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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 10, 2003.

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

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

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

S. Con. Res. 49. Concurrent resolution designating the week of June 9, 2003, as National Oceans Week and urging the President to issue a proclamation calling upon the people of the United States to observe this week with appropriate recognition, programs, ceremonies, and activities to further ocean literacy, education, and exploration.

MORNING HOUR DEBATES

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

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO) for 5 minutes.

THE CHILD TAX CREDIT

Ms. DELAURO. Mr. Speaker, I rise to again discuss an issue of great concern to American families. I am talking about extending the child tax credit to families that need it most.

A few weeks ago, this body passed a $350 billion tax cut bill that gave every millionaire in this country a $93,000 tax break. It made sure every corporation still had the right to avoid paying taxes by relocating overseas and taking American jobs with it. But the bill shorted 6.5 million low-income families who pay taxes and who are most in need. These families earn between $10,500 and $26,625 annually. Out of a $350 billion bill, the President and Republicans in charge of this body could not find $3.5 billion, 1 percent, for the poorest American families.

I tried to address this problem back on March 12 in the Committee on the Budget, but my amendment to extend this tax credit to those families was turned aside on a party-line vote. And then when it seemed that the Democrats had successfully included that provision in the larger tax package during the conference, the Republicans secretly eliminated it in the dead of night. Last week Democrats, united and resolute, said that that was not enough, that these 6.5 million families deserve this tax cut because they worked every bit as hard as the 25 million other families that will be receiving their tax refund in the mail next month. They pay almost 8 percent of their income in payroll taxes or sales taxes.

And last week the Senate restored the child tax credit to these hard-working families; and just yesterday the President's spokesperson called on the House to take up that legislation, but our colleagues on other side of the aisle just do not get it. They do not see the urgency in helping the 12 million children left behind by their tax bill. The majority whip said yesterday that he did not know if the House would act on the other body's bill. As if that were not bad enough, the Chair of the Republican Study Committee said in this morning's Congress Daily, if the House is going to take up this legislation that the Republicans should get something in exchange.

It is always a deal with these people. It is as if there were no families who are trying to put food on their table or clothes on their children's backs. All they care about is taking care of their own people, like the Enrons who paid no taxes in 4 of the last 5 years. It was another colleague on the other side of the aisle who said one must pay an income tax in order to earn a tax credit. That is the way it works. But she did not care about Enron who paid no taxes the last 4 out of 5 years. For Republicans it is all about the deal. It is not about the fundamental values of fairness or of taking care of people. It is about the deal, what do we get in return.

We have passed three tax bills that benefit the wealthy in this last 3 years, but we have done nothing to help people that need it the most. It is high time the House of Representatives did its job. I commend the President for setting aside the quest for a deal and urging the House to take up this bill, which the other body passed by an overwhelming margin. We must restore what was stolen in the dead of night, and if we do not act soon, the families of these 12 million children will not be receiving the tax credit in the mail this July 1 like the other 25 million families. Now is the time for action.

PRICE CONTROLS NEVER WORK

Mr. STEARNS. Mr. Speaker, as we return from recess to write and act on legislation for a Medicare prescription drug benefit, I am asking my colleagues and the American people to resist the temptation to succumb to

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price controls. This is perennial around here. A lot of folks believe that price ceilings for pharmaceuticals to be a feasible solution to the high costs that we experience with pharmaceuticals, but they never work.

Against the advice of economic advisers, including Nobel Prize-winning economist Milton Friedman, one President instituted a broad range of price controls in August of 1971; but many of the Members saw the PBS series ''Commanding Heights'' last year in which the author, Daniel Yergin, recalled ''the public was convinced that food prices were going up,'' so the President ''opted for wage and price controls. Voters liked the price controls, and the President was reelected in a landslide.'' Owing to that we can control prices but we cannot control the laws of supply and demand, the economy did not respond as the President hoped it would. Mr. Yergin said, ''Right away, the economy went out of whack; people couldn't cover their costs. Ranchers stopped sending their cattle to market. Farmers started drowning their chickens. Instead of controlling inflation, they were controlling shortages.''

To those old enough to remember 1971, remember those price ceilings? Lines for gas were all over the place for our cars. Black markets were started. New work started for organized crime. Shortages on grocery shelves. And prices still continued to rise, while just as the public clamored about too expensive food, some begged for more price controls.

Why do price controls not work? According to even a basic-level college text dealing with macroeconomics by Byrns and Stone, ''price ceilings keep monetary prices from rising but not average opportunity costs . . . there will be excess demand (or shortages). But price ceilings keep prices down, do not they? Unfortunately, the answer is NO!'' This is from a basic text in all of our college economic courses.

The people who most value a good or service and are willing to pay an extra dollar in nonprice resources, such as waiting time, lobbying efforts, bribery, or black market premium, will do so. Have the Members noticed that more than a few Canadians who live under a price-controlled health care system, if they need health care beyond their primary care, what do they do? They travel to the United States to get it because it is the best in the world. So the Members do not have to trust what I am saying today. Just read some of the basic text in our college economic courses.

But why is it that a majority of pharmaceutical innovation occurs in the United States? Because the free market offers a reward to undertaking that risk. How many blockbuster drugs has Canada invented lately? The National Taxpayers Union warns lawmakers ''America is the world leader in the research and development that results in innovative lifesaving medications.'' For the United States to look to Canada for ''drugs at an artificial price set by some other country would be, quite simply, a way to rob the pharmaceutical companies of revenue needed to refund research. It is certainly cheap to manufacture pills if someone else supplies the research and development funding. On average, it costs the pharmaceutical companies over $800 million and takes 12 years to bring a new drug to market. While countries like Canada may beckon to us with their centrally controlled drug prices, none of those types of countries can begin to approach the United States in the development of new, innovative drugs that can save millions of lives.''

Citizens for a Sound Economy point out ''prescription drug prices differ between nations based on a variety of factors, including per capita income and type of health care system'' that is provided. Perhaps one of the reasons American seniors and disabled are looking at Canada's and Europe's ceiling-priced pharmaceuticals is because that is what they lack. We do not hear seniors asking for relief on the prices of outpatient visits or MRIs because they are not paying out of pocket themselves.

One more unique viewpoint, that of interfering with Americans' right to vote with their dollars: Americans for Tax Reform ponders how the ''impact of Canadian subsidies on the U.S. market will affect American taxpayers. Government subsidies of any kind interfere with market forces to drive competition and innovation. Foreign subsidies usurp taxpayers' ability to affect democratically the prices of necessary medicines.''

The solution is not for Congress to manipulate prices, but to expand coverage to Medicare beneficiaries, to expand private sector health insurance coverage to the uninsured. Price controls never work.

THE IRONY OF NO CHILD LEFT BEHIND

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

Mr. BELL. Mr. Speaker, I rise today to talk about the irony of No Child Left Behind, a very popular phrase here in our Nation's Capitol. My colleagues on the other side of the aisle tout No Child Left Behind when in actuality they deliberately choose to leave millions of children behind.

President Bush signed a new law that would provide tax cuts of $93,500 to the 200,000 taxpayers making over $1 million. Let us go over that again: $93,500 in tax cuts to the 200,000 taxpayers making over $1 million. However, 53 percent of all taxpayers will get less than $100 under the GOP tax cut, just another example of the administration choosing the wealthiest over America's working families. But as they used to say on the old television commercials, but wait, there is more. What is even more egregious in this particular case is that the administration chose not to provide or increase the child tax credit to working families making between $10,500 to $26,625 per year. That is right. If they make $10,500 to $26,625 per year, they miss out on the child tax credit.

Mr. Speaker, Republicans in the other body dropped a provision added by Senator LINCOLN that would help nearly 12 million children and their families get such a tax credit. Out of that 12 million, a staggering 8 million received no child tax credit under the GOP law. Mr. Speaker, the Republican plan in no way, shape, or form protects the children that need it the most. Instead, the plan deliberately excludes these children. In actuality, the Republican plan should be called the ''Plan to Leave Children Behind.''

This is why I urge my colleagues to support H.R. 2286, the Rangel-Davis-DeLauro bill. I am proud to be a cosponsor of this bill. It is a great start to preparing the damage inflicted by the administration's reckless and negligent tax package. H.R. 2286 would restore the child tax credit to families making minimum wage by providing greater tax relief to working families. Nineteen million children and their families would benefit from this bill. In fact, over 2 million children in my home State of Texas would benefit under the Rangel plan.

In addition to the child tax credit, H.R. 2286 would create more jobs. The provisions in this bill are key elements to the House Jobs and Economic Growth package and would create more than 1 million jobs without adding one penny to the deficit, welcome relief in a State like Texas where we are looking at our highest unemployment in 10 years, reaching close to 7 percent. Lastly, this bill has key elements that would ensure our brave men and women in uniform are not denied tax relief just because they are on active duty.

Mr. Speaker, I urge my colleagues to support H.R. 2286. This tax plan is fair. It helps America's economy, America's men and women in uniform, and it helps America's working families. Most importantly, it allows us to not just talk about it, but it allows us to actually leave no child behind.

INNOVATION, MANUFACTURING, AND JOBS

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

Mr. SMITH of Michigan. Mr. Speaker, I rise this morning to talk about the danger of losing good-paying jobs and our strong economy here in the United States.

Manufacturing has been America's economic strength. For 3 decades now, manufacturing productivity has increased more than any other sector of

our economy. The average manufacturing worker produces four times as much per hour as the average worker did 50 years ago. As a result, manufacturing has been one of the most important parts of the economy and has produced higher living standards for Americans as those products from American manufacturing have become cheaper and better and wages in manufacturing have risen. But now we are losing our manufacturing base as we tend to move towards a service economy.

With manufacturing suffering in recent years, other industries such as the service sector have offered alternative employment. The trouble is that manufacturing cannot be simply replaced by insurance companies or the legal profession or retail trades. There are only four economic sectors that generate material wealth. Only four. And they are agriculture, where they produce things; mining, where they produce things; manufacturing, where they produce things; or construction. And those are the four. Of those, only manufacturing is not limited by natural resources and is capable of export.

We need innovation to produce better products at competitive prices to regain our manufacturing leadership. We cannot pay American-level wages unless we can still be competitive. That means innovation for quality products and increased productivity. Innovation starts with basic research, followed by application and commercialization.

As chairman of the Subcommittee on Research under the Committee on Science, I am familiar with the government's efforts to find and promote basic research, mostly through the National Science Foundation. NSF has seen substantial increases in recent years, and we need to ensure that this money is spent in ways that research discoveries can have the greatest impact in terms of promoting innovation and practical application for United States businesses. The development of basic research for industrial use has generally been the province of businesses which undertake these efforts to create new products. Unfortunately, according to witnesses at a recent Committee on Science hearing, application is the hardest part. Companies facing intense competitive pressure find it difficult to set aside sufficient resources, money, to develop new products, especially if the results cannot be anticipated before 5 or 6 years. So we are having a gap. Government is now the substantial payer of basic research; and having that research with tech transfer and to apply that research for better and more products and efficient ways of manufacturing is what we are lacking.

Development also suffers from low prestige. The academic community and Federal grants generally reward those who seek knowledge for knowledge's sake rather than those who do the necessary development work. Some foreign countries spend their research dollars monitoring our government funding basic research and then spend the rest of their government money to apply that research for commercial products ahead of our getting that application in the United States.

