ones who benefit; 12 percent don't know; 20 percent say the lawyers for companies. So of the total opinion of the American people in a poll conducted, with an error margin of plus or minus 3.5 percentage points, a total 67 percent of the American people believe the lawyers are the ones who benefit from these class action suits; 67 percent believe class action lawsuits are a virtual bonanza for lawyers. The public is not too dumb; they are right.

In stark contrast, the poll shows only 9 percent of Americans believe the class action lawsuits benefit the victims or the plaintiffs themselves. When the public perception of class action lawsuits in our civil justice system is so negatively skewed, I find it difficult to say with a straight face this bill somehow advances ''a special interest.''

Perhaps the ''special interest'' we are really talking about is that belonging to one Hilda Bankston. Who is Hilda Bankston? This is Hilda in the photo. A beautiful woman, a decent person. I can tell you with certainty she is not a tobacco company. She is not a gun manufacturer or somebody who pollutes the environment. Hilda Bankston and her husband Mitch owned Bankston Drugstore in Fayette, MS, a small local pharmacy where Mitch worked as a pharmacist. The Bankstons were dragged into hundreds of lawsuits filed by class action attorneys in the State of Mississippi by virtue of owning the only drugstore in Jefferson County. Their small business became a prime target for forum-shopping class action attorneys in pharmaceutical cases.

The Bankstons' nightmare began in 1999 when Bankston Drugstore was named a defendant in the fen-phen diet drug class action lawsuit simply for filling a prescription written by a doctor—something they were supposed to do. Since then, plaintiffs lawyers have filed hundreds of pharmaceutical lawsuits against Bankston Drugstore. Every time a big drug maker was sued, even if the company was located in New York, or California, the plaintiffs' lawyers added Hilda Bankston and her husband as defendants—this hard-working owner of a single drugstore—just because she sold that drug from her neighborhood drugstore, which was her obligation to do.

Even though Mrs. Bankston no longer owns the drugstore, she continues to be named a defendant in these lawsuits today and is buried under a mountain of discovery requests because of the litigation. On a more personal level, Mrs. Bankston describes to us the toll this ordeal has taken on her both personally and professionally. She testified that, ''no small business should have to endure the nightmares I have experienced. . . . I have spent many sleepless nights wondering if my business would survive the tidal wave of lawsuits cresting over it.''

Mrs. Bankston also suffered the loss of her husband when, within three weeks of being named as a defendant in the fen-phen case, her husband died of a heart attack. It is stories like Mrs. Bankston's—an every-day citizen just trying to fulfill the American dream—that makes this bill so compelling. I think to characterize this bill as appeasing ''special interests'' is not only disingenuous but it ignores the extensive mountain of evidence showing otherwise. It is pure, unmitigated bunk and they know it.

I also understand the ranking member expressed surprise and concern over the lone difference between S. 274 as reported out of the committee and the rule XIV version of the bill, S. 1751, that we are now trying to move forward. To set the record straight, we are simply invoking Senate rule XIV, which is procedurally proper, to simply accommodate the revised mass actions provision the committee had removed from the bill during markup on the condition that it would be modified and replaced in the bill before floor consideration. That is what we agreed to do. That is all we did. The rule XIV version of the bill, which is numbered S. 1751, is the identical bill we voted favorably out of committee, except for the return of the revised mass actions provision the members on the Judiciary Committee knew or should have known would be restored into the bill before floor consideration.

Just on Friday, the majority leader asked unanimous consent to bring up S. 274, substituting with the text of what is now S. 1751. There was an objection from the other side of the aisle which forced the majority leader to bring up S. 1751 under rule XIV. To now hear we are somehow not acting in

good faith is, at best, a misunderstanding and at worst a deliberate attempt to mislead. You make the decision, you make the judgment on that. I know what I think.

By way of background, I want to explain what happened with this provision. When the original bill, S. 274, was marked up during committee last April, the committee members agreed to an amendment offered by Senators FEINSTEIN and SPECTER striking two provisions from the bill only with the understanding that the language would be modified and replaced before floor consideration. The first provision defined private State attorneys general actions as class actions within the meaning of the bill. These are statutory actions a private citizen can bring on behalf of the general public. My colleague from California, Senator FEINSTEIN, expressed specific concern over this provision because she believed it would interfere with an existing California statute permitting such representative actions. This provision has remained out of the bill.

It is the second provision that necessitated the rule XIV alternative. This second provision is what we commonly refer to now as the mass actions provision. A mass action is a civil action seeking to try the claims en masse of all plaintiffs and defendants in a single trial, but pursued without the procedural due process prerequisites for litigating such a matter as a class action. Mass actions are used heavily in certain States such as West Virginia and have been used to unfairly consolidate for trial diverse claims of as many as 8,000 plaintiffs from over 35 States against over 250 defendants. These actions are especially problematic because they proceed without satisfying any of the standard class action prerequisites, such as commonality and typicality of claims.

Although the original bill contained a provision that defined mass actions to qualify as class actions, my colleague Senator SPECTER raised a specific concern over the scope of the provision and moved it be stricken. Because the committee didn't have a meaningful opportunity to evaluate the Senator's concerns before markup, I, as chairman, agreed to strike this provision, but only with the understanding that we would modify the provision and replace it before the bill reached the floor, which is exactly what we did.

After the extensive post-markup negotiations and other discussions among my staff and the staff of Senators SPECTER, FEINSTEIN, KOHL, and GRASSLEY, we were able to reach consensus on a revised mass actions provision in early September.

Let me stress there are no surprises here on what we were going to do with the mass actions provision. Everybody who appeared that day in the Judiciary Committee markup was aware the bill sponsors would work with the sponsors of the amendment, Senators SPECTER and FEINSTEIN, to develop compromise language. Indeed, we called specific attention to this understanding in our committee report on S. 274, which has been widely and publicly available since last July.

As for using rule XIV, which is an effective rule in the Senate, a rule that can be legitimately used, and has been used in this case, we gave advance notice to our Democratic counterparts, Senators FEINSTEIN and KOHL, over a month ago that there was a possibility we would have to use this procedural device to ensure the operative text reflected the understanding when the bill was reported out of committee.

I also understand from my staff that these offices then informed, among others, the ranking member on our committee about the potential use of the rule when we introduced S. 1751 last week. Simply put, we were open and above board. We didn't have to be, but we were. We didn't have to be because the rule is the rule. We are entitled to use it. The Democrats have used it time after time, as have Republicans. There are no surprises here. I was the most shocked to find claims that something somehow or another was askew and not properly handled. Again, that is pure bunk, and everybody knows it. But I suppose when we have television in the Senate, we are going to see that type of argument made from time to time, even though it doesn't hold water and can't stand the light of day.

We provided advance notice and opportunity to review the text to our Democratic sponsors and the sponsors of the amendment so they could all verify that no other changes were made. That is good faith, in my view. We gave advance notice of our intended use of this device for a provision we made clear to everyone we intended to modify. So I am particularly baffled as to why the ranking member of our committee is calling this a mystery. This is no mystery. We did exactly what we said we would do when we marked up this bill in committee, and the bill was voted out with a partisan vote of 12 to 7, but, of course, the distinguished Senator from Vermont didn't vote for the bill in committee. That may be what is behind these types of comments. He never has been for this bill.

I suspect all is fair in love and war. This being war, they can say whatever they want on the floor of the Senate, even though it is totally wrong.

I believe rule XIV is the most appropriate way of handling the unique set of circumstances leading to the revision of the class action provisions, especially in light of the limited number of days remaining in this session. Given the number of pressing appropriations issues facing the Senate in the coming months, I think it makes little sense to waste valuable floor time debating as a separate amendment a provision that the key Republican and Democratic members have already worked out in good faith. It is even more absurd to be forced to debate a motion to proceed to this bill.

There is only one reason for that. That is to delay, delay, delay, and hopefully bollix up everything at the end of this session so nothing good gets done. I ask my colleagues to support the motion to proceed to S. 1751, the rule XIV version, the Class Action Fairness Act of 2003.

A Senator got on the floor and made a number of what I thought were outrageous comments as well pertaining to this being a special interest piece of legislation. This is a people's bill. The biggest losers under the current system are the people. Lawyers sue companies and negotiate settlements in which they get all the money. So consumers get ripped off twice: Their lawyers rip them off by taking the settlement money that is supposed to go to them, and then they have to pay for the payoff to the lawyers at higher prices.

How about tax cuts for the wealthy? That was an argument made yesterday. The class action bill would not protect the wealthy. It is the opponents of the bill who are trying to protect the wealthy—the wealthy trial lawyers in this case. Although not all class action lawyers are to be criticized, some actually are good lawyers who actually do what is right within the law in fair class actions that really are brought to help people. We are talking about the ones who need to be reformed. Some of these wealthy lawyers who need reform amass their riches by ripping off consumers in bad settlements. We have shown that throughout this debate.

Senators raised the issue of defective products, protecting gun manufacturers. The only successful class action against gun manufacturers, the only case in which any relief was awarded was in Federal court. That is what we are trying to do here, and they act as if the Federal courts are not capable of handling these cases? This doesn't stop legitimate class actions. It just says there is no longer going to be these phony forum-shopped cases in corrupt jurisdictions where there are corrupt judges and where jurors don't realize they are saddling all of America with these outrageous verdicts that pay off the attorneys but do very little for consumers or for the plaintiffs who are supposedly the real victims.

We heard the argument yesterday that Justice Rehnquist is opposed to this bill. Opponents keep saying Chief Justice Rehnquist opposes the bill, but whenever we ask for a citation to that opposition, we get absolutely nothing. They talk about the Judicial Conference letters, but those letters do not express opposition to the bill that was reported out of committee.

How about forum shopping? Defendants cannot forum shop. The plaintiff always gets to choose where to file the lawsuit. If they file in State court, they can often choose precisely the judge who will hear the case. All the defendant can do is remove to Federal

court where the case will be heard by a randomly selected judge, not a stacked, forum-shopped deal with a corrupt judge or maybe not even a corrupt judge, but one who just believes the plaintiffs should win no matter what the facts are. Again, I think that is corruption. It is nonsense to say defendants can forum shop or that forum shopping is the purpose of this bill. That is nonsense. Yet that is what one of our distinguished Senators was saying yesterday.

How about the scalpel argument? Any suggestion that this class action problem is concentrated in a handful of State courts is wrong. It is a problem in many places, and if you fix it in one place, the party moves to some other court in some other town.

How about Madison County, IL, by the way? We had the two Senators from Illinois speak: One just found Madison County to be the most circumspect county in the world. The other basically called the judges and the lawyers, many of whom never practiced law in Madison County, people who were abusing the system. He even implied some of them were corrupt.

The figures in Madison County do indicate a problem. Look at the dramatic increase in the number of class actions, virtually all of which were nationwide class actions over a short period, an increase from 2 in 1998 up to over 75 last year. Why are all these people, all these attorneys from other States flocking to the middle of nowhere to file lawsuits in which none of the claimants and none of the defendants are from the area? Do we really need to ask why? We know why. Because of corruption—corrupt judges, or should we say misconceived judges, to be nice about it, or judges who always find for the plaintiffs or steer everything in favor of the plaintiffs or always find class actions to exist when they really shouldn't. That is corruption.

We hear statistics indicating half of the class actions have been certified, but what the distinguished Senator from Illinois should have said was ''certified so far.''

What I find curious is that the distinguished Senator from Illinois didn't give the number of class actions that were denied. What happens in Madison County is that the case is filed, and when the lawyer decides he wants to put the squeeze on the defendant to settle, he starts moving toward getting a class certified, but sometimes it takes a while.

By the way, just moving to get a class certified in Madison County where it is almost granted at will is enough to scare any corporation because once that happens, that corporation is in real trouble, and so are that corporation's employees who are likely to lose their jobs, their income, their health care, and their pensions if the company gets thrown into bankruptcy.

We have heard allegations that under the class action bill, a defendant can remove a case at any time, even on the eve of trial. The current removal statute, 28 USC section 1446(b), provides that a case must be removed to Federal court ''within 30 days after the defendant's receipt . . . of a copy of the [complaint] in the action.''

This class action bill would not change that rule. The allegation that a class action bill would allow a case to be removed to Federal court at any time is ridiculous. But that is what we are getting used to from those who argue against this issue.

Now why do they do that? Why can they not see these simple, easy to see facts of life? Well, I hate to say it but I think it comes down to the fact these trial lawyers are the biggest hard money funders of many of these people who will vote against this bill. They get whatever they pay for. They can rely on their friends in the Congress to ignore what really should be ethical and good changes in the law and to stand in the way of those changes. That is what is happening here.

That is taking the sugar coat off, but that is what is happening. The fact is that we have people in this body who will vote for the trial lawyers no matter how wrong they may be.

Now, when I say trial lawyers, I am speaking about this select group of trial lawyers who really are giving the legal profession a bad name, who are in it for the money so they can support their own political candidates, live in high style, be influential in their respective communities, most all of which are outside of Madison County, by the way, and who can just about afford to do anything they want to do and are used to doing anything they want to do.

I happen to know a lot of good trial lawyers who are honest and decent, who really fight hard for their plaintiffs, for people who were wronged, for victims, and who are disgusted with these trial lawyers who are taking procedural advantage, monetary advantage, of forum shopping in this country. It is coming to the point where even the American Trial Lawyers Association is starting to get split on these types of issues because they realize that some of these people are giving trial lawyers who are good, honest, decent, hard-working trial lawyers a bad name, because they are getting lumped into the term ''trial lawyers'' all the time with these people who are bad actors, who are in it for the money.

Now, they paint a very big picture about how they are in it for the little consumers, but look at the coupon settlements. Look at the amount of money they are getting in fees. Look at the way the consumers have been ripped off. Look at the cost to society. Look at the companies that are in shambles and can no longer employ people. Look at the unfairness of forum shopping. Look at the unfairness of corruption.

I commend trial lawyers who are honest and decent and who bring decent class actions. They know they can win in Federal court just as much as they can win in State court, but they also know they cannot forum shop as well in Federal courts.

Now, one can still forum shop but not nearly like they can in a number of jurisdictions in this country in certain counties where, as I say, judges are owned lock, stock, and barrel by various political interests.

Well, I have kept us long enough, but this is an important bill and to filibuster even the motion to proceed to the bill, at this late date, leads only to one conclusion and that is unfairness, delay, win at any cost, fear to debate this bill straight up and down, fear to have votes straight up and down. The reason they are afraid is because they know if Senators were permitted to vote their consciences this bill would pass overwhelmingly, if it were not for the untold influence of big class action money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. If the Senator will yield, based on his experience, it is indeed an unusual thing that we have a filibuster of a motion to proceed to a bill that has this kind of bipartisan support. Is it not?

Mr. HATCH. No question that we usually do not have a filibuster on a motion to proceed, because if any of my colleagues are going to filibuster, they should filibuster the bill. By filibustering the motion to proceed, they can delay a vote on that for 3 days. Then they can filibuster the bill and delay that for another 3 days, which eats up 6 days at a crucial time of the year when we are trying to do all of the appropriations bills, a prescription drug benefit and Medicare reform, asbestos reform, judges, a whole raft of other very important issues, including the Energy bill. So by eating up all this time it makes it difficult to pass any of these matters, and it makes one wonder what in the world is behind all of this.

Mr. SESSIONS. I think it is particularly telling, I say to the Senator, because this is not like the circumstances we had when the Democrats were in the majority and Senator DASCHLE called up the entire Agriculture bill, or the entire Energy bill, which were huge bills, under rule XIV, that had not been addressed in the committee. This bill had hearings in committee and we voted for it 12 to 7. There was only one basic change to the bill.

Mr. HATCH. It was a bipartisan supported bill. Democrats and Republicans support this bill. It will pass if Senators are permitted to vote their consciences and are permitted to vote up or down without the phony delays of a filibuster, especially a filibuster on the motion to proceed.

By the way, rule XIV is an effective rule of the Senate. Both sides have

used that in order to expedite consideration of matters and everybody understands that, and everybody can then debate.

Mr. SESSIONS. I just recall when Senator DASCHLE was the majority leader, he brought up huge legislation outside of the committee that could not have been passed in the committee. We were forced to debate that legislation on the floor under rule XIV. To say there is some procedural problem here, when Senator HATCH has managed the bill through the committee process, when we have debated the bill, and when we have voted on the bill in committee, it came out 12 to 7, is baffling. As far as rule XIV is concerned, everybody was given notice of what would happen, this is just pure obstructionism. This is just an excuse to delay, delay, obstruct, obstruct.

We are coming to the end of this legislative session. We have a lot of things to do. One of the things we absolutely ought to do is to move this bipartisan bill to fix class action litigation in America. It is the right thing to do. It has the overwhelming majority support of the Members of this body. Yes, it has the opposition of a small but powerful little group of trial lawyers who put a lot of money in the political campaigns, but it is the right thing to do, and we ought to move forward with it.

I think there is every reason for those who believe in improving the legal system to be upset at the obstructionism that we are facing by a majority leader who has approved this. I think if we had some leadership on the other side by Senator DASCHLE, we could move this bill. To lay back is to allow the trial lawyers to control this matter.

There are a lot of reasons why we ought not have a single state judge in Madison County, as the Senator said, trying cases that have impact all over America. That is not good. A Federal court, with a Federal judge, with a quality group of law clerks, a fine staff, and by far a smaller caseload than most State judges have—I would say on the average, in my experience, that the State judges would carry maybe 10 times as many cases on their docket as a Federal judge has on the Federal court docket. The Federal judges give more attention to the cases and they have more ability to focus on a case. There is the ability to issue subpoenas nationwide and make things happen in ways that are more difficult in State court. So a major class action involving millions of dollars and thousands of plaintiffs from different states ought to be tried in Federal court when there is a majority of the people involved who are out of State.

This reform fixes some of the problems associated with class actions. It sets up legislation that gives special scrutiny for those abused coupon-related settlements, where the victims get coupons and lawyers get big fees.

It guarantees that notifications to class Members to be in plain English. It scrutinizes against a negative awards, where plaintiffs who may not have even known they were plaintiffs end up having to pay attorney's fees in a case they never authorized to go forward. It provides protection against unwarranted higher awards for certain class members, just because they are in a certain area of the country. And there are prohibitions on the payment of bounties.

It makes it more difficult, when you are facing a fair judge who you believe will rule on the law and give you a fair shake, not in a county that has a reputation of just hammering defendants in favor of the attorneys who file the cases. That allows defendants to litigate with integrity, and not feel they must just pay up, almost in the form of blackmail, to get the matter away so they can go on about their business. This is not a fair way to do business.

This bill has a lot of good things in it that will make this area of the law, class actions, better, more fair, and more objective.

I thank the chair and I yield the floor.

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. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO BRECK WALL

Mr. REID. Mr. President, I rise today to express my congratulations and best wishes to my longtime friend and fellow Nevadan, Mr. Breck Wall.

Born in Jacksonville, FL in 1934, Mr. Wall has lived an interesting and exciting life. As an entertainer, he has known many talented and famous people in the world of show business. He has also crossed paths with well-known people in other walks of life. In the early 60s, he performed in the Dallas nightclub owned by Jack Ruby, the man who shot Lee Harvey Oswald.

The Las Vegas Sun has called Breck ''one of the most durable performers in Las Vegas,'' and that is no exaggeration. This year he is celebrating the 45th anniversary of a show called ''Bottoms Up,'' which he created in 1959 at the old Adolphus Hotel in Dallas.

Breck based this show upon slapstick vaudeville comedy, which explains its long-running appeal. The show is very Las Vegas, therefore, is enjoyed all over America.

After producing ''Bottoms Up'' in Dallas and Houston for several years, Breck brought the show to Las Vegas in 1964 . . . and he has never left.

The show is now a Las Vegas institution. It has played at many of the finest hotels in town, including Ceasar's Palace and the old International Hotel where Elvis used to perform—now the Las Vegas Hilton. It is currently enjoying a run of several years at the Flamingo.

Breck has done more than 15,000 performances of this show, but he never gets tired of it . . . and neither do the audiences. The secrets of his longevity are a strong work ethic, and the kind of good nature that brings a smile and laughter to everyone who meets him.

I first met Breck in 1977 when I was chairman of the Nevada Gaming Commission. We were introduced by some mutual friends at an event, and we exchanged a few jokes. I could immediately sense Breck's warmth and his sharp wit.

We really became good friends a few years later, when I ran for Congress and Breck helped me with my campaign. Breck has produced shows for my campaign that have been exciting, entertaining and fun.

Helping other is typical of Breck Wall. Despite the demands of his travels and his work, he always finds time to contribute something to his community.

Most recently, he participated in the Golden Rainbow's 17th annual ''Ribbon of Life'' AIDS benefit at the Paris hotel in Las Vegas. This summer show helped raise more than a quarter of a million dollars for an organization dedicated to helping the men, women, and children living with HIV and AIDS.

I ask all my colleagues to join me in sending our good wishes to Mr. Breck Wall as he celebrates the 45th anniversary of ''Bottoms Up,'' a Las Vegas entertainment tradition.

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 horrific crime that occurred in West Hollywood, CA. After hugging a male friend outside of his home in September 2002, actor Treve Brody was beaten with a baseball bat. Mr. Brody was in a coma, and spent 10 weeks in the hospital after being struck in the back of his head. He suffered memory loss and impaired vision that prevents him from reading or driving.

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.

MISCARRIAGE OF JUSTICE IN MEXICO

Mr. LEAHY. Mr. President, as one Member of Congress who believes that we have a strong interest in broadcasting and strengthening our relations with Mexico, I was appalled to read a recent Washington Post article entitled ''Three Americans Jailed in Bizarre Mexican Land Dispute.''

Mexico is a country of 100 million people. We share a border. We share a wide range of cultural, economic, political, and other interests. Yet our history has been a troubled one, and the election of Vicente Fox offered an historic opportunity to begin to build a new relationship based on trust, mutual understanding, and shared goals.

Regrettably, President Bush, who shortly after his inauguration spoke convincingly of his intention to give a high priority to U.S.-Mexican relations, has failed to turn those words into action. Little has been accomplished. I am afraid that once again, the hopes and aspirations of both Mexicans and Americans will be for naught.

The President needs to recognize that as important as the Middle East and the Persian Gulf are to U.S. and global security, we have vital interests right here in our own hemisphere. I remember how during the 1980s we spent billions of dollars to wage proxy wars in Central America. Yet when those wars were over, we turned our back. Today, with the exception of our counter-drug programs in the Andes, which as we have seen recently in Bolivia are of dubious merit, we spend a pittance to support economic and political development in these countries the majority of whose people remain impoverished and without meaningful political or legal rights. Our policy is short sighted and it will cost us in the long run.

Of all countries in the hemisphere, none is more important to U.S. interests than Mexico. it would be difficult to think of any issue—immigration, tourism, trade, infectious disease, water security, environmental pollution, democracy and the rule of law, organized crime—that does not cry out for broader cooperation. I hope President Bush, and his capable new Assistant Secretary of State for Western Hemisphere Affairs, Roger Noriega, will give renewed attention to these issues during the remaining years of President Fox's term.

I mention this because earlier this year, I sponsored, with Senator REID, Senator DASCHLE and others, an amendment which authorized $100 million to be spent in Mexico to promote micro credit programs, small business entrepreneurship, private property ownership, and support for small farmers who have been affected by adverse economic conditions. I felt it was important to make a strong statement, through legislation, that we need to devote significant resources to help address these problems. Our amendment was adopted, and it is my hope that we can include a portion of those funds for Mexico in the fiscal year 2004 Foreign Operations Act.

But my support for providing those funds will depend on whether the case which is the subject of the Washington Post article I mentioned is satisfactorily resolved. The three Americans who have been arrested are the victims of an absurd miscarriage of justice. Fortunately, according to the article, the American Embassy in Mexico is following the case closely, and recognizes that these three people have done nothing wrong. To the contrary, they have generously cared for an ailing, elderly American, Russell Ames, who lost his wife Jean Ames three years ago. Jean Ames was a wonderful woman, and her death was a great blow to Russell Ames. Ames, already in his late eighties at the time of his wife's death, would never have been able to continue to live in his home in a small village near Oaxaca, Mexico, without the around-the-clock care of Mary Ellen Sanger and the other Americans who lived on the property.

My office has conveyed my concern about the unlawful arrests and detentions of these three Americans to the Mexican Embassy in Washington. These people should be immediately released and the cases against them dismissed. And, just as important, President Fox, who has repeatedly said that his presidency stands for the rule of law, should determine whether the Mexican official who is responsible for this travesty should be removed from his position.

I ask unanimous consent to print the aforementioned article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 18, 2003]

THREE AMERICANS JAILED IN BIZARRE MEXICAN LAND DISPUTE

CARETAKERS OF MAN, 91, HELD IN STANDOFF INVOLVING A MEMBER OF PRESIDENT FOX'S CABINET

(By Kevin Sullivan)

OAXACA, Mexico—Three U.S. citizens, including a man dying of cancer, have been jailed here and face up to 14 years in prison in a land dispute involving a member of President Vicente Fox's cabinet.

The Americans, two men and a woman, are long-term friends and caretakers for a former U.S. college professor, Russell Ames, 91, who has lived in Oaxaca since 1959. Ames and his late wife sold their land to the University of the Americas in Mexico City in 1988 in exchange for lifetime rights to remain on the property. But now the university, whose president, Alejandro Gertz Manero, is on leave serving as Fox's minister of public security, is trying to force Ames off the land.

A municipal judge and a squad of state police officers arrived at Ames's property on Friday in an attempt to evict him. Neighbors said about 60 people who live in a nearby village, including the mayor and police chief, came to support Ames, blocking his removal.

Ames said that arresting his three friends on charges of trying to take over the land for themselves was a ''ridiculous'' attempt to intimidate him into leaving.

''These three Americans are innocent bystanders and the embassy feels what has happened to them is an outrage,'' said Laura Clerici, consul general at the U.S. Embassy in Mexico City, which has sent officials to monitor the case.

U.S. Ambassador Tony Garza has complained about the case to Gertz, who is also a university trustee. Gertz said the arrests were legal and that he has not improperly used his influence in the case.

The case is one of a number of land disputes involving Americans who live or own property in Mexico. Earlier this year an American couple was forced off land they owned in the southern state of Chiapas by local residents wielding machetes. Three years ago scores of U.S. citizens lost millions of dollars in investments when they were evicted from oceanfront homes they bought in Ensenada in the western state of Baja, California. U.S. officials at the time blamed the losses on a lack of consistency and transparency in Mexican property laws. At least half a dozen more major disputes are pending over property owned by Americans along the Caribbean coast.

''We are being held hostage,'' Mary Ellen Sanger, one of the three jailed Americans, said in an interview in a state prison here. Sanger, 45, a native of Schenectady, N.Y., said she had been assigned latrine-cleaning duty in the prison and slept on a concrete floor with 44 other women in a communal cell.

Sanger has been a caretaker, feeding, dressing and walking with Ames for almost three years. Joseph Simpson, widower who is about 72 and suffering from late-stage terminal throat cancer, has been a caretaker on the property for more than a decade. He is now under police guard at a Oaxaca hospital, where U.S. Embassy officials who visited him said he was in grave condition. John Barbato, 58, from Nevada City, Calif., a poet and artist who has known Ames since 1985, rents a small house on the property and is in prison with Sanger.

Despite their longstanding ties to Ames and the property, the three were arrested on Oct. 6 and charged with violently taking possession of the land on May 1. U.S. officials said the arrest warrant claimed the three Americans moved onto the property that day in a conspiracy to take the land for themselves, charges that carry a penalty of three to 14 years in prison.

''That's the stupidest thing I've ever heard,'' said Ames, who was being fed dinner and ice cream by Sanger when a squad of police arrived at his house to make the arrests. ''They took care of me for several years. I felt enormously lucky to be taken care of by them. Most people my age don't have anybody, or are just miserable.''

The underlying issue behind the arrests is the dispute over the land where Ames lives, a parcel worth an estimated $250,000 in one of Mexico's most popular tourist destinations.

Ames said the sale of his land to the university was part of a charitable donation. Records show that the property was in the name of his wife, Jean Ames, who transferred ownership to the university for $60,000, half of its assessed value at the time. Ames said he and his wife never received that money; the listed purchase price was simply a legal formality for tax purposes. In return, Ames said the university agreed to allow him and his wife to live on the land for the rest of their lives, and to pay them up to $4,000 a year.

Gertz, who became president of the university in 1995, said in an interview that the land deal was made with Jean Ames only. The notarized sale agreement specifies that only she would have lifetime rights to the land. But numerous letters contained in Ames' files show that his wife intended that both of them be allowed to live out their lives there.

''If he's saying that I have no rights here at all, that's ridiculous,'' Ames said. ''We were dealing with splendid people at the university back then. And they made a provision for me that I could live here for the rest of my life.''

Ames and his wife lived together on the land until Jean Ames died in 2000 at age 92. Then, in May of this year, Ames was served with an eviction notice by the university, giving him nine days to vacate the property and ordering him to pay nearly $40,000 in back rent—$1,000 a month since the death of his wife. Ames said he was stunned and angry. He hired a lawyer and filed a civil suit against the university, saying he no longer wanted it to have his land. That case is pending.

Gertz said that following the death of Jean Ames, Russell Ames should have sent the university a letter asking permission to remain on the property. However, despite the eviction notice, Gertz said Ames would ''of course'' be allowed to stay on the property until he dies if he seeks university permission now.

Gertz said Sanger, Simpson and Barbato never asked the university's permission to live on the land, so they were trespassing and deserved to be arrested. But Ames said he believes the three Americans were jailed on trumped-up charges to intimidate him into leaving his property and dropping his civil suit.

''I hope this is a big bluff, but I'm scared,'' Barbato said.

MAKING AMERICA STRONGER

Mr. LIEBERMAN. Mr. President, in September I issued a major report on restoring U.S. manufacturing. I commend this report to my colleagues. It can be found at www.Lieberman.Senate.gov.

The collapse of our manufacturing sector is heart breaking. We have lost 14,00 manufacturing jobs in the last 3 months and 2.8 million since July of 2000. And this is during what is supposed to be an economic recovery. In terms of jobs, the U.S. manufacturing sector has slipped every month for the last 38 months. In my own State of Connecticut we have lost more than 14 out of every 100 manufacturing jobs in the past 3 years, and it is cold comfort that we are not the worst.

Our manufacturing sector is hemorrhaging jobs at a dismaying rate. And not just jobs but industries. Economists at the Federal Reserve Bank of New York recently published an analysis of the current ''jobless recovery.'' Their conclusion is stark:

''Our inquiry into the reasons for the current labor market slump suggests that structural change has played an important role. Industries that lost jobs during the recession have continued to shrink during the recovery, and permanent job losses have eclipsed temporary layoffs.''—''Has Structural Change Contributed to a Jobless Recovery?'' (Erica L. Groshen and Simon Potter)

As the report highlights, there are many reasons behind these closed plants, these lost jobs, these devastated families. Fierce competition from overseas competitors—some of them playing on fields tilted distinctly in their favor—has played a major role. So did the severe recessions we are only now climbing out of. The collapse of the telecom industry had severe consequences for manufacturers that served the electronics and information technology industries. This report discusses a number of challenges and problems facing American industry.

But the most imperative question remains, ''What does the Bush administration intend to do about it?'' Its recent acknowledgment of foreign country manipulation of their currencies is welcome, but the Administration is not utilizing its current authority to remedy this abuse; this is the key point of my legislation, S. 1592, the Fair Currency Enforcement Act of 2003, discussed in depth in this report. Creating an Assistant Secretary for Manufacturing and Office of Industry Analysis simply rearranges existing boxes, and submerges them deep in the Commerce Department. This report recommends making the Commerce and Defense Secretaries themselves responsible. Their plan remains lacking in content and vision. It is all about gestures, not actions.

Forgive me, but the time has come to be blunt. Every sector of the American economy plays a role in the strength and security of our nation, but the role played by manufacturing is unique, and uniquely important. To do nothing, to roll over and play dead, is not the American way. Sadly, it seems to be the approach favored by the current Administration.

The problems we face are complex, the response needs to be thorough, broad-based, and coordinated. That is what this report is really about. Here we present the broadest, most comprehensive and insightful plan to revitalize U.S. manufacturing yet proposed.

We need to understand that trade is not the problem, it is part of the solution. And we need to deal with the obstacles raised in some countries to a free and fair trade in American goods. We need to invest in the future of manufacturing, in the research and development of new, path-breaking manufacturing processes. We need to invest in our workforce, in the training and education needed to excel and prosper in a world labor market. We need to reinvigorate partnerships between state and Federal Government, and between government and industry.

Indeed, this is not a task for government alone. The proposals outlined in this report call upon industry and academia, upon labor and management, upon the private and public sectors to contribute to the solutions we need.

It will require all of us, pulling together.

I want to thank Michael Baum, along with William Bonvillian and Chuck Ludlam of my staff, for their efforts in preparing what I believe will be a useful and timely report.

AUDITOR INDEPENDENCE AND TAX SHELTERS ACT

Mr. BAUCUS. Mr. President, I rise today in support of Senator LEVIN's bill, S. 1767, the Auditor Independence and Tax Shelters Act. I am pleased to be an original cosponsor. The Auditor Independence and Tax Shelters Act compliments the legislation that I introduced last year, the Tax Shelter Transparency Act.

Just this year, the Tax Shelter Transparency Act has been passed by the Senate Finance Committee four times—in the Energy bill, the CARE Act, the Jobs and Growth bill, and most recently as part of the Jumpstart Our Business Strength Act. The same legislation has passed the full Senate three times—in the Energy bill, the CARE Act, and in the Jobs and Growth bill.

Senator LEVIN's legislation shuts down tax shelter promotion from the audit and financial statement side of the equation. Specifically, S. 1767 would strengthen auditor independence by prohibiting them from providing tax shelter services to their audit clients. The legislation would also reduce potential auditor conflicts of interest by codifying four auditor independence principles to guide the audit committees of the Board of Directors of a publicly traded company, when that committee is required by the Sarbanes-Oxley Act to decide whether the company may provide certain non-audit services to the corporation.

The proliferation of abusive tax shelters has been referred to as our nation's most significant tax compliance problem. The development, selling, and buying of tax shelters has also been characterized as a ''race to the bottom.'' The New York State Bar Association said ''the constant promotion of these frequently artificial transactions breeds significant disrespect for the tax system, encouraging responsible corporate taxpayers to expect this type of activity to be the norm, and to follow the lead of other taxpayers who have engaged in tax advantaged transactions.''

Simply put, this is unacceptable. It has been 2 years since the collapse of Enron. The Sarbanes-Oxley Act took significant steps to restore confidence in corporate America. But, when it comes to ensuring auditor independence, Sarbanes-Oxley did not go far enough. The passage of the Auditor Independence and Tax Shelters Act will help ensure that last year's corporate reform efforts have their intended effect of restoring real independence to the ''independent audit.''

This morning, the Senate Finance Committee held a hearing on tax shelters. We learned that the tax shelter problem is widespread. Tax shelter schemes are not just an Enron and Arthur Andersen phenomenon. They are

developed and promoted by accounting firms, law firms, and investment banks. Many corporations and individuals purchase tax shelters.

To give you an idea of the burden they are placing on these honest taxpayers—during the 1990s alone—actions taken to shut down the tax shelters that we knew about saved the American taxpayer $80 billion. More recently, a study commissioned by the IRS estimates the current cost to honest taxpayers ranges from $14 billion to $18 billion a year. That is up to $180 billion over ten years. I am simply unwilling to tell the schoolteacher in Montana that he needs to pony up a little more because Congress is unwilling to shut down a loophole that is costing tens of billions every year.

However, since the collapse of Enron, the Congress has failed to enact a single piece of tax legislation to curb tax shelter abuses. The time has come to shut down these abusive practices. I urge all of my congressional colleagues in the House and the Senate—to support the Auditor Independence and Tax Shelters Act and the Tax Shelter Transparency Act and send both of these pieces of tax shelter legislation to the President for his signature by the end of the year.

TRIBUTE TO LUIS FERRÉ

Mr. CORZINE. Mr. President, today, an icon of Puerto Rico has passed away. I want to express my sadness at the passing of Luis Ferré, former Governor of Puerto Rico, only 4 months shy of his 100th birthday.

Luis Ferré was a great leader, businessman, and a faithful believer in social justice. Born February 17, 1904, in the city of Ponce, Puerto Rico, Ferré was a member of the Assembly that produced Puerto Rico's 1952 Constitution. In 1969, he became the Island's third Governor under its new constitution. He established the Luis A. Ferré Foundation to support the development of the arts and the culture, and in 1991, received the Medal of Liberty from President George H.W. Bush.

I extend my condolences to the Ferré family and to all Puerto Ricans, on the Island and here on the mainland.

IN MEMORY OF GREG PALLAS

Mr. BREAUX. Mr. President, I rise today to pay tribute to an extraordinary man, a former senior staff member to this body and a good friend, Greg Pallas. Greg lost a long and courageous battle with a rare form of cancer, and passed away on October 17, 2003.

Greg was born on June 27, 1952, in Los Angeles. He graduated from the New York Military Academy and United States Naval Academy Class of 1973. After graduation, Greg served as a Naval Officer aboard the USS *Kitty Hawk*, U.S. Pacific Fleet, and then went to work at the Pentagon.

Following his distinguished career in the military, Greg continued to serve his country as an outstanding staff member of the United States Senate. For 18 years, Greg was Legislative Director and later Chief of Staff to our friend and colleague, Senator J. James Exon of Nebraska where Greg was instrumental in managing the work of the Senate Budget Committee.