Another problem we face is the shortage of math and engineering talent. The United States has long lagged far behind other nations when it comes to producing top-notch engineering and research talent. Let me just give an example of China. China produces 10 times as many engineers as we do in the United States. This cannot continue if we expect to continue a strong economy in the United States. It cannot continue to go on without erosion of our international competitiveness. That is why I have pushed NSF to do a better job of promoting math and science careers to students. We need more capable math and science students for research and business and for our future.

In summary, Mr. Speaker, the decline in manufacturing employment is something that we ignore at our peril. Over the long term, we cannot hope to have a healthy and growing economy unless we make lots of tangible goods that people want to buy both in the U.S. and overseas markets. Government needs to support not only basic research but to provide incentives for American business to develop applications to ensure continued economic health.

IN SUPPORT OF THE CHILD TAX CREDIT

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

Mr. EMANUEL. Mr. Speaker, yesterday's New York Times story ran a headline: ''Iraqis Are Out of Jobs, But Pay Day Still Comes.'' With the administration's blessing, 200,000 Iraqis are receiving $20 a day for no-show jobs. They do not work. They do not show up for work. They do not do any work. Twenty bucks a day. I come from Chicago, from Cook County. We like no-show jobs. We think that is a good thing. We built an entire political party on no-show jobs, not at 20 bucks a day; but for everybody's appreciation, in the last 2 months we have given Iraqi families nearly $900. That is equal to the amount that we would pay for the child credit. So we are paying Iraqis and Iraqi families 900 bucks over the last 2 months, which is equal to what we are fighting over here, which I do not believe we need to fight here in the House since the Senate agreed 94 to 6 for the same amount of money. Yet somehow we said in Iraq if they do not work, if they do not show up for work, we will give them 20 bucks a day. It is a no-show job. It looks pretty good to me. But here if they work full time, trying to help their families, trying to raise their kids with the right values, trying to provide them clothes for school, food for the summer, a camp, a program, YMCA, they are not part of the American family.

I want to tell the Members something. Here is an American official, a government official who said nobody is going to quibble about paying a few dollars into this economy.

I am going to quibble. I do not know whom he talks to. I do not know who is paying him except for all Americans, and he says nobody is going to quibble? But what we are quibbling about is whether the children of America, 12 million children, 6.5 million families, are going to get the same sense of value here in America that we are saying in Iraq that for 20 bucks a day they do not have to show up for work and we will pay them. But here if they show up for work, work hard and pay their taxes, they do not deserve a tax cut, that they are unappreciative.

Who are these children? They are America's children, and they have done right. Parents are trying to raise them with good values, trying to teach them right from wrong. And what do we do in Congress? We turn those values on their head. We turn those values upside down and say if they work full time trying to do right by their kids, they do not deserve a tax cut. We are going to treat Iraqis with a different sense of values, a different sense of appreciation.

Let us be clear about what this says about who we are. America's children. Enron in the last 4 out of 5 years had record profits, did not pay taxes 4 out of 5 years. They got breaks. WorldCom, $12.5 billion in profits, 2 out of 3 years did not pay any taxes. They were big recipients of government contracts, yet did not pay taxes. We are paying their taxes. Tyco decided to move their address down to Bermuda, got a new ZIP code, new area code. $600 million dollars in government taxes were not paid; yet they got benefits in government contracts. That is a form of corporate welfare. If they do not pay, if they do not work and they are a corporation, we take care of them. America's children, 12 million of them, we are not going to give them a tax cut.

Recently on a Friday, the unemployment rate hit 6.1 percent. When this President came to office, the unemployment rate was 4 percent. Nearly 3 million Americans have lost their jobs, and we have added $3 trillion to the Nation's debt. What a deal, as we would say back in Chicago. $3 trillion dollars added to the Nation's debt, and Americans are paying with their jobs.

I believe the Senate did right. They did right by our values as Americans; and I know people on the other side of the aisle. They are good people with good values, but those values that left the 12 million children on the floor while corporate interests were circling the conference room are not the values we came here to vote for. We all came not just to be a vote, but we came to be a voice for our values and the values

that say WorldCom is going to get protected; Iraq, 20 bucks, no-show jobs, they are going to get protected; 6.5 million American families work full time, making somewhere around $20,000, and I am talking about a rookie cop, first-year teacher, first-year emergency worker, those types of people, they are not getting a tax cut. They are not worthy of it.

What does that say about who we are? So that tax bill is not just dollars and cents. It is a reflection of our values as Americans. And this person, this body, is going to quibble with an American official who thinks that somehow paying 20 bucks a day not to shows up for work is valuable; but if one shows up every day trying to provide for their children, that is not valuable and it is not worthy of a tax cut. It is worthy of a tax cut. Those children are America's children. That mother and father earning $20,000 are as valuable as if that mother and father were earning $200,000.

So I would say that this House, this body, we did not come here to just be a vote. We came here to give voice to our values and the values that we all represent regardless of what part of the country we come from. Regardless of what party we are from says that those 12 million children, they too deserve to go to school, they too deserve to go to the YMCA, they too deserve to go to the summer camp, and they too deserve for their parents to put funds away for their higher education; and we in this body need to take up the Senate bill, take up the DeLauro bill and vote on it immediately so the President can sign it so that on July 1 their tax cut gets sent too so that when they show up for school like the Iraqis who do not show up for work, they get a tax cut too.

UCF CHAMPIONSHIP CHEERLEADING TEAM

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

Mr. FEENEY. Mr. Speaker, it is a big thrill to rise today to honor a hometown university, the University of Central Florida, and their cheerleading team for their Division I championship and cheerleading and dance team competition this year. UCF President John Hitt and the entire UCF family are simply thrilled with the success and are extraordinarily proud of this accomplishment. In fact, this is no fluke. UCF cheerleaders have finished in the top 10 for 9 out of the last 10 years. Talk about consistency. All champions exhibit quiet determination; but two teammates especially, Jamie Woode and James Kersey, demonstrated exceptional resolve above and beyond the call by competing with serious injuries, a broken fibula for Jamie and a torn rotator cuff for James. That is the UCF Knights spirit.

A student athlete's success is not merely measured by athletic performance, however. This 18-member team holds a cumulative 3.3 grade point average. During her 19-tenure as coach, Linda Gooch has witnessed all but one of her team members earning bachelors degrees, an all-too-rare accomplishment in Division I competitive student athletic programs. Today I will submit a resolution with many colleagues from Florida commending the fabulous success of the University of Central Florida cheerleading team on its championship this year and wish them continued success in the future both on and off the field.

THE CHILD TAX CREDIT, THE REPUBLICAN TAX BILL, AND THE RANGEL PACKAGE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, yesterday in Houston, Texas, I stood with carpenters and letter carriers, working families who work for the communications industry of the Nation, builders who build in the hot sun and the very cold winters, and those who take our plates away in restaurants and hotels. Some would call them the working class: low-income families, middle-income families. The one thing that they probably are not considered to be in this Nation, though I abhor any sense of class distinctions, but they probably would not be considered elite.

So I stand here today, Mr. Speaker, in arguing on their behalf, particularly in light of the very inequitable tax bill that was passed just a few weeks ago. I think the argument could be made that the elite went free on that day and they marched the working poor and the working Americans into a locked jail and threw the key away because the $550 billion tax cut that the President signed clearly did not represent working families of America, clearly did not represent individuals whose income may fall between $10,000 to $26,000.

Mr. Speaker, I am not interested in having a class between incomes. I certainly appreciate those who have made their way in this Nation and have built their income and capital upon the democracy and the free opportunity for business in this Nation. But, frankly, I think it is appalling and an outrage that we can be in this Congress, take our income every day, take the benefits of this Nation, and refuse to protect the least of those. The Senate has passed a bill. It has fixed its error. The first error came when they refused to take the Lincoln amendment in the last hours, Senator LINCOLN's amendment in the last hours of the tax negotiations. They left the working people off the table. So they enacted a bill that values the elite few over millions of Americans and left out those who make between $10,000 and $26,000.

That is why I am here to support the Rangel-DeLauro bill as an original cosponsor to restore that tax credit. What does that mean? That when the checks are issued in July to all the millions of others who are doing well, a tax credit for children, $400 to make it a total of $1,000, who will be left out? Those who make the 10,000 to $26,000. Are they the deadbeats of America, are they the undeserving, are they the ones that my good friends on the other side continue to hammer over and over again they do not pay taxes? I reject it. I refute it. It is ridiculous. They pay payroll taxes. They pay property taxes. They pay sales taxes. They contribute to America's economy. How dare you provide this elitist response that these working families who get up every day and clean tables, these working families who get up every day and help build America, are you telling me that they do not deserve a tax credit on their children?

The reason, Mr. Speaker, that I add to this is that we have the worst unemployment in America that we have had in America's history amongst any President in the United States. We have gone up to 6.1 percent unemployment with unemployed reaching $3.1 million. That means that the very people we are talking about per child tax credit may have only one bread winner in the family. Not two, but one. And that means that children who need these dollars maybe for the beginning of the school year are now denied because of the elitist attitude of this Congress and the Republican leadership.

Mr. Speaker, I refuse to stand with that kind of Neanderthal thinking. I prefer standing with the hundreds who stood with me, working men and women who are appalled by the lack of a tax credit and equally appalled by the opportunity or the effort by this particular body, this Republican majority, to put a comp time bill on the floor of the House which eliminates any opportunity for individuals who get overtime pay and gives them only, only compensation by giving them comp time off. Not when they need it, Mr. Speaker, but when the employer says they can have it.

So here we go. We have got a tax scenario that penalizes working families. We have a working bill that violates the Fair Labor Standards Act, and we have an overall package that we are trying to help Americans and we cannot seem to get it on the floor of the House. We need to get the Rangel-DeLauro bill, H.R. 2286, on the floor of the House now, this week. We must continue to fight for providing them along with our United States military personnel whose salaries fall within that $10,000 to $26,000 a year. We have got to stand to create jobs when we have seen such an enormous loss of jobs. Mr. Speaker what we have here is a failing of the United States Congress,

failing of our constitutional duties and certainly a failing to the American people. Vote for the Rangel-DeLauro bill, and vote to eliminate the bad comp bill that will destroy working families all over America.

Just over 1 week ago, the President signed a new law that provides tax cuts of $93,500 to the 200,000 taxpayers making over $1 million, while 53 percent of all taxpayers would get less than $100 under the law.

The Republicans chose not to provide or to increase the child tax credit to working families making between $10,500 to $26,625 per year, in order to make room for a dividend tax cut.

Republicans deliberately chose to leave these children and their families behind.

Republicans also deliberately chose to drop a provision added by Senator LINCOLN that would help nearly 12 million children and their families to get the child tax credit—8 million of whom would get no child tax credit at all under the new law.

This provision would have helped low income families with children who make that are working hard to make ends meet.

On May 29, 2003 White House Press Secretary Ari Fleischer said, ''Everybody was aware in the conference of what was in, and what was out. So that was very well-known to all the conferees, including to the White House. Does tax relief go to the people who pay income taxes and forgive their income taxes, or does it go above and beyond the forgiving of all income taxes, and you actually get a check from the government? This [GOP tax conference agreement] certainly does deliver tax relief to the people who pay income taxes.'' (May 29, 2003)

Today, Majority Leader TOM DELAY responded that the House would not move stand-alone legislation on this issue. He said, ''There's a lot of other things that are more important than that. To me it's a little difficult to give tax relief to people who don't pay income taxes.''

First Republicans refused to give workers the same pension rights that corporate CEOs have.

Then they pushed through a $350 billion tax cut, which fails to increase the child tax credit for working families making $10,000 to $26,625 a year.