When Senator Exon retired in 1996, Greg left the Senate and became the Director of Congressional Liaison and Business Development at ITT Industries, Defense in McLean, VA.

Greg was a member of Emanuel Lutheran Church, the American Legion Post 199, the Military Order of the Carabao, the U.S. Navy Public Affairs Alumni Association and the Navy League.

Greg is survived by his loving and devoted wife, Diane McRee, one of my own dear friends and herself a longtime staff member to the United States Congress, and his cousin, Connie Traver.

I admired Greg. He cared deeply about the Senate and about his country. I know the entire extended family of the United States Senate joins me in sorrow at the loss of our friend.

We were privileged to know and to work with him, and we offer our condolences and prayers to Diane and to all of Greg's friends.

ADDITIONAL STATEMENTS

TRIBUTE TO THE FERN CREEK QUILT LOVERS

● Mr. BUNNING. Mr. President, I pay tribute to the Fern Creek Quilt Lovers for the charity and goodwill they have demonstrated to ailing children in Kentucky.

The Fern Creek Quilt Lovers, which is a group of approximately a dozen members, has been meeting for several years at the home of one of the members for ''quilt work day.'' The group sews in the morning, breaks for lunch, and then returns to the quilting work in the afternoon. This work has rendered over 500 quilts in the past several years, each of which has been donated to Kosair Children's Hospital.

Kosair Children's Hospital, a hospital in Louisville, KY, is home to many critically ill children. The most severely ill of these children in Kosair Children's Hospital each receive a quilt as a gift of love and compassion. Often, as the Fern Creek Quilt Lovers hope, these quilts provide more than just warmth and comfort to these children, but hope as well.

I am grateful to the Senate to allow me to honor and recognize the Fern Creek Quilt Lovers today. I appreciate their loyalty to Kentucky and their community. They have been a shining example of leadership, hard work, and compassion. They are an inspiration to all throughout the Commonwealth. Congratulations, Fern Creek Quilt Lovers. You are Kentucky at its finest.●

150TH ANNIVERSARY OF THE VERMONT STANDARD

● Mr. JEFFORDS. Mr. President, I congratulate The Vermont Standard on its sesquicentennial anniversary. The Vermont Standard is the hometown weekly newspaper of Woodstock, VT, which sits alongside the Ottauquechee River in Windsor County.

Every Thursday, residents of Windsor County can catch up on local sports scores, learn about their students' recent achievements, and read columns written by their neighbors about wildlife, the outdoors, and other community goings-on. Advertisements for area stores and businesses and photographs of neighbors at area events line the pages of the paper's sections. News from each town in the ''Town News'' section is written by people who live in each town and who understand each town. Everybody receives The Vermont Standard and everybody reads it.

The Vermont Standard traces its origins back to April 29, 1853, when owner Louis Pratt, Jr. and editor Dr. Thomas Powers began publishing The Vermont Temperance Standard with the goal of stopping the consumption of alcohol and spreading the ideals of temperance. In January 1857, Wilber P. Davis and Luther O. Greene bought the newspaper, removed the word ''temperance'' from the title, and rededicated its influence through its circulation to the abolition of American slavery. Following Greene's death, the newspaper enjoyed a long line of respected owners, including W. H. Brown, W. H. Moore, Robert H. Matteson, Benton Dryden, Edward J. Bennett, and its current publisher, Phillip Cabot Camp.

As The Vermont Standard and its community celebrate this milestone, a group of local historians have been assembled as advisors during its anniversary. I congratulate the members of this executive board, including Publisher Phillip Camp, General Manager Jon Estey, Editor Kevin Forrest, Howard Coffin, David Donath, Peter Jennison, Corwin Sharp, Kathy Wendling, and Don Wickman.●

MESSAGE FROM THE HOUSE

At 12:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed S. 1591, an act 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'' without amendment.

The message further announced that the House has agreed to S. Con. Res. 66, a concurrent resolution 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, without amendment.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 542. An act to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102–562.

H.R. 1446. An act to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

H.R. 2048. An act to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Salmon Act of 2000.

H.R. 3068. An act to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the ''Brigadier General (AUS–Ret.) John H. McLain Post Office''.

H.R. 3288. An act to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State.

The message further announced that the Speaker of the House has signed the following enrolled bill:

H.R. 1900. An act to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

The enrolled bill, previously signed by the Speaker of the House, was signed by the President pro tempore (Mr. STEVENS).

At 5:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, and agreed to the request for conference asked by the Senate on the disagreeing votes of the two Houses; and appoints the following members to be managers of the conference on the part of the House: Mr. YOUNG of Florida, Mr. LEWIS of California, Mr. ROGERS of Kentucky, Mr. WOLF, Mr. KOLBE, Mr. WALSH, Mr. KNOLLENBERG, Mr. OBEY, Mr. MURTHA, Mrs. LOWEY, Mr. SERRANO, and Mr. EDWARDS.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2535. An act to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965.

H.R. 3076. An act to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes.

H.R. 3077. An act to amend title VI of the Higher Education Act of 1965 to enhance international education programs.

H.J. Res. 73. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

The message further announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note), as amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2651 note), the order of the House of January 8, 2003, and upon the recommendation of the Minority Leader, the Speaker appoints the following member on the part of the House to the Commission on International Religious Freedom for a 1-year term ending May 14, 2004 to fill the existing vacancy thereon: Ms. Patricia W. Chang of California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 542. An act to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102–562; to the Committee on Energy and Natural Resources.

H.R. 1821. An act to award a congressional gold medal to Dr. Dorothy Height in recognition of her many contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2048. An act to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Salmon Act of 2000; to the Committee on Commerce, Science, and Transportation.

H.R. 2535. An act to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965; to the Committee on Environment and Public Works.

H.R. 3068. An act to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the ''Brigadier General (AUS–Ret.) John H. McLain Post Office''; to the Committee on Governmental Affairs.

H.R. 3076. An act to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3077. An act to amend title VI of the Higher Education Act of 1965 to enhance international education programs; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1446. An act to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

The following joint resolution was read the first time:

H.J. Res. 73. Joint resolution making further continuing appropriations for the fiscal year 2004, 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–4831. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cove, Arkansas and Robert Lee, Texas)'' (MB Doc. No. 03–143, 03–146) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4832. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mason and Fredericksburg, Texas)'' (MB Doc. No. 03–14) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4833. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Avoca, Freeland, and Wilkes-Barre, Pennsylvania)'' (MB Doc. No. 03–140) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4834. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bangs, Texas and De Beque, Colorado)'' (MB Doc. No. 03–153) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4835. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ridgecrest, California)'' (MB Doc. No. 03–145) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4836. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ephraim, Wisconsin)'' (MM Doc. No. 00–238) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4837. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Application of Generally Accepted Accounting Principles for Federal Agencies and Generally Accepted Government Auditing Standards to the Universal Service Fund; Application of Generally Accepted Accounting Principles for Federal Agencies and Generally Accepted Government Auditing Standards to the Telecommunications Relay Service Fund'' (FCC03–232) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4838. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grants, Milan, and Shiprock, NM, Van Wert and Columbus Grove, Ohio; and Lebanon and

Hamilton, Ohio, and Fort Thomas, Kentucky)'' (MM Doc. No. 01–118, –119, –122) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4839. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Junction, Dilley, Goree, Leakey, Sweetwater, Texas; Arnett and Sayre, Oklahoma; Hebbronville and Bruni, Texas; Rison, Arkansas; Matador, Turkey, and Richland Springs, Texas)'' (MM Doc. Nos. 01–198, –200, –2–2, –203, –204, –236, –237, –238, –239, –240, –270, –272, –274) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4840. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Arthur, North Dakota)'' (MM Doc. No. 01–12) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4841. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickson and Pegram, Tennessee)'' (MB Doc. No. 03–51) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4842. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Longview, Texas)'' (MB Doc. No. 03–121) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4843. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alamo Community, New Mexico)'' (MM Doc. No. 01–158) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4844. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Manning and Moncks Corner, South Carolina)'' (MM Doc. No. 01–121) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4845. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Houston and Anchorage, Alaska)'' (MM Doc. No. 01–37) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4846. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wickenburg, Bagdad, and Aguila, Arizona)'' (MM Doc. No. 00–166) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4847. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rapid City, South Dakota and Gillette, Wyoming)'' (MM Doc. No. 00–186) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4848. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 2 of the Commission's Rules to Allocate the Band 33–36 GHz to the Fixed-Satellite Service for the Federal Government Use'' (FCC01–130) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4849. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of Part 15 and other Parts of the Commission's Rules'' (FCC03–149) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4850. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 2 and 15 of the Commission's Rules to Further Ensure that Scanning Receivers Do No Receive Cellular Radio Signals'' (FCC01–160) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4851. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service'' (FCC02–221) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4852. A communication from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Streamlining the Equipment Authorization Process; Implementation of Mutual Recognition Agreements and Begin Implementation of the Global Mobile Personal Communications by Satellite (GMPCS) Arrangements'' (FCC01–141) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4853. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Reallocation and Service Rules for the 698–746 Spectrum Band (Television Channels 52–59)'' (FCC01–364) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4854. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems'' (FCC03–16) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4855. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of Part 15 and Other Parts of the Commission's Rules'' (FCC 02–211) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4856. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Communications Assistance for Law Enforcement'' (FCC 02–108) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4857. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Telecommunications Services for Individuals with Hearing and Speech Disabilities; Recommended TRS Cost Recovery Guidelines; Request by Hamilton Telephone Company for Clarification and Temporary Waivers'' (FCC01–371) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4858. A communication from the Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 1.80(b) of the Commission's Rules'' (FCC97–2) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4859. A communication from the Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 1.80(b) of the Commission's Rules and Adjustment of Forfeiture Maxima to Reflect Inflation'' (FCC00–347) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4860. A communication from the Assistant Chief, Pricing Policy Bureau, Wireline Competition Bureau, transmitting, pursuant to law, the report of a rule entitled ''Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers'' (FCC03–139) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4861. A communication from the Deputy Division Chief, Competitive Policy Division, Wireline Competition Bureau, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of the Pay Telephone Reclassification and Compensation Provision of the Telecommunications Act of 1996'' (FCC01–109) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4862. A communication from the Associate Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Section 245(g) of the Communications Act of 1934 as Amended; Review of the CPE and Enhanced Services Unbundling Rules in Interexchange, Exchange Access and Local Exchange Markets'' (FCC01–98) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4863. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Federal-State Joint Board on Universal Service'' (FCC03–20) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4864. A communication from the Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Schools and Librarians Universal Service Support Mechanism'' (FCC02–175) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4865. A communication from the Assistant Division Chief, Wireline Competition Bureau, Federal Communications Commission,

transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Petition by the United States Department of Transportation for Assignment of an Abbreviated Dialing Code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide'' (FCC00–256) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4866. A communication from the Deputy Division Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 2 and 97 of the Commission's Rules to Create a Low Frequency Allocation for the Amateur Radio Service'' (FCC03–105) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4867. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Imported Fire Ant; Approved Treatments'' (Doc. No. 02–115–2) received on October 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4868. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of East Anglia with Regard to Classical Swine Fever'' (Doc. No. 00–080–3) received on October 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4869. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Emerald Ash Borer; Quarantine and Regulations'' (Doc. No. 02–125–1) received on October 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4870. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sapote Fruit Fly'' (Doc. No. 03–032–3) received on October 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4871. A communication from the Chief, Fee Section, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Application Fees'' (FCC02–202) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4872. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Telemarketing Sales Rule Fees'' (RIN3084–AA86) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4873. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule and Technical Amendment to Amend Summer Flounder, Scup, and Black Sea Bass Quota Counting Procedures'' (RIN0648–AP65) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4874. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Increased Assessment Rate'' (Doc. No. FV03–945–1 FR) received on October 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4875. A communication from the Secretary of Defense, transmitting the report of a retirement; to the Committee on Armed Services.

EC–4876. A communication from the Director, Office of Federal Housing and Enterprise Oversight, transmitting the Office's Strategic Plan for Fiscal Years 2003–2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4877. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Reclassification of Lesquerella flilformis (Missouri Bladderpod) from Endangered to Threatened'' (RIN1018–AH59) received on October 20, 2003; to the Committee on Environment and Public Works.

EC–4878. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue, transmitting, pursuant to law, the report of a rule entitled ''Election of 4-year Ratable Spread of Income from Certain Partnerships or S Corporations'' (Rev. Proc. 2003–79) received on October 20, 2003; to the Committee on Finance.

EC–4879. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue, transmitting, pursuant to law, the report of a rule entitled ''Miscellaneous Excise Taxes Collected by Return'' (Rev. Proc. 2003–78) received on October 20, 2003; to the Committee on Finance.

EC–4880. A communication from the Independent Counsel, Office of Independent Counsel, transmitting, pursuant to law, the Office's 2001 Annual Report; to the Committee on Governmental Affairs.

EC–4881. A communication from the Chairman, National Endowment for the Humanities, transmitting the Endowment's multiyear strategic plan for the fiscal years 2004 through 2009; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 1132. A bill to amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, and for other purposes (Rept. No. 108–169).

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. SCHUMER (for himself and Mrs. CLINTON):

S. 1763. A bill to designate the facility of the United States Postal Service located at 14 Chestnut Street, in Liberty, New York, as the ''Ben R. Gerow Post Office Building''; to the Committee on Governmental Affairs.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 1764. A bill to designate the building located at 493 Auburn Avenue, N.E., in Atlanta, Georgia, as the ''John Lewis Civil Rights Institute''; to the Committee on Environment and Public Works.

By Mr. LOTT (for himself and Mr. SESSIONS):

S. 1765. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Ms. SNOWE, Mr. BURNS, Mr. JEFFORDS, Mr. LAUTENBERG, and Mr. DODD):

S. 1766. A bill to amend the Food Security Act of 1985 to prohibit the use of certain conservation funding to provide technical assistance under the conservation reserve program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. BAUCUS):

S. 1767. A bill to prevent corporate auditors from providing tax shelter services to their audit clients; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUNNING (for himself and Mr. SHELBY):

S. 1768. A bill to extend the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX:

S. 1769. A bill to provide for class action reform, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. DOMENICI):

S. 1770. A bill to establish a voluntary alternative claims resolution process to reach a settlement of pending class action litigation; to the Committee on Indian Affairs.

By Ms. SNOWE (for herself and Mr. CONRAD):

S. 1771. A bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the medicaid program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases; to the Committee on Finance.

By Mr. GRAHAM of South Carolina (for himself and Mr. DURBIN):

S. 1772. A bill to amend title 11 of the United States Code to establish a priority for the payment of claims for duties paid to the United States by licensed customs brokers on behalf of the debtor; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. DOMENICI, and Ms. STABENOW):

S. Res. 248. A resolution expressing the sense of the Senate concerning the individual Indian money account trust fund lawsuit; to the Committee on Indian Affairs.

ADDITIONAL COSPONSORS

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 333

At the request of Mr. BREAUX, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 453, a bill to authorize the

Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 572

At the request of Mr. FRIST, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 572, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Tennessee (Mr. ALEXANDER) 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. 985

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1087

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1087, a bill to provide for uterine fibroid research and education , and for other purposes.

S. 1103

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1103, a bill to clarify the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements, sanitation requirements, and the performance standards.

S. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from New York (Mr. SCHUMER) 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. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1558

At the request of Mr. ALLARD, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

S. 1567

At the request of Mr. FITZGERALD, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1567, a bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes.

S. 1568

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1568, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts.

S. 1595

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1612

At the request of Ms. COLLINS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1612, a bill to establish a technology, equipment, and information transfer within the Department of Homeland Security.

S. 1628

At the request of Mr. ALEXANDER, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1628, a bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act.

S. 1637

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

S. 1645

At the request of Mr. CRAIG, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Arkansas (Mr. PRYOR) and the Senator from Indiana (Mr. BAYH) were added as cosponsors 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. 1666

At the request of Mr. COCHRAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

S. 1741

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1741, a bill to provide a site for the National Women's History Museum in the District of Columbia.

S. 1744

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 1744, a bill to prevent abuse of Government credit cards.

S. 1751

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1751, a bill to amend the procedures that apply to consideration of interstate class actions to assure

fairer outcomes for class members and defendants, and for other purposes.

At the request of Mr. SESSIONS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1751, supra.

S. CON. RES. 21

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. BENNETT) 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. CON. RES. 58

At the request of Mr. DEWINE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 58, a concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month.

S. CON. RES. 72

At the request of Mr. DASCHLE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Con. Res. 72, a concurrent resolution commemorating the 60th anniversary of the establishment of the United States Cadet Nurse Corps and voicing the appreciation of Congress regarding the service of the members of the United States Cadet Nurse Corps during World War II.

S. CON. RES. 73

At the request of Mrs. FEINSTEIN, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Ms. SNOWE, Mr. BURNS, Mr. JEFFORDS, Mr. LAUTENBERG, and Mr. DODD):

S. 1766. A bill to amend the Food Security Act of 1985 to prohibit the use of certain conservation funding to provide technical assistance under the conservation reserve program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEAHY. Mr. President, today I am pleased to introduce bipartisan legislation with Senators SNOWE, BURNS, JEFFORDS, LAUTENBERG and DODD to restore the conservation funding commitment Congress and the administration made to farmers and ranchers in the 2002 farm bill.

Despite the historic conservation funding levels in the 2002 farm bill, family farmers and ranchers offering to restore wetlands, or offering to change the way they farm to improve air and water quality, continue to be rejected when they seek U.S. Department of Agriculture (USDA) conservation assistance. Producers are being turned away due to USDA's decision earlier this year to divert $158.7 million from working lands conservation programs to pay for the cost of administering the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP) despite a clear directive in the 2002 farm bill that the USDA use mandatory funds from the Commodity Credit Corporation (CCC) to pay for CRP and WRP technical assistance. In particular, USDA diverted $107.9 million from the Environmental Quality Incentives Program (EQIP), $27.6 from the Farmland and Ranchland Protection Program (FRPP), $14.6 million from the Grasslands Reserve Program, and $8.6 million from the Wildlife Habitat Incentives Program (WHIP) to pay for CRP and WRP technical assistance.

Although the 2002 farm bill clearly intended USDA to use CCC funds to pay for CRP and WRP technical assistance, USDA continues to ignore Congress's intent. The plain language of the statute and the legislative history, including a relevant colloquy, support this interpretation of the farm bill, and the General Accounting Office (GAO) concurred in a recent memo. I ask unanimous consent the GAO's memo be printed in the RECORD following my remarks.

Our legislation would override USDA's decision and prevent funds from working lands incentive programs like EQIP and WHIP from being diverted to pay for the technical assistance costs of CRP. The House Agriculture Subcommittee on Conservation has already approved similar legislation, H.R. 1907, requiring each program to pay for its own technical assistance needs. Our legislation parallels that effort, by requiring CRP to pay for its own technical assistance needs. Simply put, our amendment would require the Administration to honor the 2002 Farm Bill and mandate that technical assistance for each program is derived from funds provided for that program.

By providing more than $6.5 billion for working lands programs like EQIP and WHIP in the 2002 farm bill, Congress dramatically increased funds to help farmers manage working lands to produce food and fiber and simultaneously enhance water quality and wildlife habitat. For example, EQIP helps share the cost of a broad range of land management practices that help the environment, include more efficient use of fertilizers and pesticides, and innovative technologies to store and reuse animal waste. In combination, these working lands programs will provide farmers the tools and incentives they need to help meet our major environmental challenges.

Full funding for working lands incentive programs like EQIP and WHIP is vital to helping farmers and ranchers improve their farm management and meeting America's most pressing environmental challenges. Because 70 percent of the American landscape is private land, farming dramatically affects the health of America's rivers, lakes and bays and the fate of America's rare species. Most rare species depend upon private lands for their survival, and many will become extinct without help from private landowners. When farmers and ranchers take steps to help improve air and water quality or assist rare species, they can face new costs, new risks, or loss of income. Conservation programs help share these costs, underwrite these risks, or offset these losses of income. Unless Congress provides adequate resources for these programs, there is little reason to hope that our farmers and ranchers will be able to help to meet these environmental challenges.

In addition, USDA conservation programs promote regional equity in farm spending. More than 90 percent of USDA spending flows to a handful of large farmers in 15 midwestern and southern States. As a result, many farmers and ranchers who are not eligible for traditional subsidies—including dairy farmers, ranchers, and fruit and vegetable farmers—rely upon conservation programs to boost farm and ranch income and to ease the cost of environmental compliance. Unlike commodity subsidies, conservation payments flow to all farmers and all regions. But the farmers and ranchers who depend upon these programs—farmers and ranchers who already receive a disproportionately small share of USDA funds—have faced a disproportionately large cut in spending this year.

It is time for Congress and the administration to honor the intent of the 2002 farm bill, by fully funding working lands conservation programs. The failure to adequately fund these working lands conservation programs is having a dramatic impact on both farmers and the farm economy and could become worse in future years if Congress does not address this matter. I urge my colleagues to support this important legislation.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

FUNDING FOR TECHNICAL ASSISTANCE FOR CONSERVATION PROGRAMS ENUMERATED IN SECTION 2701 OF THE 2002 FARM BILL, B–291241

OCTOBER 8, 2002.

Hon. HERB KOHL,
Chairman.
Hon. THAD COCHRAN,
Ranking Minority Member, Subcommittee on Agriculture, Rural Development, & Related Agencies, Committee on Appropriations, U.S. Senate.
Hon. HENRY BONILLA,
Chairman, Subcommittee on Agriculture, Rural Development, FDA & Related Agencies, Committee on Appropriations, House of Representatives.

Subject: Funding for Technical Assistance for Conservation Programs Enumerated in Section 2701 of the 2002 Farm Bill

This responds to your letters of August 30, 2002 (form Chairman Bonilla) and September 16, 2002 (from Chairman Kohl and Ranking Minority Member Cochran) requesting our opinion on several issues relating to funding technical assistance for the wetlands reserve program (WRP) and the farmland protection program (FPP). You asked for our views on the following issues:

(1) Does the annual limit on fund transfers imposed by 15 U.S.C. §714i (known as the section 11 cap) apply to Commodity Credit Corporation (CCC) funds used for technical assistance provided the WRP and FPP as authorized by the Farm Security and Rural Investment Act of 2002 (2002 Farm Bill)?

(2) Is the Department of Agriculture's Conservation Operations appropriation available for technical assistance for the WRP and the FPP? and

(3) Did the Office of Management and Budget's (OMB) July 18, 2002, decision not to apportion funds for technical assistance for the WRP and the FPP violate the Impoundment Control Act. [1]

For the reasons given below, we conclude that:

(1) the section 11 cap does not apply to funds for technical assistance provided for the conservation programs enumerated in section 3841, title 16, U.S.C., as amended by section 2701 of the 2002 Farm Bill;

(2) the Conservation Operations appropriations is not an available funding source for the WRP and the FPP operations and associated technical assistance; and

(3) OMB's failure to initially apportion WRP and FPP funds was a programmatic delay and did not constitute an impoundment under the Impoundment Control Act. Further, since OMB has approved recently submitted apportionments for these two programs, and since budget authority for both the WRP and the FPP was made available for obligation, there was no impoundment of funds in fiscal year 2002.

BACKGROUND

Section 2701 of the 2002 Farm Bill, Pub. L. No. 107–171, 116 Stat. 278, 279 (enacted on May 13, 2002) (codified at 16 U.S.C. §§3841 and 3842) amended section 1241 of the Food Security Act of 1985, 16 U.S.C. §3841, to provide that the Secretary of Agriculture (Secretary) shall use the funds of the CCC to carry out seven conservation programs, including the provision of technical assistance to, or on behalf of, producers. The WRP and the FPP are among the conservation programs named in the 2002 Farm Bill that are to be funded with CCC funds.

In its June 19, 2002, apportionment request, the Department of Agriculture (Agriculture) asked OMB to apportion a total of $587,905,000 in CCC funds to the Natural Resources Conservation Service (NRCS) for both financial and technical assistance related to section 3841 conservation programs. SF 132, Apportionment and Reapportionment Schedule for Farms Security and Rural Investment Programs, Account No. 1221004, July 18, 2002. Of the amount requested, Agriculture designated $68.7 million for technical assistance to be provided under the conservation programs. In its July 18, 2002, apportionment, OMB apportioned all of the funds for financial and technical assistance requested for the conservation programs, except $22.7 million designated for WRP and FPP technical assistance. *Id.* OMB reports that it did not apportion funds for WRP and FPP technical assistance at that time, because OMB believed that the section 11 cap, 15 U.S.C. §714i, limited the amount of funds that could be transferred from CCC to other government agencies for technical assistance associated with the section 3841 conservation programs, and that CCC funding of WRP and FPP technical assistance would exceed the section 11 cap. Letter from Philip J. Perry, General Counsel, OMB, to Susan A. Poling, Managing Associate General Counsel, GAO, September 16, 2002. In discussions with Agriculture regarding the use of CCC funds in excess of the section 11 cap for section 3841 technical assistance, OMB indicated to Agriculture that either CCC funds subject to the section 11 cap or Agriculture's Conservation Operations appropriation could be used to fund this technical assistance. *Id.*[2]

OMB reports that Agriculture recently submitted a new apportionment request for $5.95 million for WRP technical assistance (as well as the Conservation Reserve Program) which OMB approved on September 3, 2002. Id. OMB also reports that Agriculture submitted a new apportionment request for an additional $2 million in FPP financial assistance, which OMB approved on September 11, 2002, bringing the total apportionment for the FPP to the $50 million authorized by section 381. *Id.*

DISCUSSION

1. Section 11 Cap

The question whether the section 11 cap (15 U.S.C. §714i) applies to technical assistance provided through the conservation programs authorized by 16 U.S.C. §§3481, 3482, is one of statutory construction. It is a well-established rule of statutory construction that statutes should be construed harmoniously so as to give maximum effect to both whenever possible. B–259975, Sept. 18, 1995, 96–1 CPD ¶124; B–258163, Sept. 29, 1994. Based upon the language of the relevant statutes, we can read the statutes in a harmonious manner, and, in doing so, we conclude that the section 11 cap does not apply to technical assistance provided under the section 3841 conservation programs.

The section 11 cap is set forth in 15 U.S.C. §714i, which states, in pertinent part:

''The Corporation may, with the consent of the agency concerned, accept and utilize, on a compensated or uncompensated basis, the officers, employees, services, facilities, and information of any agency of the Federal Government, including any bureau, office, administration, or other agency of the Department of Agriculture . . . . The Corporation may allot to any bureau, office, administration, or other agency of the Department of Agriculture or transfer to such other agencies as it may request to assist it in the conduct of its business any of the funds available to it for administrative expenses. . . . After September 30, 1996, *the total amount of all allotments and fund transfers from the Corporation under this section* (including allotments and transfers for automated data processing or information resource management activities) for a fiscal year may not exceed the total amount of the allotments and transfers made under this section in fiscal year 1995.''

(Emphasis added.) We note that the section 11 funding limitation applies only to funds transferred by the CCC to other agencies under the authority of section 11.

The 2002 Farm Bill, which amended subsection (a) of section 3841, directs the Secretary to use CCC funds to carry out the WRP and the FPP and five other conservation programs, including the provision of technical assistance as part of these programs. As amended, 16 U.S.C. §3841 provides, in pertinent part, as follows:

''For each of fiscal years 2002 through 2007, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the following programs under subtitle D (*including the provision of technical assistance*):

* * * * *

(2) The wetlands reserve program under subchapter C of chapter 1.

* * * * *

(4) The farmland protection program under subchapter B of chapter 2, using, to the maximum extent practicable—(A) $50,000,000 in fiscal year 2002 * * * ''

16 U.S.C. §3841(a) (emphasis added). Section 3841 provides independent authority for the provision of technical services to these programs.

The 2002 Farm Bill also added a new subsection (b) to section 3841. It is this provision that has generated the current dilemma: ''Nothing in this section affects the limit on expenditures for technical assistance imposed by section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i).'' 16 U.S.C. §3841(b). When read in the context of section 11, section 3841(b) makes clear that the section 11 cap applies only to funds transferred under section 11. Section 11 specifically imposes the cap on ''fund transfers . . . . under this section.'' Section 11 by its terms clearly does not apply to amounts transferred under other authority, such as section 3841(a). And we read section 3841(b) to make plain that, while the section 11 cap continues to apply to amounts transferred under section 11, it does not apply to amounts transferred by section 3841(a).

Accordingly, reading the above provisions harmoniously, we conclude that: (1) the section 11 cap by its own terms applies only to CCC funds transferred to other agencies under section 11; (2) 16 U.S.C. §3841(a) provides independent authority for the Secretary to fund the seven conservation programs named in that section out of CCC funds; and (3) 16 U.S.C. §3841(b) makes it clear that, while the section 11 cap still applies to funds transferred by the CCC to other government agencies for work performed pursuant to the authority of section 11, the section 11 cap does not apply to the seven conservation programs that are funded with CCC funds under the authority of 16 U.S.C. §3841(a).

Our conclusion that the section 11 cap does not apply to the seven conservation programs of section 384(a) is confirmed by a review of the legislative history of the 2002 Farm Bill, which shows that the Congress was attempting to make clear that section 3841 technical assistance was not affected by the section 11 cap. The legislative history to the 2002 Farm Bill unambiguously supports the view that the Congress did not intend the section 11 cap to limit the funding for technical assistance provided under the section 3841 conservation programs. In discussing the cap the Conference Committee stated: ''The Managers understand the critical nature of providing adequate funding for technical assistance. For that reason, technical assistance should come from individual program funds.'' H.R. Conf. Rep. No. 107–424 at 497 (May 1, 2002) (emphasis added). In discussing administration and funding of these

conservation programs, the Conference Committee further explained that:

The Managers provide that funds for technical assistance shall come directly from the mandatory money provide for conservation programs under Subtitle D. (Section 2701).

In order to ensure implementation, the Managers believe that technical assistance must be an integral part of all conservation programs authorized for mandatory funding. Accordingly, the Managers have provided for the payment of technical assistance from program accounts, The Managers expect technical assistance for all conservation programs to follow the model currently used for the EQIP whereby the Secretary determines, on an annual basis, the amount of funding for technical assistance. Furthermore, the Managers intend that the funding will cover costs associated with technical assistance, such as administrative and overhead costs.''

H.R. Conf. Rep. No. 107–424 at 48–499 (2002) (Emphasis added).

The ''EQIP model'' that the conferees referred to was established in the Federal Agriculture Improvement and Reform Act of 1996, Pub. L. No. 104–127, Subtitle E, §341, 110 Stat. 888, 1007 (1996) (1996 Farm Bill). For fiscal years 1996 through 2002, the Secretary was to use CCC funds to carry out the CRP, WRP and the Environmental Quality Incentives programs (EQIP). [3] Id. (Former 16 U.S.C. §3841(a)). More specifically, the 1996 Farm Bill authorized the Secretary to use CCC funds for technical assistance (as well as cost-share payments, incentive payments, and education) under the EQIP program. 16 U.S.C. §3841(b). Id. [4] While the 1996 Farm Bill authorized the use of CCC funds to carry out the CRP and WRP programs, it did not specifically authorize the funding of technical assistance out of program funds as it did for EQIP.

Importantly, five days before enactment of the 2002 Farm Bill when the Senate was considering the Conference Report on the Farm Bill, a colloquy among Senators Harkin, Chairman, Senate Agriculture, Nutrition and Forestry Committee, Lugar, its Ranking Republican Member, and Cochran, an Agriculture Committee member, [5] makes it unmistakably clear that the section 11 cap was not meant to apply to the provision of technical assistance with respect to any of the conservation programs named in 16 U.S.C. §3841(a):

''Mr. LUGAR. Mr. President, I wish to engage in a colloquy with the distinguished Senators from Iowa and Mississippi. Mr. President, the 1996 farm bill contained a provision which led to serious disruption in the delivery of conservation programs. Specifically, the 1996 act placed a cap on the transfers of Commodity Credit Corporation funds to other government entities. Is the distinguished Senator from Iowa aware of the so-called ''section 11 cap?''

Mr. HARKIN. I thank the Senator from Indiana for raising this issue, because it is an important one. The Section 11 cap prohibited expenditures by the Commodity Credit Corporation beyond the Fiscal Year 1995 level to reimburse other government entities for services. Unfortunately, in the 1996 farm bill, many conservation programs were unintentionally caught under the section 11 cap. As a result, during the past 8 years, conservation programs have had serious shortfalls in technical assistance. There was at least one stoppage of work on the Conservation Reserve Program. The Appropriations Committees have had to respond to the problem ad hoc by redirecting resources and providing emergency spending to deal with the problem. This has been a problem not just in my state of Iowa or in your states of Indiana and Mississippi; it has been a nationwide constraint on conservation.

Mr. COCHRAN. I thank the Chairman for the clarification, and I would inquire whether the legislation under consideration here today will fix the problem of the section 11 cap for conservation programs.

Mr. HARKIN. I thank the Senator from Mississippi for his attention to this important issue. Section 2701 [16 U.S.C. §3841] of the Farm Security and Rural Investment Act of 2002 recognizes that technical assistance is an integral part of each conservation program. Therefore, technical assistance will be funded through the mandatory funding for each program provided by the bill. As a result, for directly funded programs, such as the Conservation Security Program (CSP) and the Environmental Quality Incentives Program (EQIP), funding for technical assistance will come from the borrowing authority of the Commodity Credit Corporation, and will no longer be affected by section 11 of the CCC Charter Act.

For those programs such as the CRP, WRP, and the Grasslands Reserve Program (GRP), which involve enrollment based on acreage, the technical assistance funding will come from the annual program outlays apportioned by OMB again, from the borrowing authority of the CCC. These programs, too, will no longer be affected by section 11 of the CCC Charter Act. This legislation will provide the level of funding necessary to cover all technical assistance costs, including training; equipment; travel; education, evaluation and assessment, and whatever else is necessary to get the programs implemented.

Mr. LUGAR. I thank the Chairman for that clarification. With the level of new resources and new workload that we are requiring from the Department, and specifically the Natural Resources Conservation Service, I hear concerns back in my state that program delivery should not be disrupted, and the gentleman has reassured me that it will not.''

148 Cong. Rec. S3979, 4020 (daily ed. May 8, 2002) (emphasis added). In our view, the Congress intended all funding for the seven conservation programs authorized in section 3841 (§2701 of the 2002 Farm Bill), including funding for technical assistance, to be mandatory funding drawn from individual program funds, rather than from CCC's administrative funds that are subject to the section 11 cap. Accordingly, based on the language of 3841, we conclude that the section 11 cap does not apply to funds for technical assistance provided under the conservation programs enumerated in section 3841.

2. Availability of the Conservation Operations Appropriation. The next issue is whether the Department of Agriculture's Conservation Operations appropriation is available for technical assistance for the WRP and the FPP. As noted above, this issue arose when OMB advised Agriculture that its Conservation Operations appropriation could be used to fund this technical assistance. For the reasons that follow, we conclude that Agriculture may not use its Conservation Operations appropriation to fund the WRP and FPP.

The fiscal year 2002 Appropriation for the Conservation Operations account provides in pertinent part:

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION OPERATIONS

''For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase. . . .''

Pub. L. No. 107–76, 115 Stat. 704 at 717, 718 (2001). In addition to its availability to carry out the provisions of the Act of April 27, 1935 (16 U.S.C. §590a–f), the fiscal year 2002 Conservation Operations appropriation is also available to carry out a variety of other specified programs such as those authorized by 7 U.S.C. §428a, 7 U.S.C. §2209b, 7 U.S.C. §2250a, §202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. §1592(c)): section 706(a) of the Organic Act of 1944 (7 U.S.C. §2225), for employment under 5 U.S.C. §3109 and 16 U.S.C. §590e–2.

OMB asserts that the language of the Conservation Operations appropriation and the Act of April 27, 1935 cited therein are broad enough to encompass the technical assistance that Agriculture will provide under the WRP, the FPP and the other section 3841 conservation programs. Since the technical services provided by Agriculture under the WRP and the FPP (and other section 3841 conservation programs) fall within the general purposes articulated in the fiscal year 2002 Conservation Operations appropriation, OMB considers the Conservation Operations appropriation as an additional available source of funding for technical assistance provided as part of the section 3841 conservation programs. In other words, the Conservation Operations appropriation is available to continue financing for the FPP and the WRP, when, in OMB's view, the section 11 cap limits the availability of CCC funds for those programs. We do not agree.

First, the Conservation Operations appropriation identifies specific programs that it is available to fund, including the authority to carry out the provisions of the Act of April 27, 1935 (16 U.S.C. §590a–f) cited by OMB above. However, none of the specific statutory programs identified in the Conservation Operations appropriation include the FPP or the WRP found in 16 U.S.C. §§3838h–3838i and 3837–3737f, respectively. The FPP and the WRP were authorized by Title XII of the Food Security Act of 1985, as amended, and the provisions of the Food Security Act of 1985 are not among the statutes listed in the Conservation Operations appropriation as an object of that appropriation. Thus, the Conservation Operations appropriation by its own terms does not finance Agriculture programs and activities under the Food Security Act. [6] [7]

Second, even if the language of the Conservation Operations appropriation could reasonably be read to include the WRP and the FPP, section 3841, as amended by the 2002 Farm Bill, very specifically requires that funding for technical assistance will come from the ''funds, facilities, and authorities'' of the CCC. Indeed, the statute is unequivocal—the Secretary ''shall use the funds'' of the CCC to carry out the seven conservation programs, including associated technical assistance. It is well settled that even an expenditure that may be reasonably related to a general appropriation may not be paid out of that appropriation where the expenditure falls specifically within the scope of another appropriation. 63 Comp. Gen. 422, 427–28, 432 (1984); B–290005, July 1, 2002.[8]

Third, this view is supported by the Senate colloquy on the 2002 Farm Bill Conference report:

''Mr. COCHRAN. It is then my understanding that, under the provisions of this bill, the technical assistance necessary to implement the conservation programs will not come at the expense of the good work already going on in the countryside in conservation planning, assistance to grazing

lands, and other activities supported within the NRCS conservation operations account. And, further, this action will relieve the appropriators of an often reoccurring problem.