Now, the Republicans are working to take away overtime pay with H.R. 1119 the so-called Comp Time bill and describing it as a ''family-friendly'' idea.

In reality, this is the Republican's concerted, long-term attack on America's working families that must be stopped.

SUPPORT FOR WORKING FAMILIES

Democrats are offering a package to help hard working Americans and create jobs.

Democrats are taking the first step (H.R. 2286) to begin to repair the damage from this reckless and irresponsible tax package.

The Rangel-Davis-DeLauro bill will provide greater tax relief to the families of 19 million children who make the minimum wage that are struggling to make ends meet.

In addition to restoring the child tax credit provision that Republicans dropped in the middle of the night, the Rangel bill would make the child tax credit available to 1.7 million more families by providing that those earning $7,500 or more could get the credit.

Under current law, the tax credit it is limited to those who make over $10,500.

The Range package will benefit 19 million children in America; over 2 million children in Texas alone.

Furthermore, the Rangel bill would accelerate marriage penalty relief for families that receive the Earned Income Tax Credit. And it is fully paid for—the bills calls for no deficit spending.

DEMOCRATS CONTINUE TO FIGHT FOR MEN AND WOMEN IN THE MILITARY

The Democratic package would make sure that our men and women in the military are not denied tax relief just because they are deployed in Iraq.

Specifically, the bill would count combat pay for purposes of the Child Tax Credit.

Republicans enacted a $350 billion tax bill, and yet they failed to make sure that our men and women in combat are able to take full advantage of the child tax credit.

The Democratic Plan will also create jobs for the soldiers who are returning home, their loved ones and others in need of employment.

These provisions are key elements of the Democratic House Jobs and Economic Growth package that will create more than 1 million jobs this year without adding one penny to the deficit.

Democrats know that by putting money in the hands of working Americans and by keeping our fiscal house in order can we create jobs and build a strong economy.

IRAQ AND WEAPONS OF MASS DESTRUCTION

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

Mr. PENCE. Mr. Speaker, I was in the grocery checkout line buying some Motrin for my ailing 8-year-old daughter late this Saturday night; and the woman next to me, seeing me wearing something of a Republican T-shirt on the weekend but not recognizing me as a Congressman, said, ''I guess your President is in some hot water over weapons of mass destruction.'' And that seems to be what many on the other side of the aisle and many in the national debate would like to say about the President, that somehow this administration either directly or indirectly intentionally or unintentionally exaggerated the threat of weapons of mass destruction and the WMD program of the Nation of Iraq during the months and weeks leading up to Operation Iraqi Freedom. It is an extraordinary assertion, and as I went on to describe there in the checkout line last Saturday night and rise today to describe, it is patently untenable and ignores the real and demonstrable history of the nation of Iraq and the region.

First, a lesson in history. We go back to 1981 when Israel was forced to bomb Saddam Hussein's nuclear reactor at Osirak. In fact, the United Nations established at that time that Iraq had begun a nuclear weapons program and, in their words, chemical and biological weapons capability systems. In fact, in the immediate aftermath of the last Persian Gulf War, Saddam Hussein and his regime as a part of the cease fire agreement acknowledged extensive biological and chemical weapons programs; and I cite now from UNSCOM's sources, the U.N. agency responsible for overseeing the cease fire of Iraq, that Iraq itself acknowledged 10,000 nerve gas warheads, 1,500 chemical weapons, and 412 tons of chemical weapons agents.

Last week before the Committee on International Relations, John Bolton, the Under Secretary for Arms Control at the U.S. State Department testified before us; and I asked him very specifically, Mr. Speaker, whether or not the assessment of the WMD program in Iraq changed significantly from the Clinton administration to the Bush administration. He hesitated and then very carefully said it had not changed in any significant way and that in many respects the Clinton administration assessed the WMD program in Iraq precisely the same as the Bush administration did. Citing those hundreds of tons of chemical and biological agents that Iraq admitted it had in 1991, Under Secretary of State John Bolton said, ''Both administrations said these materials were unaccounted for.''

In fact, when President Clinton bombed Iraq in 1998 after they expelled our weapons inspectors, he justified the bombing by saying ''it was necessary to attack Iraq's nuclear, chemical and biological programs and its capacity to threaten its neighbors.'' So said President Bill Clinton. So those who would say that in the 5 years leading up from the time Iraq expelled weapons inspectors to the time of Operation Iraqi Freedom that somehow, even though he refused to admit it, Saddam Hussein willingly and privately destroyed his enormous cache of weapons of mass destruction, ignore common sense, ignore history, the truth is, Mr. Speaker, we would have to believe the worst of George W. Bush and the best of Saddam Hussein to believe that there was not an extraordinary program of biological, chemical and even a nascent program for nuclear weapons being developed in the nation of Iraq and the capital of Baghdad.

Facts are stubborn things, and reciting those facts that Iraq admitted to in 1991 and establishing a decade-long pattern of deception and denial confirms, as our Iraqi survey group continues to scour that country for further evidence of a WMD program, I remain confident, as the President said yesterday, that we will not only continue to find evidence of a program, the mobile labs, the biological and chemical suits and the syringes that were found with antidotes for chemical deployments, but the day will come in the very near future, I am confident, that U.S. and coalition forces will find the elusive evidence of a program of weapons of mass destruction.

ELIMINATION OF THE CHILD TAX CREDIT FOR 12 MILLION CHILDREN

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from California (Ms. LORETTA SANCHEZ) is recognized during morning hour debates for 5 minutes.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to talk about that sleight of hand that happened in the last few days when the Republicans put together the newest tax cut for the American people. At the time, they decided to eliminate the child tax credit for 12 million children here in the United States, because, of course, they had to find a way to pay for their tax cut for dividend earnings. One would say, so what? It is just 12 million children that we are not going to give the tax credit to their families for. But it was 12 million children of low-income families. That means that if they made somewhere between $10,000 and $26,000 as a family they would not get that child tax credit. People tell me all the time there is no possibility. They just cannot make $10,000 a year because $10,000 a year, they cannot live on that. Darn right. They cannot live on $10,000 a year.

Let us look at what it takes to live when they are making minimum wage, minimum wage in Orange County, California, where I live. Let us say they live in Santa Ana and they are making minimum wage, and there are a lot of people who make minimum wage out there. Why? We have got Disneyland; we have got tourist attractions there. We have got the maids who make the bed when they come and stay in Anaheim. The dishwashers, the people who serve. We have the gardeners who are cleaning up everything, the janitors. They all make minimum wage; and they make no benefits, most of them.

So minimum wage, and in California it is higher than the rest of the Nation. Our minimum wage is $6.15 an hour. Multiply that if they are going to work for 2,040 hours a week. That is working every week. That comes to less than $13,000 a year. But by the time just their payroll taxes get pulled out of that paycheck, they are taking home about $11,000. And let us say that they are a family of three, that they have got a child, that they go home to live in their one-bedroom rented apartment in Santa Ana, California, where the average rent is $950 a month. When they do all the math, they figure out that earning minimum wage means they can barely pay their apartment rent. That is not their utilities. It is not health care. It is not clothes for them or their children. It is not school books or supplies. It is not transportation to get to their job, and it is not food. It is not medicine. So, yes, it is very difficult to live on minimum wage where I live, but a lot of people do it. They are working hard every single day.

I remember about a year ago we unionized our janitors there, and they had a contract that would pay $6.40 an hour. And the workers came to put in their bid of whether they were going to accept that contract or not, $6.40 an hour for cleaning toilets, cleaning toilet after toilet after toilet in a high-rise all night long every floor. Who do the Members think cleans those buildings? And they were voting on this, $6.40 an hour. That was the contract. One holiday a year and 5 sick days a year. There was this guy, this older gentleman who was crying as he put in his ''yes'' vote, and he said to me ''You know, Congresswoman, I have been a janitor here for 17 years. This is the first time that I will get a raise.''

People live and they work very hard for these wages. So I hear the other side say it does not matter; we should not give people this tax credit. We need to give people that tax credit. What about the 200,000 families that are in our military, some of them stationed in Iraq, having put their lives on the line who are not eligible for the child tax credit because the other side decided that they needed to give rich people more money? When we first discovered it and we started to talk about it, some said, oh, my God, we did not know. How could that happen? Someone just slipped it in. Nobody slipped it in. The White House Press Secretary Ari Fleischer said it was a very well-known fact what they were doing and the White House knew about it.

Let us pass the DeLauro bill. We have got to get money to the families who really need it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask the occupants of the gallery not to show signs of approval or disapproval.

PROTECTING THE UNITED STATES AND ITS CITIZENS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized during morning hour debates for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, most Americans believe that the first duty of the Federal Government is to protect the security of the United States and its citizens. By any objective assessment, when the threat to our security takes a form of foreign armies, navies or intercontinental missiles, we have done an exemplary job. When it comes to threats confronting us, new threats, the sort that resulted in the attacks like that on September 11, we continue to ignore gaping holes in our national defense. As it becomes more evident that we need better information about who is in our country, we are about to surrender that identification process to foreign governments. We must adhere to a policy of closed borders with open, guarded doors. We cannot rely on foreign nations, even allies, to be thorough enough to issue identification that meets our rigorous standards. Do we really want to rely on the government of Mexico and the dozens of other countries that will be lining up to issue consular IDs to tell us who is living illegally in our country? I think not. The majority of Americans believe that we should not either.

Given the very real and deadly threats that we face, how wise is it to have millions of Americans, people living illegally in this country using dozens of identity documents issued by governments all around the globe to do everything from opening a bank account to boarding planes. I have recently been informed that our customs office in New York is actually allowing customs forms as people enter into this country to be turned in and they are simultaneously not checking the names of the people turning in the customs forms to compare it to a list of known terrorists. Customs forms pile up and are entered several days later. This is later when these people are already in our country. It is kind of the ''come on in and we will check you later'' process, that ''we will check you later if we can find you.'' Is this what we really had in mind when we promised the American people that we would do everything within reason to prevent another catastrophe like 9–11 and we spent billions of tax dollars to create a Department of Homeland Security? I do not think so, Mr. Speaker; and I do not think our American citizens do either.

TAX CUT TO WORKING FAMILIES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized during morning hour debates for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, I want to congratulate the gentlewoman from California (Ms. LORETTA SANCHEZ) for her eloquent statement on behalf of the people who are left out of the Republican tax cut bill and the people who like the Narvaez family in my district are working hard every single day. This is Maria Narvaez and her daughters Alma and Elia. She has another daughter too. She is standing in front of a community organization called Family Matters in my district and all of us would hope that to every Member of Congress that families really do matter.

To Ms. Narvaez, they really do. She works also in a day care center taking care of other people's children, and for all of her full-time work she earns $20,000. When the tax cut bill passed the Senate originally, it had a refundable tax credit. She would have gotten up to another $400, which may not mean much to some people, but could mean a lot to Maria and her daughters and her son, who are pictured there. She would have taken that money and

gone right out and maybe paid a few bills or bought some extra food for the family or some clothes. Money would have gone directly into the economy and would have helped to create more jobs and stimulate growth.

But instead, what the House Republicans said is that she and her family are just simply not wealthy enough to have a tax cut because in the dead of night what happened to that Senate provision that would have given her a tax cut that would have given her a rebate, Vice President CHENEY went in and said, wait a minute, and he helped negotiate this, the bill that was passed goes too high. It spends too much money. So somebody is going to have to be cut out. And in the dark of night, in a secret negotiating deal, it was families like the Narvaez family who were cut out.