Mr. HARKIN. Both gentlemen are correct. The programs directly funded by the CCC–EQIP, FPP, WHIP, and the CSP—as well as the acreage programs—CRP, WRP, and the GRP—*include funding for technical assistance that comes out of the program funds. And this mandatory funding in no way affects the ongoing work of the NRCS Conservations Operations Program.''*

148 Cong. Rec. S3979, 4020 (daily ed. May 8, 2002) (emphasis added). This colloquy underscores the understanding that the 2002 Farm Bill specifically requires that funding for technical assistance will come from the borrowing authority of the CCC and will not interfere with other activities supported by the Conservation Operations appropriation.

Furthermore, before passage of the 1996 Farm Bill, which made a number of conservation programs, including the WRP, mandatory spending programs, the WRP received a separate appropriation for that purpose. In other words, before the 1996 farm bill provided CCC funding to run the program, the WRP was not funded out of the Conservation Operations appropriation. Pub. L. No. 103–330, 108 Stat. 2453 (1994); Pub. L. No. 102–142, 105 Stat. 897 (1991). Moreover, Agriculture has previously concluded that the Conservation Operations appropriation is not available to fund technical assistance with respect to programs authorized under provisions of the Food Security Act. Their reasoning tracks ours—the provisions of the Food Security Act are not among the statutes cited in the Conservation Operations appropriation. Memorandum from Stuart Shelton, Natural Resources Division to Larry E. Clark, Deputy Chief for Programs, Natural Resources Conservation Service and P. Dwight Holman, Deputy Chief for Management, Natural Resources Conservation Service, October 7, 1998 (Conservation Operations appropriation is not available to fund technical assistance for the Conservation Reserve Program); GAO/RCED–99–247R, Conservation Reserve Program Technical Assistance, at 9 (Aug. 5, 1999).

Thus, the Conservation Operations appropriation is not an available funding source for WRP and FPP operations and associated technical assistance. To the extent that Agriculture might have used the Conservation Operations appropriation for WRP, Agriculture would need to adjust its accounts accordingly, deobligating amounts it had charged to the Conservation Operations appropriation and charging those amounts to the CCC funds. We note that in this event OMB would need to apportion additional amounts from CCC funds to cover such obligations.

3. Impoundment Control Act

The last question is whether OMB's July 18, 2002, decision not to apportion funds for technical assistance for the WRP and the FPP constitutes an impoundment under the Impoundment Control Act of 1974. Based upon the most recent information provided by OMB, to the extent OMB did not initially apportion funds for the FPP or the WRP, the delay was programmatic and did not constitute an impoundment of funds. Also, based on information recently provided by OMB, no impoundment of funds is occurring with respect to the FPP or the WRP.

We generally define an impoundment as any action or inaction by the President, the Director of OMB or any federal agency that delays the obligation or expenditure of budget authority provided in law. Glossary or Terms Used in the Federal Budget Process, Exposure Draft, GAO/AFMD–2.1.1, Page 52 (1993).[9] However, our decisions distinguish between programmatic withholdings outside the reach of the Impoundment Control Act and withholdings of budget authority that qualify as impoundments subject to the Act's requirements. B–290659, July 24, 2002. Sometimes delays are due to legitimate program reasons. Programmatic delays typically occur when an agency is taking necessary steps to implement a program even if funds temporarily go unobligated. Id. Such delays do not constitute impoundments and do not require the sending of a special message to the House of Representatives and the Senate under 2 U.S.C. §684(a). *Id.*

Here, OMB initially did not apportion funds for WRP and FPP technical assistance because it believed the section 11 cap was applicable and would be exceeded. OMB's General Counsel states that OMB reserved apportioning budget authority to discuss its funding concerns with Agriculture. These funding concerns generated a ''vigorous and healthy internal legal discussion'' between the Department of Agriculture and OMB. Letter from Nancy Bryson, General Counsel, Department of Agriculture to the Honorable Tom Harkin, Chairman, Senate Committee on Agriculture, Nutrition and Forestry, September 24, 2002. Since OMB delayed apportionment of technical assistance funds because of uncertainty concerning the applicability of statutory restrictions and since OMB approved Agriculture's subsequent apportionment requests, we conclude that OMB did not impound funds under the Impoundment Control Act. *See* B–290659, July 24, 2002 (delay in obligating funds because of uncertainty whether statutory conditions were met did not constitute an impoundment).

As noted above, according to OMB, Agriculture recently submitted revised apportionment requests for technical assistance for both the FPP and the WRP, and OMB has approved the revised apportionments. For the FPP, Agriculture requested an additional apportionment for financial assistance of $2 million, bringing the total amount available for obligation to $50 million. Thus, the entire $50 million in FPP funds authorized by section 3841 have been apportioned. Since OMB advises that it has apportioned the full funding amount and that is available for obligation, these funds were not impounded for the FPP.

As for the WRP funding, as noted above, on June 19, 2002, Agriculture asked OMB to apportion a total of $20,655,000 for WRP technical assistance. OMB did not apportion this amount. SF 132, Apportionment and Reapportionment Schedule for Farms Security and Rural Investment Programs, Account No. 1221004, July 18, 2002. On August 30, 2002, Agriculture requested an apportionment of WRP (and CRP) technical assistance for totaling $5,950,000. SF 132, Apportionment and Reapportionment Schedule for Commodity Credit Corporation Reimbursable Agreements and Transfers to State and Federal Agencies, Account No. 12X4336. On September 3, 2002, OMB approved this request and apportioned $5,950,000. Id. Since OMB apportioned the budget authority for the WRP and it was made available for obligation, there was no impoundment of funds in fiscal year 2002.

While the present record does not establish an impoundment of the fiscal year 2002 funds appropriated for the WRP and the FPP, we will continue to monitor this situation to ensure that any impoundment that might occur in fiscal year 2003 for conservation programs is timely reported.

We hope you find this information useful. If you have any questions, please contact Susan Poling, Managing Associate General Counsel, or Thomas Armstrong, Assistant General Counsel, at 202–512–5644. We are sending copies of this letter to the Secretary of Agriculture, Director of the Office of Management and Budget, the Chairman and Ranking Minority Members of the House and Senate Agriculture Committees and other interested Congressional Committees. This letter will also be available on GAO's home page at http://www.gao.gov.

ANTHONY H. GAMBOA,
General Counsel.

B–291241 Digests

1. 15 U.S.C. §724i authorizes the Commercial Credit Corporation (CCC) to use employees from other agencies, and, subject to a maximum limitation set at the fiscal year 1995 level (the ''section 11 cap''), CCC may make transfers from its funds available for administrative purposes to those agencies to reimburse them for their assistance to CCC in the conduct of its business. 16 U.S.C. §3841 (as amended by section 2701 of the 2002 Farm Bill, enacted May 13, 2002) specifically provides that the Secretary of Agriculture ''shall use the funds'' of the CCC to carry out seven conservation programs (including the wetlands reserve program and the farm protection program) named therein, including technical assistance. Based upon the language of the statutes, we conclude that the section 11 cap does not apply to technical assistance provided under the section 3841 conservation programs.

2. 16 U.S.C. §3841 specifically provides that the Secretary of Agriculture ''shall use the funds'' of the Commercial Credit Corporation (CCC) to carry out seven conservation programs (including the wetlands reserve program and the farm protection program) named therein, including technical assistance. Therefore, the Secretary is required to see CCC funds for the conservation programs named in section 3841, including for technical assistance, rather than funds from the Department of Agriculture's more general Conservation Operations appropriation.

3. Where the Office of Management and Budget (OMB) initially did not apportion funds for technical assistance for the wetlands reserve program (WRP) and the farm protection program (FPP) because of OMB's uncertainty concerning applicability of statutory funding restrictions, and where OMB subsequently approved the Department of Agriculture's revised apportionment requests for the WRP and the FPP, the delay in apportioning funds was programmatic and did not constitute an impoundment of funds.

NOTES

[1] In addition to the WRP and the FPP, Chairman Kohl and Senator Cochran asked about the Conservation Reserve Program (CRP) as one of the programs for which OMB had failed to apportion funds. The letter arrived after we had already received a response to a detailed set of inquiries sent to OMB and Agriculture regarding the WRP and the FPP. In the interest of time, we did not send a second letter asking OMB to address the CRP program. However, the CRP is covered by the same general authorities applicable to the WRP and the FPP. The CRP is also a program authorized by the Food Security Act of 1985, as amended. Therefore, to the extent funds were not apportioned for the CRP under the same circumstances as the FPP and the WRP, the same legal principles outlined herein should apply.

[2] The Department of Agriculture concurred with OMB's responses to our substantive questions regarding these issues. Letter from Nancy Bryson, General Counsel, Department of Agriculture to Susan A. Poling, Managing Associate General Counsel, GAO, September 16, 2002.

[3] EQIP is a voluntary conservation program for farmers and ranchers that promotes agricultural production and environmental quality as compatible national goals. EQIP

offers financial and technical help to assist eligible participants install or implement structural and management practices on eligible agricultural land. http://www.nrcs.usda.gov/programs/eqip.

[4] The 1996 Farm Bill required that for fiscal years 1996 through 2002, 50 percent of the funding available for technical assistance, cost-share payments, incentive payments, and education under EQIP be targeted at practices relating to livestock production.

[5] Chairman Harkin and Senator Cochran were Managers on the part of the Senate for the Conference Committee on the 2002 Farm Bill.

[7] For fiscal year 1999, the Natural Resources Conservation Service sought to add language to the Conservation Operations appropriation to provide authority to expand the use of Conservation Operations funds to support the technical assistance activities of other programs administered by NRCS such as EQIP, WRP and CRP. Hearings before the House Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations for Fiscal Year 1999, 105th Cong., 2nd Sess., Part 3 at 776 (1998). The language was not included in the final version of the Agriculture Appropriations Act for fiscal year 1999.

[8] OMB cites language in the legislative history of the Fiscal Year 2002 appropriations act that appears to support the use of the Conservation Operations appropriation for conservation technical assistance, and in particular WRP and CRP assistance. Our own review of the legislative history finds language that indicates a congressional intent that technical assistance for the conservation programs in question must be funded from CCC funds. However, in view of the subsequent enactment of the 2002 Farm Bill, which specifically and unequivocally requires that funding for technical assistance for conservation programs named in 16 U.S.C. §3841 shall come from CCC funds, we do not consider the legislative history controlling.

[9] There are two types of impoundment actions—deferrals and rescissions. A deferral is a temporary withholding or delay in obligating or any other type of executive action which effectively precludes the obligation or expenditure of budget authority. Glossary of Terms Used in the Federal Budget Process, Exposure Draft, GAO/AFMD–2.1.1, Page 38 (1993). Deferrals are authorized only to provide for contingencies, to achieve savings made possible by changes in requirements or greater efficiency of operations, or as otherwise specifically provided by law. *See* 2 U.S.C. §684. A rescission involves the cancellation of budget authority previously provided by Congress (before that authority would otherwise expire) and can be accomplished only through legislation enacted by Congress that cancels the availability of budgetary resources previously provided by law. *See* Glossary of Terms Used in the Federal Budget Process, Exposure Draft, GAO/AFMD–2.1.1, Page 70 (1993).

S. 1766

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

SECTION 1. PROHIBITION ON USE OF CERTAIN CONSERVATION FUNDING FOR TECHNICAL ASSISTANCE FOR CONSERVATION RESERVE PROGRAM.

Section 1241(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(1)) is amended by inserting before the period at the end the following: ''(other than the conservation reserve program under subchapter B of chapter 1)''.

Ms. SNOWE. Mr. President, I rise today to join my colleagues, Senator LEAHY and Senator BURNS, in cosponsoring the Conservation Technical Assistance Act to preserve funding for our Nation's working lands conservation programs. Through these valuable programs, farmers across the country are able to participate in voluntary farmland, grassland, environmental and wildlife conservation programs that balance stewardship goals with on-farm production. For many States that do not receive large crop subsidies, including Maine, conservation programs are the principal source of Federal assistance and are a valuable tool for helping small and specialty crop growers enhance their production while caring for the land.

This legislation does not set new policy, rather it reinforces the mandates Congress made in the 2002 farm bill. Congress recognized the importance of conservation in agriculture by significantly increasing funding for the working lands conservation programs in the 2002 farm bill. Under the new farm law, the U.S. Department of Agriculture (USDA) should have expanded the opportunity for farmers to practice environmental stewardship.

Unfortunately, the USDA has not followed through on congressional intent. Over the past year, the USDA has diverted $158 million from the Environmental Quality Incentives Program (EQIP), the Farm and Ranchland Protection Program (FRPP), the Wildlife Habitat Improvement Program (WHIP), and the Grassland Reserve Program (GRP) to pay for technical assistance of the Conservation Reserve Program (CRP). As a result of these actions, countless numbers of farmers were prevented from participating in working lands conservation programs.

Without corrective action, farmers' conservation options will be curtailed even more severely as the USDA transfers funding to other programs in the Department. I join my distinguished colleagues today because I believe it is high time that Congress intervene with a solution.

The northeast is home to an incredible array of agricultural products grown by producers both large and small, and, in some cases, sold locally or nationally. In northern Maine, fields of potatoes stretch for miles along the rolling hills of Aroostook County. Along the eastern coast, wild blueberry barrens dot the maritime horizon. Diary farms populate much of inland Maine, and nearly every other type of speciality crop is grown in farms across the State. Despite the unique needs of each grower, the one common thread between these farmers is their nearly unanimous support for the additional commitment Congress made to working lands conservation programs in the 2002 farm bill.

These programs are the State's most effective and substantial source of Federal agricultural support. EQIP, FRPP, WHIP, and GRP make up the lion's share of funding for many States that do not grow traditionally subsidized row crops. Maine, with its diverse agricultural sector, is a prime example of a State that relies on working lands conservation programs to both enhance production and conserve our natural resources. Funds from these programs can be used for projects such as irrigation assistance, water quality, soil erosion control, crop rotation, and other practices. Yet, we are finding these very programs and the benefit they provide being cut by the very department that is tasked with funding them, the U.S. Department of Agriculture.

In fiscal year 2003, the USDA diverted over $158 million from key working lands conservation programs to pay for technical assistance for CRP. The funding shortfall created by this diversion has dramatically reduced the available resources for EQIP, FRPP, WHIP, and GRP and led our States to have to deny assistance to countless willing farmers. As more acres become available to be enrolled in CRP in future years and the program's technical assistance costs rise, the impact on working lands conservation programs will become more severe.

It would have been unnecessary to raid working lands conservation programs to pay for CRP had the Department adhered to the specific language in the 2002 farm bill. In fact, Congress anticipated the need to fund technical assistance for CRP and provided specific language in the 2002 farm bill directing the Department to use mandatory funding to pay for CRP technical assistance.

Until we can reach a broader agreement on implementation of the 2002 farm bill provision on conservation technical assistance, it is imperative that we take steps to hold our working lands conservation programs harmless. This legislation does this by simply, but explicitly, stating that the USDA may not take funding from working lands conservation programs to pay for CRP technical assistance. This clarification will allow EQIP, FRPP, WHIP, and GRP to retain the funding that Congress provides. It does not add or subtract funding from an account, rather it makes sure that the funds are used by the program for which Congress intended.

Maine's farmers and our farm community cannot afford to be short changed for another year. In fiscal year 2003, my state received a little more than $8 million in conservation funding compared with the promise for $12 million as required by the regional equity provision of the 2002 farm bill. This short-fall in funding not only meant less direct assistance to farmers, but it led the USDA to propose cutting 20 Natural Resource Conservation Service staff positions throughout Maine. While I am pleased that the USDA decided against laying off these NRCS workers, the specter of further conservation shortfalls in the future does not bode well for my State. I cannot allow both farmers and the professionals who support them to suffer because of USDA's actions.

In closing, I would like to again thank the Senator from Vermont and the Senator from Montana for working to craft a temporary solution to the conservation technical assistance problem. I believe that this is the right step to take and I hope to continue working with my colleagues to address the problem down the road. I urge my colleagues to support this measure.

By Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. BAUCUS):

S. 1767. A bill to prevent corporate auditors from providing tax shelter services to their audit clients; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, today I am introducing with the cosponsorship of Senator MCCAIN and Senator BAUCUS the Auditor Independence and Tax Shelters Act, a bill designed to strengthen auditor independence by prohibiting audit companies from selling tax shelter services to the publicly traded companies they audit and to the officers and directors of those companies.

Last year, Senators MCCAIN, BAUCUS and I each participated in investigations conducted by our respective Committees, the Committees on Commerce, Finance, and Governmental Affairs, into corporate misconduct by Enron and other major U.S. companies, including participation in misleading accounting and tax practices. These investigations led each of us to focus on the role of accounting firms in, not only going along with publicly traded companies' using abusive tax shelters, but also selling them the very tax shelters they used to overstate their earnings on their financial statements.

In fact, the Permanent Subcommittee on Investigations, on which I am the Ranking Minority Member, has spent the last year investigating the roles played by accounting firms and other professional organizations such as banks, investment advisors and law firms, in developing, marketing and implementing abusive tax shelters. The Finance Committee held a hearing today on this same topic.

Tax shelters have become a huge business in this country. An 1998 article in Forbes magazine—five years ago—described how tax shelter use was growing even then:

> Pay attention. These letters are prime evidence of a thriving industry that has received scant public notice: the hustling of corporate tax shelters. These shelters are being peddled, sometimes in cold-call pitches, to thousands of companies. Will the shelters hold up in court? Maybe yes, maybe no, but many schemes capitalize on the fact that neither the tax code nor the IRS can keep up with the exotica of modern corporate finance. Hesitant at first to participate, respectable accounting firms, law offices and public corporations have lately succumbed to competitive pressures and joined the loophole frenzy.

A March 2003 article in BusinessWeek magazine states that U.S. corporations are some of the biggest players in the tax shelter game:

> The federal tax rate for corporations is 35%, but few pay that much. . . . Many have achieved the Holy Grail of corporate finance: steadily growing profits coupled with a dramatically shrinking tax burden. . . . [I]n the late 1990s, the hunt for tax breaks became a much bigger business. . . . Tax avoidance became a competitive sport, with even blue-chip companies aggressively benchmarking their effective tax rates against those of rivals. According to a recent Harvard University study, U.S. companies avoided paying tax on nearly $300 billion in income in 1998.

Recently, the New York Times reported that a consultant's report prepared for the IRS but not released to the public until now will show that ''corporate tax cheating in 2000 cost the government $14 billion to $18 billion'' in revenues during that one year alone.

Accounting firms are in the thick of the tax shelter activity, earning tens of millions of dollars in fees. According to Bowman's Accounting Report, the Big Four accounting firms, PricewaterhouseCoopers, Deloitte & Touche, KPMG, and Ernst & Young, brought in $5.6 billion of U.S. tax practice revenues in 2001, more than twice the tax-related revenues these companies posted in 1995. While some of these fees are the result of tax return preparation work, our Subcommittee investigation indicates that significant fees were generated by tax shelter services provided to wealthy individuals and corporations.

Increased tax shelter activity has not only led to substantial U.S. tax revenue loss, it has complicated U.S. tax enforcement efforts and undermined taxpayer confidence in the federal tax compliance system, leading the IRS to designate abusive tax shelters as an enforcement priority.

The IRS has accordingly begun a major effort to combat this form of tax avoidance. In 2002, for example, the IRS issued about 200 summonses seeking tax shelter related information from 30 accounting firms and other tax shelter promoters, and filed suit against two major accounting firms, KPMG and BDO Seidman, and two major law firms, Jenkens & Gilchrist and Sidley Austin Brown & Wood, to obtain information about their tax shelter activities. In addition, the Securities Exchange Commission and the new Public Company Accounting Oversight Board have expressed serious concerns about accounting firms that audit publicly traded companies while wearing two hats: those of the tax shelter promoter and those of the auditor auditing the same tax shelters it has promoted.

That issue is the focus of our legislation.

Auditors of publicly traded companies are supposed to be independent watchdogs charged with determining whether a company's financial statements are accurate and fairly report the company's finances. But multiple accounting scandals involving billions of dollars at companies like Enron, Tyco, Healthsouth, Aldelphia, and MCI-WorldCom have rocked investor confidence in auditors and severely damaged the reputation of the U.S. accounting profession. These accounting scandals showed again and again that our laws and financial systems were insufficient to ensure that U.S. auditors were doing their jobs.

In response, Congress passed the Sarbanes-Oxley Act of 2002. A primary purpose of that law was to strengthen auditor independence and restore investor confidence in U.S. financial statements. Among other measures, it established the new Public Company Accounting Oversight Board to strengthen auditing standards, investigate and discipline auditor wrongdoing, and oversee auditing practices to ensure adequate financial statement reviews. While the Sarbanes-Oxley Act is a landmark piece of legislation—replacing decades of self-policing in the accounting industry with independent oversight—a number of reform issues remain unresolved.

One key, longstanding issue that continues to compromise auditor independence is the role played by accounting firms in developing and selling tax shelters to public companies they audit.

As part of their review of public company financial statements, auditors are supposed to review the company's tax practices to ensure that the company is not understating its tax liability and overstating its earnings. But in some cases, the same accounting firm is also pitching tax shelters to that client, many of which rely on aggressive and novel interpretations of tax law. If a company buys one of these tax shelters from its accounting firm, the unacceptable result is that the accounting firm can then turn around and audit the company's financial statements and, in effect, audit its own work, a situation that strikes at the heart of auditor independence.

In some cases, the accounting firm may have even negotiated ''success fees'' which are contingent upon a tax shelter's success in reducing a client's tax burden. In such cases, accounting firms will audit tax transactions in which they have a direct financial interest, creating a conflict of interest between the firm's income and auditing responsibilities, and making it highly unlikely that questions will be raised about a tax shelter that the firm itself sold to its client.

Similar conflicts may arise when accounting firms offer tax shelter services to the officers and directors of the companies they audit. One case extensively discussed in the media involves a major accounting firm which not only audited Sprint Corporation, a publicly traded company, but also sold tax shelters to the Sprint CEO and other Sprint executives. These tax shelters supposedly eliminated taxes owed on millions of dollars in personal compensation from stock options given by Sprint to its executives. When the value of the stock options later fell,

the accounting firm apparently analyzed strategies that could have lowered the individuals' taxes but increased the company's taxes, pitting the individual against the company, with the same accountant on both sides of the equation. Sprint eventually fired several of the executives and recently announced it was also changing auditors. In addition, Sprint has instituted a new policy barring its auditor from providing any financial services to its executives.

Investors, our markets, and the American public deserve better. The legislation we are introducing today would end these auditor conflicts by prohibiting auditors from providing tax shelter services to both the publicly traded companies they audit and to those companies' officers and directors. In addition, the bill would codify four common-sense principles of auditor independence that would assist public companies in analyzing what services may compromise auditor independence.

Our bill would build upon the Sarbanes-Oxley Act which took the first step last year to address the conflict of interest problems that arise when accounting firms provide tax services to the companies they audit. Seeking to limit a wide range of possible conflicts of interest, the Act broadly prohibited auditors from providing any tax service to an audit client without first obtaining the approval of the audit committee of the company's board of directors.

The SEC took the next step when it proposed regulations to implement the Sarbanes-Oxley Act. The SEC issued a draft proposal that essentially would have prohibited auditors from selling any tax shelters to their audit clients. The draft SEC proposal also contained the four principles that would have helped company audit committees evaluate whether other tax services proffered by auditors would impair auditor independence. Unfortunately, under heavy lobbying pressure from accounting firms in the tax shelter business, the SEC dropped both of these important provisions from the final regulation.

So we need to legislate. Our bill would, first, prohibit accounting firms that audit publicly held companies in the United States from providing tax shelter services either to the companies they audit or to the companies' officers and directors. The bill defines tax shelter services by referring to existing law, using language in an existing definition of tax shelters in section 6111(d) of the tax code. The bill would prohibit auditors from providing to their audit clients those services related to designing, promoting or executing tax transactions which have tax avoidance or evasion as a significant purpose and which generate fees for the auditing firm exceeding $100,000. It is intended that questions about whether particular tax-related services fall within this definition would be resolved by corporate audit committees when asked by their accounting firm to approve the company's paying for the particular services. The audit committee could consult with the IRS, SEC, or other experts in reaching its decision.

If an audit committee were to approve tax shelter services that should have been barred, the bill does not provide new penalties or enforcement authority, but makes use of the existing oversight authority of the SEC and Public Company Accounting Oversight Board to enforce compliance with federal law. That means, for example, if an audit committee were to allow its auditor to provide prohibited tax shelter services, the SEC or Public Company Accounting Oversight Board could use their existing oversight authority to require the company to ''cease and desist'' paying for the services or to prohibit the accounting firm from providing the services. If appropriate, the SEC could also order the public company, the accounting firm, or both, to pay a monetary penalty for violating the tax shelter services prohibition.

The legislation would further reduce potential conflicts by codifying four principles of auditor independence that public company audit committees would be required to apply when determining what non-audit services an auditor can provide. These principles have been repeatedly cited in SEC efforts to strengthen auditor independence and were also cited during debate on the Sarbanes-Oxley Act. They provide that auditor independence is compromised when auditors: 1. audit their own work; 2. perform management functions for their clients; 3. act as advocates on behalf of their clients; or 4. act as promoters of their clients' stock or other financial interests.

To better ensure auditor independence, our bill would require audit committees to apply these four principles when considering what services, not otherwise prohibited, an auditor may provide to their company. If an audit committee were to find that the proposed auditor service would reasonably result in a violation of one of the above principles, the audit committee would have to disallow the proffered service.

Experts in the financial and accounting industries agree that auditors should not be permitted to provide tax shelter services to their audit clients. In January of this year, The Conference Board's blue-ribbon Commission on Public Trust and Private Enterprise, co-chaired by John Snow before he became Secretary of the Treasury, concluded the following:

> [P]ublic accounting firms should limit their services to their clients to performing audits and to providing closely related services that do not put the auditor in an advocacy position, such as novel and debatable tax strategies and products that involve income tax shelters and extensive off-shore partnerships or affiliates. . . . The Commission believes that any work performed by the company's outside auditors [should] be closely related to the audit. Auditors' development and recommendations of new tax strategies for their clients is not closely related to the audit, and, in our opinion, removes focus from their audit work and poses a potential conflict of interest. Furthermore, the development and recommendations of these strategies have often been accompanied by ''success fees.'' In turn these strategies, if implemented, were often then subject to an audit by the firm. This practice, in our opinion, is highly undesirable. The firm's need for impartiality in conduct of the audit is in direct conflict with the financial incentives to provide tax strategies which themselves must be audited.

William McDonough, Chairman of the Public Company Accounting Oversight Board, has indicated that the Board is also considering whether to ban auditors from providing tax shelter services to their audit clients and will be closely monitoring how accounting firms audit a company's tax liabilities and any company use of tax shelters. In testimony before the Finance Committee earlier today, Mr. McDonough stated:

> While the SEC made clear that it did not consider conventional tax compliance and planning to be a threat to auditor independence, it distinguished such traditional services from the marketing of novel, tax-driven, financial products, which the SEC noted raise some serious issues. . . . [T]he AICPA has also suggested that ''advice on tax strategies having no business purpose other than tax avoidance is an appropriate dividing line for activities that should be prohibited to auditing firms registered under the Sarbanes-Oxley Act.'' Thus, there appears to be consensus that auditors ought not to be selling abusive tax shelters to audit clients.

In an unrelated Wall Street Journal interview, Mr. McDonough was described as saying that ''[w]hat he finds problematic is 'very creative tax work' . . . . 'There is no way you can do that and claim to be independent,' he said.''

The Sarbanes-Oxley Task Force formed by the American Bar Association's Section of Taxation, has also expressed support for barring auditors from providing tax shelter services to their audit clients. In a comment letter supporting the proposed ban in the SEC regulations on auditor independence, the Task Force wrote:

> We believe that tax shelter products raise particular auditor independence concerns. Companies purchasing tax shelter products are exposed to a variety of risks over and above the calculation of tax liability. An accounting firm that markets a tax shelter product to a registrant should be prohibited from conducting the audit of the registrant because it cannot be expected to fairly evaluate the risks inherent in the tax shelter product.

Our legislation has been endorsed by a number of public interest groups working to strengthen auditor integrity, renew investor and consumer confidence in the financial statements of U.S. publicly traded companies, and curb abusive tax shelters. The Consumer Federation of America, Consumers Union, Consumer Action, U.S. Public Interest Research Group, and Common Cause have stated in a letter of endorsement: ''Passage of this bill is one of the most important steps Congress could take to ensure that last

year's corporate reform efforts have their intended effect of restoring real independence to the 'independent' audit and, with it, a reasonable level of reliability to public companies' financial disclosures.''

Our bill's reforms are straightforward. Auditors should not audit their own work, including evaluating a tax shelter that the auditor itself sold to its audit client. Auditors should not sell personal tax shelters to the officers and directors of its audit clients, due to the conflicts of interest that can arise. Publicly traded companies ought to have explicit guidance to help them avoid auditor conflicts of interest, and the best guidance we can give them is the four auditor independence principles that have long guided SEC and Congressional action in this area.

Together, a ban on auditors providing tax shelter services to their audit clients and a codification of the four auditor independence principles to guide public companies away from auditor conflicts of interest could go a long way to restoring the confidence of investors in the U.S. auditing profession, financial reporting system, and capital markets. I urge my colleagues to support this common-sense and much-needed legislation.

I ask unanimous consent that the full 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. 1767

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 ''Auditor Independence and Tax Shelters Act''.

SEC. 2. PROHIBITION ON AUDITORS PROVIDING TAX SHELTER SERVICES TO AUDIT CLIENTS.

Section 10A of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1) is amended—

(1) in subsection (f)—

(A) in the first sentence, by striking ''section, the term'' and inserting the following: ''section—

''(1) the term'';

(B) by striking ''law. As used in this section, the term'' and inserting the following: ''law;

''(2) the term''; and

(C) by striking the period at the end and inserting the following: ''; and

''(3) the term 'tax shelter services' means services provided by a registered public accounting firm (or by an associated person of that firm) to an issuer, or an officer or director of an issuer, to design, organize, promote, assist, or execute any investment, entity, plan, arrangement, or transaction for which a significant purpose is the avoidance or evasion of Federal income tax by such issuer, or an officer or director of such issuer, whether acting as a direct or indirect participant, and for which such firm may receive fees in excess of $100,000 in the aggregate.'';

(2) in subsection (g)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) by redesignating paragraph (9) as paragraph (10); and

(C) by inserting after paragraph (8) the following:

''(9) tax shelter services; and'';

(3) in subsection (h)—

(A) by inserting ''other than tax shelter services'' after ''tax services''; and

(B) by striking ''(9)'' and inserting ''(10)''; and

(4) in subsection (i)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

''(B) ASSURANCE OF AUDITOR INDEPENDENCE.—Before preapproving a non-audit service that is not otherwise prohibited under this section, the audit committee of an issuer shall—

''(i) determine whether there is a reasonable likelihood that provision of the non-audit service would impair the independence of the registered public accounting firm by resulting in the firm—

''(I) auditing its own work for the issuer;

''(II) performing a management function for the issuer;

''(III) advocating in a public forum for the issuer; or

''(IV) promoting the stock or other financial interest of the issuer; and

''(ii) if the audit committee determines that such a reasonable likelihood exists, the audit committee shall not provide advance approval of such service under this section.''.

SEC. 3. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date of enactment of this Act, and shall apply to any tax shelter service, as defined in section 10A of the Securities Exchange Act of 1934, as amended by this Act, that is submitted for preapproval to the audit committee of an issuer or is provided by a registered public accounting firm to an issuer in accordance with that section 10A on or after the date of enactment of this Act.

Mr. MCCAIN. Mr. President, I am pleased to join my colleague from Michigan, Senator LEVIN, in sponsoring the Auditor Independence and Tax Shelters Act.

While the Sarbanes-Oxley Act and Securities and Exchange Commission rules rightly prohibit accounting firms from providing certain non-auditing services to the publicly traded companies they audit, auditors are not prohibited from providing tax shelter services to their audit clients.

The Auditor Independence and Tax Shelters Act is intended to address this gap in the law by prohibiting audit firms from providing such services to their audit clients. It would thereby significantly strengthen auditor independence and eliminate a fundamental conflict of interest that is adverse to the best interest of investors.

Although I believe that any firm that serves as an auditor of a company should generally be prohibited from providing any non-audit service to that company, I strongly support this bill because it is a significant step toward achieving true auditor independence.

I urge my colleagues to support this important bill to further protect investor confidence in our capital markets.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. DOMENICI):

S. 1770. A bill to establish a voluntary alternative claims resolution process to reach a settlement of pending class action litigation, to the Committee of Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senators INOUYE, DOMENICI and STABENOW in submitting a Senate Resolution urging settlement of the 8-year old Indian trust funds lawsuit, and by Senators INOUYE and DOMENICI in introducing a bill that I hope and believe will accomplish that goal, the ''Indian Money Claims Satisfaction Act of 2003''.

The saga of Cobell v. Norton did not start in 1996 with the filing of the lawsuit, it began long before any of us were born. In 1887 Congress enacted the General Allotment Act to break up the tribal landmass and teach Indians to be ''civilized''.

The legacy of that failed policy is still with us in the form of horribly fractionated Indian lands and the class action case filed in 1996 that is still ongoing.

The remedy the plaintiffs in the Cobell case are seeking is an accounting by the United States of funds that are or should be in the hundreds of thousands of individual Indian money accounts (IIMs) managed and maintained by the Federal Government.

Eight long years have passed without an accounting, and without a single penny being paid to an account holder. Last month, Judge Lamberth issued a 400-page decision and order that guarantees at least 5 more years of litigation, hundreds of millions and maybe billions more spent, with no end in sight to the lawsuit.

Those who insist that a decision by the Judge would mean the beginning of the end of this case are wrong: with likely appeals, Congressional squabbling over money spent on this effort, and additional lawsuits aimed at securing money damages, this case is just beginning.

The U.S. claims that pennies on the dollar are owed the plaintiffs but, without billions more spent on accounting activity, it cannot say for sure how much is in the accounts or should be in the accounts.

Preliminary cost estimates from the Interior Department suggest that it will take $10 billion or more to comply with Judge Lamberth's order on historic accounting. This money will be spent year after year through Fiscal Year 2008 at least.

I believe this money is better spent on re-constituting the Indian land base and building a forward-looking, state-of-the-art trust management system, and providing more dollars to Indian health care and education, which we know are underfunded.

The plaintiffs claim more than $175 billion dollars should be in these accounts, a number the Department has vigorously contested.

Today I am introducing a bill that I believe will end this lawsuit in a way to provide justice to individual Indian account holders and restore some sense of normalcy to the Interior Department.

Just as the Indian Claims Commission, the Trust Resolution Corporation,

and the Volcker Committee on Swiss Bank Accounts helped resolve cases of highly complex, historical-based litigation, the bill I am introducing will establish a 9-member, expert-filled ''Indian Money Claims Satisfaction Task Force'' to develop alternative methodologies to arrive at account balances.

The bill also establishes the ''Indian Money Claims Tribunal'' to provide binding arbitration for any IIM holder that contests the account balance provided by the Task Force.

I look forward to the swift enactment of this bill and with it, an honorable conclusion to this sad and destructive chapter of Federal-Indian relations.

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. 1770

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 ''Indian Money Account Claim Satisfaction Act of 2003''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) since the 19th century, the United States has held Indian funds and resources in trust for the benefit of Indians;

(2) in 1996, a class action was brought against the United States seeking a historical accounting of balances of individual Indian money accounts;

(3) after 8 years of litigation and the expenditure of hundreds of millions of dollars of Federal funds, it is clear that the court-ordered historical accounting will require significant additional resources and years to accomplish and will not result in significant benefits to the members of the class; and

(4) resolving the litigation in a full, fair, and final manner will best serve the interests of the members of the class and the United States.

(b) PURPOSE.—The purpose of this Act is to provide a voluntary alternative claims process to reach settlement of the class action litigation in Cobell v. Norton (No. 96cv01285, D.D.C.).

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCOUNTING.—The term ''accounting''—

(A) with respect to funds in an individual Indian money account that were deposited or invested on or after the date of enactment of the Act of June 24, 1938 as provided in the first section of that Act (25 U.S.C. 162a), means a demonstration, to the maximum extent practicable, of the monthly and annual balances of funds in the individual Indian money account; and

(B) with respect to funds in an individual Indian money account that were deposited or invested between 1887 and the day before the date of enactment of the Act of June 24, 1938, means a demonstration of the probable balances of funds in an individual Indian money account that were deposited or invested.

(2) CLAIM.—

(A) IN GENERAL.—The term ''claim'' means a legal or equitable claim that has been brought or could be brought, asserting any duty claimed to be owed by the United States under any statute, common law, or any other source of law to an individual Indian money account holder that pertains in any way to the account holder's account, including the duty to—

(i) collect and deposit funds in the account;

(ii) invest funds in the account;

(iii) make disbursements from the account;

(iv) make and maintain records of activity in the account;

(v) provide an accounting; and

(vi) value, compromise, resolve, or otherwise dispose of claims relating to the account.

(B) INCLUSION.—The term ''claim'' includes a claim for damages or other relief for failure to perform, or for improper performance of, any duty described in subparagraph (A).

(3) CLASS ACTION.—The term ''class action'' means the civil action Cobell v. Norton (No. 96cv01285, D.D.C.).

(4) DE MINIMIS INDIVIDUAL INDIAN MONEY ACCOUNT.—The term ''de minimis individual Indian money account'' means an individual Indian money account that contains less than $100.

(5) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means—

(A) a living individual who is or has been an individual Indian money account holder, except any such individual whose account holds or held funds only from the distribution of a judgment fund or a per capita distribution; and

(B) the estate of a deceased individual who—

(i) was living on the date of enactment of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(ii) held an individual Indian money account on that date or at any time subsequent to that date, except any such individual whose account holds or held funds only from the distribution of a judgment fund or a per capita distribution.

(6) IMACS TASK FORCE.—The term ''IMACS Task Force'' means the Indian Money Account Claim Satisfaction Task Force established by section 4.

(7) INDIVIDUAL INDIAN MONEY ACCOUNT.—The term ''individual Indian money account'' means an account that contains funds held in trust by the United States, established and managed by the United States on behalf of an individual Indian.

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

(9) TRIBUNAL.—The term ''Tribunal'' means the Indian Money Claims Tribunal established by section 5.

SEC. 4. INDIAN MONEY ACCOUNT CLAIM SATISFACTION TASK FORCE.

(a) ESTABLISHMENT.—There is established the Indian Money Account Claim Satisfaction Task Force.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The IMACS Task Force shall be comprised of not fewer than 9 members, appointed jointly by the majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives.

(2) QUALIFICATIONS.—

(A) BACKGROUND.—Members of the IMACS Task Force shall be selected from private enterprise and academia and shall not be employees of the United States.

(B) EXPERTISE.—Of the members appointed to the IMACS Task Force—

(i) 2 shall have expertise in the field of forensic accounting;

(ii) 2 shall have expertise in the field of Federal Indian law;

(iii) 2 shall have expertise in the field of commercial trusts;

(iv) 1 shall have expertise in the field of mineral resources;

(v) 1 shall have expertise in the field of economic modeling and econometrics; and

(vi) 1 shall have expertise in the field of complex civil litigation.

(3) IMACS TASK FORCE LEADER.—An IMACS Task Force Leader shall be chosen by majority vote of the members of the IMACS Task Force.

(c) COMPENSATION AND TRAVEL EXPENSES.—A member of the IMACS Task Force shall be entitled to—

(1) compensation, at a rate that does not exceed the daily equivalent of the annual rate of basic pay prescribed under level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties the IMACS Task Force; and

(2) travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(d) INFORMATION AND SUPPORT.—The Secretary of the Interior shall provide the IMACS Task Force—

(1) access to all records and other information in the possession of or available to the Secretary relating to individual Indian money accounts; and

(2) such personnel, office space and other facilities, equipment, and other administrative support as the IMACS Task Force may reasonably request.

(e) CONFIDENTIAL INFORMATION.—Section 10(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the IMACS Task Force.

(f) DUTIES.—

(1) IN GENERAL.—The IMACS Task Force shall—

(A) not later than 1 year after the date of enactment of this Act, complete an analysis of records, data, and other historical information with regard to the conduct of an historical accounting submitted by the parties in the class action to the district court in January 2003; and

(B) not later than 60 days after completing the analysis under subparagraph (A), hold meetings with representatives of—

(i) the plaintiffs in that civil action;

(ii) the Department of Justice and the Department of the Interior; and

(iii) any other parties that, in the discretion of the IMACS Task Force, are necessary to allow the IMACS Task Force to carry out its duties under this Act.

(2) ACCOUNT BALANCES.—

(A) METHODOLOGIES OR MODELS.—The IMACS Task Force shall develop 1 or more appropriate methodologies or models to conduct an accounting of the individual Indian money accounts.

(B) DETERMINATION.—Using methodologies or models developed under subparagraph (A), the IMACS Task Force shall conduct an accounting to determine in current dollars the balances of—

(i) first, all individual Indian money accounts opened in or after 1985;

(ii) second, all individual Indian money accounts opened on or after the date of enactment of the first section of the Act of June 24, 1938 (25 U.S.C. 162a), and before 1985; and

(iii) third, all individual Indian money accounts opened before the date of enactment of the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(C) NOTICE OF DETERMINATION.—On making a determination of the balance in the individual Indian money account of an eligible individual, the IMACS Task Force shall provide notice of the determination to the eligible individual and the Secretary.

(g) ACCEPTANCE OR NONACCEPTANCE BY ELIGIBLE INDIVIDUAL.—

(1) ACCEPTANCE.—If an eligible individual accepts the determination by the IMACS Task Force of the balance in the individual

Indian money account of the eligible individual—

(A) not later than 60 days after the date on which the eligible individual receives notice of the determination, the eligible individual shall submit to the Secretary a notice that the eligible individual accepts the determination of the balance;

(B) not later than 30 days after the Secretary receives the notice of acceptance under subparagraph (A), the Secretary shall make any adjustment in the records of the Secretary to reflect the determination;

(C) based on the adjustment made pursuant to paragraph (B), the Secretary shall make full payment to the eligible individual of the balance in the individual Indian money account of the eligible individual in satisfaction of any claim that the individual may have;

(D) the eligible individual shall provide the Secretary an accord and satisfaction of all claims of the eligible individual, which shall be binding on any heirs, transferees, or assigns of the eligible individual; and

(E) the eligible individual shall be dismissed from the class action.

(2) NONACCEPTANCE.—If an eligible individual does not accept the determination by the IMACS Task Force of the balance in the individual Indian money account of the eligible individual, the eligible individual may—

(A) have the amount of the balance determined through arbitration by the Tribunal; or

(B) remain a member of the class in the class action.

SEC. 5. INDIAN MONEY CLAIMS TRIBUNAL.

(a) ESTABLISHMENT.—There is established the Indian Money Claims Tribunal.

(b) MEMBERSHIP.—The Tribunal shall be comprised of 5 arbitrators drawn from the list of arbitrators maintained by the Attorney General.

(c) ELECTION TO ARBITRATE.—If an eligible individual elects to have the amount of the balance in the individual Indian money account determined through arbitration by the Tribunal—

(1) not later than 60 days after receiving the notice of determination under section 4(f)(2)(C), the eligible individual shall submit to the Tribunal, in such form as the Tribunal may require, all claims of the eligible individual, with an agreement to be bound by any determination made by the Tribunal; and

(2) the United States shall be bound by any determination made by the Tribunal.

(d) REPRESENTATION.—

(1) IN GENERAL.—An eligible individual may be represented by an attorney or other representative in proceedings before the Tribunal.

(2) ATTORNEY'S FEE.—No legal representative retained by an eligible individual for purposes of proceedings before the Tribunal may collect any fee, charge, or assessment that is greater than 25 percent of the amount of the balance in the individual Indian money account of the eligible individual determined by the Tribunal.

(e) TIMING.—To the extent practicable, the Tribunal shall—

(1) schedule any proceedings necessary to determine a claim to occur not later than 180 days after the date on which the eligible individual submits the claim; and

(2) make a determination of the claim, and provide the eligible individual and the Secretary notice of the determination, not later than 30 days after the conclusion of the proceedings.

(f) ACTION FOLLOWING DETERMINATION.—Not later than 30 days after the Secretary receives the notice of determination under subsection (e)(2)—

(1) the Secretary shall make any adjustment in the records of the Secretary to reflect the determination;

(2) based on the adjustment made pursuant to paragraph (1), the Secretary shall make full payment to the eligible individual of the balance in the individual Indian money account of the eligible individual in satisfaction of any claim that the eligible individual may have;

(3) the individual Indian money account of the eligible individual shall be closed;

(4) the eligible individual shall provide the Secretary an accord and satisfaction of all claims of the eligible individual, which shall be binding on any heirs, transferees, or assigns of the eligible individual; and

(5) the eligible individual shall be dismissed from the class action.

SEC. 6. JUDGMENT FUND AVAILABILITY.

The funds for any payment made pursuant to section 4(g)(1)(C) or 5(f)(2) shall be derived from the permanent judgment appropriation under section 1304 of title 31, United States Code (commonly known as the ''Judgment Fund''), without further appropriation.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) to carry out section 4, $10,000,000 for each of fiscal years 2004 and 2005; and

(2) to carry out section 5, $10,000,000 for each of fiscal years 2006 and 2007.

By Ms. SNOWE (for herself and Mr. CONRAD):

S. 1771. A bill to amend title XIX of the Social Security Act to permit States to obtain reimbursement under the Medicaid program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Medicaid Psychiatric Fairness Act of 2003, which will serve to improve access to mental health treatment and remove an unfunded mandate on our private mental health treatment centers. I am particularly pleased to introduce this bill with my good friend and colleague, Senator CONRAD, who like me believes we must improve access to treatment for many of the 18.5 million Americans who are afflicted with a mental health disorder.

Moving one step closer to achieving this laudable goal, our bill will require the Medicaid program to provide reimbursement to private mental health facilities that receive patients under the Emergency Medical Treatment and Labor Act, known as EMTALA. EMTALA requires hospitals to provide emergency care to patients, regardless of their ability to pay. However, this stands in conflict with Medicaid law, which in most cases prohibits payment for psychiatric treatment for people between the age of 21 to 65 years. Our bill takes the critically important step to provide Medicaid coverage for emergency treatment, which will expand access for acute care and will ensure that Americans receive the assistance they vitally need in a timely fashion.

Under current law, Medicaid payment for psychiatric treatment for patients between the age of 21 and 65 years is restricted to hospitals that have an in-house psychiatric ward. If a patient seeks care from a private psychiatric hospital or is transferred to a private facility from a community hospital that does not have a psychiatric treatment ward, Medicaid payment is not provided. In comparison, if that same patient seeks care under EMTALA from a hospital because of a physical ailment, Medicaid provides coverage regardless of the type of facility that provides the treatment. By introducing this bill, we are taking a vitally important step toward removing an unfunded mandate on private providers that has served to limit access to care for millions of Medicaid recipients.

It also is important to note that the current situation is jeopardizing Medicaid recipients' access to emergency treatment, and ultimately is overwhelming our emergency rooms and in many cases the criminal justice system. The U.S. Department of Justice estimates that on average 16 percent of inmates in local jails suffer from a mental illness and in Maine, NAMI, a state advocacy group for persons with mental illness, estimates that figure is as high as 50 percent. This is the result of a severe shortage of psychiatric beds in Maine, and as a result many people go without treatment. Action must be taken to provide access to care and we must start by ensuring that Medicaid reimburses facilities that provide treatment.

Senator CONRAD and I have joined together in introducing our legislation that will require Medicaid to pay for the cost of care associated with psychiatric treatment necessary to comply with EMTALA. No longer will private entities be required to shoulder the burden of this federal mandate, and no longer will Medicaid eligible beneficiaries go without access to necessary emergency treatments.

In my home State of Maine, 65,000 people have a severe mental illness and could benefit from this bill. Ensuring that our community treatment facilities are appropriately paid, we will be able to open access to vitally important treatment options.

This bill has been carefully crafted with input from both the provider and beneficiary communities to ensure assistance is directed to those who are most in need and to ensure that the coverage only extends to people who require emergency treatment. We have tied the legislation to the EMTALA statute to ensure that this new requirement cannot be exploited.

Demonstrating the importance of this legislation, we have received support from a number of leading national mental health and medical associations, including NAMI, the National Association of County Behavioral Health Directors, the American Psychiatric Association, the American Hospital Association and the National Association of Psychiatric Health Systems. I am especially pleased to have

also received endorsements from a number of Maine organizations, including the Maine Hospital Association, Maine chapter of NAMI, the State Department of Behavioral and Development Services and the Spring Harbor Hospital.

This legislative change is vitally important to ensure Medicaid patients have access to emergency mental health treatment. I want to thank Senator CONRAD for his help in crafting this policy and urge my colleagues to join us as cosponsors.

I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ALLIANCE FOR THE MENTALLY ILL,
Arlington, VA, September 8, 2003.

Hon. OLYMPIA SNOWE,
Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SENATORS SNOWE & CONRAD: On behalf of the 210,000 members and 1,200 affiliates of the National Alliance for the Mentally Ill (NAMI), I am writing to express support for your legislation to addressing the growing crisis in access to acute care services for non-elderly adults living with severe mental illness. As the nation's largest organization representing individuals with severe mental illness and their families, NAMI is pleased to support this important measure.

As NAMI's consumer and family membership knows first-hand, the acute care crisis for inpatient psychiatric care is growing in this country. This disturbing trend was identified in the recently released Bush Administration New Freedom Initiative Mental Health Commission report. Over the past 15–20 years, states have closed inpatient units and drastically reduced the number of acute care beds. Also, general hospitals, due to severe budget constraints, have had to close psychiatric units or reduce the number of beds. This has resulted in a growing shortage of acute inpatient psychiatric beds in many communities.

Your proposed legislation would address an important conflict in federal policy that has contributed to restricted access to needed inpatient services—the Medicaid Institution for Mental Disease (IMD) Exclusion and the Emergency Medical and Labor Treatment Act (EMTALA). EMTALA requires hospitals to stabilize patients in an emergency medical condition, while the IMD exclusion prevents certain hospitals (psychiatric hospitals) from receiving Medicaid reimbursement for Medicaid beneficiaries between the ages of 21–64 in these circumstances.

Your legislation would allow Medicaid funding to be directed to non-publicly owned and operated psychiatric hospitals (IMDs) for Medicaid beneficiaries between the ages of 21–64 who require stabilization in these settings as required by EMTALA. Today, these hospitals are denied payment for care required under the EMTALA rules. The result is that psychiatric hospitals are forced to absorb these added costs of care to their already growing un-reimbursed care even though these patients have insurance through Medicaid.

This legislation will go a long way in addressing the growing psychiatric acute inpatient crisis, while creating fairness in the reimbursement structure for psychiatric hospitals under the limited circumstances required by the EMTALA law. Your leadership in carefully crafting and introducing this targeted legislation addressing a critical problem for persons with serious mental illnesses is much appreciated. NAMI looks forward to working with you and your Senate colleagues to ensure passage of this important legislation.

Sincerely,

RICHARD E. BIRKEL,
Executive Director.

THE NATIONAL ASSOCIATION OF COUNTY BEHAVIORAL HEALTH DIRECTORS,
Washington, DC, September 5, 2003.

HON. OLYMPIA SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: The National Association of County Behavioral Health Directors (NACBHD), which is the behavioral health affiliate of the National Association of Counties (NACo), is writing to strongly support the legislation you are introducing to alleviate the crisis in access to acute hospital inpatient psychiatric services. A lack of acute inpatient services was recently highlighted in President Bush's New Freedom Commission on Mental Health report and is a problem in many counties. In twenty of the most populous States, counties have the designated responsibility to plan and implement mental health services.

Over the past 20 years most states have closed many of their state hospitals and returned these patients to the community for care. General hospitals have over the past 10–15 years begun to close psychiatric inpatient units due to cost restraints and the fact that general medical/surgical beds are more profitable. Freestanding psychiatric hospitals have been significantly reduced due to the reduction in reimbursements brought about with the advent of managed care. Over all, the availability of acute psychiatric beds, in many states, has decreased dramatically in the last 10 years. Given the shortage of inpatient acute beds, many individuals with serious psychiatric disorders end up in county jails or homeless rather than receiving basic psychiatric services in hospital.

Your legislation specially addresses the conflict in Federal between the Medicaid Institution for Mental Disease Exclusion (IMD) and the Emergency Medical and Labor Treatment Act (EMTALA). EMTALA requires hospitals to stabilize patients with emergency medical conditions. However, if freestanding psychiatric hospitals receive direct admissions of Medicaid eligible patients or if receive transfers from general hospitals whose psychiatric units are full under EMTALA regulations, they can't receive reimbursement under Medicaid because of the IMD exclusion.

The Snowe-Conrad legislation would allow Medicaid funding to non-publicly owned and operated psychiatric hospitals (IMD's) for Medicaid beneficiaries between the ages of 21–64 who require medical stabilization in these settings as required by EMTALA. Currently, these hospitals are denied payment for care required under the EMTALA rules and clearly represents an unfunded mandate to these hospitals.

The IMD exclusion also prevents counties from contracting with psychiatric hospitals, which are considerably less expensive, for care for the seriously mentally ill. This legislation would assist in creating fairness in the reimbursement structure for psychiatric hospitals under the current EMTALA law.

The National Association of County Behavioral Health Directors appreciates your leadership in introducing this specific legislation that will address this inherent conflict in Federal requirements and will assist in promoting access to acute psychiatric inpatient services. We look forward to working with you and your colleagues in getting this legislation passed through this Congress.

Sincerely,

THOMAS E. BRYANT,
Executive Director.

AMERICAN PSYCHIATRIC ASSOCIATION,
Arlington, VA, October 17, 2003.

Hon. OLYMPIA SNOWE,
Russell Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR SNOWE: On behalf of the 38,000 physician members of the American Psychiatric Association (APA), and most particularly on behalf of the patients they treat, please accept my thanks for your Senate sponsorship of the Medicaid Psychiatric Hospital Fairness Act of 2003.

The Emergency Medical and Labor Treatment Act, which requires hospitals to stabilize patients in an emergency medical condition, directly conflicts with the Medicaid Institution for Mental Diseases (IMD) exclusion. The IMD exclusion prevents non-public psychiatric hospitals from receiving Medicaid reimbursement for Medicaid patients between the ages of 21–64 that have required stabilization as a result of EMTALA regulations.

Your legislation will allow non-public psychiatric hospitals to receive appropriate reimbursement for Medicaid beneficiaries between the ages of 21–64 who require emergency treatment and stabilization as required by EMTALA.

Thank you for your foresight and leadership in your sponsorship of the Medicaid Psychiatric Hospital Fairness Act of 2003. Thanks are also due to the outstanding work by Catherine Finley, who ably represents you. The APA looks forward to working with you to make your bill a reality this year.

Sincerely,

MARCIA GOIN,
President.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, October 17, 2003.

Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: On behalf of the American Hospital Association's (AHA) nearly 5,000 member hospitals, health care systems, networks and other providers of care, I am writing to express our support for your bill, the Medicaid Psychiatric Hospital Fairness Act of 2003.

The Emergency Medical and Labor Treatment Act (EMTALA) requires hospitals to stabilize patients in an emergency medical condition including psychiatric hospitals. At the same time the Medicaid program, through the Institution for Mental Diseases (IMD) exclusion, prevents non-public psychiatric hospitals from receiving Medicaid reimbursement for Medicaid patients between the ages of 21–64 that require stabilization. These hospitals are burdened with an unfunded mandate in fulfilling their EMTALA obligations for this patient population.

Your legislation will allow non-public psychiatric hospitals to receive appropriate reimbursement for Medicaid beneficiaries between the ages of 21–64 who require emergency treatment and stabilization as required by EMTALA. This will relieve overcrowding in emergency departments and provide the appropriate care these patients deserve in a more timely manner.

Thank you for addressing this important issue. We support the Medicaid Psychiatric Fairness Act of 2003 and look forward to

working with you and your colleagues to ensure swift passage of this legislation.

Sincerely,

RICK POLLACK,
Executive Vice President.

NATIONAL ASSOCIATION OF PSYCHIATRIC HEALTH SYSTEMS
Washington, DC, September 10, 2003.

Hon. OLYMPIA SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: The National Association of Psychiatric Health Systems (NAPHS) strongly supports your legislation to alleviate the crisis in acute hospital services for persons with mental illnesses. NAPHS represents provider systems that are committed to the delivery of responsive, accountable, and clinical effective prevention, treatment, and care for children, adolescents, adults, and older adults with mental and substance use disorders. Members are behavioral healthcare provider organizations, including 300 specialty hospitals, general hospital psychiatric and addiction treatment units, residential treatment centers, youth services organizations, partial hospital services, behavioral group practices, and other providers of a full continuum of care.

Mental illness ranks first among all illnesses that cause disability in the United States, with about 5% to 7% of adults suffering from a severe mental illness in any given year. For those who are acutely ill, short-term psychiatric care provides stabilization and is a critical component of community-based care.

After reviewing reports and listening to testimony over the past year, the President's New Freedom Commission on Mental Health identified the lack of acute care as a serious concern. The Commission noted that many communities are experiencing severe problems with access to short-term inpatient care—with some areas reporting that the shortage has risen to crisis proportions. the result is that many emergency rooms are overwhelmed with patients in extreme psychiatric distress who have nowhere to go. I am attaching a report prepared by NAPHS on acute care that provides additional details on this issue for your review.

Your legislation will resolve an unintended and unfair conflict in federal law that has negatively impacted access to acute care. Currently, the Emergency Medical Treatment and Labor Act (EMTALA) provides that hospitals stabilize patients in an emergency medical condition, while Medicaid's Institution for Mental Disease (IMD) provision prohibits psychiatric hospitals from seeking reimbursement for services for beneficiaries between the ages of 21 to 64. General hospitals with psychiatric beds are not subject to the IMD exclusion.

The Snowe-Conrad legislation would increase access to acute care by allowing psychiatric hospitals to bill Medicaid for reimbursement just as general hospitals do for EMTALA patients who are Medicaid-eligible. We look forward to working with you and your colleagues on this important and timely piece of legislation.

Sincerely,

MARK COVALL,
Executive Director.

MAINE HOSPITAL ASSOCIATION,
Augusta, ME, October 20, 2003.

Hon. OLYMPIA SNOWE,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: On behalf of the Maine Hospital Association's 28 acute-care and specialty hospitals, I am writing in support of your bill, the Medicaid Psychiatric Hospital Fairness Act of 2003.

As you know, the Medicaid program, through the Institution for Mental Diseases (IMD) exclusion, prevents non-public psychiatric hospitals from receiving Medicaid reimbursement for Medicaid patients between the ages of 21–64 who require stabilization. When the Federal Government created Medicaid they prohibited Medicaid funding for services at IMDs because Washington viewed mental health services to be the responsibility of the State—particularly since at that time most psychiatric hospitals were State-owned hospitals. The Federal Government did provide funding through the DSH–IMD (Disproportionate Share Hospital Fund for Institutes for Mental Disease). Initially these funds were used solely by the private IMDs, however, in 1991, Maine, in response to a severe budget shortfall, began to shift costs associated with Augusta Mental Health Institute (AMHI) and Bangor Mental Health Institute (BMHI) into the Federal DSH–IMD pool rather than funding those costs with all general fund dollars.

In the mid-1990s the State passed a rule that entitled AMHI and BMHI to be paid first out of the DSH–IMD pool leaving the remainder for the two private hospitals. With a declining Federal cap on the DSH–IMD pool and increasing hospital expenses, there was less and less money with which to reimburse the two private psychiatric hospitals for services provided to this indigent population.

Maine has two private psychiatric hospitals: Spring Harbor Hospital in South Portland and The Acadia Hospital in Bangor. For fiscal year 2000, Acadia had inpatient admissions of 1,731 and Spring Harbor had 2,047. Both hospitals also provide a significant amount of outpatient services.

The two private hospitals play a pivotal role in the delivery of mental health services especially for low-income individuals. As the State has desired to encourage greater behavior services within communities, the Department of Behavioral and Developmental Services worked with both of these hospitals to increase the number of beds and services available to allow for certain patients to be placed in these hospitals rather than the State institutes. The inability of these two hospitals to effectively meet these patient needs would have a detrimental impact throughout the State especially because communities are already stressed attempting to develop needed community-based services.

Your legislation will allow non-public psychiatric hospitals to receive appropriate reimbursement for Medicaid beneficiaries between the ages of 21–64 who require emergency treatment and stabilization as required by EMTALA. This will relieve overcrowding in emergency departments and provide the appropriate care these patients deserve in a more timely manner.

Thank you for addressing this important issue. We support the Medicaid Psychiatric Hospital Fairness Act of 2003 and look forward to working with you and your colleagues to ensure swift passage of this legislation.

Sincerely,

STEVEN MICHAUD,
President, Maine Hospital Association.

NAMI MAINE,
August 29, 2003. Augusta, ME,

Senator OLYMPIA SNOWE,
U.S. Senate,
Portland, ME

DEAR SENATOR SNOWE: I am pleased to write this letter in support of legislation that would allow Spring Harbor Hospital to receive reimbursement for emergency psychiatric stabilization services to Medicaid-eligible patients between the ages of 21 and 64 under the Emergency Medical Treatment and Labor Act (EMTALA).

Chronic metal illness is a disease of impoverishment. Chronic mental health patients who need psychiatric stabilization within an acute-care setting usually are eligible for either charity care of Medicaid funding. Since Spring Harbor Hospital serves a population that by virtue of its illness is financially challenged, it strikes me as inequitable that they should also be denied reimbursement for acute stabilization services provided to Medicaid-eligible adults under EMTALA. Often during the last three years, I have trained Maine's jails to understand EMTALA laws and send suicide inmates to the hospital, rather than admit them to jail. With 30–50% of Maine's jail inmates having mental illness, this places an additional burden on hospitals like Spring Harbor Hospital.

I understand that care for this population in 2002 represented nearly 30% of Spring Harbor's adult psychiatric treatment at a cost of close to $7 million. I also know that Spring Harbor is increasingly viewed by the community as the place where Medicaid-eligible adults who cannot afford to pay for their acute psychiatric stabilization can referred—no question asked. And this is where the benefits of EMTALA turn problematic.

No business—and certainly not a nonprofit organization—can provide $7 million in non-reimbursable services without eventually jeopardizing its financial viability. And this is what concerns NAMI the most: that there will be an even greater lack of acute impatient stabilization services in Maine for the chronic and severely mentally ill individuals who most need-but can least afford—them.

I am hopeful that a legislative solution can be passed that will support Spring Harbor's ability to continue serving people with mental illness, both in keeping with EMTALA and yet without the inequitable financial burden that threatens the long term availability of these services in Maine. Please let me know what more I can do to support this legislation.

Sincerely,

CAROL CAROTHERS,
Executive Director,

STATE OF MAINE, DEPARTMENT OF BEHAVIORAL AND DEVELOPMENTAL SERVICES,
Augusta, ME, August 29, 2003.

Senator OLYMPIA J. SNOWE,
Russell Office Building,
Washington, DC.

DEAR SENATOR SNOWE: I would like to thank you for your insight and understanding of one of the problems confronting Maine's Mental Health System, reflected in your drafting legislation to amend Title XIX of the Social Security Act permitting Medicaid reimbursement to IMD's for services required under EMTALA.

Currently, as you know, non-public community hospitals, designated as Institutes for Mental Disease (IMD), cannot receive Medicaid reimbursement if a patient (age 22–64) is admitted under the EMTALA Laws. This prohibition is, I believe, inconsistent with the intent of the EMTALA regulations, places the IMD's in some financial jeopardy, and fails to recognize the critical role the non-public IMDs play in Maine's Mental Health System of care.

The State of Maine has 2 non-public designated IMD facilities; Spring Harbor Hospital located in South Portland; and Acadia Hospital, located in Bangor. These two facilities in partnership with the 2 State Psychiatric facilities, contain most of the high acuity psychiatric inpatient beds in Maine and as such, provide the safety net for Maine's Community mental health system. These 4 IMDs are constantly being called

upon to take clients who can no longer be stabilized within the existing network of community hospitals. Yet those community hospitals, under current EMTALA law, get reimbursed (rightfully) for services under Medicaid. The IMD's however, cannot access Medicaid reimbursement for that same service and hence a financial inequity and burden is placed on these non-public IMD's. Your proposed draft legislation, which I have had the opportunity to review, alleviates that unfairness and will provide some financial support for Maine's 2 IMD hospitals.

I want to offer you my support in helping pass this bill. Please let me know if there is something I can do or information I can provide that would be helpful to get this bill passed.

Sincerely,

SABRA C. BURDICK,
Acting Commissioner.

SPRING HARBOR HOSPITAL, MAINE'S COMPREHENSIVE MENTAL HEALTH NETWORK,
South Portland, ME, August 26, 2003.

Hon. OLYMPIA J. SNOWE,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR SNOWE: On behalf of both Spring Harbor Hospital in Maine and the National Association for Psychiatric Healthcare Systems, I would like to thank you for supporting legislation to enable freestanding private psychiatric hospitals in the US to receive payment for the emergency stabilization services they provide each year to thousands of Medicaid-eligible adult clients under the Emergency Medical Treatment and Labor Act (EMTALA).

As you know, it is becoming increasingly difficult for freestanding private psychiatric facilities to absorb the cost of treating Medicaid-eligible adults between the ages of 21 and 64 who are referred to them for emergency stabilization under EMTALA. At Spring Harbor alone, the cost of serving this population last year was close to $7 million.

Faced with both diminishing reimbursement streams and a concurrent rise in demand for inpatient stabilization services from overflowing emergency rooms across the country, private freestanding psychiatric facilities are quite literally caught between a rock and a hard place. In Maine and in many other places, freestanding private psychiatric hospitals are protecting their financial health by offering fewer and fewer adult psychiatric services in the inpatient setting. This tactic simply skirts the issue and creates a further void of services for individuals with acute mental illness, precisely at a time when it is widely accepted that the availability of mental health services in this country is substandard.

When all is said and done, these financial figures pale in comparison to the ultimate cost to our society when these adults fail to receive the treatment they deserve. It has been estimated that the lifetime cost of providing for an individual with an untreated serious mental illness is $10 million. Though this figure includes the financial impact of lost work days and the cost of providing Social Security disability benefits, it does not even begin to speak to the emotional toll of mental illness on friends or the scars mental illness can have on loved ones for generations to come. If we could quantify these numbers adequately, I am certain that I would not need to be writing to you today.

In closing, I would like to acknowledge the receptiveness of your office and that of Senator Collins to issues concerning the plight of the one in four adults and one in ten children in the US who will experience a mental illness this year. It is high time that the issues surrounding this illness were addressed with understanding, compassion, and a concern for our country's long-term mental health. I am both pleased and proud that the Maine congressional delegation is leading the way on these critical issues.

Best regards,

DENNIS P. KING,
Chief Executive Officer/President, Natl. Assoc. of Psychiatric Healthcare Systems.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 248—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE INDIVIDUAL INDIAN MONEY ACCOUNT TRUST FUND LAWSUIT

Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. DOMENICI, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 248

Whereas, in exchange for ceding hundreds of millions of acres of land and other valuable consideration by Indian tribes, the United States was obligated to protect Indian funds and resources;

Whereas, since the 19th century, the United States has held Indian funds and resources in trust for the benefit of Indians;

Whereas the Senate reaffirms that in continuing to hold and manage Indian funds and resources for the benefit of the Indians, the United States should act in accordance with the highest fiduciary standards;

Whereas in 1996, a class action was brought against the United States seeking a historical accounting of balances of individual Indian money accounts;

Whereas after 8 years of litigation and the expenditure of hundreds of millions of dollars in Federal funds, the Senate believes that continued litigation will not provide significant benefits to, or serve the interests of, the members of the class; and

Whereas, subsequent to the filing of the class action, the Indians and the United States have tried without success to reach settlement of the Indian claims: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the interests of Indians and the United States would best be served by a voluntary alternative claims resolution process that will lead to a full, fair, and final settlement of potential individual Indian money account claims; and

(2) legislation is necessary to establish a voluntary alternative claims resolution process and achieve a full, fair, and final settlement of potential individual Indian money account claims.

AMENDMENTS SUBMITTED & PROPOSED

SA 1890. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 521, to amend the Act of August 9, 1955, to extend the terms of leases of certain restricted Indian land, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1890. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 521, to amend the Act of August 9, 1955, to extend the terms of leases of certain restricted Indian land, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6 and insert the following:

SEC. 6. AUTHORIZATION OF LEASES OF RESTRICTED LAND FOR TERMS OF 99 YEARS.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) (as amended by section 3), is amended by adding at the end the following:

''(h) AUTHORIZATION OF LEASES OF TRIBALLY OWNED RESTRICTED LAND FOR TERMS OF 99 YEARS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), any restricted Indian land that is owned by an Indian tribe may be leased by the tribal owner, with the approval of the Secretary of the Interior, for a term of not longer than 99 years, for—

''(A) public, religious, educational, recreational, residential, or business purposes; and

''(B) any other purpose stated in subsection (a), unless the Secretary determines that the principal purpose of the lease is for—

''(i) exploration, development, or extraction of a mineral resource; or

''(ii) storage of materials listed as high level radioactive waste (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)).

''(2) APPROVAL BY THE SECRETARY.—

''(A) TIMING.—The Secretary shall approve or disapprove a lease described in subsection (a) or an amendment to such a lease not later than the date that is 180 days after the date on which an application for approval of the lease or lease amendment is submitted to the Secretary.

''(B) FAILURE TO ACT.—If the Secretary fails to take action on an application for approval of a lease or lease amendment by the date specified in subparagraph (A), the Secretary shall be deemed to have approved the lease.''.

SEC. 7. BINDING ARBITRATION.

Section 2(c) of Public Law 89–715 (25 U.S.C. 416a(c)) is amended—

(1) in the first sentence—

(A) by inserting ''(including a sublease, substitute lease, or master lease)'' after ''Any lease''; and

(B) by inserting '', or any contract affecting land within the Salt River Pima-Maricopa Indian Community,'' after ''Reservation''; and

(2) in the second sentence, by striking ''entered into pursuant to such Acts''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I announce that the Committee on Indian Affairs will meet on Wednesday, October 22, 2003, at 10 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a hearing on the nomination of Mr. David W. Anderson to be the Assistant Secretary for Indian Affairs, U.S. Department of the Interior; to be followed immediately by a business meeting to consider pending committee business.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, October 21, 2003, at 9:30 a.m., in closed session to receive a classified operations/intelligence briefing regarding ongoing military operations and areas of key concern around the world.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, October 21, 2003, at 10 a.m., to hear testimony on ''Tax Shelters: Who's Buying, Who's Selling, and What's the Government Doing About It?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 21, 2003, at the 9:30 a.m. to hold a hearing on U.N. Convention on the Law of the Sea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 21, 2003, at 2:30 p.m. to hold a hearing on U.S. Energy Security: West Africa & Latin America.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, October 21, 2003, at 10 a.m., on ''Protecting Our National Security From Terrorist Attacks: a Review of Criminal Terrorism Investigations and Prosecutions,'' in the Dirksen Senate Office Building, Room 226.

Witness List:

Panel I: The Honorable Christopher Wray, Chief of the Criminal Division, U.S. Department of Justice, Washington, DC; The Honorable Patrick Fitzgerald, United States Attorney, Northern District of Illinois, Chicago, IL; and The Honorable Paul McNulty United States Attorney, Eastern District of Virginia, Alexandria, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.J. RES. 73

Mr. SESSIONS. Mr. President, I understand that H. J. Res. 73 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 73) making further continuing appropriations in the fiscal year 2004, and for other purposes.

Mr. SESSIONS. I now ask for its second reading and object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The joint resolution will receive its next reading on the next legislative day.

MEASURE READ THE FIRST TIME—H.R. 1446

Mr. SESSIONS. Mr. President, I understand that H.R. 1446 which was just received from the House is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 1446) to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

Mr. SESSIONS. I now ask for its second reading and object to my own request on behalf of my colleagues.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, OCTOBER 22, 2003

Mr. SESSIONS. I ask unanimous concept that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 22. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11:30 a.m., with the time equally divided between the two leaders or their designees, with the first 30 minutes under the control of Senator HUTCHISON or her designee and the second 30 minutes under the control of the minority leader or his designee; provided further that at 11:30, following morning business, the Senate resume consideration of the motion to proceed to S. 1751, the Class Action Fairness bill, with the time until 12:30 p.m. equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I further ask unanimous consent that at 12:30 p.m., the Senate proceed to a cloture vote on the motion to proceed on S. 1751.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, tomorrow, following morning business, the Senate will begin 1 hour of debate on the motion to proceed to S. 1751, the Class Action Fairness bill. At 12:30 p.m., the Senate will proceed to the vote on the motion to invoke cloture on the motion to proceed to S. 1751.

On behalf of the leader, I inform my colleagues that the cloture vote will be the first vote of tomorrow's session. If cloture is invoked on that motion, it is hoped that the Senate will be able to begin consideration of the Class Action Fairness legislation. Therefore, additional votes are possible during Wednesday's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:17 p.m, adjourned until Wednesday, October 22, 2003, at 9:30 a.m.

EXTENSIONS OF REMARKS

RECOGNIZING JOSEPH J. TARANTINO

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. GERLACH. Mr. Speaker. I rise today to recognize Joseph J. Tarantino, recipient of this year's Montgomery County Chamber of Commerce Outstanding Citizen of the Year Award, for his numerous years of service to our community.

Joseph J. Tarantino is the President of Continental Realty Company Incorporated, based in East Norriton, Pennsylvania. He oversees fifty employees and agents and all seven of Continental Realty's divisions, which include professional services in the areas of residential and commercial real estate, insurance, relocation, appraisals, new construction, property management and advertising & marketing.