It is not just her. I talked to a mother of a Marine yesterday. I had breakfast with her. And she was telling me, he is in Iraq right now but she was telling me that when she went to visit him at his base there was a church nearby that had a big box in front of it and she said what is that box? And that is for donations of clothing for the military families. Understand that I am not talking about the generals and I am not talking about the people that are sitting at the Pentagon. I am talking about the young men and women, the privates, the privates first class who are over in Iraq who are risking their lives every day, some of them losing their lives, and we do not know how many have been injured in that war, those people also have been cut out of this bill, and this is what the majority leader said. The gentleman from Texas (Mr. DELAY), the majority leader, said there are a lot of other things that are more important; and what that must mean is that it is more important to give an average of $90,000 tax cut to millionaires, and it is more important to pass a tax dividend cut, the taxes we pay on dividends, to cut that, than to ensure families who are making less than $26,000 to have a few extra dollars to spend on their families.

And the reality is that if Congress does not act by the end of June, 6.5 million low-income families will not receive their refund checks at the same time as the middle-class families do. So we are under a time frame here. It is not something that we can just chat about. Who does benefit then from the tax cut bill? Let us talk about who actually gets a benefit. Vice President CHENEY who negotiated that deal that cut this family out will reap about $116,000 a year from the dividend and capital gains provisions in the tax bill. Maria will have to work about 10 years in order to have an income that equals the 1-year tax cut that the Vice President will get, and that is not the only thing. John Snow, the Secretary of the Treasury, will get in 1 year a tax cut about $332,000.

She will have to work 16 years to get that. Let us talk about fairness here. Let us talk about what is good for the economy and good for families. Let us do what the Senate did when they fixed it. Let us give a tax cut to working families.

RECESS

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

Accordingly (at 11 o'clock and 25 minutes a.m.), the House stood in recess until noon today.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order at noon.

PRAYER

The Reverend Phillip Kaim, Diocese of Rockford, Illinois, offered the following prayer:

Almighty God, as we open Congress for another day, we ask that You open the hearts and minds of our legislators to do Your will. We ask that You gift them with the wisdom to know Your will, the prudence to know the means to accomplish it, and the courage to follow through, to persevere, and overcome any obstacles put in their path.

As we open Congress, we keep in our thoughts and prayers all the men and women in our armed services, especially those still deployed in Iraq, who risk their lives every day to protect our cherished freedom. We ask You to keep them safe and out of harm's way. We also ask that You provide sufficient chaplains to serve this unique and challenging ministry.

We ask all of this in Your Holy Name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. MICHAUD 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 FATHER PHILLIP KAIM

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

Mr. HASTERT. Mr. Speaker, today the House opened with a prayer from our guest chaplain, Father Phil Kaim. Father Kaim is a newly ordained priest in the Rockford diocese in the State of Illinois. Father Kaim is also a close personal friend of mine and a former member of my staff.

When Phil worked in my office, I always admired his clarity of vision, his strong conviction, and his compassion for those around him. Phil had a knack for politics. He worked for me for almost 10 years.

He served in my office as my district director and was my eyes and ears back home in Illinois. Phil was very good at his job, but I guess he decided he had a higher calling. Six years ago he made a decision to become a priest, and after the election of November of 1998 he left my employment, packed his bags and moved to Rome to study at the North American College to become a Roman Catholic priest.

On May 17 of this year he was ordained. He will return to Rome later this year to continue his studies.

Father Kaim, thank you for your prayer today and good luck to what I know will be a bright future.

CLASS ACTION REFORM GOOD FOR FAMILIES

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

Mr. DELAY. Mr. Speaker, this week we will be taking up another bill that will directly benefit working families: the Class Action Fairness Act of 2003. And as we know, the class action process was designed to help consumers with similar troubles pool their resources for legal assistance and streamline what might otherwise be thousands, even millions, of separate claims.

But in the last 10 years, class action filings have risen 1,000 percent. For all their apparent popularity, one would think class action suits have suddenly become more beneficial to consumers, but the evidence suggests in that time the class action system has been abused more often than ever. A suit against the Bank of Boston, for instance, yielded just $8.64 cents for every plaintiff, but cost $90 each in lawyers' bills.

A class action against Blockbuster Video racked up more than $9 million in legal fees, but yielded plaintiffs a mere $1 off coupon for future rental at Blockbuster.

Class actions have become more popular, but not because they have suddenly started benefitting consumers more. After all, under the current system, the suits get bogged down in State courts where the settlements are often not equally distributed among members of the class. Meanwhile, the cost of all this litigation is being

passed on by companies to the American consumer. The courts, the companies, and the consumers are not benefitting them.

But who is? Who else? The trial lawyers. The American people get the joke, Mr. Speaker. No matter who loses in class action suits, the winners are always the same: The trial lawyers. Even if their clients do not get any money or are not being paid, the lawyers always seem to be paid.

So the reforms we will take up this week will streamline the class action system and provide for new consumer protection against abusive lawsuits. This Republican majority is committed to meeting the needs of the American people and reining in the excesses of our litigious trial lawyer community.

So I look forward to the debate on this bill, Mr. Speaker, to see if the same can be said of their friends on the other side of the aisle.

WORKING FAMILIES TAX CREDIT ACT OF 2003

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

Mr. MICHAUD. Mr. Speaker, the recent tax bill carelessly neglects 12 million children in America's low-income working families by cutting them out of the child tax credit plan.

I asked the House Committee on Government Reform to investigate what this would mean to the State of Maine. They found that in my home district, 21,000 working families will receive no benefit. These are families who work hard, pay taxes, play by the rules, and who were still left out in the cold.

Cutting these people out was just plain wrong. That is why I have introduced the Working Family Tax Credit Act of 2003, along with my good friend, the gentleman from New York (Mr. RANGEL). This bill will fix the problem and assure that all working families get some benefit. In a tax bill that gives $90 billion of its tax cut exclusively to millionaires, making sure that working families who make $25,000 a year should be able to get some tax relief is the least this Congress can do.

FAMILIES SHOULD CHOOSE WHAT IS BEST FOR THEM

(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, last week the House was scheduled to consider the Family Time Flexibility Act. But some of our friends on the other side of the aisle opposed the idea of allowing workers to choose what their overtime is worth, so we did not get to vote on it.

When workers spend extra time at work, they should determine how much that time is worth, not employers and not politicians. This bill would allow them to do that. It gives employees the choice of how they are compensated for time they work over and above their normal work week.

In my district this is a big deal. There are a lot of hardworking people there who work a lot of overtime and a lot of close-knit families whose time is precious enough as it is. They should not be forced to take more money when what they need is some extra time at home.

But in order to appease special interests, our friends on the other side opposed this bill and prevented a vote on it. They opposed the right of workers to choose what is best for their families. They put the demands of big labor unions over the rights of parents to spend more time with their kids, and I think that is a crime.

EXTEND CHILD TAX CREDIT TO LOW-INCOME FAMILIES

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

Ms. DELAURO. Mr. Speaker, I rise again to discuss extending the Child Tax Credit to the families that need it most. This morning I came to the House floor to again call on my colleagues on the other side of the aisle to pass the legislation to give these 6.5 million taxpaying families what they have rightfully earned.

The other body has passed a bill. The President has said the House should take it up and he will sign it. Why 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, families that pay a greater percent of their incomes, 8 percent of their income in taxes; more than Enron did in the last 4 out of the last 5 years. They paid no taxes.

Now we hear the Republican leadership wants something in exchange. As I said this morning, there is always a deal with these people. It has nothing to do with values or fairness. It is all about taking care of their own. It is all about taking care of Enron, WorldCom, and Tyco.

Mr. Speaker, let us stop playing games. It is time for the House to take the other body's legislation. Let us help 6.5 million families share in the benefits of this tax cut. It is the right thing to do.

STATE DEPARTMENT IS AIDING ILLEGAL ALIENS

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

Mr. TANCREDO. Mr. Speaker, it is not bad enough that foreign governments are brazenly distributing identification documents to their nationals in order to make it easier for them to violate our immigration laws, it now appears that our government is aiding in the effort.

Perhaps I am a bit inaccurate in referring to the State Department as ''our government.'' Anyone who has been around here any length of time knows that the State Department operates as a separate entity with its own agenda and set of rules and are often unconnected to the wishes of the administration and are often disdainful of any congressional input except when they are up here asking for money.

Recently a memo came into our possession, which emanated from our Embassy in Managua and was sent to Secretary Powell. It was asking for directions in the task of helping the government of Nicaragua create these ID cards to distribute to Nicaraguan nationals living illegally in the United States. They want to do this so that these illegal aliens can more easily obtain benefits, get breeder documents, and generally live here undisturbed while they violate our laws.

You got it. That is our government in league with a foreign government as they aid and abet their illegal aliens living in the United States.

Beam me up, as our friend used to say, Mr. Speaker, beam me up.

ADMINISTRATION MUST HAVE ACCOUNTABILITY

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

Mr. KUCINICH. Mr. Speaker, the credibility gap is growing. First the administration said the U.S. had to sweep aside the U.N. inspections and the Security Council because Iraq had weapons of mass destruction which were an imminent threat.

No weapons have been found to justify the war. So why did we go to war?

Now Paul Wolfowitz says, ''The truth is that for reasons that have a lot to do with the U.S. Government bureaucracy, we settled on the one issue that everyone could agree on which was weapons of mass destruction as the core reason.''

Now their story is changing. Iraq had a weapons program, they say. No longer weapons of mass destruction but a program. Is this now the core reason?

Bait and switch will not work here, nor will a pretense for war. If this administration can fabricate reasons for the war after the fact, where will America be headed for war next?

Congress must demand accountability for the wanton exercise of war power, loss of life, destruction of property, waste of tax dollars, and damage to America's reputation.

□ 1215

Thirty-three Members of the House have now signed the resolution of inquiry to demand the White House tell the truth.

SEXUAL ASSAULT AWARENESS AND PREVENTION

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

Mr. BURNS. Mr. Speaker, I rise today to commend the House leadership for bringing before us a resolution to raise awareness and encourage prevention of sexual assault in the United States.

One person victimized by sexual assault is far too many, but unfortunately, one person on average is sexually assaulted every 2 minutes in the United States alone. These can be our neighbors, our friends, or even our family members.

For these victims and for the people who help them, this resolution salutes them for survival. For organizations, businesses and media, this resolution promotes awareness of sexual violence and strategies to decrease the incidence of these horrific crimes.

Mr. Speaker, no one deserves to be sexually assaulted. I encourage my colleagues to support this resolution, S.J. Res. 8, on the House floor today.

MIGHTY DUCKS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to congratulate the Mighty Ducks of Anaheim for their spectacular success in the 2002–2003 National Hockey League season. Even though they did not win the Stanley Cup this year, they came into the playoffs as the seventh-best team in the Western conference, faced down their critics, and made it to the Stanley Cup finals for the first time in their 10-year history.

Sweeping the Detroit Red Wings in four games, the Dallas Stars in six, and the Minnesota Wild in four, the Ducks proved that they were a serious contender for the sport's most coveted trophy; and Jean Sebastien Giguere, the Duck's spectacular goal tender, was selected as the most valuable player, winning that trophy for his hard work and incredible skill that gave the Ducks their fire throughout all of these playoff games.

Congratulations to my hometown team, the Mighty Ducks. Thanks for making this season a great one to watch and for making us proud.

TRIBUTE TO AL DAVIS

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

Mr. NEAL of Massachusetts. Mr. Speaker, today I rise to acknowledge the passing of Committee on Ways and Means' staff member Al Davis who died on May 30. Like so many of his staffers that I hope are watching today, the regard that we as Members of this House hold for you is unparalleled. You are the ones who genuinely make the trains run on time.