In addition to his official capacity at Continental Realty, Mr. Tarantino has served as Chairman of the Pennsylvania State Real Estate Commission, President of the Board of Directors of the Montgomery County Board of Realtors, and Federal District Coordinator of the National Association of Realtors. He has also maintained several community affiliations such as Chairman of the Borough of Bridgeport Revitalization Committee, President of the National Italian Political Action Committee, Chairman of the Central Montgomery County Chamber of Commerce, Director of the American Heart Association and Director of the Pathaway Schools

Joseph Tarantino has been recognized on several occasions by his business peers as well as those in the community. He has been a recipient of the Realtors Active in Politics Award, the Central Montgomery County Board of Realtors Realtor of the Year Award and the Americans of Italian Heritage of Montgomery County Outstanding Citizen Award. All of the honors and awards he has received, as well as the positions of leadership Mr. Tarantino has held are a true testament to the hard work and dedication he has shown toward his profession and community. Joseph J. Tarantino is an exemplary citizen for which Montgomery County can be truly proud and I can not think of a more deserving individual to receive the Chamber of Commerce's Outstanding Citizen of the Year Award.

Mr. Speaker, I ask my colleagues join me today in recognizing and honoring Joseph J. Tarantino for all that he has done over the years to make Montgomery County, Pennsylvania a better place to live.

TRIBUTE TO JOHNNY J. BUTLER, ESQUIRE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of Mr. Johnny J. Butler, Esquire, recipient of the 2003 Laborers' Local Union 332 Outstanding Community Leader Award. It is a privilege to recognize a person whose commitment to community has enriched the lives of countless individuals.

Mr. Butler is an attorney with the law firm of Booth & Tucker, LLP of Philadelphia where he focuses on government relations, management consulting, and employment law. He is active in the many aspects of the community including the Prince Hall Masons & Shriners and the Omega Psi Phi Fraternity. Mr. Butler sits on the Board of Trustees for both the Mother Bethel Foundation and the Drexel University College of Medicine, and is cochairman of the Scotland School for Veterans Children capital campaign.

In the past, Mr. Butler was Secretary of the Pennsylvania Department of Labor and Industry. Under his leadership, there was a statewide enhancement of workforce development programs and policies, a reform of the state's workers compensation system, and establishment of PennSafe, a workforce safety initiative. Mr. Butler also served as the acting General Counsel of the U.S. Equal Employment Opportunity Commission, Assistant Counsel with the NAACP Legal Defense Fund, and has taught both law and management courses at Howard University and Temple University, respectively.

Mr. Speaker, Johnny Butler is a model citizen. I ask you and my other distinguished colleagues to join me in commending Mr. Butler for his lifetime of service and dedication to labor and the Commonwealth of Pennsylvania.

A TRIBUTE TO PATRICIA A. LEE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Patricia A. Lee for her achievement in expanding a local business, which has served the Brooklyn community for several years.

Patricia A. Lee was born in Magnolia, NC. She attended E.E. Smith High School in Keanansville, NC, and upon graduation, she continued her education at Norfolk State University. In 1970, she earned a B.S degree in business administration.

Soon afterward, Patricia was employed by Allstate Insurance Company as an injury claims adjuster. After working for Allstate for two years, she joined her family's business, the North Carolina Country Store, in Brooklyn, NY, as vice president of Marketing and Business Operations. Her hard work paid dividends, and in 1988, she expanded the business by opening a restaurant, The Carolina Country Kitchen, which has been in Brooklyn for 13 years. The restaurant is now located in the country store.

Patricia is an active member of New Jerusalem Baptist Church in Jamaica, NY. She has also been involved in numerous community efforts including her membership on the 73rd Community Council and the Bedford Stuyvesant Community Planning Board. Additionally, she is a contributor to several block associations and is very active in her community and neighborhood schools.

Mr. Speaker, Patricia A. Lee has made significant contributions to her community through her entrepreneurial and volunteer activities. As such, she is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

HONORING SUFFOLK COUNTY VOLUNTEER FIREMEN'S ASSOCIATION 2003 FIREFIGHTERS OF THE YEAR

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to honor the Suffolk County Volunteer Firemen's Association 2003 ''Firefighters of the Year.''

This year, the Association is honoring 1st Asst. Chief James M. Cummings, Ex-Captain Robert Souhrada and Firefighter Daniel Boucher of the Bay Shore, NY Fire Department. The testimonial of Chief Michael K. Cummings demonstrates the commitment of these three brave men.

On March 19, 2002, at 18:31 hours the Bay Shore Fire Department was alerted and toned out for a structure fire (signal 13) at 103 Second Avenue. Immediately after going on the air, the Bay Shore base was informed by Suffolk County FireCom there was a child hanging out a window. At 18:33 hours, Engine 3–1–2 and 1st Asst. Chief James Cummings, 3–1–31, went (signal 2) enroute to the scene.

While the crew of 3–1–2 began preparing to enter the building with an attack line, 1st Asst. Chief (3–1–31) James Cummings arrived at the scene and realizing due to heavy smoke and intense flame that time was running out for the trapped victims elected to effect a rescue through the second story front window. As he entered the room, directly in front of the window was 3-year-old John Thomas. Chief Cummings immediately pulled him to his arms and proceeded to the window.

As Chief Cummings was affecting the first rescue, Firefighter Dan Boucher had completed his ascent of the stairs. Firefighter Boucher, unaware that anyone else was in the room, entered the front room. Both Cummings and Boucher arrived at the second

victim simultaneously. Firefighter Boucher picked up the second child, 4-year-old Derek Wright and attempted to go back to the stairs.

He was immediately directed by Chief Cummings to take the victim to the window, where he passed the boy to Ex-Capt. Bob Souhrada with no protective gear waiting atop an aluminum ladder that was found on the side of the house.

As resuscitation, attempts were being made on the two youths on the front lawn, Chief Cummings continued to search on his hands and knees in the dense smoke for the third child. As Chief Cummings arrived at the base of a piece of furniture, he realized the piece of furniture was a crib, he felt around and located 8-month-old Starkeya Steeple.

He grabbed the infant and immediately passed her to Firefighter Souhrada on the ladder, where she was rushed to a waiting ambulance that was immediately put in route to Southside Hospital.

At 19:23 hours, the return to base (signal 5) was transmitted by the incident commander, Chief Michael K. Cummings. Thirteen pieces of apparatus and eighty-six firefighters responded to the scene.

Unfortunately, both John Thomas and Derek Wright had succumbed to their injuries on the day of the incident. Starkeya Steeple remained in critical condition after being airlifted to Nassau County Medical Center Burn Unit, where she remained until March 23, 2002, at which time she was pronounced dead, but not before her family was able to have her organs donated.

Without any regard for the grave risk to their personal safety, Asst. Chief James Cummings, Ex-Captain Robert Souhrada, and Firefighter Daniel Boucher displayed extraordinary bravery in rescuing these children without any protective streams or ventilation from the intense heat and consuming smoke of this alarm.

Therefore I respectfully request that these individuals be rewarded the appropriate grade of commendation of valor, for their actions above and beyond the call of duty.

AMERASIAN NATURALIZATION ACT OF 2003

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. LOFGREN. Mr. Speaker, in the 106th Congress, we passed the Child Citizenship Act to automatically confer U.S. citizenship on foreign born children adopted by U.S. citizens. Our immigration law has also long recognized that children born outside our country to an American father and a foreign national mother are citizens as long as their fathers take the steps necessary to achieve their child's citizenship.

Unfortunately, there remains a group of forgotten sons and daughters who, despite being born to American fathers, cannot take advantage of the Child Citizenship Act or other existing provisions of law.

These are children born in Vietnam to American servicemen and Vietnamese women during the Vietnam War. They have lived through devastation during the Vietnam War, have been mistreated by the Vietnamese government because of their mixed race, and many now live in the United States, but only as legal permanent residents.

There is no doubt that they are the sons and daughters of American fathers. We already made that determination when we admitted them to the United States as legal permanent residents.

To correct this unfair inequality in our law, I have introduced the Amerasian Naturalization Act of 2003 to ensure that Amerasians are accorded U.S. citizenship just like the offspring of other American fathers are.

I hope this Congress will act swiftly and pass the Amerasian Naturalization Act. It is time for us to finally close a chapter in our history that has too long denied Amerasians the opportunity to become citizens and be recognized as the Americans that they are.

HONORING AND RECOGNIZING CHARLOTTE CITY COUNCILMAN JOHN TABOR

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mrs. MYRICK. Mr. Speaker, I would like to honor and recognize Charlotte City Councilman John Tabor. On October 28, 2003, John will be receiving the Leadership Charlotte Schley R. Lyons Circle of Excellence Award. This award recognizes a Leadership Charlotte graduate who demonstrates outstanding leadership qualities, and whose ideals are in line with that of Leadership Charlotte.

The award John is to receive is truly deserved. For over a decade he has served the Charlotte community as a long-standing member and Chairman of the Charlotte Mecklenburg Planning Commission, on the Leadership Charlotte and Chamber of Commerce Leadership board, and as a member of the American Institute of Architects. He also sits on different committees for the North Carolina and Charlotte American Institute(s), and he is involved in many regional and local architectural projects, most notably the Blumenthal Arts Center. Currently, he serves as a Charlotte City Councilman and represents District 6.

I commend John for his service to the Charlotte community, and congratulate him on receiving this prestigious award. His wife, Lee, and his children, Allie and John Paul, are also to be commended on their great sacrifices so that John can work to make Charlotte a better place to live and work.

HONORING THE NATIONAL TRAINING AND INFORMATION CENTER'S 30TH ANNIVERSARY OF ORGANIZING NEIGHBORHOODS AND THE 25TH ANNIVERSARY OF THE COMMUNITY REINVESTMENT ACT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. DAVIS of Illinois. Mr. Speaker, Gale Cincotta 30 years ago had a vision that led to the founding of the National Training and Information Center (NTIC) for neighborhood residents to become experts on identifying and resolving the issues on mortgage and insurance redlining, HUD/FHA abuses and community-level drug problems in the inner city. President Carter appointed Ms. Cincotta to the National Commission on Neighborhoods where she chaired the Reinvestment Task Force. In 1990, NTIC's work, along with that of 9 local organizations, on community-based anti-drug initiatives was recognized by President Bush senior at a White House luncheon. Ms. Cincotta served on the National Commission on Regulatory Barriers to Affordable Housing, established by the Department of Housing and Urban Development, and she was a member of the Community Investment Advisory Council of the Federal Home Loan Bank of Chicago.

Ms. Cincotta and the National Training and Information Center established a multi-ethnic, multi-racial coalition of community organizations whose mission is to build grassroots leadership and strengthen neighborhoods through issue-based community organizing. NTIC helps build organizations with the resources and capacity to: (1) identify local issues that impact the urban areas, (2) develop effective strategies to address the root causes of issues, and (3) create opportunities for the organizational leadership to negotiate with business decision-makers. NTIC's primary focus is to provide training and technical assistance to a wide range of groups who are willing to promote and foster community organizing as goals for obtaining affordable housing for families, establishing drug prevention programs for the sick and assist in the fostering of neighborhood and community investments to improve better living conditions for people.

Mr. Speaker, I commend the efforts and achievements of Gale Cincotta and the National Training and Information Center for their 30th anniversary for empowering the people to organize to bring about change and progress in improving the lives of people from all walks of life.

EXPRESSING SENSE OF HOUSE REGARDING MAN-MADE FAMINE THAT OCCURRED IN UKRAINE IN 1932–1933

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. EMANUEL. Mr. Speaker, I rise in support of H. Res. 356, expressing the sense of the House of Representatives that millions of Ukrainians, who were deliberately and systematically starved in the early 1930's, should be remembered and honored today. To properly commemorate Ukrainians who starved at the hand of Joseph Stalin, we must first acknowledge that this genocide was not only ignored but was also concealed and perpetuated under Stalin's regime.

In its darkest hour, Ukraine was viewed by Stalin as a source of dissent against the Soviet Union. Its rich tradition of open political discourse and cultural splendor were threats to his tyrannical and oppressive regime. To preempt Ukrainian opposition, Stalin wielded a heavy hand in enforcing an ironclad policy of collectivization, in which peasant farmers were forced to turn over the grain they produced. Any man, woman or child caught with even a handful of grain from a collectivized farm

would be swiftly executed or deported. Stalin's policy resulted in the one of the worst episodes of genocide in the history of the world as an estimated 7 to 10 millions Ukrainians perished in the course of just a single year.

Mr. Speaker, on behalf of 4,300 constituents of Ukrainian descent, I offer my solemn remembrance to the victims and people of Ukraine. In tribute to the millions who witnessed their family members perish before succumbing to their own starvation, we must always remember and honor the victims of genocide so that mankind never again turns an unseeing eye or an unfeeling heart. I join my colleagues in Congress in remembering this tragic chapter of human history.

TRIBUTE TO FIRST LIEUTENANT THOMAS FORSBERG

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to First Lieutenant Thomas A. Forsberg for his faithful service of 26 years to the Michigan State Police Department.

Thomas began his career in 1977 with the Michigan State Police Department after graduating from the 90th Recruit School. Throughout his career, First Lieutenant Forsberg served in uniform positions at the Bridgeport, Detroit, Flint, and Bay City posts, the Criminal Investigation Division—BAYANET Unit in Saginaw, and the Fire Marshal Division at the Third District Headquarters in Saginaw. He achieved the ranks of Trooper, Sergeant, Detective Sergeant, Lieutenant, Detective Lieutenant, and First Lieutenant. Today, First Lieutenant Forsberg retires as the commanding officer of the Uniform Services Division at the Bridgeport Post. He is greatly appreciated by his co-workers and community, and he will be dearly missed.

I am honored today to recognize First Lieutenant Thomas A. Forsberg for his auspicious dedication to serving the State of Michigan.

TRIBUTE TO TIM JENKINS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to honor Tim Jenkins, who passed away unexpectedly on October 2, 2003. He served as one of my campaign staffers when I originally ran for the California State Assembly many years ago, and will be sorely missed. He is survived by his mother, Doris Jenkins, and his son, Nolan Jenkins.

Tim Jenkins was born in Winthrop, Massachusetts, but had lived in California for much of his life, and made Santa Cruz his home for nearly thirty years. He transferred to UC Santa Cruz in 1974 as a psychology major, but he is best known on the Central Coast for his political activism. In addition to the effort he put in to my campaign for the State Assembly, he also worked as a campaign strategist for, among others, County Supervisor Mardi Wormhoudt and Santa Cruz City Council member Mike Rotkin and Emily Reilly, the current mayor. Without the hard work and dedication to progressive politics that Tim embodied, Santa Cruz would not be the way it is today.

His friends and family have established ''The Tim Jenkins Scholarship Fund'' in his memory, which will help support future UC Santa Cruz student activists. The annual scholarship will be awarded to a student who demonstrates a notable commitment to practical, progressive politics and academic excellence. For Tim, politics was about more than running for office; it was a lifelong commitment to changing society for the better. His passion for politics that people could believe in was an inspiration to everyone who knew him.

Mr. Speaker, I applaud Tim Jenkins' achievements and accomplishments. Throughout his life he demonstrated an outstanding commitment to our community through his political work. His character and dedication have made lasting impacts on our community and the people with whom he worked, myself included. I join the County of Santa Cruz, and friends and family in honoring this truly commendable man and all of his lifelong achievements.

TRIBUTE TO SAMUEL STATEN, JR.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the accomplishments of Mr. Samuel Staten, Jr. Mr. Staten has been honored by our fellow Philadelphians by receiving the 2003 Laborers' Local Union 332 Outstanding Labor Leader Award.

Mr. Staten joined Laborers' Local 332 in 1972 and became a Field Representative seven years later. In 1986, he became the Local's Recording Secretary followed by Secretary-Treasurer in 1988. Mr. Staten currently holds the title of Assistant Business Manager and President of the Laborers' Local 332.

In the past, Mr. Staten has served as the Secretary of the Philadelphia Zoning Board of Adjustments, of which he is still a member, and was the President of the Happy Hollow Recreation Center Advisory Council, a nonprofit organization which provides social services to youth and senior citizens.

Aside from his positions within the Laborers' Local 332, Mr. Staten is involved in other aspects of the community. Some of his commitments include serving as a Board Member of Camp William Penn, Chairman of the Philadelphia Housing Authority Legal Fund, Delegate to the AFL–CIO, and Executive Board Member of Community Assistance for Prisoners, a nonprofit organization which assist ex-offenders through educational opportunities and job training.

It is a privilege to recognize a person whose leadership and commitment to his community has enriched the lives of countless individuals. I ask you and my other distinguished colleagues to join me in commending Mr. Staten for his lifetime of service and dedication to the Laborers' Local 332 and Pennsylvania's First Congressional District.

A TRIBUTE TO MICHAEL A. OLMEDA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Michael A. Olmeda for his commitment to serving his community through active civic participation.

Since 1990, Michael has been a social and policy advocate in the Brooklyn community, focusing on issues of substance abuse prevention, housing development, and senior citizen advocacy. As a member of prominent local and citywide organizations, he has taken an active role in raising community awareness about the problems facing our community as well as working to solve those problems.

For several years, Michael has worked as Chief of Staff for Assemblyman Darryl C. Towns. Serving as a key member of the Assemblyman's staff, he has played an integral role in implementing many of the Assemblyman's annual community service programs, such as the senior conference, the community service awards program, the turkey drive, and the annual toy drive.

As a child, Michael grew up around politics in the Bronx, with his mother's active involvement in Community Schools District 9 politics. As a teenager, he worked with a local group called the National Association for Puerto Rican Affairs (NAPRA), where he learned his way around campaigns, stuffing envelopes, working poll sites, and getting to know the political structure of the Bronx. After a brief tour of service with the U.S. Army, Mike came back to the Bronx to work as a butcher. Realizing this was not his professional calling, he moved to the Greenpoint section of Brooklyn, where he met Senator Ada L. Smith. Involved with politics again, Mike's first Brooklyn campaign was with Councilman Martin Malave Dilan.

Since then, he has continued to grow within the political community, managing campaigns for many prominent local and statewide officials. Most recently, he worked on the McCall for Governor and the Fernando Ferrer for Mayor campaign. A recent graduate of Long Island University, Mike hopes one day to work with local community based organizations, implementing programs that demonstrate the importance of computer literacy in our community. Michael has been married to his wife Cecelia for the past 20 years and they have four beautiful children Steven, Racquel, Travis, and Mikey.

Mr. Speaker, Michael A. Olmeda has served his community admirably through both his professional life and volunteer activities. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

WARTIME LETTERS A LIFETIME BOND

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues the touching story of

Fred Amore, Commander of the Suffolk County Veterans of Foreign Wars and Dorothy Holland. Mrs. Holland and Commander Amore were pen-pals while he was serving in the Vietnam War. They remain close friends today.

WARTIME LETTERS A LIFETIME BOND

DETENTION OFFICER, VIETNAM SOLDIER HAVE FORGED LASTING RELATIONSHIP

(By Rob Morrison)

When Fred Amore, Commander of Suffolk County Veterans of Foreign Wars (VFW), looked into the crowd during the Cow Harbor Day Parade last weekend, he was searching for the face of a friend who has stood by him through years of war and peace.

As she does every year, Dorothy Holland, 75, of East Northport stood along the parade route waiting to catch a glimpse of Commander Amore, 55, also of East Northport, marching along. Seeing him brought back many memories of her years working for the Northport-East Northport School District and the year-long period she and Commander Amore were pen pals while he was serving in the Vietnam War.

The two met in 1965. Mrs. Holland had just begun her tenure at the old Northport High School building on Middleville Road as the detention officer. It was during the spring of that year when Commander Amore, then only a teenager, was given detention for cutting class with his high school sweetheart.

''From that day on Fred and I were friends,'' Mrs. Holland told The Observer during an interview in her home Tuesday.

While the two remained friends, Commander Amore graduated the next year, in 1966, and attended Suffolk Community College. But in the spring of 1967 Commander Amore received his draft notice. On June 13, 1967, he went into the United States Army as an Infantryman. Before he left, she went to all the boys ''who were leaving,'' Mrs. Holland said. ''I had tears in my eyes and I said ''I will write to you but you have to write to me.''

Commander Amore returned home from boot camp for Thanksgiving in 1967, then he left for Vietnam December 10 of that year. That Christmas, knowing he would not have a tree of his own, Mrs. Holland sent Commander Amore a photograph of herself in front of her Christmas tree. It was not until January 1968 that Commander Amore said he wrote his first letter to Mrs. Holland.

''I remember saying to Walter, my husband, 'Oh, he'll never write,'" Mrs. Holland said.

But Commander Amore said he became very homesick during his time in Vietnam, especially during the holidays. Commander Amore wrote as often as he could from his military post in Soc Trang on the Me Kong Delta.

''He only said 'I'm so lonely' and 'It is a horrible war,'" Mrs. Holland said. ''That's when I started getting worried.''

But her fears of the worst became stronger when she stopped getting letters from him. It was February 1968 and Commander Amore was in the thick of battle, attempting to hold off the North Vietnamese during the Tet Offensive. Commander Amore said the three-month ordeal mostly took place at night and forced him and his fellow servicemen and women to live in their foxholes.

''We knew it was coming,'' Commander Amore said. ''It was all over the constantly being bombarded by mortar attacks. The South Vietnamese military was supposed to be protecting the base and the members of the 1st Aviation Battalion, of which he was a part. When the North Vietnamese attacked, however, the South Vietnamese dropped their weapons and fled, leaving Commander Amore and his colleagues stranded. He had been on base for 90 days and still did not have a weapon.

''I had to wait for someone to leave or die to get a weapon,'' Commander Amore said.

While many soldiers on base were killed during the offensive, Commander Amore said all of the 25 men in his unit survived.

Commander Amore spent several months hoping he would live to see his home again. In the meantime, Mrs. Holland waited to hear news from Commander Amore and the rest of the Northport High School graduates she knew were in Vietnam.

''My heart went out to all the boys,'' she said. ''The stories were just horrible [in their letters]. They knew they weren't accepted back home. That was the worst for them.''

After coming out of Vietnam unscathed, Commander Amore was disturbed to hear the negative public opinion of the Vietnam War.

''I knew the feeling of the people before I left and I knew the feeling when I came back,'' he said. ''I didn't want to talk about it.''

It was not until 1991 when Commander Amore decided to get involved in veterans activities and build up pride for his service during the war. He joined VFW Post 9263 in Elwood and Commack. In June, he was appointed commander of the Suffolk County VFW after serving as commander of his own post for five years.

''I had no intention of joining the VFW when I got out,'' he said. ''I didn't want any part of it for a lot of reasons.''

He always remembered, however, the letters of support that Mrs. Holland wrote him. Despite the nationwide disdain for the war, Mrs. Holland was a proud supporter of the boys who left high school to fight in Vietnam.

''The letters would pick you up,'' Commander Amore said. ''That would get you to the next mail call. I really figured when I went into the service I wouldn't hear from her again. She knew how to keep your morale up and keep you going.''

''While working at the high school I met the greatest students,'' Mrs. Holland said. ''I haven't forgotten them and they haven't forgotten me. That school was the happiest part of my life.''

THE UNACCOMPANIED ALIEN CHILD PROTECTION ACT OF 2003

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. LOFGREN. Mr. Speaker, imagine being a 9-year-old girl trying to escape abusive parents that eventually abandon you. Imagine having no choice but to escape to America with relatives who eventually get angry and turn you over to the immigration authorities at the age of 14. Then imagine being detained for over 6 months in a juvenile jail as you are represented by an unscrupulous attorney who doesn't even care to show up to your immigration hearing, leaving you to defend yourself with no knowledge of the law or any adult guidance. Then imagine finding out that the immigration judge orders you to leave the country and you have nowhere to go, nobody to help you, and through it all, you're all alone. This was the plight of Esther—a Honduran victim of abuse, abandoned by her parents and relatives, and left to face a complex immigration system at the tender age of 14.

The sad reality is that Esther is not the only child that has suffered this terrible fate. This is the plight of many young girls and boys who travel hundreds and sometimes thousands of miles alone in seek of refuge in the United States. Some of these children are treated in a manner that our country usually reserves for criminals, not helpless victims, like fourteen-year-old Esther.

It is true that Congress last year transferred care, custody, and placement of unaccompanied alien children from the Department of Justice to the Department of Health and Human Services to improve the treatment children receive when encountered at our borders. This is certainly a big step in the right direction and I commend the Department of Health and Human Services for taking important steps to improve the care and custody of these vulnerable children. Unfortunately, Health and Human Services inherited a system that relied upon a variety of detention facilities to house children and was given little legislative direction to implement their new responsibilities. As a result, some children from repressive regimes or abusive families continue to fend for themselves in a complex legal and sometimes punitive system, without knowledge of the English language, with no adult guidance, and with no legal counsel.

Now is the time for new legislation to complete the positive steps we have already taken to ensure that unaccompanied alien minors are not locked up without any legal help or adult guidance. This is why I have introduced the Unaccompanied Alien Child Protection Act of 2003. It will ensure minimum standards for the care and custody of unaccompanied children and require a smooth transfer of minors from the Department of Homeland Security to the Department of Health and Human Services. It will also ensure that children receive adult and legal guidance as they navigate through our immigration system.

Mr. Speaker, no child should be left to fend for herself in a complex immigration system that even you and I would fear. We need to pass the Unaccompanied Alien Child Protection Act. I urge this body to swiftly consider this important legislation.

FAREWELL TO CHARLIE ''CHOO-CHOO'' JUSTICE

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mrs. MYRICK. Mr. Speaker, I would like to pay respect to one of the most distinguished athletes in North Carolina's history. Last Friday morning, October 17, 2003, North Carolina bid farewell to Charlie ''Choo-Choo'' Justice, who passed away at the age of 79.

The people of North Carolina remember Charlie from his days of playing football at University of North Carolina at Chapel Hill from 1946–1949. In his four seasons Charlie scored 234 points, accounted for 64 touchdowns, and rushed for 2,634 yards. In 1948, and 1949, Justice was runner up for the Heisman Trophy, which recognizes the best college football player in America. Many people who saw Charlie play say that he was the most exciting football player they have ever seen.

After college, Charlie went on to play professional football from 1950–1954 with the

Washington Redskins. Although he only played for a short time, his retirement from football brought him many honors. In 2002, he was selected as one of the Redskins 70 greatest players of all time. He was also bestowed with the great honor of being the first athlete inducted into the North Carolina Sports Hall of Fame where greats such as Michael Jordan are now honored.

Charlie ''Choo-Choo'' Justice will be remembered long after his death for his talents and skills on the football field. However, the people who knew him in his hometown of Cherryville, NC will remember him for his commitment to improving the community, helping others, and his love for his family.

NATIONAL MAMMOGRAPHY DAY DURING NATIONAL BREAST CANCER AWARENESS MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to celebrate the National Mammography Day during this month of National Breast Cancer Awareness. In 1993 President Clinton proclaimed the 3rd Friday in October of every year as National Mammography Day. Our Celebration of this day and month is a step forward in finding a cure for Breast Cancer in the United States and the world as a whole.

National Mammography Day is a day for many people in the United States who have not had mammogram screenings or do not have the opportunity to get the screening, to get them free or at a discount price at different participating facilities in their areas. This day gives hope to people in the United States who may have or are at risk of getting breast cancer. Studies have shown that having mammogram screening helps with early detection and treatment, thereby saving the lives of many people. Between 1989 and 1995 there was a significant decline in the death rate from breast cancer, where it dropped by 1.4 percent each year, and between 1995 and 1998 the decrease accelerated to a decline of 3.2 percent annually. Studies have shown that these improvements are due to early detection and improved treatment, which would not have been possible without mammogram screening.

Many people are becoming aware of the importance of mammogram screening including Congress. In 1992, Congress established the Mammography Quality Standards Act, requiring all mammography facilities to meet quality criteria in order to operate. Federal funding for breast cancer research has grown 600 percent, from $92.7 million in 1991 to $660 million in 1999. States also understand the need for health insurance coverage for mammogram screening. In 1985, Illinois the state I represent and Virginia required that health insurers cover the cost of mammogram screenings. As of 2002, 46 other states have followed suit by requiring insurance coverage for mammogram screenings.

We need to continue to make people aware of the importance of early detection and that it helps to save and prolong life, and one way to do this is via mammogram screening. People need to be aware that breast cancer does not discriminate based on sex; both women and men are at risk of getting breast cancer. Breast cancer does not discriminate based on color or ethnicity, Caucasian-Americans, African-Americans, Asian-Americans, Hispanic-Americans, American Indians, Native Hawaiians and Alaska Natives are all susceptible to breast cancer. Breast cancer also does not discriminate based on age, people as young as 20 years old and as old as 80 years old are at risk for breast cancer.

Mr. Speaker, progress is being made in finding a cure for the disease and we should not give up hope. I have hope that we will find a cure soon for breast cancer. I want to commend those who have being doing research in finding a cure for the disease, providing emotional and financial support and treatment for people with the disease. Mr. Speaker, we should continue to recognize the importance of this day and month because the battle in finding a cure for breast cancer is not over, there is much work to be done.

HONORING THE 25TH ANNIVERSARY OF POPE JOHN PAUL II'S ASCENSION TO THE PAPACY

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H. Res. 400 to honor the 25th anniversary of Pope John Paul II.

Karol Józef Wojtyla, known as John Paul II since his October 1978 election to the papacy, is one of the most famous and beloved people on Earth. Inspiring hundreds of millions of people including those beyond the Catholic faith to strive for world peace and prosperity, John Paul II has counseled religious and world leaders during 38 official visits and 700 audiences held with Heads of State.

The hallmark of John Paul II's leadership has been his message of hope, reconciliation and redemption. His indelible mark on the world is an unshakable faith in human goodness and benevolence, and the advancement of peace, forgiveness and human rights for people of all faiths.

In his book ''Crossing the Threshold of Hope,'' John Paul II wrote that ''Man affirms himself most completely by giving of himself. This is the fulfillment of the commandment of love.'' His constant and selfless commitment to peace and dedication to all mankind during his extraordinary 25 year papacy is why we should honor him as a living example of ''the commandment of love.''

Mr. Speaker, on behalf of my constituents, including 112,000 Polish Americans and 131,000 Catholics in the Fifth Congressional District of Illinois, I join my colleagues in paying tribute to Pope John Paul II.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. CAMP. Mr. Chairman, I rise in support of H.R. 3289. It has been 6 months since American forces toppled Saddam Hussein's regime, but there are still traces in Iraq of what one author referred to as a ''psychopathic crime family'', a family that terrorized its own people and stood as a daily threat to the region and the world.

I supported President Bush's request because it is vital to our own national security; it is an exit strategy; and it will help establish a safe and secure Iraq and prevent the region from becoming an incubator for would-be terrorists.

This funding is an investment in our lasting security, and comparatively it is a fraction of what we spent in World War I, World War II and the Korean War. It will go where it is needed most: getting our troops the supplies they need and rebuilding the critical infrastructure depleted by 3 decades of a dictatorial regime.

Our troops have succeeded on every front. They have secured the air, the land and the surrounding water. They have served our Nation well, and once again stand as liberating heroes to an entire people.

Yet, with the cost of the wars in Iraq and against terrorism continuing to rise, many are now wondering: should we send additional support? Are we really safer today than yesterday? Is the price tag worth it? The answer on all fronts is ''yes.''

If you have doubts, just think for a moment about the cost of inaction, the cost of turning back now.

Chief weapons inspector Dr. David Kay recently delivered an update to Congress and stated that Iraq had a secret network of biological laboratories, live botulinum toxin, and an advanced program for prohibited long-range missiles. This is just what we have found at the halfway point of his investigation.

The positive difference for the United States is clear. No longer does the Iraqi government harbor, support or sponsor known terrorists. The country that once housed individuals like Palestine Liberation Front leader Abu Abbas, whose organization committed the 1985 hijacking of the cruise ship Achille Lauro, is now charting a new course—a course less threatening to the safety and stability of the world.

While the coalition has accomplished much in the last 6 months, we are still building upon that foundation. We must not falter in our response; we must not rest until our families are safe and secure. This funding is critical to our success in the war against terrorism and preserving our freedom here at home.

TRIBUTE TO TERRY BRICKLEY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to honor Terry Brickley, who passed away from pneumonia on October 6, 2003. Throughout his life, Terry was an exceptional community activist and a tireless crusader of rights for the disabled, himself a sufferer from multiple sclerosis. He is survived by his life partner of thirteen years, Sally Jorgensen, his daughter, Tori Bradford, and her husband and son.

A native Californian, Terry lived in Santa Cruz for the past thirty-seven years and has played an important role in this community during that time. He played a vital role in making public spaces handicap accessible, including making the transit district in Santa Cruz the first in the country to have fully accessible buses, long before the Americans with Disabilities Act was passed. In addition to his amazing work as an activist, Terry also founded, headed, and sat on the boards of several organizations dedicated to improving the lives of the disabled, including Adaptability Unlimited; a San Francisco chapter of the California Association for Physically Handicapped which is now the Californians for Disability Rights; and the Stroke Center at Cabrillo College.

I had personal contact with him while serving in the California Assembly, as we worked together to pass a bill that would allow people eager to return to work to remain on Disability Insurance until their new job insurance came into effect. With the passage of this bill, it made it possible for more people to return to work and once again participate in their community. He has shown it is possible for one person to make a difference in the lives of so many people, not only in his local community but across the state, in starting a movement that works to guarantee equal rights for all Americans. Terry was an inspiration to me and his legacy will not easily be forgotten. He was a true friend and will be missed by many.

Mr. Speaker, I applaud Terry Brickley's achievements and accomplishments. Throughout his life he demonstrated an outstanding commitment to this community and to equal rights nationwide that should serve as an inspiration to everyone. His service is admirable and his character and dedication have made lasting impacts on our community and the people with whom he worked, myself included. I join the County of Santa Cruz, and friends and family in honoring this truly commendable man and all of his lifelong achievements.

TRIBUTE TO DONALD FELDSCHER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the lifelong service of Donald Feldscher. Mr. Feldscher has been a dedicated civil service employee who has worked with the City of Philadelphia for the past twenty-five years. His years of service are indicative of an unwavering commitment to his community and to the City of Philadelphia.

Mr. Feldscher has led an exemplary life of service. He maintained a position evaluating property for the City of Philadelphia until the age of seventy-five. His hard work throughout the years has been an inspiration to his coworkers and the community.

Mr. Feldscher will retire from the City of Philadelphia on October 31, 2003. In recognition of his years of service to the people of the Philadelphia community, I ask that you and my other distinguished colleagues rise to congratulate him on his retirement.

A TRIBUTE TO LEWIS A. WATKINS, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Lewis A. Watkins, Sr. for his dedication to serving his community and the City of New York.

For almost 30 years, Lewis has worked for the City of New York in a variety of administrative positions. During most of that time, he has also dedicated himself to serving Community Planning Board #3 in Bedford Stuyvesant, which represents the largest African-American community in New York City.

Educated, diligent and committed, he was promoted from Youth Coordinator for the district to District Manager of Community Board #3. Mr. Watkins' primary role is to coordinate the delivery of city services and to advise a Board of 50 members who are appointed by the Brooklyn Borough President and City Council Members. In this capacity, he works with residents, block associations, community-based and civic organizations, businesses, and churches in order to best serve the neighborhood. For issues in Bedford Stuyvesant relating to housing, seniors, health care, parks, child welfare, day care, education, transportation, police, fire, environmental protection and economic development, Lewis is the main source of information for the City and plays a key role in solving problems for the community related to these areas.

Lewis received his Master of Science Degree in Secondary Education with a Minor in Urban Policy Science from State University of New York at Stony Brook University. He taught high school for several years but realizes now that city government has been his true calling.

In retrospect, he also realizes that his inspiration for community services came from his role models, his mother, Bernice Watkins and his maternal grandmother.

Mr. Speaker, Lewis A. Watkins has been a dedicated public servant to his community. As such, he is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

TESTIMONY OF MICHELE DE JESU

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues the testimony of Michele De Jesu from a hearing in regards to Long Island's statistical status, as designated by the Office of Management and Budget. This testimony was given at the Alfonse M. D'Amato United States Courthouse on June 20, 2003.

I am Michele De Jesu, and I am thankful to learn from this hearing.

I know that the Census Bureau has had a tremendous job in counting populations. Now I am learning that the Bureau can make conclusive definitions as to what to call those populous areas.

We can all agree on one thing: Every individual is entitled to Life, Liberty and the Pursuit of Happiness under the Constitution.

If Nassau County is not counted as an entity; if Suffolk County is not counted as an entity:

If that be the case, where does it lead each and every impoverished homeless person, too numerous to count? I wonder if they are seen in the census books.

Please help the housing agencies that serve the homeless, poor and mentally challenged, agencies like HALI (Hands Across Long Island) and count us so that our government can represent us too.

Please redefine your definitions rather than depersonalize whole counties and thus each individual.

Please reevaluate and reconsider, and may the OMB not deny us of our unalienable rights.

VICTOR GARZA HONORED FOR HIS YEARS OF SERVICE TO THE PEOPLE OF SANTA CLARA COUNTY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. LOFGREN. Mr. Speaker, I rise to recognize the achievements of Victor Garza and would like to recognize his extraordinary and tireless service to the people of Santa Clara County.

Victor, who has been called the ''Latino Voice of San Jose,'' retired last month after 26 years as a Veteran Services Officer for the County of Santa Clara.

Victor has served on numerous boards of directors and community committees related to education, youth and health, including his current role as chairman of the La Raza Roundtable, boardmember for the Center for Training and Careers, and as a leader in the American G.I. Forum.

Victor is a former Navy mechanic who served in the Korean war, and has been an outspoken advocate for veterans throughout Santa Clara County, fighting for access to services and recognition for our veterans.

Originally from Eagle Pass, TX, Victor came to San Jose in 1971 when, after leaving the Navy and farm work, Garza enrolled at San Jose State University. At 34, the man who never graduated from high school worked full-time as a foreman at a bus manufacturing company in Hayward while taking a full load of classes at night. He graduated with a master's degree in public affairs.