In the case of Al Davis, the information he provided to members of the Committee on Ways and Means as our economist were not only quality statistics but they were always reliable, a fact that the media and our critics often missed. It is people like this who day in and day out provide us with legendary support, and I particularly will miss the volumes of data he provided to me on the issue of alternative minimum tax.

He was a political warrior, like so many who staff this Congress; but he was also an individual who held great regard for this institution and was never disdainful of any of its Members. Even those who opposed his ideas respected him.

If we were offering a sitcom on the life of Al Davis, we would have called it ''Humble Al.'' I never heard anybody who did not find a compliment for Al Davis, and those of us who would acknowledge what he did when he whispered in our ear vital statistics are forever grateful for the service he rendered. We all will miss Al Davis.

CHILD TAX CREDIT

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

Mr. DEFAZIO. Mr. Speaker, House Majority Whip Blunt said GOP Members find no urgency to act for a child tax credit, but there was an incredible urgency in this House a couple of weeks ago when we acted in the dark of the night to extend an average $93,500 tax break to every millionaire in America.

Then the gentlewoman from North Carolina (Mrs. MYRICK) said, if we give people a tax break that do not pay taxes, it is welfare. Excuse me, someone who earns $27,000 a year pays $1,890 in FICA taxes. They pay taxes, regressive taxes; and guess what, every penny of those FICA taxes that is supposed to go into the Social Security surplus, the lockbox, that that side of the aisle used to support, that the President used to support, is being borrowed and being mailed in big checks to the wealthy. She may call that welfare; I call it Reverse Robin Hood.

NEXT GENERATION HISPANIC-SERVING INSTITUTIONS

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

Mr. RODRIGUEZ. Mr. Speaker, on behalf of our educational future of America, I rise today in favor of H.R. 2238, a piece of legislation filed by the gentleman from Texas (Mr. HINOJOSA) that would allow an opportunity for us to get additional resources for those youngsters and those individuals throughout this country, Latinos, that are attending the Hispanic-serving institutions to be able to get additional resources to get their master's and their Ph.D.'s.

This bill will strengthen the Hispanic-serving institution programs by establishing a competitive grants program to extend graduate degrees program opportunities for the Hispanic-serving institutions.

The bill will support graduate fellowships, services for graduate students, facilities, and improve our college and university faculty and technology. Current law only provides for those that are attending 2- and 4-year institutions and not allows for master's and Ph.D.'s.

It is important that we look at providing additional resources so that these youngsters can go and obtain their master's and their Ph.D.'s. I ask for my colleagues' support on H.R. 2238.

AMERICA'S INTERNATIONAL STANDING IS BEING DAMAGED

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

Ms. DEGETTE. Mr. Speaker, we have now gone 80 days without finding any weapons of mass destruction in Iraq. Questions are mounting as to whether the intelligence presented by the administration was manipulated or deliberately misinterpreted to create a false justification for the war.

Regardless of whether we supported or opposed the war, this is a critical issue. America's international standing is being damaged by this failure; and more importantly, this issue raises serious doubts about our intelligence apparatus, and it raises potential constitutional concerns.

I urge all of us to look carefully at this lapse, and I urge Congress to work in a bipartisan way to find out how this happened and to take steps to ensure that Congress and the American people are never misled when it comes to the issue of sending our American fighting men and women into harm's way about the purpose and the extent of the problem.

AMERICA'S FAMILIES AND CHILDREN ARE IMPORTANT

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

Ms. LEE. Mr. Speaker, I rise today in light of today's news reports to really thank Republicans for finally agreeing with us that all children and families of America are important, whether or not they are wealthy.

Two weeks ago, these same Republicans did not understand that lesson. Two weeks ago, they sacrificed the well-being of 6.5 million families, including 12 million children, so that they could pass tax breaks and dividend tax cuts for their wealthiest friends. Republicans thought that their

actions really would have gone unnoticed, but how wrong they were.

In California, for example, without this new legislation, almost 1.3 million California families would receive no child tax credit, including 2.4 million children. The Republicans would have especially hurt minority families because one-third of all Latino families would miss out on the tax break, while half of all African American families would not receive the credit.

Thankfully now, the majority is really beginning to listen and beginning to understand that those families who do not make any more than $26,000 should also receive the same benefit that every family that earns up to $110,000 and over would receive.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon). 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.

SUPPORTING GOALS AND IDEALS OF NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 8) expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The Clerk read as follows:

S.J. RES. 8

Whereas, on average, another person is sexually assaulted in the United States every two minutes;

Whereas, the Department of Justice reports that 248,000 people in the United States were sexually assaulted in 2001;

Whereas, 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas, children and young adults are most at risk, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas, sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas, less than 40 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas, two-thirds of sexual crimes are committed by persons who are not strangers to the victims;

Whereas, the rate of sexual assaults has decreased by half in the last decade;

Whereas, because of recent advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas, aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas, sexual assault victims suffer emotional scars long after the physical scars have healed; and

Whereas, free, confidential help is available to all victims of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist victims of sexual assault: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage both the prevention of sexual assault and the prosecution of its perpetrators;

(B) it is appropriate to salute the more than 20,000,000 victims who have survived sexual assault in the United States and the efforts of victims, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its victims, and encouraging the increased prosecution and punishment of its perpetrators; and

(D) police, forensic workers, and prosecutors should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress urges national and community organizations, businesses in the private sector, and the media to promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S.J. Res. 8.

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

There was no objection.

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

Mr. Speaker, I support this resolution as a way to further increase awareness of sexual assault and recognize the important contributions of victims in various groups that combat sexual assault. The police, forensic workers, and prosecutors should be praised for their hard work and dedication to this fight.

Through recent advances in DNA technology, law enforcement agencies have developed the potential to identify the rapists in tens of thousands of unsolved rape cases. The work of these individuals to prosecute sexual assault cases and incarcerating the offenders makes all of us safer.

We must also recognize the work of victims, national and community organizations, private sector supporters, and the media in this area. These groups helped to increase public awareness and provide support for individuals affected by this dramatic experience. Public awareness is a vital tool in combatting the incidence of sexual assault. It is noteworthy that the rate of sexual assaults has decreased by half in the last decade.

This resolution also recognizes the plight of victims of sexual assault. Often, victims suffer emotional scars that remain long after the physical scars have healed. Free, confidential help is available to all victims of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers in the United States and other organizations that provide services to assist the victims of sexual assault.

Hopefully, public awareness of this issue will also help victims to recognize that they are not alone and encourage them to come forward and report the crime. Currently, less than 40 percent of the sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies.

This resolution offers the support of this Congress and brings attention to this very important issue. I urge my colleagues to join me in supporting the individuals and organizations that dedicate themselves to combatting sexual assault.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join the chairman of the Committee on the Judiciary in supporting S.J. Res. 8 to call attention to National Sexual Assault Awareness and Prevention Month. The purpose of this resolution is to increase public awareness of sexual assault and to recognize the important contributions of various individuals and groups across the United States that combat sexual assault.

Mr. Speaker, sexual assault victims are primarily young people with 44 percent of the victims under the age of 18, 80 percent under the age of 30. Sexual assault affects women, men, children of all races, social, religious, age, ethnic and economic groups and even prisoners. Yet less than 40 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies.

Mr. Speaker, as we recognize Sexual Assault Awareness and Prevention Month, Congress also recognizes that other tools are also important in preventing and addressing sexual assault. With advances in DNA technology, law

enforcement agencies have been able to identify and prosecute many offenders, and the potential exists to identify tens of thousands of additional offenders in unsolved rape cases. That is why it is so important that Congress provide additional resources needed to immediately eliminate the current backlog of rape evidence kits across the United States.

I look forward to working with my colleague, the gentleman from Wisconsin, in authorizing and funding the Debbie Smith Act and other bills aimed at reducing the DNA backlog.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, some would be quick to point out that this resolution is about symbolism; but in this area and on this subject, symbolism is important. Symbolism can help us raise the profile of this very important issue.

As the previous speaker, the chairman, just alluded, there are things that we should celebrate in our battle against sexual assault. Rape is down 50 percent over the last decade. We have recently passed the Protect Act, child abduction legislation, that I think will offer new tools and resources in the fight against sexual assault. The committee is developing DNA legislation that will provide additional tools and resources; but as we all know, we have so far to go.

A person is sexually assaulted in this country every 2 minutes.

□ 1230

According to the Department of Justice, nearly 250,000 people were assaulted in 2001 alone; 1 in 6 women have been the victim of rape or attempted rape.

This resolution declares that Congress supports the goals and ideals of the National Sexual Assault Awareness Month. We can use this opportunity to educate the public on how to prevent sexual assault. We can use this opportunity to recognize those in the community that volunteer numerous hours to work with victims. We can use this opportunity to recognize law enforcement for their dedicated work in this battle against sexual assault in the areas of increased conviction and increased prevention, and we can use this opportunity to salute the more than 20 million victims who have survived sexual assault. We stand with them. By raising the profile, hopefully these numbers will fall and we will have fewer victims, we will have more convictions, and we will have greater awareness of this awful battle we must fight.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY) who is a lead sponsor of this resolution, an advocate for the issue.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of S.J. Res. 8, and I thank the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from Virginia (Mr. SCOTT), the ranking member, and the gentleman from Wisconsin (Mr. GREEN) for all of their hard work on this issue and this resolution and for their work in preventing sexual assault and rape.

The gentleman from Wisconsin (Mr. GREEN) and I introduced the companion legislation to this bill, H.J. Res. 36 in the House earlier. This April is Sexual Assault Awareness and Prevention Month, but it is important to remember that preventing sexual assault should be a top priority during each month of the year.

We must also remember that violence against women is not just a woman's issue, it is a man's issue, a family's issue, and an issue that is important to society at large.

According to the Department of Justice, someone is sexually assaulted in this country every 82 seconds. That translates to over 1,000 a day, and over 380,000 sexual assaults every year; yet we have the ability to help protect our daughters, our sisters, and our friends by putting rapists behind bars using DNA evidence. We know that DNA evidence is better than a fresh set of fingerprints, and we know it is often better than eyewitness testimony.

Earlier this year I reintroduced with the gentleman from Wisconsin (Mr. GREEN) and the gentleman from New York (Mr. WEINER) an important piece of legislation that would take important steps to prevent sexual assaults from occurring. The Debbie Smith Act would provide critical funding for eliminating the backlog of unprocessed DNA evidence, for establishing sexual assault forensic examiner programs, and for training law enforcement and prosecutors about how to use DNA technology most effectively.

The bill also establishes a national standard for the collection of DNA evidence, thereby ensuring that the evidence is processed in a reasonable amount of time. I authored this bill after Debbie Smith testified before the Committee on Government Reform and Oversight. She spoke about the tool of DNA and how it can be used to convict rapists. She was raped near her home in 1989, and for 6½ years she lived in fear that her attacker would return to fulfill the threat he had made to her that day, that if she told anyone, he would kill her. Only on the day that her husband told her that the man that had raped Debbie had been identified through a DNA match and was in prison was Debbie able to breathe again.

Tragically, there are other Debbie Smiths out there, other women still living in fear because they do not know if their attacker will come back to them again. The Debbie Smith Act will help to bring justice and closure to the survivors of rapes and their families, and it will help prevent rapes by putting rapists behind bars.