Throughout his career, he has also organized Latino job fairs, boycotted against job discrimination and founded an organization to send Latinos to college.

Victor has devoted his life to enrich and advance his community, and his contributions

deserve to be honored to serve as an inspiration for our youth, veterans and for the residents of Santa Clara County.

I wish to thank Victor Garza for his tireless service to the County and wish him the best in his future endeavors. Furthermore, he has my personal thanks for our years of friendship. Though we will all miss his compassion, expertise and commitment, his dedication has left its mark on Santa Clara County.

TRIBUTE TO MS. VIVIAN WILLIE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a respected member of the Philadelphia community. Ms. Vivian Willie is turning 100 years young.

Ms. Willie will celebrate her 100th birthday this October 26, 2003. She selflessly helped the community working for many years at the Children's Hospital of Philadelphia. Ms. Willie continued to serve the people of Philadelphia outside of the hospital working for the anti-poverty program from which she retired.

Along with her son, 22 grandchildren, and over 40 great grandchildren, I ask that you and my other distinguished colleagues join me in congratulating Ms. Vivian Willie during her 100th birthday celebration.

A TRIBUTE TO DARLENE MEALY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Darlene Mealy for her commitment to public service and dedication to serving her community.

Darlene Mealy was one of eight children born to Edward and Louise Mealy, in Detroit, MI. She was raised in Brooklyn, NY, and would later attend school at Manhattan Borough Community College. While living on Herkimer St. in 1987, she formed a softball team named the ''Bullets,'' which won three straight championships. Since then, Darlene decided she wanted to be in a position where she would be able to give back to the community that gave her so much.

She is the founder and president of FARR (Fulton St./Atlantic Ave./Ralph./Rochester Ave.) Community Association, Inc. FARR has helped forge tighter community bonds and a stronger voice. FARR's successes include removing drug dealers from street corners, beautifying the neighborhood, and saving eight members' homes from demolition, which was planned for by the Fulton Park Urban Renewal Plan. Under her leadership, FARR also has been credited with programs for our youth, such as boys' and girls' basketball and girls' step teams, which she has coached for three years.

Her community involvement also extends to her service on the executive board of the Bishop Henry B. Hucles Episcopal Nursing Home, providing an essential service to frail, elderly and physically challenged community residents. She is the corresponding secretary for the 81st Precinct Community Council and a member of the Christ Memorial Church in Brooklyn. She was the former secretary of Unity Democratic Club as well. She credits her mother as her role model in learning values that she lives by today.

Professionally, Darlene has worked for the New York City Transit for 13 years. She now works in the Department of Buses and Technical Services. She is on the executive board of Neighborhood Housing Services that gives homeowners low and moderate loans to improve their homes.

Mr. Speaker, Darlene Mealy's commitment, leadership, innovation, and motivation have brought about a positive change in the neighborhood and community she serves diligently. As such, she is more than worthy of receiving our recognition. I hope that all of my colleagues will join me in honoring this truly remarkable individual.

ON THE YANKEES ALCS VICTORY OVER THE RED SOX

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise and congratulate the New York Yankees for their stirring come-from behind last night against the Boston Red Sox in the 7th and final game of the American League Championship Series—proving, once again, that the greatest rivalry in professional sports is between the Yankees and the Red Sox.

Roger Clemens pitching against Pedro Martinez—two of the greatest pitchers of all-time, one pitching what was potentially his final game against his former team, the other pitching what until the 8th inning was nothing less than a masterpiece. The first two Cy Young award winners ever to face each other in a Game 7.

Despite an early deficit, the Yankees refused to give up. Two home runs from a struggling Jason Giambi. 3 runs in the 8th. And of course, the winning homer by Aaron Boone in the bottom of the 11th. This is how baseball is supposed to be played: with emotion, honor, grit—and plenty of drama.

And that was only the 7th game. The six other games included so many gutsy performances by series MVP Mariano Rivera, two tough victories by knuckleballer Tim Wakefield and clutch hit after clutch hit by Jorge Posada and Hideki Matsui. It was in every respect a series for the ages.

I would be remiss if I did not say a word for the fans of the Boston Red Sox, especially my friends Congressman MICHAEL CAPUANO, Congressman JOHN LARSON and Senator CHRISTOPHER DODD, who once again saw victory snatched from the jaws of defeat. As heartbreaking as this game is for them, what makes these fans special is that every year, hope springs eternal for them and the rivalry begins anew. They are one big reason this match up is so extraordinary year after year.

So let me again congratulate Joe Torre and his New York Yankees, as they prepare to take on the Florida Marlins in the 2003 World Series. On behalf of tens of thousands of Connecticut Yankee fans, you have again made the entire Tri-State area so proud. Go Yankees!

PERSONAL EXPLANATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ROGERS of Kentucky. Mr. Speaker, on Monday, October 20, I was in Somerset, Kentucky, tending to official business, and was not present for rollcall votes #563–565. The votes were on House Resolutions 356, 400, and on H.R. 3288. Had I been present, I would have voted ''yea'' on all measures.

PERSONAL EXPLANATION

HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. RUPPERSBURGER. Mr. Speaker, on rollcall No. 565, I was unavoidably detained because of a meeting I had with the Mayor of Baltimore. Had I been present, I would have voted ''yea.''

CALIFORNIA MISSIONS PRESERVATION ACT

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Ms. LORETTA SANCHEZ of California. Mr. Speaker. I rise today in support of the California Missions Preservation Act of 2003, H.R. 1446.

This important bill would grant funding to restore and repair the twenty-one California missions and their artifacts by providing a grant program under the authority of the Secretary of the Interior with a matching fund requirement for the California Missions Foundation.

As a California native, I cherish these beautiful missions, which represent our past, our history and our founding. It is important to preserve these monuments and museums as they serve as part of our cultural heritage.

Near my district in California is one of these missions, San Juan Capistrano, which served as the birthplace of Orange County.

Founded more than 200 years ago on 10 acres of beautiful gardens and fountains, San Juan Capistrano served as a community for Spanish Padres and Indians. It was a thriving center for agriculture, education and religion.

Today, the mission's visitors can see Native American, Spanish, Mexican and European heritage in the mission's architecture and artifacts. Every year, millions of visitors and school children come to these missions to learn about California and our history. Indeed they are living classrooms of our past.

I ask my colleagues on both sides of the aisle to support this bill, not only for the sake of preserving California's history, but for our nation's history as well.

HONORING HERB ALSUP'S 25 YEARS OF SERVICE TO HIS CHURCH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. GORDON. Mr. Speaker, I rise today to congratulate Herb Alsup for his 25 years of ministering the Woodbury Church of Christ. On Sunday, October 26, the church will celebrate Family Day, a day to celebrate Herb's service and for the church to open its new addition.

I've known Herb and his family most of my life. He is the type of person who would give you the shirt off his back if he thought you needed it. For example, Herb's brother, Lynn, was serving in Vietnam and had to send Herb and his wife, Ann, some money. But Herb didn't need the money for himself or his wife. He needed the money before payday to buy clothes for a family he knew was in need.

Herschel Mullins, Herb's uncle, remembers him as ''an unusually good boy, always real sociable with people, even when he was a kid.'' Herb used to visit Herschel for Sunday dinners and family reunions. Herschel recalls, ''It was always a joy to have him in my home. He's always been one of my favorite nephews.'' Herschel also notes that the Woodbury Church of Christ grew considerably during Herb's tenure.

Herb was born in Blackman, TN, just outside of my hometown of Murfreesboro. While we were growing up, Herb excelled in the classroom and on the playing field. While attending David Lipscomb University, he played baseball and was considered a fantastic tennis player. Herb's enthusiasm for life has been and continues to be a positive influence and an inspiration to his family and friends. Herb, thank you for your service to the Woodbury Church of Christ and to everyone in the community.

HONORING RUTHERFORD COUNTY'S BICENTENNIAL

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. GORDON. Mr. Speaker, I rise today to celebrate the 200th birthday of Rutherford County, Tennessee. Rutherford County is located in the heart of Middle Tennessee, and I am proud to call this beautiful county my home.

The people of Rutherford County are truly blessed to live in a region with such rich history and such a promising future. Murfreesboro, now the county seat, served as the capital of Tennessee from 1819 to 1826. Nearly 40 years later, Union and Confederate soldiers fought and died on the county's soil during the Civil War. Stones River National Battlefield is a solemn memorial to those who lost their lives during the battle.

Today, residents and visitors can catch a glimpse of the county's promising future by looking to the county's successful industrial areas, quality schools and beautiful parks.

It is easy to see why Rutherford County is the fastest growing county in the state and one of the fastest growing counties in the nation. The warmth of its residents and beauty of its landscapes will continue to attract new members to the community. And those new residents will have the opportunity to visit numerous historic sites, purchase a variety of quality goods manufactured in the county, and enjoy leisurely drives through the scenic countryside.

The residents of Rutherford County have much to be proud of. I congratulate the county on its success, and I am sure the next 200 years will be just as steeped in friendship and tradition as the first 200 years.

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

SPEECH OF

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mrs. WILSON of New Mexico. Mr. Speaker, H.R. 3288 is a technical corrections bill that will allow New Mexico to use $14 million of its unused State Children's Health Insurance Program (SCHIP) funds for low-income children's health. Currently New Mexico has approximately $70 million in unused SCHIP funds which the state cannot access. This bill will allow New Mexico to use 20 percent of these funds, or $14 million, on low-income children in the Medicaid program. This bill keeps these vital health care dollars in New Mexico. It also assures that these dollars are used for children's health, for which they were originally intended.

Earlier this year we passed a similar bill signed into law that would allow states, like New Mexico, who had expanded their Medicaid programs for children before the passage of the SCHIP program to use some SCHIP dollars on low-income children eligible for Medicaid. The prior policy essentially penalized states that had done the right thing by expanding coverage for children under Medicaid.

Because of a miscalculation in the legislation passed earlier this year, New Mexico may be ineligible to use the SCHIP funds in the manner intended. This bill would correct that mistake and allow low-income children in New Mexico access to important health care dollars they deserve.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes and would like the RECORD to reflect that I would have voted as follows: Rollcall No. 562—''no''; rollcall No. 563—''yes''; rollcall No. 564—''yes''; rollcall No. 565—''yes.''

DETROIT CATHOLIC CENTRAL MEN'S GOLF TEAM, 2003

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. McCOTTER. Mr. Speaker, I rise today to honor my alma mater Detroit Catholic Central Men's Golf Team, the 2003 Michigan High School Athletic Association Division I Champions.

In conditions unfavorable to competitive golf, Catholic Central fired a two-round total of 636, six shots ahead of their nearest competitor.

Led by seniors Chris Eliason, Mike King, and Jimmy Burns sophomores David Denyer and Adam Hogue, and Coach Bill Hayes, the Shamrocks easily captured the Catholic League Championship and State Regional Championship while posting an 11–1 dual meet record.

Mr. Speaker, I extend my warmest congratulations to the Shamrocks of Detroit Catholic Central for capturing the MHSAA Golf Championship.

FOUR OUTSTANDING SENIORS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. SAM JOHNSON of Texas. Mr. Speaker, you know, Texas is home to great schools, great teachers, and great students.

Today I would like to spotlight four outstanding seniors from Plano Independent School District who made perfect scores on their college entrance exams.

It is estimated that they are in the top one-tenth of the highest one percent of all of the students taking these exams.

Brent Flynn of the Plano Star Courier detailed these amazing students in the September 29, 2003 edition.

Greg Bussell of Plano East Senior High School, Jennifer Wu of Plano West Senior High School, and Brian Young of Plano Senior High School all scored 1600 on their S.A.T.'s, while Jeffrey Lin of Plano West Senior High School received a 36, the highest possible on the A.C.T.

In addition to smarts and savvy, they all shine outside the classroom. Both Jennifer and Jeffrey play the violin in the orchestra. Greg stars in a school play and Brian's on the school's academic decathlon team.

Each principal had wonderful words for these students.

Plano Senior High principal Dr. Doyle Dean said, ''Brian Young is an outstanding student. We at Plano Senior High are very proud of his many academic and personal accomplishments, including his perfect score on the S.A.T.''

''These are among some of the most extraordinary students in our State,'' said Dr. Michael McClellan, principal at Plano East Senior High.

Phil Saviano, principal for Plano West Senior High School stated, ''It's an exceptional achievement. It's rewarding to see their hard work pay off after their amazing public school careers.''

These students are shining examples of the best and brightest in Texas and America. They deserve a Lone Star size applause. Congratulations. We are proud of you.

COMMEMORATING THE INTRODUCTION OF ''MEDAL OF HONOR''

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. SESSIONS. Mr. Speaker, today I rise to commemorate the upcoming introduction of the book, ''Medal of Honor,'' at the National Boy Scout Museum in Irving, Texas. The book honors the more than 3,400 Medal of Honor recipients that have served our Nation so valiantly in time of war or crisis and will be introduced on November 8, 2003. Mr. Speaker, this event is being coordinated by the North Trail District of the Boy Scouts of America under the direction of Chairman Gary V. Hill and Mr. Rob Kyker, the Friends of Scouting Chairman and host of this event.

Mr. Speaker, during the introduction of the book, seven (7) of the living 138 Medal of Honor recipients will be presented and honored along with Mr. Michael E. Thorton, U.S. Navy—retired, who is the spokesman for all Medal of Honor recipients. These individuals embody the virtues of sacrifice, courage, and leadership, which the Boy Scouts work to instill. Since 1861, the Congressional Medal of Honor has been awarded to our Nation's bravest Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen. This book, by Mr. Peter Collier, honors them for their courage, character, and leadership and will serve as a wonderful example to future generations, especially the Boy Scouts of the future.

The introduction of this book, affords a new generation the opportunity to once again learn of the leadership and courage of those service men and women who have received the Congressional Medal of Honor. This presentation at the Boy Scout National Museum is a great moment to honor and remember all the Medal of Honor recipients and I count it an honor to be involved and to be present at this wonderful ceremony.

AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to voice my support for passage of H.R. 3288, but do so with disappointment that the House did not take up S. 1547, thereby failing to expedite the process of ensuring that New Mexico does not lose their unused SCHIP funds.

My New Mexico delegation colleagues in the other chamber were able to secure passage of S. 1547 on July 31, 2003 by unanimous consent. This legislation allows states, including New Mexico, to keep unused allotments under the SCHIP Program.

Prior to recessing for the August District Work Period, we in the House passed H.R. 2854—what was supposed to be a final compromise covering $2.7 billion in SCHIP funds, about half of which technically expired September 30, 2002, and the rest of which was scheduled to expire September 30, 2003. Without this action, the funds would have reverted back to the Federal treasury, consequently depriving New Mexico and other states of sorely needed health care funds.

However, because of a technical error in H.R. 2854 that excluded New Mexico from retaining their SCHIP funds, S. 1547 was passed to ensure that New Mexico was rightfully included. Now, with passage of this legislation today, New Mexico and other states will again be required to wait for their much-needed SCHIP funds since this bill will now have to be referred back to the Senate, passed once again, and then sent to the President for his signature.

While I by no means seek to diminish the importance of the other states now included under H.R. 3822 for a similar fix that was required for New Mexico, I am nevertheless disappointed that S. 1547 could not be passed as a lean technical fix to expedite New Mexico's funds. New Mexico is ranked second in the Nation for uninsured individuals, which makes the SCHIP program that much more important so that children can have health coverage.

I urge my colleagues to support H.R. 3288, but do so in the hope that this legislation can be expeditiously passed in the other chamber. The sooner we can get this legislation into law, the sooner the funding can go to its intended purpose—providing health insurance coverage for the children in our respective states.

FIVE TRUE HEROES IN AMERICAN LIFE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. SANDERS. Mr. Speaker, if we were to believe the television and radio and even the newspapers, we would think that the most important figures in America are professional athletes, movie stars, rock performers, and financial tycoons.

But we all know that this is not true. There are millions of Americans who do heroic work every day. Some are teachers, some nurses, some work in day care. Some prepare meals for the elderly; others take care of their elderly parents or of spouses or children who are ill or disabled. Men and women all over America go off to work each day, sometimes at two or even three jobs, to make sure that there is food on the table for their families, and money to send their children to college.

Today, I want to recognize five citizens of Vermont who are heroes: Mary Jean Inglee, Emma Katherine Ely, Bev Priest, Theresa Emmons, and Christina Crawford. They come from every corner of Vermont, and each has been tireless in advocating for the needs of the low-income citizens of our state.

Mary Jean Inglee was born in Whitehall, New York and raised in an Irish Catholic Democratic family. She graduated from Whitehall High School, Class of 1968, and married Harold Inglee in November of that same year. She and her husband now live in Rutland; they have two daughters and three granddaughters.

Mary Jean Inglee's interest in low-income issues started when she was a child, when a poor family lived in a shack on the rocky area above her house. To Mary Jean's own family, it was a natural thing to share what they had with that family. Her parents provided them with rides to doctors and food and clothing whenever they could.

Mary Jean at times got in trouble at school because she believed it was her duty to advocate for classmates that were being treated unfairly. She remembers those classmates as the kids who experienced the cruel realities of poverty.

Mary Jean worked in the public school system for 10 years in a special education classroom. She had a first-hand look at how state systems worked—and how they didn't work for kids that had the least going for them. Once again some saw her as a troublemaker, for she took advocacy for families who needed extra consideration, very seriously. She says this kind of work brought her to know BROC (the community action agency in southern Vermont), which was a worksite for some of the students she worked with. Going there on a weekly basis, she was able to observe the difficult situation facing clients and workers.

Mary Jean has worked for the Department of Vocational Rehabilitation for the past 15 years, an agency charged with removing barriers to employment for people with disabilities. Most of the people she works with have no income or the minimal benefits of Supplemental Security Income or Social Security Disability payments. This translates into poverty. She advocates every day for programs, training, and dollars to help people improve their lives.

A new opportunity to help came in 1992 when she was asked to join the BROC Board of Directors as a low-income representative. The timing was perfect for Mary Jean to be called into service. Her husband was ill and not able to work. This gave her an instant ''reminder course'' in what it was like to owe rent and wonder how it would be paid. In their 35 years together, they have been there a few times, but unlike many of the people BROC serves, there was usually someone in the family who could help out.

Mary Jean has worked tirelessly for others, but she has also pursued a path of learning for herself. She received a Bachelor of Science degree in Human Services from Springfield College in 2002. She is currently a Masters Candidate and expects to receive her Masters in Human Services with a concentration in Community Psychology in the spring of 2004.

Emma Katherine Ely is another outstanding advocate for low-income people. During the past 15 years (and probably longer than that!) Ms. Ely has served the low-income community of northeastern Vermont. While being a parent in the program—she is the mother of ten children—Ms. Ely served on the Champlain Valley OEO Head Start Policy Council. That interest in parent advocacy led to seats on the New England Regional Head Start Board and also on the Vermont State Head Start Parents Association. For the past 10 years, Ms. Ely has played a central role organizing the Vermont Early Childhood Conference. In addition to this work, Ms. Ely has been active in many roles

at the King Street Youth Center in Burlington. She currently organizes the Holiday Program at that Center.

She represents the needs and interests of the whole community, not just of children. Ms. Ely has also been a member of the Chittenden Emergency Food Shelf Advisory Board for the past 14 years. She is currently a low-income representative on the Champlain Valley OEO Board of Directors, and is at the present moment serving in her second term. She does all of these things as a dedicated, spirited advocate.

Bev Priest is another dedicated advocate for low-income people. A resident of Jay, Vermont for over 25 years, she served as a low-income representative on the Northeast Kingdom Community Action Board of Directors for 10 years. During that time, she regularly attended the Low-Income Association meetings, Physically Disabled Association meetings, and other meetings in the state capital of Montpelier: at all of them she unstintingly shared with everyone her knowledge of what she learned.

Bev Priest opened a food shelf and clothing center in the Jay Town Clerk's building and provided many holiday baskets to the local families. During the Christmas season she often played Santa at the low-income children's Christmas parties; she herself acquired many of the gifts that were distributed. She has been a consistent advocate for people in crisis; she has assisted in any way she could in helping people in crisis locate the resources they needed. Bev would many times call the NEKCA office stating, ''If I had transportation I would be on your desk right now.'' As one Vermonter in her community stated, ''Bev promoted the continual awareness of others of the struggles that low-income families face by 'pointing out the squeaks in the wheel'.''

Theresa Emmons has been involved with the Central Vermont Community Action Council for over 20 years. It is safe to say that without her influence, CVCAC would not have accomplished as much as it has. Theresa served on the Board of Directors as a representative of the town of Washington in Orange County. She also has the distinction of having the longest tenure on the CVCAC Board, which she has served in every possible way: as President, as Vice President, as Treasurer and as Secretary.

As if this weren't enough, she has also served on the Head Start Policy Council and has been a leader in the Vermont Head Start Parent's Association. She has been a long time volunteer for the USDA Commodity food distribution program and local food shelves; she was also involved in the conception and growth of the Vermont Food Bank. As far as Theresa is concerned, if people are in need they deserve to receive help. If there is a cause that will help someone in need, that cause deserves to be supported—and Theresa is always first in line to volunteer and to recruit others to volunteer.

Christina Crawford of Springfield, Vermont has been an outstanding example of persevering in the face of difficulties, and of triumphing over many of them.

It was seven years ago that Chris left an abusive relationship. She left with a broken foot, no transportation, four children and the clothes on her back. After three months of being homeless, she found a place to live. She studied for the GED and passed. She then began taking administrative classes at the local high school as well as taking on a part-time job at an agency where she was given the opportunity to use the skills she was learning, although the job at the agency was temporary.

At the age of 30 Chris took driving lessons and eventually got her driver's license and a vehicle for the first time in her life. She then went to the Employment & Training agency in search of part-time, entry level work in the clerical field. She was offered an opportunity to enroll in an on-the-job training program and was placed at Southeastern Vermont Community Action. Chris has worked at SEVCA for nearly four years now as receptionist.

Three years ago, one of Chris's children was diagnosed as having an autistic disorder. She has since spent much of her time researching her daughter's disability and working tirelessly to put the needed supports in place for her daughter to be able to attend school. Chris is now in the process of trying to form a local support group for parents of special needs children.

Chris currently represents SEVCA and the southeastern part of Vermont on the Vermont Low Income Advocacy Council. She attended her first meeting in September and looks forward to attending as many as she can to use the opportunity to speak out about the struggles she has overcome and the struggles she has yet to face. She hopes to inspire other low-income people to speak out and create change.

In spite of the heavy load Chris continues to carry, she hopes that one day she will be able to go to college and obtain a degree in Human Services.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. ROYBAL-ALLARD. Mr. Speaker, due to an event in my district, I was unable to be present for rollcall votes 563–565 on Monday, October 20, 2003. Had I been present, I would have voted ''yea'' on rollcall votes 563, 564, and 565.

HONORING THE SERVICE AND LEADERSHIP OF THOMAS N. KUHN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I wish to extend my respect and gratitude to Mr. Thomas N. Kuhn for 44 years of military and civilian service to his country.

Mr. Kuhn enlisted in the United States Army on July 22, 1959, and served on active duty for over 25 years, attaining the rank of Sergeant Major. While on active duty, he served overseas in Germany, Vietnam, Korea, and Italy, and in the United States at Fort Stewart, Georgia; Fort Monroe, Virginia; Fort Lee, Virginia; and Fort Sill, Oklahoma. Mr. Kuhn retired from active duty in October 1984.

Upon retiring, he was appointed Deputy Director of the Field Artillery Proponency Office at Fort Sill, Oklahoma, where he previously had served as Sergeant Major. In January 1986, Mr. Kuhn then joined the Department of the Army Personnel Command Task Force in Alexandria, Virginia. Next, he became Branch Chief of the Combat Service Support Branch of the Army Occupational Survey Division in the Soldier Support Center—National Capitol Region.

Mr. Kuhn continued civilian support for his country nearly 20 years, holding numerous leadership positions such as: Deputy Chief of Staff for Operation, U.S. Total Army Personnel Command; Deputy Director, Casualty and Memorial Affairs Operations Center; Adjutant General Directorate, U.S. Total Army Personnel Command; and Acting Director.

Throughout his distinguished career, Mr. Kuhn has been recognized with both military and civilian honors. For his military service, he was awarded the Legion of Merit, the Bronze Star Medal, the Meritorious Service Medal with Four Oak Leaf Clusters, the Army Commendation Medal with Three Oak Leaf Clusters, the Army Achievement Medal, and the Good Conduct Medal with Eight Awards. For his civilian service, he was awarded the Superior Civilian Service Award and the Commanders Award.

In closing, Mr. Speaker, I wish to honor Mr. Kuhn's exceptional dedication to his country. I ask that my colleagues join me in commending Mr. Kuhn on 44 years of military and civilian service to the United States.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. RAHALL. Mr. Chairman, when Mr. Bush told the American People he was against nation building, no one, including me, thought he was talking about America. Let me at the outset make clear my support for our valiant soldiers who are pursuing our enemies in Afghanistan, and who are securing the peace in Iraq. But the bill before us today, just as it ignites the Iraqi economy and keeps Iraqi kids out of more debt—it costs America's great great grandchildren more long term debt, while America herself crumbles.

Mr. Chairman, let us look at this bill's priorities and all of the unanswered questions it raises. There is plenty of money in here for Iraqi health care, but not one dime of the $1.8 billion American Veterans need for their health care, which the majorities in this Congress seem hell bent on ignoring. Why is that? The White House won't fund the No Child Left Behind education initiative, but we're supposed to pay Iraqi teachers' salaries. Why is that? President Bush says he needs more than $4 billion for water infrastructure when there are

people throughout rural America who lack public water service. Why is that? The President wants $856 million to upgrade three Iraqi airports, a seaport and rail lines, while Amtrak is starved for funds and our ports remain vulnerable to attack. Why is that? The White House has a paltry underfunded proposal for road-building at home but wants to spend millions building roads and bridges elsewhere. Why is that? The President wiped out the COPS program at home, and now he wants to pay more than $3 billion for Iraqi law enforcement. Why is that? The President is seeking $5.7 billion to rebuild and expand Iraq's electric grid just as millions of Americans are regaining power lost to Hurricane Isabel, and Congress is grappling with the causes of August's blackout in the Northeast. Why is that?

The President needed the coalfields of West Virginia last election, but today his priorities lie in the oilfields of Iraq. If we can help Iraq pump oil, we sure ought to help America burn coal.

To those who would suggest we should rebuild Iraq at a time when we cannot rebuild America, I say that doing so costs our economy, costs us tax revenues in lost production, and costs American workers jobs as our infrastructure crumbles. The surest way to not be able to help Iraq, if that is the President's goal, is to further hurt America. To shortchange America's infrastructure. Meanwhile, by failing to win the support and aid of the world community, the task of rebuilding Iraq became America's responsibility alone.

And, who pays for these government contracts in Iraq? They are being paid for, by the working men and women in West Virginia, and throughout our Nation. Is that fair? President Bush's friends are getting a double-dip giveaway. First, they get huge tax giveaways, putting more of the tax burden on middle and low-income families like many of my constituents in West Virginia. Is that fair? Then, the President's friends and campaign supporters, such as Halliburton and Bechtel, strike it rich with no-bid contracts. Is that fair? There are, according to the Washington Post, currently more contractors in Iraq than there are soldiers from any force of our allies. Is that fair?

And where, oh where, have all our allies gone? Can this Administration not swallow its pride, can it not make a more conciliatory effort to enlist the World in the rebuilding of Iraq? Mr. Chairman, if we have to pay $87 billion for Iraq, why don't we do the wise thing and roll back the colossal tax giveaway to America's richest 1%, those making over $337,000? If we defer that giveaway to those making over $337,000, we could pay for the entire $87 billion. We have far too many unavoidable needs right here at home.

Several weeks ago, the American Society of Civil Engineers (ASCE) identified real shortcomings on a nationwide basis. The ASCE report said we are failing to maintain even the substandard conditions of our transportation infrastructure. It described our national roads system as ''poor,'' and our national bridges and transit systems as ''mediocre.'' The ASCE report also identified needs in my home state of West Virginia regarding roads, bridges, water infrastructure, schools, and education.

Right in my own district of Southern West Virginia, I can point to pressing infrastructure needs: Greenbrier Valley Airport in Lewisburg is 35 years old, and in need of a new terminal. The upgrade is expected to cost $15 million. Where is the federal grant for Greenbrier Valley Airport? Greenbrier Valley Airport's parking apron, used, for housing aircrafts, also needs a $10 million upgrade. Due to lack of funding availability, this project has already been broken into six phases in the hope of completing it. But where are the federal grants for these phases?

In Raleigh County, just one of our wastewater projects is going to cost $6.8 million to serve 3,300 citizens in Glen White and Lester. This is a matter of public health, of bringing in new jobs, of fueling the economy. Where is the federal grant for that program? In Nicholas County, $7.3 million is needed for a water project to serve 562 customers who presently have no water service at all. Where is the federal grant for them? West Virginians are told by this President and this Congress that we can't afford federal grants!

Nationwide unemployment levels remain unsteady. We have 42 million uninsured Americans and rising health costs for those individuals who actually are insured. State budgets in disarray. Attempts to buy homeland security on the cheap while we incur record level deficits. Meanwhile, the Bush administration tells us that we can't afford to pay for all of our needs at home. Not when we're investing in other countries, rather than our own. Well, Mr. President, this land is your land, but you should know this land is also our land.

We have an economic stimulus package that we could pass right now to provide much needed jobs and get us out of this so-called ''jobless recovery,'' which is no recovery at all. I'm talking about reauthorizing the Transportation Equity Act of the 21st century, and fully funding it at the $375 billion that the Bush administration's Department of Transportation says is needed to maintain our economy. The Federal Highway Administration estimates that every billion dollars that we invest in our infrastructure provides 47,500 good-paying construction jobs. However, the Bush administration proposes that we spend almost $130 billion less over the next six years than what President Bush's own Department of Transportation identified as infrastructure problems.

Mr. Chairman, we're fighting two wars at the moment. Like most Americans, I supported our effort in Afghanistan, and I voted in favor of it. I still support it. But, President Bush lost interest in our enemy in Afghanistan because he had this other war that he wanted to fight in Iraq. Now, we're faced with a resurgent Taliban in Afghanistan along with a bill for Iraq. And, mark my words, this will not be the last time the administration comes calling for cash for Iraq. Estimates are that it will cost us more than $400 billion.

With that amount of money we could afford to provide seniors with a meaningful prescription drug benefit under Medicare. But, Mr. Speaker, we won't be able to afford it because of the lack of priorities. Not when priorities are to finance Mr. Bush's war, and his rich friends' profit-making ventures. As I said at the outset, Mr. Chairman, I have total support for our troops. It is my hope that in the following hours and days we can fix this bill. Fix its priorities, putting the American soldier first, and getting the American taxpayer some relief. But, when we have so many great needs here at home that are being ignored, we need to focus on needs at home first. Then let us see how we can best serve America abroad.

BRIGADIER GENERAL (AUS-RET.) JOHN H. McLAIN POST OFFICE

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. HARRIS. Mr. Speaker, I rise today to respectfully appeal to my colleagues for their support of H.R. 3068, which will designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida as the ''Brigadier General (AUS-Ret.) John H. McLain Post Office''.

Brigadier General John H. McLain, Army of the United States, Retired, was a soldier, teacher, father and friend. Born in Pittsburgh, Pennsylvania on January 21, 1919, he arrived in Sarasota, Florida in 1986.

General McLain's original enlistment in the Army's field artillery occurred in September 1940. He received his commission as a second lieutenant in this unit during December 1942. General McLain fought in the Second World War's European Theater, participating in the Battle of the Bulge and in the relief of Bastogne as a member of General George Pafton's Third Army. While he left active duty with the rank of captain in 1945, he volunteered for service in the Korean War as soon as that conflict began. General McLain served as a senior advisor to a Korean field artillery battalion until the 1953 armistice.

When he returned to the Reserves, General McLain became Chief of Staff of the Army Reserve Command (ARCOM) in Oakdale, Pennsylvania. He obtained his promotion to Brigadier General in 1972, while serving as Deputy Commander of ARCOM.

General McLain returned to active duty in 1974 with the Department of Defense Study Groups for Guard and Reserve. His induction into the Field Officer Candidate School Hall of Fame in 1976 capped a heavily decorated career that included the Legion of Merit, the Bronze Star medal, the European Theater of Operations Medal with three campaign stars, the World War 11 victory medal, the Korean Service Medal with three campaign stars, and the United Nations Service medal. In August 1977, General McLain retired after almost 37 years of active and reserve duty.

General McLain was also an accomplished scholar. He held a Bachelor of Arts and Master of Arts degrees from the University of Pittsburgh. He graduated from the U.S. Army Command and General Staff College, while he completed courses at the Army War College, National War College, Industrial College of the Armed Forces, as well as Yale, Michigan State, and Florida State Universities. He taught English grammar, composition, and literature at Admiral Farragut Academy (St. Petersburg, FL), St. Petersburg High School, Edgewood (PA) High School, Presbyterian Junior College, Florida State University, and the University of Pittsburgh, where he also taught the history of England.

General McLain was a member-in-perpetuity of The Military Order of the World Wars and as a member of The Sons of the American Revolution. He maintained a lifetime membership of the Reserve Officers Association, The Military Officers Association. In 1990, he served as President of the Military Officers Association of Sarasota. General McLain also received a listing in Who's Who in America.

Moreover, he received Booker High School's Senior Volunteer of the year award for the 1999–2000 school year.

Mr. Speaker, while we lost General McLain on September 23, 2003, his greatest legacy lives on in the outstanding family he left behind. Patricia Ann, his loving and devoted wife of 50 years, and his four children will continue to honor their father through their exemplary contributions to our world.

The dedication of this postal facility is the least that we can do to memorialize the extraordinary gift this gentleman and hero gave our nation in dedicating his entire life to protecting freedom, promoting education, and touching lives.

CONGRATULATIONS ON LAGRANGE NOON LION'S CLUB'S 75TH ANNIVERSARY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. PAUL. Mr. Speaker, I rise to recognize the LaGrange Noon Lion's Club on the occasion of their 75th anniversary. Since its founding, the LaGrange Noon Lion's Club has been a cornerstone of charitable service to its community. I am therefore pleased to submit this proclamation honoring the LaGrange Noon Lion's Club into the CONGRESSIONAL RECORD.

CONGRESSIONAL PROCLAMATION, LA GRANGE NOON LION'S CLUB 75TH ANNIVERSARY

Whereas, the LaGrange Noon Lion's Club serves the citizens of LaGrange, Fayette County, the great state of Texas and the United States of America, AND

Whereas, the La Grange Noon Lion's Club gives of their time freely for the betterment of mankind, having a membership of anonymous individual philanthropists, AND

Whereas, the International Association of Lion's Clubs all over the world offer charitable hope to the blind, provide services for youth, disabled and victims of disaster, of which the Noon Lion's Club is a subsidiary

Therefore, on behalf of the United States House of Representatives and the Constituents of District 14 in Texas, I, Representative Ron Paul, do hereby proclaim October 12–18, 2003 the 75th Anniversary Week of the La Grange Noon Lions Club.

FREEDOM FOR NELSON ALBERTO AGUIAR RAMÍREZ!

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I speak today about Nelson Alberto Aguiar Ramírez, a prisoner of conscience in totalitarian Cuba.

Employed as an electrician, literally turning the lights on, he was forced by Castro's tyrannical policies to pursue a different path. After years of incessant repression, Mr. Aguiar Ramírez decided to turn the lights on Castro's ruthless machinery of repression.

Mr. Aguiar Ramírez joined organizations that opposed Castro's dictatorship and supported basic human rights for the people of Cuba. Mr. Aguiar Ramírez is currently the President of the Cuban Orthodox Party, and a member of a more recent initiative, the Assembly to Promote Civil Society.

Mr. Speaker, Mr. Aguiar Ramírez chose to fight Castro's government even though he was acutely aware of the consequences of doing so. In December 1999, Mr. Aguiar Ramírez was detained by Castro's ruthless repressive apparatus in order to prevent him from commemorating the December 10th anniversary of the Universal Declaration of Human Rights. This document, enshrining the essential rights of all humans, is such a danger to Castro's repressive dictatorship that Castro prevented Mr. Aguiar Ramírez from commemorating the anniversary.

Mr. Speaker, it sadly came as no surprise to anyone who has watched the horrors that Castro inflicts on those who cry for freedom when Mr. Aguiar Ramírez was detained on March 20, 2003. He was subsequently sentenced to 13 years in Castro's inhumane dungeons.

Mr. Aguiar Ramírez is classified as a prisoner of conscience by Amnesty International. His wife, Dalia, is deeply concerned about his declining health and his constant malnourishment.

Mr. Speaker, Mr. Aguiar Ramírez must be released from Castro's gulag at once. My colleagues, we can not allow human beings such as Mr. Aguiar Ramírez, who rise up to claim their human rights from the clutches of tyrannical despots, to languish in the gulag for their beliefs. My colleagues, we must stand united and demand the immediate release of Nelson Alberto Aguiar Ramírez.

A SPECIAL TRIBUTE TO HAROLD A. MCMASTER FOR HIS IMMEASURABLE CONTRIBUTIONS TO NORTHWEST OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman from Northwest Ohio, Mr. Harold A. McMaster.

As a youth growing up in Northwest Ohio, Harold McMaster's hero was another northern Ohio product, Thomas Alva Edison. From an early age Harold understood the importance of setting goals and seeing them through.

Mr. Speaker, Harold McMaster was a unique individual who combined the foresight and analytical nature of the scientist with the acumen and ''street smarts'' of the successful businessman. The former helped him ''see'' how to do things, while the latter enabled him to commercialize his innovations.

A physicist, he held more than 100 patents dealing with glass tempering, solar energy and rotary engines. Harold McMaster was known in many circles as the father of glass tempering.

He graduated in 1938 from The Ohio State University with a Bachelor of Arts Degree in Mathematics and in 1939 with a Master of Science Degree in Nuclear Physics, Mathematics and Astronomy.

In 1940, he went to work as a research physicist for Toledo, Ohio's Libbey-Owens-Ford Glass Company, a producer of flat glass for windows and automobile windshields. He received one of his first patents in the early days of World War II for a periscope used by fighter pilots to see behind them during combat. McMaster Motor is the fourth enterprise to be built from the germ of an idea by McMaster and his associates. Other companies founded and nurtured by Harold McMaster include: Permaglass, Inc., Glasstech, Inc. and Solar Cells, Inc.

Harold McMaster received the prestigious Phoenix Award as the national glass industry's Man of the Year in 1993. In 1987, Harold McMaster was awarded an honorary doctorate degree from the University of Toledo.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Harold A. McMaster. Northwest Ohio was served well by Harold McMaster's innovation and business skill. The legacy of his genius will continue to benefit future generations in engineering and technology.

PERSONAL EXPLANATION

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mrs. NORTHUP. Mr. Speaker, on rollcall Nos. 563, 564, and 565, I was unavoidably absent, due to a delay in my flight. Had I been present, I would have voted ''aye.''

DESIGNATING A BUILDING AS THE JOHN LEWIS CIVIL RIGHTS INSTITUTE

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. SCOTT of Georgia. Mr. Speaker, I am pleased to speak on the House floor today regarding legislation that I am introducing along with Representative Denise Majette to name a building in Atlanta, Georgia as the ''John Lewis Civil Rights Institute.''

The Martin Luther King, Jr. National Historic Site (MLKNHS) has purchased an apartment house located two doors west of Dr. King's Birth Home. The plan is to restore the building and convert it into an educational center—including four classrooms and an auditorium. The MLKNHS currently conducts educational programs in a house on Auburn Avenue, which accommodates 20 students. This new center would allow for expanded offerings of these educational programs. I am proud to introduce legislation that will name this educational center after U.S. Representative John Lewis who has spent his life promoting civil and human rights across the world.

John Lewis was born the son of sharecroppers on February 21, 1940 outside of Troy, Alabama. He grew up on his family's farm and attended segregated public schools in Pike County, Alabama. He holds a Bachelor of Arts Degree in Religion and Philosophy from Fisk University; and he is a graduate of the American Baptist Theological Seminary in Nashville, Tennessee. He has also been awarded numerous honorary degrees from colleges and universities throughout the

United States, including Clark Atlanta University, Duke University, Howard University, Brandeis University, Columbia University, Fisk University, Morehouse College, Princeton University and Williams College. John Lewis is the recipient of numerous awards, including the prestigious Martin Luther King, Jr. Non-Violent Peace Prize and the NAACP Spingarn Medal. John Lewis is also the recipient of the John F. Kennedy ''Profile in Courage Award'' for lifetime achievement and the National Education Association Martin Luther King Jr. Memorial Award.

As a student, John Lewis organized sit-in demonstrations at segregated lunch counters in Nashville, Tennessee. In 1961, John Lewis volunteered to participate in the Freedom Rides, which were organized to challenge segregation at interstate bus terminals across the South. Lewis risked his life and was beaten severely by mobs for participating in the Rides. During the height of the Civil Rights Movement, from 1963 to 1966, Lewis was the Chairman of the Student Nonviolent Coordinating Committee (SNCC), which he helped form. SNCC was largely responsible for the sit-ins and other activities of students in the struggle for civil rights. Lewis, at the age of 23, was one of the planners and a keynote speaker at the historic ''March on Washington'' in August 1963. In 1964, John Lewis coordinated SNCC efforts to organize voters' registration drives and community action programs during the ''Mississippi Freedom Summer.'' The following year, Lewis led one of the most dramatic nonviolent protests of the Movement. Along with fellow activist, Hosea Williams, John Lewis led over 600 marchers across the Edmund Pettus Bridge in Selma, Alabama on March 7, 1965. Alabama state troopers attacked the marchers in a confrontation that became known as ''Bloody Sunday.'' That fateful march and a subsequent march between Selma and Montgomery, Alabama led to the Voting Rights Act of 1965.

This is an appropriate tribute to a man who has dedicated his life to promoting human rights and I encourage my colleagues to support this legislation. Thank you.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 16, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. TIERNEY. Mr. Chairman, today we are debating this Administration's request for an $87 billion bailout occasioned by its failed planning—or lack of planning for post-war Iraq. We are asked to pass this $87 billion despite the fact that the Bush Administration has not articulated a coherent and workable underlying strategy to accomplish our mission and bring our troops home safely and soon. It is either unwilling or incapable of doing so.

The only way Congress can ensure for the American people that such a strategy exists and that it has a reasonable chance of success if by using its power of the purse. We are dealing with an Administration that already has a nearly $400 billion Department of Defense budget and that has already received one supplemental appropriation for some $63 billion. Yet it fails to explain how or why our forces had tens of thousands of men and women without the proper Kevlar breast plates, Humvees without proper armor, and rancid water for 80 percent of the troops, or how those conditions continued, even after they knew in June that people were dying and being injured.

In addition, the Administration, in its zeal to get all the money now so it will not have to come back in 2004's election year to report to the American people, insinuates that a vote against this bailout is a vote against our troops and a vote to ''cut and run.'' Nothing could be further from the truth. The Administration's own figures show that this is just another dissembling of the facts. According to the nonpartisan Congressional Research Service, the Pentagon can stay in Iraq another 6 months without an additional penny in funds. But we have been prevented from seeking accountability from this administration as it asserts a need for ''emergency funds.''

Mr. Chairman, this Congress has a moral and practical responsibility to modify and condition these funds, and it is time to reject this ''rubber-stamped blank check'' and insist on the alternative that the Democrats want to put forward, but the majority and the administration have prohibited it from seeing the light of day.

We must work to re-align the funds for necessary equipment and quality of life matters that the Administration failed to do; reform the Contract provisions to eliminate cronyism concerns-like no-bid, cost plus Halliburton deals; eliminate outrageous and unnecessary projects and over spending that comes at the expense of domestic needs; consider other funding options to lessen and leverage U.S. investments, entice foreign cooperation and have it share some costs through its oil reserves. We should do all this-and foremost, we should only approve this bailout if the Administration presents a coherent and workable underlying strategy to accomplish our mission and bring our troops home safely and soon.

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. HOEFFEL. Mr. Speaker, I was absent for votes on Monday, October 20, 2003, due to a scheduling conflict in my district. Had I been present, I would have cast my votes as follows:

Rollcall No. 563 (H. Res. 356): ''aye''; rollcall No. 564 (H. Res. 400): ''aye''; rollcall No. 565 (H.R. 3288): ''aye.''

THE PUBLIC SAFETY INTEROPERABILITY IMPLEMENTATION ACT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. STUPAK. Mr. Speaker, public safety agencies all across our nation are charged with ensuring the security of our critical infrastructures and the safety of our citizens and their communities. September 11 served to highlight how critical it is that our public safety agencies have the funding, spectrum, and equipment that they need to communicate with each other if they are to fulfill their mission.

The Federal Government has called upon our states and localities to be ever more vigilant and prepared against possible acts of terrorism.

Yet, as hearings in Congress and numerous reports have shown, our public safety agencies continue to lack the ability to communicate with each other interagency and interjurisdictionally. Firefighters cannot talk to police, local police cannot talk to state police, and so on and so on.

We expect our public safety agencies to act with haste and urgency to meet all of our needs and homeland security goals. Therefore, we must provide them with the tools they need to assist us. It is critical to fund radio equipment and technology so that they can talk to each other and be effective responders.

It is for this reason, that along with my colleagues VITO FOSSELLA and ELIOT ENGEL, I am introducing today the Public Safety Interoperability Implementation Act to address this urgent need.

Our bill looks at both the short term and long term funding needs that face our public safety agencies. We set up a Public Safety Communications Trust Fund in the U.S. Treasury, to be administered by the National Telecommunications and Information Administration (NTIA). While the program will be administered with collaboration with the Department of Homeland Security, we believe NTIA should take the lead.

The Department of Homeland Security has shown itself to be still sluggish in responding to the needs of our nation. We cannot afford to waste more time, money, or red tape. NTIA, an agency well familiar with telecommunications and information technology issues, will be better able to address the communications problems that exist and expeditiously move our nation's public safety agencies into state-of-the-art communications.

In the short term, the Public Safety Communications Trust Fund it will be funded by a 3-year grant program funded through the traditional appropriations cycle, authorizing up to $500 million a year, so that grants may be provided to implement interoperability.

In the long run, the funding for the trust fund will come from the sales of spectrum conducted by the Federal Communications Commission. Our bill dedicates 50 percent of net revenue from future spectrum auctions to the trust fund.

Grants will be allocated to eligible entities to achieve interoperability, with multiyear grants available to ensure that agencies can develop long term plans without having to worry about funding from one year to the next. Preference will be given to those applicants that present

regional or multijurisdiction plans, to encourage true across the board interoperability.

Our Nation's public safety agencies' communications should not be at the mercy of Congress' funding whims. This issue is too important to require public safety agencies, year after year, to wonder what the annual funding might be. By dedicating funds from the sale of spectrum, we will ensure that funding will be set aside, no matter what happens in the annual appropriations process.

I look forward to working with my fellow members of the Energy and Commerce Committee, Chairman TAUZIN and Ranking Member DINGELL in moving this legislation so that we can help our Nation's public safety agencies perform their important missions.

MAYOR KAY ANN E. ADAIR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the citizens of Davison, MI, to recognize an outstanding leader in the community. On November 10, 2003, the council members of Davison will honor Mayor Kay Ann E. Adair for 18 years of dedicated service to the people of Davison.

Kay Ann E. Adair was born in my hometown of Flint, MI, on October 16, 1943. She graduated from Swartz Creek high school. Her political career began in 1985, when she became the first female to serve on the Davison City council. During that time she also became a member of the Davison Planning Commission, where she served until 1987, and then subsequently became an active member on the Senior Citizens Authority as chairwoman. In 1993, Kay Ann E. Adair made her mark in history, she became the first elected female mayor of Davison, she has maintained the post every since. During her tenure she has sustained membership on several boards, including the Genesee County Growth Alliance. In 1999 she had the honor of chairing the Small Cities and Villages gathering. Mayor Adair can also be credited with founding the Davison Beautification Committee. As mayor, she has become a beacon of hope for Davison. Her exceptional enthusiasm, strength and leadership skills have helped to make this city a better place. Mayor Adair is a tremendously respected individual. She is always willing to lend a helping hand or advice whenever needed. Her love for the community shows through her countless efforts. Upon retiring Mayor Adair will continue to work with the community, but as a spiritual leader. She is the Lay Pastor for the Mundy Church, located in Mundy Township.

Aside from being an outstanding leader and role model, Mayor Adair is also a devoted wife to her husband, Gary and a supportive mother to her daughter Sarah.

Mr. Speaker, as a Member of Congress, I ask my colleagues in the 108th Congress to please join me in congratulating Mayor Adair for service well done. Mayor Adair has been a positive influence on the city of Davison for the past 18 years. She has served her community with zeal and compassion. I wish her all the best as she begins this new phase of her life.

50TH ANNIVERSARY OF TEMPLE EMANUEL OF GREAT NECK

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ACKERMAN. Mr. Speaker, I rise to call the attention of the House to a wonderful event that will occur this Friday, October 24, in my district: the 50th anniversary and rededication of Temple Emanuel of Great Neck. This synagogue, since its founding, has been a vital force in my community, instilling hope, providing opportunities for prayer, education and fellowship, and acting as a vigorous agent of tzedaka, of righteousness, charity and social action.

Since 1969, this energetic congregation has been led by Dr. Robert Widom, an exemplary rabbi, a community icon, a wise, decent and kind man, and, I'm proud to say, my close friend and counselor. Under his leadership, Temple Emanuel has grown, thrived and fulfilled its mission of providing a home to a dynamic liberal Judaism that promises and delivers both continuity and change.

Mr. Speaker, this wonderful anniversary recalls the divine promise of redemption made by Isaiah who foresaw the restoration of the Beit HaMikdash, the holy temple in Jerusalem: ''Behold I will set down gems as your flooring stones and lay your foundation with sapphires. I will set your window frames with ruby and make your gates of carbuncle stones and your entire boundary of precious stones. All your children will be students of the Lord, and your children's peace will be abundant.''

This joyous 50th anniversary of Temple Emanuel will celebrate and amplify the echoes of the profound spirit of the Great Temple. This anniversary will rightfully celebrate the creation, half a century ago, of a place for Jews to join together to commune with God, to ask for atonement and to celebrate the holidays and mitzvot established in the Torah. For a generation, Temple Emanuel has been the place for hundreds of Jewish families to celebrate simchas, births, b'nei mitzvot, and weddings; the life events which connect individuals and families to our community and to their faith.

The structure of this synagogue is not mere mortar or brick; it is not wood, stone or steel. This house of prayer, this home for a community, is founded on centuries of faith and tradition, it is built up with love and dedication, and its roof is an abiding faith in the promise made to King Solomon so long ago. Even as this congregation has matured, this structure of spirit has not aged.

Those of us who know this congregation, who know the people who, for 50 years have made it hum with activity and life and spirit, we know it's not just a temple, it's not just a synagogue: It's a shul, a spiritual home, a place that reflects the highest aspirations of an ancient people living proud and free in this great Nation.

Mr. Speaker, in the Jewish tradition, when a book of study is completed, traditionally we celebrate the success by offering encouragement to immediately return to the work ahead. This anniversary, this celebration of 50 years of sustaining Jewish life in a profound and modem way, is a real and deeply satisfying achievement. But it is an anniversary which only promises greater things.

Mr. Speaker, the words we say are ''Chazak! Chazak! v'nitchazayk!'' Be strong! Be strong! And may you be strengthened! Mr. Speaker, I ask all of the Members of the House to stand and join me in offering Temple Emanuel a hearty yasher koach, and best wishes for the next 50 years.

HONORING LUIS A. FERRÉ

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ACEVEDO-VILÁ. Mr. Speaker, I rise today to bring to your attention a great loss suffered by the people of Puerto Rico today. This morning the radios announced the passing of a great man, former Governor Luis A. Ferré. The people of Puerto Rico mourn this loss and celebrate his life. The former Governor embodied the finest Puerto Rico has to offer and he served Puerto Rico well. He was a true man of principles. With his death, Puerto Rico says good-bye to one of the latest Puerto Ricans of a generation that overcame great challenges to convert Puerto Rico to a prosperous, modem and developed Island.

Ferré governed from 1968 to 1972, an era of great economic development for the island. He was a very popular leader. One of his great contributions to the modem Puerto Rico was the creation of the Environmental Quality board, the Departments of Natural Resources and Housing, and the Tourism Company. He also created the Youth Affairs Office. He was a true visionary.

As a politician, musician, successful businessman and philanthropist, he demonstrated the characteristics of a great Puerto Rican. Unfortunately, he has left the Earth today, but I know he has a privileged place in the hearts of all Puerto Ricans and in Heaven. My thoughts and prayers and those of my family are with his wife, Tiody Ferré and his family. May God carry you in the trying time.

CALIFORNIA MISSIONS PRESERVATION ACT

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 20, 2003

Mr. SCHIFF. Mr. Speaker, I rise today in support of H.R. 1446, a bill that would allocate badly needed funds to the restoration of California's missions. California's 21 missions are an integral part of California's historical landscape and their preservation for future generations is imperative. They serve as a window into the settlement of the American West and are key aspects of California's history, education, and tourism.

Drawing over 5.5 million tourists a year, the California Missions are the most visited historic attractions in the state. They account for a sizable contribution to the state economy from millions of tourists, including a large number of international visitors.

The missions also play an essential role in educating fourth-grade school children under the statewide history curricula. California missions serve an important educational function

in teaching young students about the role of the missions in the history of our nation.

Contrary to widespread belief, 19 of California's 21 missions are not funded by any governmental agency and instead rely on charitable donations to keep their doors open. They are in serious need of repair, restoration, and preservation for future generations.

Until recent efforts by the California Missions Foundation, little had been done to preserve the mission's structures and art. Because of this long-term neglect, many of the missions are now in dire need of structural attention and major rehabilitation.

The legislation would provide $10 million for the restoration effort in a Department of the Interior grants program to be administered over five years. By authorizing the Secretary of the Interior to make matching grants to the California Missions Foundation, we are preserving the missions while keeping in mind the current state of the budget.

This act enjoys nearly unanimous, bipartisan support among California's congressional delegation. It will support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California. I urge all my colleagues to ensure that the missions remain intact, as unshakable symbols of our nation's early discovery.

IN RECOGNITION OF B.E. MCKINNEY ON THE OCCASION OF HIS 32ND ANNIVERSARY AS PASTOR OF GREATER EBENEZER MISSIONARY BAPTIST CHURCH, TALLADEGA, AL

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. ROGERS. Mr. Speaker, I rise today to pay tribute to Pastor B.E. McKinney on the occasion of his 32nd anniversary as Pastor of Greater Ebenezer Missionary Baptist Church, in Talladega, Alabama.

Pastor McKinney has led Greater Ebenezer Missionary Baptist Church since 1971 and has nurtured it into a caring, compassionate and charitable church home. Under his leadership, the church has produced many successful, mindful, God-fearing, community-oriented citizens. Pastor McKinney, through his generosity, leadership, guidance, mentoring and example has shaped the lives of a number of young people. For example, a church organization formed under his ministry, called the ''Crusaders'' has sponsored after-school activities, guidance, leadership and mentoring for young boys who come from socio-economically challenged, single-parent households.

Mr. Speaker, it is often said that the measure of a man's worth is the impact he has on others. In this measure, Pastor McKinney stands tall. I congratulate him and his devoted wife, Alma, for their faithful and dedicated service to their church and community.

HONORING THE RETIREMENT OF F/LT. JOSEPH P. ZANGARO, MICHIGAN STATE POLICE BRIDGMAN POST

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to F/Lt. Joseph P. Zangaro, who is approaching the end of a long and distinguished career in law enforcement. The Battle Creek native began his law enforcement career in 1976 with the Calhoun County Sheriff Department in Marshall, MI as a road patrol deputy. After a brief stint with the Battle Creek Township Police Department, Zangaro entered the 94th Michigan State Police Recruit School. He has served the residents of southwest Michigan with great distinction ever since.

F/Lt. Zangaro's contributions to our community over the last 27 years have been tremendous. From post to post, he consistently received accolades and recognition along the way including. Among the highlights of his storied career include being named Benton Harbor Exchange Club Trooper of the Year in 1985 and in 1994 Zangaro earned a ''Professional Excellence'' award for his part in an armed robbery investigation.

He has been successful keeping drugs away from our children and keeping drunk drivers off the road. Just this year he was on the ground, restoring the peace after the uprising in Benton Harbor.

From overseeing one of biggest undercover drug operations in SWET history dismantling the Rainbow Farms drug operation in Cass County or keeping drunk drivers off the streets, F/Lt. Joseph P. Zangaro contributions to our community have been many, and we are all better off from his service.

Our community is in debt to F/Lt. Joseph P. Zangaro for his 27 years in law enforcement, 25 of which were with the Michigan State Police. I wish him and his family all the best in retirement. He will truly be missed by the folks in southwest Michigan.

TRIBUTE TO FATHER JOHN LEONARD O'SHEA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 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 an outstanding citizen from Colorado. Father John Leonard O'Shea of Denver, Colorado recently passed away at the age of sixty-nine. John faithfully served his community throughout his life, first as a member of the Denver Police Department and later as a Catholic Priest. For his years of service and dedication, I am honored to pay tribute to the life and memory of Father O'Shea here today.

John joined the Denver Police Department in 1961 and served in many different positions including patrol, training, property crimes, and traffic investigations. While on the force, John developed a method to streamline the processing of drunk drivers. John retired as Deputy Police Chief in 1987 and, after earning his Ph.D. in Psychology, began studying for the priesthood at Boston Seminary. John was ordained at the Cathedral of the Immaculate Conception in Denver in June of this year and was named the Senior Vicar at the Cathedral.

Mr. Speaker, Father John O'Shea loved to serve his fellow Coloradans, and people were drawn to him because of his positive outlook and quiet dedication. John touched many throughout his life, and the Denver community has benefited greatly from his involvement. As his family and community mourn his loss, I am honored to join with my colleagues today in paying tribute to the life and memory of Father John Leonard O'Shea.

IN MEMORY OF EDDIE JAMES GIBSON

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BISHOP of Georgia. Mr. Speaker, I was deeply saddened when I learned of the passing on October 12, of Eddie James Gibson, 57, of Edison, Georgia, one of the most highly committed, courageous and inspiring citizens I have ever known.

The son of sharecroppers, Mr. Gibson was horrifically injured at the age of 15 when the tractor he was operating overturned on the land farmed by his family. He spent years in hospitals, undergoing countless operations and receiving intense therapy. His life was saved, but he was left permanently paralyzed.

After he was finally able to return home to Calhoun County, he quickly demonstrated that he had no intention of giving up and sinking into despair. Even though severely handicapped, he decided to do something about the poverty and injustices that he saw around him. He became involved in the civil rights movement, organizing efforts to increase voter participation and bring down the racial barriers that then existed. Even though wheelchair bound, he never hesitated to put himself on the movement's front lines.

Later, he became president of the Calhoun County NAACP, a member of the Edison City Council, and a member of the Calhoun County School Board. He was active in voter registration, and was incredibly effective in motivating people to exercise their rights as citizens. Although a member of the Enon Missionary Baptist Church, he helped a number of churches in the area with their fund raising and enhancement programs. He was always involved in civic and charitable activities.

Many people came to him with problems. Armed with a telephone, he was effective in getting many of them resolved. We worked with him on many cases, and found it to be a highly productive relationship. I visited with him often, and was always uplifted by his good humor and positive outlook that he invariably reflected in spite of any pain and discomfort he may have been feeling.

With sharp intelligence and strength of character, he overcame all of the adversities of a hardscrabble upbringing, of the discrimination he encountered, of the lifelong injuries he sustained as a teenager—rising to become one of the most prominent citizens in Calhoun County's history as he worked tirelessly to raise the

quality of life for people throughout his community and area.

If we're looking for true American heroes, I submit the name of Eddie James Gibson of Calhoun County. He meets all of the qualifications.

HONORING STEVE BELCHER ON HIS RETIREMENT AS THE CHIEF OF POLICE FOR SANTA CRUZ, CA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to honor Steve Belcher, retiring Chief of Police for the city of Santa Cruz. Serving for more than 32 years in the Santa Cruz Police Department, Chief Belcher will surely be missed by both his co-workers and the residents of Santa Cruz. His unyielding commitment to public service has, for the past three decades, won him the respect and admiration of the community as a whole.

A graduate of Santa Cruz High School, Steve has lived in Santa Cruz for almost all of his life. In front of his proud wife, Sisi, and two daughters, Erin and Amy, Steve will retire on November 5, 2003. After 32½ years of service, Steve, with his characteristic humility, will boast a lengthy list of accomplishments and achievements.

Chief Belcher was sworn in as Police Patrol Officer on May 26, 1971, and has been a steadfast leader in the department ever since. His poise and leadership have enabled him to rise up the ranks of the Santa Cruz Police Department, culminating in his appointment to the position as Chief of Police on September 30, 1994. Holding the positions of Sergeant, Lieutenant and Deputy Chief of Police, Steve has excelled in every facet of his job. His entire career, from police patrol officer to his current position as Chief of Police, has been with the Santa Cruz Police Department. Over the years, Steve has achieved an extremely long list of accolades and accomplishments, many of which will leave an indelible footprint on the entire community. Chief Belcher has improved training, staffing and community policing policies, and has overseen a steady decline in the overall crime rate.

Focusing on the problems facing the Beach Flats area of Santa Cruz, Chief Belcher has promoted a strong spirit of community development and civic participation. Steve has received an overwhelming amount of praise for this work, and humbly takes credit for helping the department create a Spanish Citizens Police Academy.

I am proud to call Steve a friend. A colleague in the realm of public service, Steve possesses the qualities that personify good police work. I would like to wish him well in his retirement, and thank him for the outstanding—above and beyond the call of duty—service that he has provided our community for the past three decades.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mrs. MALONEY. Mr. Chairman, I rise to address this proposed $87 billion appropriation for the reconstruction of Iraq and Afghanistan.

I have been gravely concerned over the problems surrounding the reconstruction, over the poor planning for the postwar period and our inability to work productively with the international community to rebuild Iraq. The supplemental appropriation before us raises many difficult questions.

With great reluctance, I will support this funding. I believe it will both support our soldiers and help increase their safety. Sixty-five billion dollars will directly aid our troops; I feel that the additional $18.6 billion in reconstruction aid will make them safer and get them home sooner.

While I am going to support this funding request it should not be interpreted that I am supporting all of the policies and actions to date in the war effort.

We need to do more.

We need to get more countries involved to help with the security.

We need to make the reconstruction effort more cost-effective. We need to follow the model set by Major General David Petraeus, whom I met with in Iraq. Advised by American engineers that rebuilding a cement factory to American standards would cost $15 million, General Petraeus took the initiative to identify Iraqi contractors, who were able to bring the factory back on line for a mere $80,000.

That example and others like it inspired me to introduce an amendment to increase competitive bidding in Iraq and to encourage the use of Iraqi contractors and subcontractors. I regret that this amendment was not accepted and urge the administration to embrace a more open bidding process in the reconstruction of Iraq and to avoid the use of sole-source contracts.

We need to be doing more to bring human rights to Iraq and Afghanistan. One measure of the success of our efforts will be the degree to which women are integrated into the political, economic, and educational life of these nations. I will offer amendments to ensure that women are fully included in the process of drafting Iraq's new constitution and to devote $65 million from a previous authorization to programs for Afghan women, amendments which I hope this body will support.

Hundreds of my neighbors and constituents lost their lives at the hands of terrorists, some of whom were trained in Afghanistan. Twenty-five firehouses in my district lost men trying to save others whose lives were imperiled by those terrorists. I remember all too vividly the awful consequences of our failure in Afghanistan.

History teaches us that, when America turned its industrial and economic might toward the cause of helping others around the world who sought to rebuild after bitter conflicts—for the reconstruction of a Europe ravaged by World War I; for the creation of democracies in Germany, Japan and Italy after the devastation of World War II; and for the political and economic rebirth of Central Europe after the Cold War—we truly succeeded in making our mark as the greatest nation on earth.

Before us stands that opportunity once again. But we need to do a better job of winning the peace then we have been doing. We must work more productively with the international community to secure Iraq's transition to a stable democracy.

I will support this budget request but with the understanding that we need to do better.

Let us remember the past. Let us not repeat its failures.

We do not have a choice to leave or to fail in Iraq. We must succeed.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BECERRA. Mr. Speaker, on Monday, October 20, 2003, I was unable to cast my floor vote on rollcall Nos. 563, 564, and 565. The votes I missed include rollcall vote No. 563 on the Motion to Suspend the Rules and Agree to H. Res. 356, Expressing the Sense of the House Regarding the Man-Made Famine in the Ukraine; rollcall vote No. 564 on the Motion to Suspend the Rules and Agree, as Amended to H. Res. 400, Honoring the 25th Anniversary of Pope John Paul; and rollcall vote No. 565, on the Motion to Suspend the Rules and Pass H.R. 3288, Making Technical Corrections to Amend Title XXI of the Social Security Act.

Had I been present for the votes, I would have voted ''aye'' on rollcall vote Nos. 563, 564, and 565.

TRIBUTE TO GLEN YOUNGER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this Nation today to pay tribute to an exceptional athlete from my district. Glen Younger of Grand Junction, Colorado made a name for himself as a young man with skill and prowess as a wrestler and today passes on this athletic tradition by running a rodeo school. For his work and dedication, Glen's alma mater, Western State College, is honoring him by inducting him into the Community First National Bank and Insurance Mountaineer Sports Hall of Fame. Glen has accomplished much in his life, and I am honored to share his story here today.

Glen began wrestling as a high school student in Grand Junction, continuing to compete

in the sport when he went to college at Western State College in Gunnison. Glen had great success while at Western State, including an NCAA championship, two Rocky Mountain Athletic Conference Championships, and a Mountain Intercollegiate Wrestling Association Title. After graduating from Western State, Glen joined the military and continued his winning tradition by winning several more awards, including the 1968 Interservice Freestyle Championship and the second place award in the 1969 Interservice Greco Roman Competition. Today, Glen has retired from wrestling but remains active in sports by running a rodeo school that teaches bull riding and bareback riding.

Mr. Speaker, Glen Younger is a talented athlete and a valued member of the Grand Junction community. As he prepares for induction into the Western State College Hall of Fame, I am honored to join with my colleagues in congratulating Glen Younger here today. Thank you for your service to the community, Glen. I wish you all the best in your future endeavors.

CONGRATULATIONS TO THE LA MIRADA GIRL'S ALL STARS

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on August 3, 2003, the La Mirada Girl All Stars won the Girls 16-Under ''Class B'' Fast Pitch West Finals by defeating the Bullets from Idaho 7–2 for the title of 2003 Amateur Softball Association National Champions.

The La Mirada Girl All Stars, also the California state champions, in their respective age bracket, started the four-term Western Pool Playoff with a 7–2 win over Blue Thunder from Florissant, Missouri and a 9–2 victory over the Waverly Heat from Lincoln, Nebraska.

Founded in 1933, the Amateur Softball Association is a nationwide, volunteer driven, non-profit organization that has evolved in the largest softball organization in the country. The Amateur Softball Association has grown from a few hundred teams to over 250,000 teams, representing a membership of more than four million athletes. The goal of the Amateur Softball Association's youth program is to help aspiring young softball athletes learn a sport they can enjoy for a lifetime in a positive, safe and supportive environment.

The Amateur Softball Association National Championships begin at the local level with league championships, state championships and eventually culminates with national qualifiers from around the country.

The La Mirada Girl All-Star Team was made up of players from eight teams from La Mirada's 16-under division, who played a three-week season prior to their selection.

The La Mirada Girl All-Star roster included: Andrea Belluz, Amanda Fernandez, Nikki Johansen, Tiffany Johnson, Keena Levert, Jaimee Montanez, Nicole Morales, Sara Randall, Jayme Smith and Meghan Thorpe with coaches Steve Randall and Randy Tyler, and manager Laurie Montanez.

La Mirada fought its way to the National Championship by defeating teams from Overland Park, Kansas; Kirksville, Missouri; Coachella, California; Omaha, Nebraska; Augusta, Kansas; and Parma, Idaho. La Mirada outscored its competition 60–11 and went undefeated at 7–0, during the course of the tournament.

La Mirada won the championship tournament with brilliant pitching, an explosive offense and an unmatched defense. The National Champion La Mirada Girl All-Star Team will be celebrated by the players, coaches and family members not only for the games played, but also for their shared memories of their time together.

RECOGNIZING THE HOMENETMEN ARARAT CHAPTER'S 25TH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Glendale/Ararat Chapter of Homenetmen. Homenetmen is an organization that provides Armenian communities around the world with moral, physical, and social education. In the 25 years since its inception, the Glendale Chapter of Homenetmen has grown from a seven member volunteer group to a thriving community organization with over 1800 members. The Ararat Chapter is now the largest in the United States, and conservatively estimates that it has provided services to nearly 10,000 adults, children and seniors since 1978.

For the last quarter century, the Ararat Chapter has been a guiding light for the growth and success of Glendale's Armenian community, and the community as a whole. Ararat's efforts to form lasting bonds with community and government organizations, regardless of race or religious affiliation, have made a lasting positive impact on the community. They provide numerous supervised weekend and after school programs that afford a healthy and safe environment for children and young adults. The Ararat Chapter's volunteers also play a vital role in contributing to drug awareness education throughout the community. The Homenetmen-sponsored 5K/10K run/walk attracts over 1,000 participants annually, and includes pre-and-post race events tailored to drug and alcohol awareness. The Ararat Chapter also works closely with local hospitals, churches, and local governments on a variety of beneficial community events such as graffiti clean-ups, scouting events, holiday luncheons with the Salvation Army, and blood drives with the Red Cross.

Ararat volunteers blanket our community with goodwill and friendly hands. Schools, children, hospitals, and many other groups are buoyed by the charity of this outstanding community organization. They are a tribute to their Armenian heritage, and a jewel of their home city of Glendale. It is with great pleasure that I congratulate the Homenetmen Ararat Chapter for their 25 years of dedicated service to the Glendale community.

CONGRATULATING THE UNIVERSITY OF CALIFORNIA SANTA CRUZ'S LONG MARINE LAB ON CELEBRATING ITS 25TH ANNIVERSARY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to congratulate the University of California, Santa Cruz's Long Marine Lab on celebrating its twenty-fifth anniversary on October 25th, 2003. The Joseph M. Long Marine Laboratory is a research and education facility of Institute of Marine Sciences and is known throughout the world for innovative research on marine mammals, marine ecology, and issues relating to ocean health. The Long Marine Lab has grown from a few marine scientists into a research institute with more than 170 scientists and research associates, 130 graduate students, and $12 million in annual research funds.

With its collaborative interdisciplinary approach to programs and facilities, Long Marine Laboratory enables students from the University of California, Santa Cruz to engage in hands-on research, and to have the opportunity to work with professionals in their field of study. The site is also home to the California Department of Fish and Game Marine Wildlife Center, the National Marine Fisheries Service's Southwest Science Center, and plans are underway to bring coastal and marine scientists from the United States Geological Survey.

The Seymour Marine Discovery Center houses the lab's public education and visitor programs and brings marine research to life for 50,000 schoolchildren and other public visitors every year. Programs such as this are vital to teaching children about conservation and the marine environment, and ensuring that they will continue the struggle to save and preserve our oceans.

The President of the University of California has chosen this day to name one of the original Long Marine Laboratory buildings the William T. Doyle Research Building in honor of Bill Doyle, founding director of the Institute of Marine Sciences, for his great vision, wisdom, and persistence in the establishment and early development of the Long Marine Laboratory.

Mr. Speaker, I am proud to honor Bill Doyle's memory and the dedicated work of the many staff and researchers at the University of California, Santa Cruz's Long Marine Laboratory. Through their commitment to marine research they are able to offer new solutions and approaches to conservation and preservation of our oceans. The lab's twenty-fifth anniversary is a tribute to the role it plays in our community, and I wish the Long Marine Laboratory the best successes for the future.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mrs. MALONEY. Mr. Speaker, on October 15, 2003, I missed rollcall vote number 543.

Rollcall vote 543 was on the motion to suspend the rules and agree to as amended H.R. 1848, the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003.

As I am a cosponsor of this important legislation and had I been present I would have voted ''yea'' on rollcall vote 543.

TRIBUTE TO PHYLLIS LUDWIG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding civil servant from my district. After almost three decades of service, Phyllis Ludwig of Bayfield, Colorado recently announced her retirement from the Bayfield Post Office. As she prepares to begin a new phase in her life, I am honored to pay tribute to Phyllis and her many accomplishments.

Phyllis has been with the Bayfield Post Office for nearly twenty-eight years. She began as a part time flexible worker, steadily working her way up the ranks. In 1983, Phyllis was appointed Postmaster. To her credit, in the twenty years that she has served as Postmaster, not a single grievance has been filed against her.

While Phyllis may be retiring from her professional life, she plans to remain active in the community. Phyllis will remain President of the Upper Pine River Fire Department Auxiliary and will continue to organize Operation Merry Christmas, a program to assist underprivileged children and families.

Mr. Speaker, Phyllis Ludwig is an active member of her community and dedicated civil servant. She has devoted nearly twenty-eight years to serving her friends and neighbors, and I am honored to join with my colleagues in recognition of her service today. Thank you, Phyllis, for your tireless work. I wish you all the best in retirement.

HONORING JAMES H. ''JIMMY'' RAINWATER

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BISHOP of Georgia. Mr. Speaker, if there has been a more dynamic or visionary leader in public service anywhere in the United States in recent years than James H. ''Jimmy'' Rainwater, who served as Mayor of Valdosta, Georgia for 16 years until his death from a heart attack on Sunday, October 12, I don't know who it would be. In the words of the Valdosta Daily Times, he was ''Valdosta's voice, the city's representative, its administrator, ambassador, negotiator, cheerleader and leader.''

Mayor Rainwater seemed to be everywhere at once. If there was a groundbreaking or ribbon cutting, he was there as a booster. If there was a new business or grant to secure, he was always in the thick of it. If a disaster struck, he was there to help and comfort those who suffered. As his city experienced an extraordinary acceleration of growth and development, he was there, leading the way.

Valdosta emerged under his leadership as an officially designated metropolitan community. He played a leading role in the successful effort to save Moody Air Force Base, the community's largest employer, when the base was threatened with closure. He promoted tourism, which generates $175 million annually for the Valdosta area thanks to such developments as the Wild Adventures Theme Park, the Valdosta-Lowndes County Conference Center, the new Valdosta Regional Airport, the new industrial park, and many new hotels and restaurants. His support helped Valdosta State College become Valdosta State University. He pushed hard to strengthen the city's infrastructure, and during his tenure the city built a water treatment plant, completed a citywide paving program, and organized a nationally accredited police department.