This is an issue that both Republicans and Democrats agree on. Attorney General Ashcroft earlier this year stated that he supported a $1 billion initiative to process DNA evidence. This is clearly very important because there is an estimated 350,000 to 500,000 kits unprocessed around the country. It is no wonder that only 2 percent of women who are raped will ever see their attacker spend a day in jail, but each rape kit represents a life, the life of a person like Debbie Smith, and each rape kit represents a predator, a rapist who may strike again and again. Law enforcement tells us that most rapists, if not caught, will attack approximately, or at least, 8 times.

It is time to put DNA evidence to work stopping rapes and sexual assaults from occurring around the country, and I do believe that this year we will pass this bill. It is needed, it is important, and we will pass it because there is strong bipartisan support from the White House, from the gentleman from Wisconsin (Mr. SENSENBRENNER), from the gentleman from Wisconsin (Mr. GREEN), and many others. I thank everyone who has worked on it. There is no greater way to celebrate Sexual Assault Month than to pass legislation that will prevent sexual assaults in the future. I am hopeful this year we will be able to achieve that.

Mr. LANGEVIN. Mr. Speaker, I rise today in support of S.J. Res. 8, the joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States.

The statistics on the widespread nature of sexual assault are alarming. It is estimated that one in six women in the United States have been victims of rape or attempted rape. One in five children will be a victim of sexual abuse before reaching the age of 18. However, recent educational efforts have proved successful—therate of sexual assaults has decreased by half in the last decade. It is critical to the safety of all Americans that we build on these efforts.

Sexual assault is perpetuated by silence. One of the most startling aspects of sex crimes is how many go unreported. The joint resolution we are voting on today is a step in acknowledging the all too prevalent reality of sexual assault. Further, we must support the existing programs and resources for victims of sexual assault and their families, such as the National Sexual Assault Hotline and more than 1,000 rape crisis centers across the United States. I urge my colleagues to support this legislation as a show of commitment to the goals and ideals of National Sexual Assault Awareness and Prevention Month.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of S.J. Res. 8, a resolution to raise awareness and encourage prevention of sexual assault. There is no crime that is more personal, more intrusive, or more painful than rape, and it must be a priority of this Congress and this Administration to work toward an end to this violence. Unfortunately, while this resolution is a nice demonstration of sympathy and support from the Congress, it is woefully inadequate. While I strongly support its passage,

the Republican Leadership should allow the House to consider legislation to provide real relief to victims of sexual assault and domestic violence. It is my hope that this resolution will be followed by consideration of H.R. 1267, the Domestic Violence Screening, Treatment, and Protection Act; H.R. 1046, the Debbie Smith Act dealing with the DNA evidence backlog; H.R. 394, the Violence Against Women Civil Rights Restoration Act; and many others.

We have come a long way in the last 30 years since women started speaking up and speaking out against sexual assault. We are now better able to treat rape victims in emergency rooms; law enforcement has access to tools to teach them how to respond to the crime of sexual assault; and there are social and mental health services available to women who are survivors of rape. I am grateful for this progress.

However, as we've raised awareness of this violence, we have also learned that it reaches far deeper into every aspect of our society than we wanted to admit or acknowledge. It is far more likely that perpetrators know their victims and aren't just strangers in the bushes. And women aren't the only victims—one in 33 men have been victims of rape or attempted rape. Furthermore, teens are twice as likely as any other age group to be victims of crime—nearly one-third of all sexual assault victims are raped between the ages of 12 and 17, and one in five girls becomes a victim of violence in dating relationships.

We've also heard a lot this year about women at the Air Force Academy who have been victims of sexual assault. It is a disgrace that so many women have been re-victimized and silenced as a result of our military's reaction to these violent crimes. We must work hard to change the culture in every branch and at every level of the military from one that accepts violence against women to one that condemns such violence and treats victims, and all women, with respect and equality. But what we haven't heard much about is that men in the military are also victims of sexual assault. A special report appeared in January 2003 and revealed that the U.S. Department of Veterans Affairs began collecting nationwide data on the extent to which men have been sexually traumatized in the armed services. The preliminary results are that nearly 22,500 male veterans—more than one of every 100 former soldiers, sailors and airmen treated by the VA—reported being sexually traumatized by peers or superiors during their military careers. This once again shows that sexual violence is about humiliation, degradation, and control.

We must commit ourselves to ending violence against women this month and every month. We must fully fund all Violence Against Women Act programs. We must speak up when we hear people speak about sexual violence in a dismissive or harmful way. We must educate our sons to be nonviolent and to treat women with respect. I believe that if we commit ourselves, we can end violence against women. Therefore, I urge my colleagues to vote for S.J. Res. 8.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S.J. Res. 8, the Joint Resolution expressing the sense of Congress with respect to the raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

WHAT S.J. RES. 8 DOES

The Resolution echoes the goals and ideals of the National Sexual Assault Awareness and Prevention Month, namely to increase public awareness of the occurrence and the effects of sexual assault and to improve our nation's overall ability to prevent new incidents.

The need for this legislation stems from data compiled by the Bureau of Justice Statistics and the Rape, Abuse, and Incest National Network. Specifically, the fact that ''a person is sexually assaulted in the United States every 2 minutes'' and that 248,000 people in the United States were sexually assaulted in 2001 as reported by the Department of Justice underscores the urgent and emergent nature of this problem. Furthermore, the Resolution cites statistics that 1 in 6 women and 1 in 33 men have been victims of either rape or attempted rape. In addition, in terms of victim age, 44 percent are under the age of 18 and 80 percent are under the age of 30. I support this legislation because sexual assault has a significant and direct effect on the lives of many of the constituents in my legislative District.

EFFECT ON STATE AND LOCAL CONSTITUENT DISTRICT

Between 1997 and 2001, the number of family violence incidence reported and the number of women killed by intimate male partners has remained at a consistent high (See Attachment 1).

In Texas, 35 percent of the women killed in 1997 were murdered by an intimate male partner, which is higher than the national average of 28 percent as reported by the FBI (Texas Council on Family Violence, 2002).

In Houston, 21,621 family violence incidents were reported. Out of this number, 15 women were killed by intimate male partners (Texas Council on Family Violence, 2001).

In Harris County in 2001, 26,353 family violence incidents were reported. Likewise in 2001 and out of this number, 22 women were killed by intimate male partners (Texas Department of Public Safety, 2002). In addition, every 20 minutes, there is 1 domestic violence incident reported to the police (3 domestic violence events every hour in the County). The National Crime Victimization Survey reports that in 1998, only 50 percent of all actual domestic violence incidents are reported. According to the Harris County Public Health & Environment Services, likely factors that have led to the increased number of incidents include: ''changes in law relating to domestic violence, increase [sic] public awareness of domestic violence, increase in support facilities for Domestic Violence survivors established by the government and various community groups, more effective involvement of the law enforcement in the incidents of domestic violence, and better tools provided to District Attorney's Office for prosecuting the offenders of domestic violence.''

OTHER RELEVANT DATA

The direct harmful effects of sexual assault and domestic violence have been well documented:

Pregnacy—A 1996 review indicated that between 0.9 percent an 20.1 percent of women experienced Intimate Partner Violence (IPV) (Center for Disease Control (CDC).

Elderly—An estimated 551,011 elderly persons (aged 60 and over) suffered abuse, neglect, and/or self-neglect in domestic settings in 1996 (National Center for Victims of Crime, 1998). The median age for elder abuse victims was 77.9 years in 1996.

Disabled—Women with disabilities face the same risks as all women face, plus those associated with their particular disability. Furthermore, studies have shown that women with physical disabilities more likely received abusive treatment from attendants and health care providers (Center for Research on Women with Disabilities, 1997)

Homeless/Low-Income—A study of 777 homeless parents (predominantly mothers) in ten U.S. cities revealed that 22 percent had relocated because of domestic violence (Homes for the Homeless, 1998). Furthermore, a survey conducted by the U.S. Conference of Mayors indicated that 46 percent of the surveyed cities identified domestic violence as a primary cause of homelessness (1998).

Men affected—According to the Bureau of Justice Statistics in 1998, men were found to be victims of approximately 160,000 violent crimes by an intimate partner.

The vast and diverse statistics mentioned above relative to the very problems targeted by S.J. Res. 8, in my legislative ''back yard'' as well as nationwide warrant my attention as well as the attention of my colleagues. For the above stated reasons, I vote in favor of S.J. Res. 8 and urge my colleagues to do the same.

ATTACHMENT 1

	2001	2000	1999	1998	1997
Family violence incidents	180,385	175,282	177,176	175,725	181,773
Women killed by intimate male partners	113	104	133	116	102

Source: Texas Council on Family Violence, 2001.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlewoman for her advocacy, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 8.

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

A motion to reconsider was laid on the table.

INVOLUNTARY BANKRUPTCY IMPROVEMENT ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1529) to amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases.

The Clerk read as follows:

H.R. 1529

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 ''Involuntary Bankruptcy Improvement Act of 2003''.

SEC. 2. AMENDMENT.

Section 303 of title 11, United States Code, is amended by adding at the end the following:

''(*l*)(1) If—

''(A) the petition under this section is false or contains any materially false, fictitious, or fraudulent statement;

''(B) the debtor is an individual; and

''(C) the court dismisses such petition;

the court, upon motion of the debtor, shall expunge from the records of the court such petition, all the records relating to such petition in particular, and all references to such petition.

''(2) If the debtor is an individual and the court dismisses a petition under this section, the court may enter an order prohibiting all consumer reporting agencies (as defined in section 603 of the Fair Credit Reporting Act) from making any consumer report (as defined in section 603 of the Fair Credit Reporting Act) that contains any information relating to such petition or to the case commenced by the filing of such petition.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1529.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 1529, the Involuntary Bankruptcy Improvement Act of 2003, a bill I introduced earlier this year that addresses a very serious and possibly growing problem with respect to abuse of the judicial process by extremists and others.

Under current law, a debtor can voluntarily commence a bankruptcy case or be involuntarily forced into bankruptcy by one or more creditors. Although rarely used, an involuntary bankruptcy petition can be a useful creditor collection tool. It can preserve and maximize assets for the benefit of creditors and provide for the appointment of a bankruptcy trustee to investigate a debtor's financial affairs.

Unfortunately, tax protesters and other extremists are now resorting to filing fraudulent involuntary bankruptcy petitions against public officials and private individuals as yet another weapon in their arsenal of abusive litigation tactics, such as filing false liens.

Last year, for instance, a tax protester filed fraudulent involuntary bankruptcy petitions against 36 local public officials in my district in Wisconsin, including the county sheriff, the circuit judge, and nearly every member of the county board of supervisors. Some of these individuals only discovered that they were the subject of a pending involuntary bankruptcy case after their lines of credit were terminated or they were charged higher interest rates. Worse yet, an involuntary bankruptcy filing, as with most bankruptcy cases, is a matter of public record and can appear on an individual's credit report for up to 10 years even if the involuntary bankruptcy filing is fraudulent and the case is dismissed by the court.

As a result, innocent individuals continue to experience credit problems long after these abusive cases are dismissed. As the Hartford Courant reported last month, it sometimes takes years for corrections to be made to a person's credit report. As a result, the individual may potentially be forced to pay higher interest rates until the proper steps can be taken to fix their credit report.

While abusive bankruptcy filings are not pervasive, they have occurred in various districts across the Nation. According to an informal survey conducted by the Administrative Office of the United States Courts and the National Conference of Bankruptcy Clerks, fraudulent involuntary bankruptcy cases have recently been filed in California, Ohio, Maine, Nebraska, and North Carolina. Organizations such as the Anti-Defamation League and the National District Attorneys Association have expressed concern that this litigation tactic may become even more widespread.

H.R. 1529 responds to the serious problems presented by abusive involuntary bankruptcy filings in two respects:

First, it amends the Bankruptcy Code to require the bankruptcy court, on motion of the debtor, to expunge all records relating to a fraudulent involuntary bankruptcy case from the court's files under certain conditions.

Second, it authorizes the bankruptcy court to prohibit all credit reporting agencies from issuing a consumer report containing any reference to a fraudulent involuntary bankruptcy case where the debtor is an individual and the court has dismissed the petition.

This bill offers great forward but very much-needed relief to innocent victims of abusive involuntary bankruptcy petitions. I urge my colleagues to support this legislation.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1529, the Involuntary Bankruptcy Improvement Act of 2003, a bill which was reported by the Committee on the Judiciary with bipartisan support and without dissent.

I commend the gentleman from Wisconsin (Chairman SENSENBRENNER) for moving so quickly to deal with a real and pernicious problem. This legislation is a good first step in providing bankruptcy courts with congressional guidance in dealing with the phenomenon of malicious and baseless involuntary bankruptcy petitions. It augments the existing powers of the bankruptcy court and makes clear Congress' intent to ensure that the targets of this abuse will have available to them meaningful protection from the lasting effects of meritless involuntary bankruptcy petitions.

An involuntary bankruptcy petition, even if no order for relief is entered, and even if dismissed expeditiously by the court, can inflict lasting damage. Credit reporting agencies generally list the filing of a bankruptcy petition on a person's credit report almost immediately. This can destroy the ability of an individual to obtain credit or to obtain credit on appropriate terms, even if the petition is wholly without merit. For this reason, the dismissal of the case alone does not provide adequate relief.

This problem is a real one. Cases have already been filed for malicious and harassing purposes. Congress must make clear that the bankruptcy system cannot be used to harass and injure people.

Mr. Speaker, there are other changes in the Bankruptcy Code that are equally pressing and equally noncontroversial. Many of these improvements have been unnecessarily held hostage to a larger and far more controversial bankruptcy bill, our family farmers and fishermen, the stability of our financial markets, and the rights of parties whose cases are unnecessarily delayed because of inadequate judicial resources deserve better. I hope we will be able to work with the chairman of the committee to deal as expeditiously with these problems as we have with this one. So I commend the chairman for his efforts, and I urge my colleagues to support the motion to suspend the rules and pass the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1529, the ''Involuntary Bankruptcy Improvement Act of 2003.'' I support this bill to protect innocent individuals from fraudulently filed involuntary petitions for bankruptcy.

Financial struggles and bankruptcies are a continuing problem for many Americans. In January of 2003 alone, there were thousands of Chapter 7 and 11 in my home State of Texas. In Dallas there were 3,208 Chapter 7

bankruptcy filings and 257 Chapter 11 bankruptcy filings. In Fort Worth, there were 3,161 Chapter 7 filings and 210 Chapter 11 filings.

Bankruptcy petitions are designed to satisfy creditors and also provide relief to the debtor. Our bankruptcy laws allow debtors to voluntarily file a petition for relief, and also allow creditors to file involuntary petitions against debtors. Despite the goal of satisfying both debtor and creditor, debtors who go through bankruptcy invariably leave the proceedings with a very poor credit history. This depleted credit can seriously affect the debtor's ability to buy a home or a car, get a loan, or make use of many services we often take for granted.

Unfortunately many have used the involuntary bankruptcy petition, and the negative credit impact that results, as a harassment tool. Many public officials have been the victims of involuntary bankruptcy petitions.

H.R. 1529 amends the Bankruptcy Code to the benefit of individuals who have been the victims of fraudulently filed bankruptcy petitions. Under H.R. 1529, a debtor may file a motion with the court to expunge from the court records the filing of the involuntary bankruptcy petition. The motion will be granted in those bankruptcies where three requirements are met: First, the petition if false or contains any materially false, fictitious, or fraudulent statements; second, if the debtor is an individual; and third, the court dismisses the petition.

Mr. Speaker, I support H.R. 1529 because it grants needed relief to the victims of fraudulently filed bankruptcy petitions. H.R. 1529 imposes modest requirements on the debtor and allows the debtor to easily correct their damaged credit history. I support H.R. 1529 and I urge my colleagues to do the same.

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

□ 1245

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1529.

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

A motion to reconsider was laid on the table.

STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1086) to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1086

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 ''Standards Development Organization Advancement Act of 2003''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1993, the Congress amended and renamed the National Cooperative Research Act of 1984 (now known as the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301 et seq.)) by enacting the National Cooperative Production Amendments of 1993 (Public Law 103–42) to encourage the use of collaborative, procompetitive activity in the form of research and production joint ventures that provide adequate disclosure to the antitrust enforcement agencies about the nature and scope of the activity involved.

(2) Subsequently, in 1995, the Congress in enacting the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) recognized the importance of technical standards developed by voluntary consensus standards bodies to our national economy by requiring the use of such standards to the extent practicable by Federal agencies and by encouraging Federal agency representatives to participate in ongoing standards development activities. The Office of Management and Budget on February 18, 1998, revised Circular A–119 to reflect these changes made in law.

(3) Following enactment of the National Technology Transfer and Advancement Act of 1995, technical standards developed or adopted by voluntary consensus standards bodies have replaced thousands of unique Government standards and specifications allowing the national economy to operate in a more unified fashion.

(4) Having the same technical standards used by Federal agencies and by the private sector permits the Government to avoid the cost of developing duplicative Government standards and to more readily use products and components designed for the commercial marketplace, thereby enhancing quality and safety and reducing costs.

(5) Technical standards are written by hundreds of nonprofit voluntary consensus standards bodies in a nonexclusionary fashion, using thousands of volunteers from the private and public sectors, and are developed under the standards development principles set out in Circular Number A–119, as revised February 18, 1998, of the Office of Management and Budget, including principles that require openness, balance, transparency, consensus, and due process. Such principles provide for—

(A) notice to all parties known to be affected by the particular standards development activity,

(B) the opportunity to participate in standards development or modification,

(C) balancing interests so that standards development activities are not dominated by any single group of interested persons,

(D) readily available access to essential information regarding proposed and final standards,

(E) the requirement that substantial agreement be reached on all material points after the consideration of all views and objections, and

(F) the right to express a position, to have it considered, and to appeal an adverse decision.

(6) There are tens of thousands of voluntary consensus standards available for government use. Most of these standards are kept current through interim amendments and interpretations, issuance of addenda, and periodic reaffirmation, revision, or reissuance every 3 to 5 years.

(7) Standards developed by government entities generally are not subject to challenge under the antitrust laws.

(8) Private developers of the technical standards that are used as Government standards are often not similarly protected, leaving such developers vulnerable to being named as codefendants in lawsuits even though the likelihood of their being held liable is remote in most cases, and they generally have limited resources to defend themselves in such lawsuits.

(9) Standards development organizations do not stand to benefit from any antitrust violations that might occur in the voluntary consensus standards development process.

(10) As was the case with respect to research and production joint ventures before the passage of the National Cooperative Research and Production Act of 1993, if relief from the threat of liability under the antitrust laws is not granted to voluntary consensus standards bodies, both regarding the development of new standards and efforts to keep existing standards current, such bodies could be forced to cut back on standards development activities at great financial cost both to the Government and to the national economy.

SEC. 3. DEFINITIONS.

Section 2 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301) is amended—

(1) in subsection (a) by adding at the end the following:

''(7) The term 'standards development activity' means any action taken by a standards development organization for the purpose of developing, promulgating, revising, amending, reissuing, interpreting, or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the standards development organization.

''(8) The term 'standards development organization' means a domestic or international organization that plans, develops, establishes, or coordinates voluntary consensus standards using procedures that incorporate the attributes of openness, balance of interests, due process, an appeals process, and consensus in a manner consistent with the Office of Management and Budget Circular Number A–119, as revised February 10, 1998.

''(9) The term 'technical standard' has the meaning given such term in section 12(d)(4) of the National Technology Transfer and Advancement Act of 1995.

''(10) The term 'voluntary consensus standard' has the meaning given such term in Office of Management and Budget Circular Number A–119, as revised February 10, 1998.''; and

(2) by adding at the end the following:

''(c) The term 'standards development activity' excludes the following activities:

''(1) Exchanging information among competitors relating to cost, sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required for the purpose of developing or promulgating a voluntary consensus standard, or using such standard in conformity assessment activities.

''(2) Entering into any agreement or engaging in any other conduct that would allocate a market with a competitor.

''(3) Entering into any agreement or conspiracy that would set or restrain prices of any good or service.''.

SEC. 4. RULE OF REASON STANDARD.

Section 3 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4302) is amended by striking ''of any person

in making or performing a contract to carry out a joint venture shall'' and inserting the following: ''of—

''(1) any person in making or performing a contract to carry out a joint venture, or

''(2) a standards development organization while engaged in a standards development activity,

shall''.

SEC. 5. LIMITATION ON RECOVERY.

Section 4 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4303) is amended—

(1) in subsections (a)(1), (b)(1), and (c)(1) by inserting '', or for a standards development activity engaged in by a standards development organization against which such claim is made'' after ''joint venture'', and

(2) in subsection (e)—

(A) by inserting '', or of a standards development activity engaged in by a standards development organization'' before the period at the end, and

(B) by redesignating such subsection as subsection (f), and

(3) by inserting after subsection (d) the following:

''(e) Subsections (a), (b), and (c) shall not be construed to modify the liability under the antitrust laws of any person (other than a standards development organization) who—

''(1) directly (or through an employee or agent) participates in a standards development activity with respect to which a violation of any of the antitrust laws is found,

''(2) is not a fulltime employee of the standards development organization that engaged in such activity, and

''(3) is, or is an employee or agent of a person who is, engaged in a line of commerce that is likely to benefit directly from the operation of the standards development activity with respect to which such violation is found.''.

SEC. 6. ATTORNEY FEES.

Section 5 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4304) is amended—

(1) in subsection (a) by inserting '', or of a standards development activity engaged in by a standards development organization'' after ''joint venture'', and

(2) by adding at the end the following:

''(c) Subsections (a) and (b) shall not apply with respect to any person who—

''(1) directly participates in a standards development activity with respect to which a violation of any of the antitrust laws is found,

''(2) is not a fulltime employee of a standards development organization that engaged in such activity, and

''(3) is, or is an employee or agent of a person who is, engaged in a line of commerce that is likely to benefit directly from the operation of the standards development activity with respect to which such violation is found.''.

SEC. 7. DISCLOSURE OF STANDARDS DEVELOPMENT ACTIVITY.

Section 6 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4305) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively,

(B) by inserting ''(1)'' after ''(a)'', and

(C) by adding at the end the following:

''(2) A standards development organization may, not later than 90 days after commencing a standards development activity engaged in for the purpose of developing or promulgating a voluntary consensus standards or not later than 90 days after the date of the enactment of the Standards Development Organization Advancement Act of 2003, whichever is later, file simultaneously with the Attorney General and the Commission, a written notification disclosing—

''(A) the name and principal place of business of the standards development organization, and

''(B) documents showing the nature and scope of such activity.