Mayor Rainwater was born and raised in another growing city within the Second Congressional District, Tifton, which I also have the privilege of representing. Citizens in Tifton remember him as one of the most outstanding students to ever come out of Tifton High, where he quarterbacked the football team, served as homeroom president, and was named to the Who's Who list. He more than fulfilled that early promise. In addition to serving as Mayor of one of Georgia's great cities longer than any other person in history, he was a successful businessman and was prominent in statewide municipal affairs as an active member and next year's President-to-be of the Georgia Municipal Association.

When I learned of Jimmy Rainwater's passing at the age of 62, my first thought was that I had lost a wonderful friend. So did everyone who lives in Valdosta and our area of Georgia. He will be missed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. CRENSHAW. Mr. Chairman, it's not always easy to do what is right. Doing what's right sometimes means going against expectations. In regards to Iraq, the United States is doing the right thing; the reconstruction, granting the money, and building a relationship with a new Iraq is all part of staying committed to winning the war on terror. The price is high, the undertaking is huge, but we cannot afford to fail.

Winning the war means more than capturing terrorists, it means capturing the hearts and minds of Iraqis. During the U.S.-led invasion, Iraqis saw that we didn't target their homes, we targeted an evil regime. After the major combat, Iraqis saw the United States take a stance for stability and security. In the wake of recent deadly attacks, Iraqis see it is the U.S. rebuilding their schools and hospitals, not terrorists from neighboring countries whose only aim is to rip apart the beginnings of a democracy.

In Iraq, citizens know we invaded their country in pursuit of Saddam Hussein. They know we did not invade for oil or other profit. Upon that premise, we are building a foundation of trust. That foundation will breed civility not hate, understanding not undermining, and prosperity instead of chaos.

What Iraqis didn't expect was a reassuring hand after the smoke cleared. What Iraqis won't respect is an invader who forces them to sign loan papers.

We are getting something for our investment—an historic beginning to Middle East stability. In exchange for rebuilding their infrastructure, we are asking Iraqis to reject thirty years of an evil regime. We are asking that they consider democracy instead of anti-American hate. We are asking Iraqi citizens to hold structure over chaos and not become a breeding ground for terrorist training camps. We are not handing Iraqis money and a simple request. We are asking them to reject everything Saddam Hussein stood for, and build anew.

The sole reason we entered Iraq was to protect national security. We must continue on that course. More than 30 countries are working with the United States to stabilize Iraq and enable the Iraqi people to achieve self-governance. And just this week, the Japanese government committed $1.5 billion to Iraqi reconstruction.

The cost of reconstructing Iraq is high but we would pay a higher cost if we burden Iraqis with a multibillion-dollar debt. After all, history shows us what a tyrant can do when a country is burdened by war debt. Repeating the mistakes of the past could open the door for another Saddam Hussein, or another Adolph Hitler.

REMEMBERING FAITH FANCHER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. LEE. Mr. Speaker, I rise today to honor the memory of an extraordinary woman, Faith Fancher. Faith passed away in her home in Oakland, CA, on October 19, 2003, at the age of 53 after a long battle with breast cancer.

Faith Fancher was a popular reporter with KTVU Television, Channel 2 and the recipient of numerous awards. Her plight was well-known to thousands of KTVU viewers after she disclosed that she was being treated for the disease. She hoped her story would teach others the benefits of early detection, so she allowed her friend, Elaine Corral Kendall and a camera crew to follow her treatment, which began in the Spring of 1997. ''Faith's Story'' aired for three nights and won an award at the American Medical Association International Health and Medical Film Competition in 1997.

Faith was born in 1950 in Franklin, TN. She is the wife of Mr. William Drummond, professor of Journalism at the University of California, Berkeley campus. They met in 1979, in Washington, DC, while both were working at National Public Radio. They were married on October 20, 1982. Faith leaves behind one

stepson Sean Drummond and one stepdaughter Tamberline Drummond of New Jersey.

Faith graduated valedictorian of her class from St Francis de Salle Boarding School for Girls in Powatan, Virginia in 1967. She earned a Bachelor of Science degree in Education and English from the University of Tennessee at Knoxville summa cum laude in 1972 but her real education began with her broadcast career. Her first job was at WBR in Knoxville, TN. She was the first Black female journalist in Knoxville.

Faith Fancher was a remarkably strong human being. Her spirit-filled life inspired many to do good, to be humble, and to stay positive. Her smile, her diligent and dedicated work—in spite of the odds—kept hope alive for many. Faith's love for the human family transcended artificial barriers and truly united us. Faith touched the lives of many, and as we celebrate her life, let us rededicate ourselves to her values and her vision for a better world. Faith lived a life filled with ''faith, hope, and love.'' For this, we are deeply grateful.

To Faith's family, friends and fans, I extend my deepest sympathy.

H. CON. RES. 305, ''IF YOU BUILD IT THEY WILL COME'' BASEBALL FRIENDSHIP ACT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. FILNER. Mr. Speaker, I rise today to introduce a resolution, H. Con. Res. 305, ''If You Build It They Will Come'' Baseball Friendship Act, expressing the sense of Congress that Major League Baseball should select Monterrey, Mexico, as a host for a quarter of the Montreal Expos games next season as a show of goodwill between the United States and Mexico.

In recent weeks, the United States Ambassador to Mexico Tony Garza has written to the Commissioner of Major League Baseball Bud Selig urging the League to play a quarter of their home games in Mexico.

The Montreal Expos were bought by the other 29 Major League Baseball franchises before the 2002 season, and to increase revenue, Major League Baseball relocated 22 Expos home games to San Juan, Puerto Rico, for the 2003 season. Under this proposal, the people of Puerto Rico can continue to enjoy Major League Baseball.

Major League Baseball officials have spent many months discussing a permanent move of the Montreal Expos franchise, despite baseball's intention to decide by the end of the regular season, it appears no long-term site will be selected for the 2004 season.

Monterrey, Mexico, is a metropolitan area of about 3 million people 130 miles south of Laredo, TX, and is one of the safest cities in Latin America. Monterrey has played host to a number of successful major league baseball games over the last few years, and is the longtime home to the Sultans of the Mexican League, and the Sultans ballpark that could be expanded to more than 30,000 seats.

I believe a commitment from Major League Baseball to play a quarter of the Montreal Expos' home games in Mexico would be a strong statement of friendship and goodwill between our countries and cultures, as we have shared with our other neighbor, Canada, for nearly 30 years. It's time that we include Mexico and make baseball the North American pastime. For the good of baseball, for the good of the people of these two great nations, if we build it, they will come.

HONORING THE STRONG BOND BETWEEN THE MONTEREY INSTITUTE OF INTERNATIONAL STUDIES AND THE PEACE CORPS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the strong bond between the Monterey Institute of International Studies and the Peace Corps. The Monterey Institute is strongly committed to preparing individuals for two years of dedicated service in the Peace Corps with a new Master's International Program. Students who successfully return after volunteering in the Peace Corps through the Master's International Program are eligible to receive scholarships, which can cover eight of the remaining credits for the final semester. This has become a great tool for students in fulfilling their educational requirements.

Since its inception in 1961, President John F. Kennedy challenged the youth of this country to experience and work to relieve the poverty in underdeveloped countries. After 42 years, the Peace Corps have grown to have over 170,000 volunteers in 136 different countries. These courageous and enthusiastic young people have helped change third world countries through education, business development, and most recently, volunteers are helping as a part of President Bush's HIV/AIDS Act of 2003.

I am proud to say that I share the honorable and memorable experience of volunteering my service for the Peace Corps in Colombia during 1964–66. Mr. Lawrence Horan, the Director of the Monterey Institute of International Studies, had the same experience with the Peace Corps and today is now helping hundreds of current volunteers through their experience. Mr. Horan, the Monterey Institute of International Studies, and the Peace Corps as well should be commended for helping shape the world into a better place.

TRIBUTE TO NICK AND ROSE MARIE NEKOLA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this Nation today to pay tribute to two outstanding citizens from my district. Nick and Rose Marie Nekola of Pueblo, Colorado own and operate a valued Pueblo institution, Ianne's Pizzeria. For years, they have worked to provide a quality product and diligent service to local residents. For their hard work and dedication, I am honored to pay tribute to Nick and Rose here today.

Ianne's Pizzeria was opened by Rose's parents in 1954, at a time when the word ''pizza'' was foreign to most Puebloans. Nick and Rose took control of the pizzeria 32 years ago and have operated it ever since. In addition to serving quality food, the Nekolas have created a friendly and welcoming environment at Ianne's. Many of their employees have been with the restaurant for over 20 years, and it is not unusual to meet a customer who has patronized the pizzeria for 30 years. Under the Nekolas' guidance, Ianne's has become a staple of downtown Pueblo.

Mr. Speaker, in today's climate of transition and change, it is truly refreshing to encounter an establishment dedicated to tradition and quality. Nick and Rose Marie Nekola have worked hard to make Ianne's Pizzeria an institution in the Pueblo community. For their hard work and integrity, I am honored to join with my colleagues in recognizing Nick and Rose Marie Nekola here today.

HONORING THE PRYOR FAMILY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. BISHOP of Georgia. Mr. Speaker, family reunions are one of America's great traditions. This is especially true in my area of southwest Georgia, where some of the country's oldest and biggest family reunions are held. One of these is the Pryor family reunion, which has convened in the community of Leslie every year for the past century, attracting hundreds of people from Georgia and other States. This year's reunion was held on October 4. I would like to share an article about this year's 100th anniversary reunion in the Cordele Dispatch written by Ms. Betsy Butler, a descendant and a writer and editor for the newspaper.

The year was 1903. Only 14 percent of the homes in the United States had a bathtub. Only 8 percent had a telephone. There were only 8,000 cars in the U.S. and only 144 miles of paved roads. The American flag had 45 stars. Arizona, Oklahoma, New Mexico, Hawaii and Alaska hadn't been admitted to the Union yet. Today, 100 years later, we live in a world of airplanes and computers that connect people on opposite ends of the earth. Boy, how things change. But one thing has stayed the same—the Pryor family gathering.

Since 1903 the family has been coming to the small town of Leslie. What started as a gathering to mark the 50th wedding anniversary of Shepherd Green Pryor and Penelope Eudora Tyson Pryor on October 4, 1903, has continued to bring the family together for 100 years.

Shepherd and Penelope had seven living children, 32 grandchildren and four great-grandchildren. Most of these attended the celebration, which would become the first annual family reunion.

According to Frank Wilson, a descendent, the menu has stayed the same for 100 years—barbecue. Over the years, each generation has assumed the responsibility for being sure the reunion goes on. ''The family has stuck together and done what needs to be done,'' Wilson said. ''We have never struggled to have a host.''

There is a lot of history to the family. With two published books about the family, one being a narrative and the other, ''A Post of Honor,'' being a collection of letters written between Shepherd and Penelope during

the Civil War. In June of 2001 over 140 descendants traveled to Virginia for the dedication of Civil War breastplates. Quotes from the letters . . . were used on the Confederate breast-works plaques.

This year's reunion is no different from the 99 before it (as) hundreds of family members ascend on Leslie and spend the afternoon together over a barbeque lunch. In 100 years the world has evolved from a world of only one in 10 homes with a telephone to a world with an information highway. But one thing has stayed the same—the Pryor family gathering.

TRIBUTE TO DR. MOHAMMED ALI ODEEN ISHMAEL

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to my friend Dr. Mohammed Ali Odeen Ishmael, Ambassador of Guyana to the United States of America and Permanent Representative of Guyana to the Organization of American States.

Ambassador Odeen Ishmael, who was born in 1948, was appointed to his current post, more than 10 years ago, in June 1993 and is presently the Dean of the Caribbean Ambassador.

Before becoming an Ambassador, Dr. Ishmael previously worked as a teacher in Guyana, and served during the 1970s in the Ministry of Foreign Affairs of Guyana. He returned to teaching after his stint in Foreign Affairs. From 1985 to early 1993 he worked in The Bahamas in the areas of both secondary and adult education. He has represented Guyana at the OAS General Assemblies, and other specialized meetings of the hemispheric body in various countries of the hemisphere and has participated as a member of Guyana's delegation at the U.N. General Assembly since 1993. In addition, he has headed Guyana's delegation to meetings of the Regional Negotiating Machinery (of CARICOM) from 1997. From 1997, he has headed Guyana's delegations to meetings Foreign Ministers of the Organization of Islamic Conference (OIC); and he also participated in the Summits of Heads of States of the OIC in Tehran (1997) and Qatar (2000).

Ambassador Ishmael was also Guyana's chief negotiator at the Summits of the Americas of 1994 (Miami), 1998 (Santiago de Chile) and 2001 (Quebec City), and also at the Summit of Sustainable Development in Bolivia (1996). At the OAS, he served as Chairman of the Permanent Council in late 1994, and oversaw the restoration of democratic government in Haiti. He is the only Guyanese to serve in this prestigious position in the hemispheric organization.

He had previously served as Vice-Chairman of the Permanent Council during July-September 1993, and as Vice-Chairman of the Environmental Committee of the Permanent Council from August 1993 to July 1994. In 1994 he was also elected Chairman of the General Committee to prepare the OAS draft convention on the situation of persons with disabilities. In 1996, he was elected Vice-Chairman of the OAS Working Group on Sustainable Development.

In May 1997, Ambassador Ishmael was awarded one of Guyana's highest honors, the Cacique Crown on Honor (CCH). Many years earlier, in 1974, he was awarded the Gandhi Centenary Medal at the University of Guyana. In political life, Ambassador Ishmael served in the Central Committees of the Progressive Youth Organization (PYO)—serving as Second Secretary—and the People's Progressive Party (PPP) of Guyana, and in the course of his political work, he participated in numerous international conferences and activities in many different countries. He also assisted in lobbying Guyana's case for electoral reforms in different countries in North and South America, Europe and the Caribbean.

He has written numerous articles on Education, Guyanese history and international political issues, which have been published in newspapers and journals in Guyana, the Caribbean and North America. His published books include Problems of the Transition of education in the Third World, Towards Education Reform in Guyana, and Amerindian Legends of Guyana. An Internet edition of a fourth book, The Trail of Diplomacy, was released in late 1998. He is currently in the process of compiling and editing a lengthy collection of original documents on the Guyana-Venezuela border issue under the title, Guyana's Western Border. He is married and has two children.

I met Ambassador Ishmael when I was first elected to the House of Representatives and served as the Honorary Co-Chair of the Institute for Caribbean Studies Annual Awards Dinner. In the flowing years, I had the pleasure of working with him and his other Caribbean Ambassador colleagues on the several issues, from Trade to Immigration, and economic development, which continue to impact our democratic neighbors to the south.

I want to thank Ambassador Ishmael and his family for his commitment and dedication, during his tenure here in Washington, not only to issues affecting his home country Guyana but also to the issues and concerns of all of the countries of the Caribbean. I want to wish him much success in his new assignment and to say that Washington, DC Caribbean community will greatly surely miss his insightful, quiet leadership as well as his earnest friendship.

TRIBUTE TO ROBERT AUSTIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and the Nation today to pay tribute to an outstanding citizen from my district. Robert Austin of Gunnison, Colorado recently announced he will leave the Gunnison Valley Hospital after 19 years of dedicated service. As Robert embarks on a new phase of his life, I am honored to take this opportunity to recognize his accomplishments here today.

President of the Gunnison Valley Hospital since 1984, Robert has led the hospital through many changes. He has overseen the hiring of numerous surgeons, four building expansions, the creation of a long-term business plan, and Gunnison Valley's designation as a Critical Access Hospital. Through it all, Robert has worked hard to run the hospital fairly and compassionately.

In addition to his work at the hospital, Robert is very active in his community. The Gunnison Rotary Club, the Gunnison Area Foundation, and the Western State College Advisory Council all benefit from Robert's participation. In addition, he is a member of the Colorado Hospital Association, where he served as the association's Chair in 1995, and the Governing Council for Small and Rural Hospitals for the American Hospital Association.

Mr. Speaker, Robert Austin has been an effective leader in the health care industry and an active member of his community for many years. His hard work and dedication have benefited an untold number of Coloradans. For his tireless efforts and years of service, I am honored to join with my colleagues in paying tribute to Robert here today.

IN HONOR OF MAYOR RICHARD CLAIRE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Ms. ESHOO. Mr. Speaker, I rise to honor Mayor Richard Claire, an extraordinary citizen of San Mateo County, California and a distinguished leader of Redwood City, who is retiring after serving on the City Council of Redwood City for twenty years.

Richard Claire is known to the people of Redwood City as Dick Claire. He has been a resident of Redwood City since his childhood and is a product of the resources the San Francisco Peninsula and South Bay have to offer. Dick Claire attended Sequoia High School in Redwood City, went on to study at the College of San Mateo, and received his Master's degree in Business Administration from Santa Clara University.

Dick Claire is exceedingly proud of his local education and he has continued to give back to his community as a full-time instructor in the San Mateo County Community College District. During the 2002–2003 school year, he served as Academic President for the District and the College of San Mateo, and he is currently serving as Academic President of Cañada College. In May of 2002, his outstanding work spanning twenty-five years of service with the Community College District was honored by the Board of Trustees.

Dick Claire's career has included positions as Corporate Controller at Raychem and Controller for Ferrex Corporation. He's been an accounting consultant and in his spare time returned to his alma mater to act as Sequoia High School's football coach and later as manager for Redwood City Little League Baseball Senior League.

Beyond his activities with the San Mateo County Community College District and youth athletic teams, Dick Claire has been a real leader in Redwood City for over a quarter of a century. He served on the City's Planning Commission from August 1978 though April 1982, and was Chairman of the Commission. In April 1982, he was elected to the City Council, where he has been reelected an astonishing four times by the people of Redwood City. He has twice been selected by his Council colleagues to serve as the Mayor. He's also

served as Chairman of the San Mateo County Council of Mayors and the Co-Chairman of Redwood City's Aesthetics and Beautification Committee.

Mr. Speaker, I'm proud to have known Dick Claire for over thirty years and to call him my friend and my colleague in public service. He is a source of great pride to our entire community and I ask my colleagues to join me in honoring and thanking Mayor Claire for his extraordinary service to Redwood City, to California, and to our country. Because of him and his distinguished service, we are a stronger community and a better people.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 17, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes:

Mr. MOORE. Mr. Chairman, I will vote for this supplemental spending bill because I believe we have an obligation to support our troops. I am proud of our brave men and women in uniform, but I am disappointed that the President has not assembled a greater international coalition to share the cost of policing and rebuilding Iraq. American troops and taxpayers should not bear this heavy burden alone. We are spending nearly $1 billion each week and 2 to 3 American lives each day to continue this effort.

Mr. Chairman, our military personnel are putting their lives on the line to maintain order in Iraq. Nearly 200 soldiers have died in bombings, ambushes and other hostile incidents since the President declared an end to major combat operations. We owe our brave men and women a deep debt of gratitude. But we also owe them a sustained diplomatic effort to ensure that our allies will share the peacekeeping burden in Iraq.

I also believe it is wrong to ask the American taxpayers to bear the full financial burden of rebuilding Iraq. That is why I supported an amendment which would have converted half of the reconstruction aid to a loan. That is also the reason I have consistently urged the President to involve our allies in the reconstruction effort. We should help the Iraqi people rebuild their country. But we shouldn't do it alone.

Mr. Chairman, I am also concerned about the future costs of the Iraq effort. It is imperative that the Administration provide Congress with a realistic estimate of future reconstruction costs. Congress and the American people need this information in order to assess the impact our Iraq programs will have on our 2004 budget, which is projected to be more than a half trillion dollars in deficit.

Mr. Chairman, I support this legislation because I support our troops. These funds will help to ensure that our military personnel have the equipment they need to complete their mission in Iraq. But in the long run, the best thing we can do for our men and women in uniform is to more fairly share the peacekeeping burden with our allies.

TRIBUTE TO BOB KUUSINEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 21, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this Nation today to pay tribute to an outstanding citizen from my district. Bob Kuusinen of Steamboat Springs, Colorado recently announced his retirement from the Steamboat Ski and Resort Corporation. Bob has been a faithful and dedicated member of the Steamboat community, and I am honored to pay tribute to his accomplishments here today.

Bob began his career in Steamboat over thirty-one years ago as a cook at Thunderhead Lodge. Over the years, Bob's hard work has helped him to make his way up the ranks. Today, he retires as the Senior Vice President of Steamboat Ski Area Operations. In this role, Bob was responsible for overseeing the operations and functions of one of Colorado's best-loved ski resorts.

Mr. Speaker, Bob Kuusinen stands as an example of the American Dream: if you work hard and remain dedicated and steadfast, there is no limit to what you can accomplish. Bob has helped make Steamboat Springs one of the premiere ski resorts in the nation, and I am honored to join with my colleagues in wishing Bob the very best as he prepares to begin his retirement.

Daily Digest

HIGHLIGHTS

Senate agreed to the Conference Report on S. 3, Partial Birth Abortion Ban Act.

The House passed H.J. Res. 73, making further continuing appropriations for fiscal year 2004.

The House passed H.R. 2535, Economic Development Administration Reauthorization Act of 2003.

Senate

Chamber Action

Routine Proceedings, pages S12907–S12984

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 1763–1772, and S. Res. 248. **Page S12969**

Measures Reported:

S. 1132, to amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, with an amendment in the nature of a substitute. (S. Rept. No. 108–169) **Page S12969**

Class Action Reform: Senate continued consideration of the motion to proceed to consideration of S. 1751, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants. **Pages S12948–63**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at 11:30 a.m., on Wednesday, October 22, 2003; following one hour of debate, the Senate will vote on the motion to close further debate on the motion to proceed to consideration of the bill. **Page S12984**

Partial-Birth Abortion Ban Act—Conference Report: By 64 yeas to 34 nays (Vote No. 402), Senate agreed to the conference report on S. 3, to prohibit the procedure commonly known as partial-birth abortion, clearing the measure for the President. **Pages S12914–12948**

Messages From the House: **Pages S12966–67**

Measures Referred: **Page S12967**

Measures Read First Time: **Page S12984**

Executive Communications: **Pages S12967–69**

Additional Cosponsors: **Pages S12969–71**

Statements on Introduced Bills/Resolutions: **Pages S12971–83**

Additional Statements: **Page S12966**

Amendments Submitted: **Page S12983**

Notices of Hearings/Meetings: **Page S12983**

Authority for Committees to Meet: **Page S12984**

Record Votes: One record vote was taken today. (Total–402) **Page S12984**

Adjournment: Senate met at 9:30 a.m., and adjourned at 8:17 p.m., until 9:30 a.m., on Wednesday, October 22, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12948.)

Committee Meetings

(Committees not listed did not meet)

MILITARY OPERATIONS

Committee on Armed Services: Committee met in closed session to receive a briefing regarding ongoing military operations and areas of key concern around the world from Lieutenant General Norton A. Schwartz, USAF, Director for Operations, J–3, Major General Ronald L. Burgess, Jr., USA, Director for Intelligence, J–2, both of The Joint Staff; and Peter Rodman, Assistant Secretary of Defense for International Security Affairs.

TAX SHELTERS

Committee on Finance: Committee held a hearing to examine the current situation on tax shelters, and the role of the Federal Government relative to the buying and selling of tax shelters, receiving testimony from Senator Levin; Michael Brostek, Director, Tax Issues, General Accounting Office; Pamela F. Olson, Assistant Secretary for Tax Policy, and Mark W. Everson, Commissioner, Internal Revenue Service, both of the Department of the Treasury; Eileen O'Connor, Assistant Attorney General, Tax Division, Department of Justice; William J. McDonough, Public Company Accounting Oversight Board, and B. John Williams, Jr., Shearman and Sterling LLP, both of Washington, D.C.; Robert V. Lally, Federman, Lally and Remis LLC, Farmington, Connecticut; Philip C. Cook, Alston and Bird LLP, Atlanta, Georgia; Michael Hamersley, Fair Oaks, California; Robert Schmidt, and Thomas Walsh, both of San Jose, California; Henry Camferdam, Jr., Indianapolis, Indiana; and an anonymous witness.

Hearing recessed subject to the call of the Chair.

U.N. CONVENTION ON THE LAW OF THE SEA

Committee on Foreign Relations: Committee concluded a hearing to examine United Nations Convention on the Law of the Sea, with Annexes, done at Montego Bay, December 10, 1982 (the "Convention"), and the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, with Annex, adopted at New York, July 28, 1994 (the "Agreement"), and signed by the United States, subject to ratification, on July 29, 1994 (Treaty Doc.103–39), after receiving testimony from Rear Admiral John E. Crowley, Jr., Chief Counsel and Judge Advocate General, U.S. Coast Guard, Department of Homeland Security; Admiral Michael G. Mullen, Vice Chief of Naval Operations, U.S. Navy; William H. Taft IV, Legal Adviser, and John F. Turner, Assistant Secretary of Bureau of Oceans and International Environmental and Scientific Affairs, both of the Department of State; Mark T. Esper, Deputy Assistant Secretary of Defense for Negotiations Policy; Paul L. Kelly, Rowan Companies, Inc., Houston, Texas; and Randi Thomas, U.S. Tuna Foundation, Joseph J. Cox, Chamber of Shipping of America, and Vice Admiral Roger T. Rufe, Jr., U.S. Coast Guard (Ret.), The Ocean Conservancy, all of Washington, D.C.

U.S. ENERGY SECURITY

Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion concluded a hearing to examine U.S. energy security policy relating to West Africa and Latin America, focusing on prospects for increasing energy production in Latin America and West Africa, promoting a good investment climate, and oil imports, after receiving testimony from John R. Brodman, Deputy Assistant Secretary of Energy for International Energy Policy, Office of Policy and International Affairs; Matthew T. McManus, Acting Director of International Energy and Commodity Policy Office, Economic and Business Affairs Bureau, Department of State; and J. Robinson West, PFC Energy, David L. Goldwyn, Goldwyn International Strategies, LLC, and Marina Ottaway, Carnegie Endowment for International Peace, all of Washington, D.C.

TERRORISM

Committee on the Judiciary: Committee concluded a hearing to examine the Department of Justice efforts in the investigation and prosecution of terrorists, focusing on how anti-terrorism tools have been crucial to those efforts, and how they have helped prosecutors and agents in fighting the war on terrorism, after receiving testimony from Christopher A. Wray, AssistantAttorney General, Criminal Division, Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois (Chicago), and Paul J. McNulty, United States Attorney for the Eastern District of Virginia (Alexandria), all of the Department of Justice.

House of Representatives

Chamber Action

Measures Introduced: 21 public bills, H.R. 3352–3372; and 9 resolutions, H.J. Res. 74, H. Con. Res. 308–310, and H. Res. 408–412, were introduced. **Pages H9810–12**

Additional Cosponsors: **Pages H9812–13**

Reports Filed: No reports were filed today.

Recess: The House recessed at 9:13 a.m. and reconvened at 10 a.m. **Page H9740**

Chaplain: The prayer was offered today by Rev. Tom Nelson, Senior Pastor, Denton Bible Church in Denton, Texas. **Page H9740**

Continuing Appropriations for FY 2004: The House passed H.J. Res. 73, making further continuing appropriations for fiscal year 2004 by a yea-and-nay vote of 397 yeas to 19 nays, Roll No. 568. **Pages H9743–48, H9775**

H. Res. 407, the rule that provided for consideration of the bill was agreed to by a yea-and-nay vote of 219 yeas to 189 nays, Roll No. 566. **Pages H9746–47**

Recess: The House recessed at 11:30 p.m. and reconvened at 11:39 a.m. **Page H9748**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Graduate Opportunities in Higher Education Act of 2003: H.R. 3076, amended, to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education; and **Pages H9748–52**

International Studies in Higher Education Act of 2003: H.R. 3077, amended, to amend title VI of the Higher Education Act of 1965 to enhance international education programs. **Pages H9752–59**

Economic Development Administration Reauthorization Act of 2003: The House passed H.R. 2535, to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965 by voice vote. **Pages H9759–70**

Pursuant to the order of the House of October 20, the amendment in the nature of a substitute, as modified, recommended by the Committee on Transportation and Infrastructure now printed in the bill, was adopted as the original bill for the purpose of amendment. **Pages H9762–65**

The bill was considered under a unanimous consent agreement reached on Monday, October 20.

Emergency Supplemental Appropriations: The House disagreed to the Senate amendment to H.R. 3289, making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and agreed to a conference. **Pages H9770–75**

The House agreed to the Obey motion to instruct conferees to insist on certain provisions of the Senate bill by a yea-and-nay vote of 277 yeas to 139 nays, Roll No. 567. **Pages H9770–75**

Appointed as conferees: Representatives Young (FL), Lewis (CA), Rogers (KY), Wolf, Kolbe, Walsh, Knollenberg, Obey, Murtha, Lowey, Serrano, and Edwards. **Page H9775**

Energy Policy Act of 2003: The House debated the Markey motion to instruct conferees on H.R. 6, to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people. Further consideration of the motion was postponed. **Pages H9777–80**

Medicare Prescription Drug and Modernization Act of 2003: The House debated the Brown of Ohio motion to instruct conferees on H.R. 1, to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the medicare program and to strengthen and improve the medicare program. Further consideration of the motion was postponed until a later date. **Pages H9780–84**

Tax Relief, Simplification, and Equity Act of 2003: The House debated the Woolsey motion to instruct conferees on H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit. Further consideration of the motion was postponed until a later date. **Pages H9784–87**

Legislative Program: The Majority Leader announced the legislative program for the week of October 27–31. **Pages H9776–77**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, October 24, and further that when it adjourns on that day, it adjourns to meet at 12:30 p.m. on Tuesday, October 28. **Page H9787**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, October 29. **Page H9787**

Adjournment: The House met at 9 a.m. and adjourned at 6:50 p.m. **Page H9787**

Committee Meetings

REVIEW—U.S. NATIONAL ARBORETUM

Committee on Agriculture: Subcommittee on Department Operations, Oversight, Nutrition, and Forestry held a hearing to review the United States National Arboretum. Testimony was heard from Representative Frelinghuysen; Rodney J. Brown, Deputy Under Secretary, Research, Education, and Economics, USDA; and a public witness.

OPERATION IRAQI FREEDOM

Committee on Armed Services: Held a hearing on Operation Iraqi Freedom: Outside Perspectives. Testimony was heard from the following former officials of the U.S. Army War College: Maj. Gen. Robert Scales, USA, (Ret.), Commandant; and Stephen D.

Biddle, Associate Research Professor of National Security Studies; and a public witness.

FORCES—RESETTING AND RECONSTITUTING

Committee on Armed Services: Subcommittee on Readiness held a hearing on Resetting and Reconstituting the Forces. Testimony was heard from the following officials of the Department of Defense: Adm. Michael G. Mullen, USN, Vice Chief of Naval Operations and Gen. William L. Nyland, USMC, Assistant Commandant of the Marine Corps, both with the Department of the Navy; Gen. T. Michael Moseley, USAF, Vice Chief of Staff, Air Force, Department of the Air Force; and Lt. Gen. Richard A. Cody, USA, Deputy Chief of Staff, G–3, Department of the Army.

C41 INTEROPERABILITY

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on C41 Interoperability: New Challenges in 21st Century Warfare. Testimony was heard from the following officials of the Department of Defense: Lt. Gen. William Wallace, USA, Commanding General, U.S. Combined Arms Center and Fort Leavenworth; Lt. Gen. Daniel P. Leaf, USAF, Vice Commander, Air Force Space Command; Maj. Gen. Keith Stalder, USMC, Commanding General, First Marine Expeditionary Brigade and Deputy Commanding General First Marine Expeditionary Force; Brig. Gen. Dennis C. Moran, USA, Director, Information Operations, Networks and Space, Office of the Chief Information Officer/G–6, U.S. Army; and Brig. Gen. Marc Rogers, USAF, Director, Joint Requirements and Integration Directorate, U.S. Joint Forces Command.

U.S.-CHINA TIES

Committee on International Relations: Held a hearing on U.S.-China Ties: Reassessing the Economic Relationship. Testimony was heard from Grant D. Aldonas, Under Secretary, International Trade Administration, Department of Commerce; and public witnesses.

U.S. POLICY—WESTERN HEMISPHERE—CHALLENGES AND OPPORTUNITIES

Committee on International Relations: Subcommittee on the Western Hemisphere held a hearing on Challenges and Opportunities for U.S. Policy in the Western Hemisphere. Testimony was heard from the following officials of the Department of State: Roger F. Noriega, Assistant Secretary, Bureau of Western Hemisphere Affairs; and Adolfo A. Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, AID; and a public witness.

NINTH CIRCUIT COURT OF APPEALS JUDGESHIP AND REORGANIZATION ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 2723, Ninth Circuit Court of Appeals Judgeship and Reorganization Act of 2003. Testimony was heard from the following Judges of the U.S. Court of Appeals for the Ninth Circuit: Mary Schroeder, Chief Judge and Diarmuid O'Scannlain and Alex Kozinski; and a public witness.

NORTHERN ARIZONA NATIONAL FOREST LAND EXCHANGE ACT; TRAIL RESPONSIBILITY AND ACCOUNTABILITY FOR THE IMPROVEMENT OF LANDS ACT

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the following bills: H.R. 2907, Northern Arizona National Forest Land Exchange Act of 2003; and H.R. 3247, Trail Responsibility and Accountability for the Improvement of Lands Act of 2003. Testimony was heard from Mark Rey, Under Secretary, Natural Resources and Environment, USDA; Larry R. Parkinson, Deputy Assistant Secretary, Law Enforcement and Security, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands approved for full Committee action the following bills: H.R. 265, amended, Mount Rainier National Park Boundary Adjustment Act of 2003; H.R. 280, amended, National Aviation Heritage Area Act; H.R. 532, amended, Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act; H.R. 1014, amended, Gateway Communities Cooperation Act; H.R. 1058, amended, to provide for an exchange of certain private property in Colorado and certain Federal property in Utah; H.R. 1594, amended, St. Croix National Heritage Area Study Act; H.R. 1618, amended, Arabia Mountain National Heritage Area Act; H.R. 1629, Upper Missouri River Breaks Boundary Clarification Act; H.R. 1798, amended, Upper Housatonic Valley National Heritage Area Act; H.R. 1862, amended, Oil Region National Heritage Area Act; H.R. 2424, National Great Black Americans Commemoration Act of 2003; H.R. 2715, to provide for necessary improvements to facilities at Yosemite National Park; and S. 677, Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2003.

The Subcommittee also began markup of H.R. 1964, Highlands Stewardship Act.

HOMELAND SECURITY CONTRACTS—CHALLENGES SMALL BUSINESSES FACE

Committee on Small Business: Subcommittee on Rural Enterprise, Agriculture and Technology held a hearing entitled ''Challenges that Small Businesses Face Accessing Homeland Security Contracts.'' Testimony was heard from Kevin Boshears, Director, Office of Small and Disadvantaged Business Utilization, Department of Homeland Security; Michael Barrera, Associate Deputy Administrator, Government Contracting and Business Development, SBA; and public witnesses.

DEPARTMENT OF VETERANS AFFAIRS—PHYSICIAN AND DENTIST COMPENSATION ISSUES

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on the Department of Veterans Affairs physician and dentist compensation issues. Testimony was heard from the following officials of the Department of Veterans Affairs: Robert H. Roswell, M.D., Under Secretary, Health; Jacqueline Parthemore, M.D., Chief of Staff/Medical Director, San Diego Health Care System; Richard Bauer, M.D., Chief of Staff, South Texas Health Care System; Sheila M. Cullen, Medical Director, San Francisco Medical Center; Michael H. Ebert, M.D., Chief of Staff, Connecticut Health Care System; Michael M. Lawson, Director, Boston Health Care System; and Michael S. Simberkoff, M.D., Executive Chief of Staff, New York Harbor Health Care System; and public witnesses.

MIDDLE EAST ISSUES

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Middle East Issues. Testimony was heard from departmental witnesses.

FUNDING FOR FIRST RESPONDERS

Select Committee on Homeland Security: Held a hearing entitled ''Funding for First Responders: Ensuring That Federal Funds Are Distributed Intelligently.'' Testimony was heard from John G. Rowland, Governor, State of Connecticut; Ray A. Nelson, Executive Director, Office for Security Coordination, State of Kentucky; John D. Cohen, Special Assistant to the Secretary of Public Safety, State of Massachusetts; and a public witness.

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 22, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine counterterror initiatives in the terror finance program and organization of terror groups for funding and future U.S. responses, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine federal involvement in the regulation of the insurance industry, 9:30 a.m., SR–253.

Subcommittee on Oceans, Fisheries and Coast Guard, to hold an oversight hearing on fisheries, 9:30 a.m., SR–428A.

Committee on Foreign Relations: Subcommittee on European Affairs, to hold hearings to examine Anti-Semitism in Europe, 2:30 p.m., SD–419.

Committee on Governmental Affairs: business meeting to consider pending calendar business, 10:30 a.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine the nomination of David Wayne Anderson, of Minnesota, to be an Assistant Secretary of the Interior; to be followed by a business meeting to consider pending calendar business, 10 a.m., SD–106.

Committee on the Judiciary: to hold hearings to examine the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit, 10 a.m., SH–216.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Wednesday, October 22

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11:30 a.m.), Senate will continue consideration of the motion to proceed to consideration of S.1751, Class Action Reform, with a vote on the motion to close further debate on the motion to proceed to consideration of the bill to occur at approximately 12:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, October 24

House Chamber

Program for Wednesday: The House is not in session on Wednesday, October 22. The House will meet in pro forma session on Friday, October 24 at 10 a.m.

Extensions of Remarks, as inserted in this issue

HOUSE

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