Any standards development organization may file additional disclosure notifications pursuant to this section as are appropriate to extend the protections of section 4 to standards development activities that are not covered by the initial filing or that have changed significantly since the initial filing.'',

(2) in subsection (b)—

(A) in the 1st sentence by inserting '', or a notice with respect to such standards development activity that identifies the standards development organization engaged in such activity and that describes such activity in general terms'' before the period at the end, and

(B) in the last sentence by inserting ''or available to such organization, as the case may be'' before the period,

(3) in subsection (d)(2) by inserting '', or the standards development activity,'' after ''venture'',

(4) in subsection (e)—

(A) by striking ''person who'' and inserting ''person or standards development organization that'', and

(B) by inserting ''or any standards development organization'' after ''person'' the last place it appears, and

(5) in subsection (g)(1) by inserting ''or standards development organization'' after ''person''.

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to alter or modify the antitrust treatment under existing law of—

(1) parties participating in standards development activity of standards development organizations within the scope of this Act, or

(2) other organizations and parties engaged in standard-setting processes not within the scope of this amendment to the Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1086.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1086, the Standards Development Organization Advancement Act of 2003. Technical standards play a critical, but sometimes overlooked, role in fostering competition and promoting public health and safety. Without standards, there would be no compatibility among broad categories of alternative products and less confidence in a range of building, fire and safety codes that advance the public welfare.

Unlike most other countries, standards development is conducted by private, not-for-profit organizations in the United States. This approach reflects the fact that private organizations are better able to keep pace with the rapid pace of technological change. In 1996, Congress passed the National Technology Transfer and Advancement Act to encourage government agencies to assist in the development and adoption of private, voluntary standards wherever possible. While this legislation has encouraged government adoption of privately developed standards, it has also increased the vulnerability of standards-developing organizations to antitrust litigation. The frequency with which standards-developing organizations are named in lawsuits stifles their ability to obtain technical information, hampers their efficiency and effectiveness, and undermines the public benefits which they advance.

I introduced H.R. 1086 to address this problem. H.R. 1086 merely codifies the ''rule of reason'' for antitrust scrutiny of standards-development organizations, limits their civil antitrust liability to actual damages, and provides for the recovery of attorneys' fees to substantially prevailing parties in antitrust cases filed against these organizations.

However, H.R. 1086 does not automatically accord these protections to all standards-setting. These protections extend only to the standards-development organizations which disclose the nature and scope of their activities to the Department of Justice and to the Federal Trade Commission. In addition, this legislation applies to standards-developing organizations whose standards-setting process adheres to principles of openness, voluntariness, balance, cooperation, transparency, consensus, and due process. Finally, H.R. 1086 contains extensive notification requirements which ensure that all parties who may be affected by standard-developing activities are apprised of the scope and nature of these activities.

Mr. Speaker, while several people deserve credit for this legislation, I would like to personally recognize House Science Committee chief counsel Barry Beringer, whose hard work and dedication brought this legislation to the floor and bring credit to this House.

Mr. Speaker, I am also pleased that this legislation has attracted the cosponsorship of Judiciary Committee Ranking Member CONYERS, as well as 12 of its members. In addition, H.R. 1086 continues the Judiciary Committee's bipartisan tradition of striking the proper balance between pro-competitive activity while ensuring the active role of Federal antitrust agencies in the promotion of competition in our market economy.

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

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume. I wish to express my strong support for

this legislation and my appreciation to Chairman SENSENBRENNER and Ranking Member CONYERS for their bipartisan leadership in bringing it to the floor.

Nearly 20 years ago, Congress passed legislation known as the National Cooperative Research Act of 1984 which permitted certain cooperative ventures to reduce their exposure to treble damages currently provided for under antitrust laws by making advance disclosures of their activities. The bill before us would provide similar relief to nonprofit organizations that develop voluntary technical standards, known as standards-development organizations, or commonly referred to as SDOs. As the chairman indicated, these standards developed by these organizations play an essential role in enhancing public safety, facilitating market access, and promoting trade and innovation.

Yet despite these pro-competitive effects, these SDOs can find themselves named as defendants in suits between business competitors alleging violations of the antitrust laws. Once they are sued, these organizations are forced to expend considerable resources on protracted discovery proceedings before they are finally able to prevail on motions for summary judgment which occurs in 100 percent of the cases, from my information.

The bill, like the National Cooperative Research Act before it, takes a moderate approach to addressing this problem. It does not create, as the chairman indicated, a statutory exemption or confer immunity from the operation of the antitrust laws. Most significantly, it merely ''de-trebles'' antitrust damages in cases where accurate predisclosure of collaborative activities has been made to the Department of Justice and the FTC.

I think this is the right approach. Congress should allow the antitrust laws to operate as they were meant to, without creating special exemptions and carve-outs for particular industries. This bill does not create an exemption for SDOs. Instead, it grants them limited relief of the same type and in the same manner as the relief provided for by the National Cooperative Research Act to certain cooperative joint ventures. It is a moderate approach, and it has worked well.

Again, I want to thank the chairman and the ranking member of the Committee on the Judiciary for their cooperative joint venture in support of this bill. I would also like to acknowledge the efforts of my good friend, Jim Shannon, a former Member of this body and former Attorney General of the Commonwealth of Massachusetts. He currently serves as president and CEO of the National Fire Protection Association, an international organization that develops the fire safety codes and standards that protect all of us. The NFPA just happens to be based in my hometown of Quincy, Massachusetts; and Jim Shannon and this fine organization have worked very hard to advance this legislation. I want to acknowledge their efforts.

Mr. Speaker, I urge support for this bill.

Mr. CONYERS. Mr. Speaker, I am pleased to be a cosponsor of this legislation offered by Mr. SENSENBRENNER. We have worked hard, along with a number of standard development organizations, technology companies and other private interests to craft a bill that will provide some important protections to encourage nonprofit standard development organizations, or SDOs, to continue their critical work of collaborating to set pro-competitive standards in this industries. SDOs set thousands of standards that keep us safe and provide uniformity for everything from fire protections to computer systems to building construction, for example.

This bill provides a commonsense safe harbor for standard development organizations. Those that voluntarily disclose their activities to federal antitrust authorities will only be subject to single damages should a lawsuit later arise. Those who refuse to disclose their activities, or those who take actions beyond their disclosure, will still be subject to treble damages under the antitrust statutes. This bill does not exempt anyone from the antitrust laws, but it does apply the rule of reason to SDOs. Therefore the procompetitive market effects will be balanced against the anticompetitive market effects of an action before a violation of the antitrust laws is found. Organizations that commit per se violations—making agreements or standards about price, market share or territory division, for example—will still be fully liable for their actions.

The rationale for such favored treatment is the SDOs, as nonprofits that serve a cross-section of an industry, are unlikely themselves to engage in anticompetitive activities. However, if free from the threat of treble damages, they can increase efficiency and facilitate the gathering a wealth of technical expertise from a wide array of interests to enhance product quality and safety while reducing costs.

This is the third bipartisan bill in the last 20 years that has provided some limitation on damages for antitrust liability in order to encourage cooperative behaviors by entities seeking to engage in procompetitive activities. This policy has worked well for research and joint ventures under the National Cooperative Research and Production Act of 1993 and I trust it will improve the creative environment for standards setting organizations as well. An expansion of this policy to standard development organizations will allow them to improve their innovative efforts, involve a wider range of industries and technical entities, and improve product safety and development.

I'd like to thank the chairman for his cooperative efforts on this bill and I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a cosponsor of this legislation, I support H.R. 1086, ''The Standards Development Organization Advancement Act of 2003.''

This act amends the National Cooperative Standards Development Act to provide antitrust protections to specific activities of standard development organizations (SDOs) relating to the development of voluntary consensus standards. Among other provisions, H.R. 1086 amends the NCRA to limit the recovery of antitrust damages against SDOs if the organizations predisclose the nature and scope of their standards development activity to the proper antitrust authorities. H.R. 1086 also amends the NCRA to include SDOs in the framework of NCRA that awards reasonable attorneys' fees to the substantially prevailing party.

The provisions of H.R. 1086 protect SDOs, and in turn, SDOs help protect consumers and the public. SDOs are nonprofit organizations that establish voluntary industry standards. These standards ensure competition within various industries, promote manufacturing compatibility, and reduce the risk that consumers will be stranded with a product that is incompatible with products from other manufacturers.

The nature of the standards development process requires competing companies to bring their competitive ideas to the voluntary standards development process. When one of the companies believes its market position has been compromised by the standards development process that company will likely resort to litigation. It is not uncommon for the SDO to be named as a defendant. For nonprofit organizations like SDOs, litigation can be very costly and disruptive to their operations, and treble antitrust damages can be financially crippling.

Under H.R. 1086, the recovery of damages against SDOs is limited of the organizations predisclosed the nature and scope of their standards development activity to the proper antitrust authorities. Furthermore, SDOs are only liable for treble damages under antitrust laws if they fail to disclose the nature and scope of their voluntary standards setting activity.

H.R. 1086 strikes a good balance. It does not grant SDOs full antitrust immunity, but it provides SDOs' with protection from treble damages when they provide proper disclosure.

H.R. 1086 also benefits the consumer. It enables the SDOs to develop industry standards that promote price competition, intensify corporate rivalry, and encourage the development of new products.

Mr. Speaker, I support H.R. 1086, and I urge my colleagues to do likewise.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1086, 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.

EXPRESSING SENSE OF THE HOUSE SUPPORTING UNITED STATES IN ITS EFFORTS IN WTO TO END EUROPEAN UNION'S TRADE PRACTICES REGARDING BIOTECHNOLOGY

Mr. CAMP. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 252) expressing the sense of the House of Representatives supporting the United States in its efforts

within the World Trade Organization (WTO) to end the European Union's protectionist and discriminatory trade practices of the past five years regarding agricultural biotechnology, as amended.

The Clerk read as follows:

H. RES. 252

Whereas agriculture biotechnology has been subject to the strictest testing, based on sound science, by the United States Department of Agriculture, the Food and Drug Administration and the Environmental Protection Agency prior to commercialization or human consumption;

Whereas Americans have been consuming genetically-modified corn and soybean products, which are subject to a rigorous Federal review process, for years with no documentation of any adverse health consequences;

Whereas, according to recent studies, biotechnology has made substantial contributions to the protection of the environment by reducing the application of pesticides, reducing soil erosion and creating an environment more hospitable to wildlife;

Whereas agriculture biotechnology holds tremendous promise for helping solve food security and human health crises in the developing world;

Whereas there is objective and experience-based agreement in the scientific community, including the National Academies of Science, the American Medical Association, the Royal Society of the United Kingdom, the French Academy of Medicine, the French Academy of Sciences, the joint report of the national science academies of the United Kingdom, the United States, Brazil, China, India and Mexico, twenty Nobel Prize winners, leading plant science and biology organizations in the United States and thousands of individual scientists, that biotech foods are safe and valuable;

Whereas European Union decisions on agriculture and food biotechnology are being driven by policies that have no scientific justification, do not take into account its capacity for solving problems facing mankind, and are critical of the leading role of the United States in scientific advancement;

Whereas since the late 1990s, the European Union has opposed the use of agriculture biotechnology and pursued policies which result in slowing the development and support of genetically-engineered products around the world;

Whereas the five-year moratorium on the approval of new agriculture biotechnology products entering the European market has no scientific basis, effectively prohibits most United States corn exports to Europe, violates European Union law, and clearly breaches World Trade Organization (WTO) rules;

Whereas since its implementation in October 1998, the moratorium has blocked more than $300,000,000 annually in United States corn exports to countries in the European Union;

Whereas the European Union's unjustified moratorium on agriculture biotech approvals has ramifications far beyond the United States and Europe, forcing a slowdown in the adoption and acceptance of beneficial biotechnology to the detriment of starving people around the world; and

Whereas in the fall of 2002 it was reported that famine-stricken African countries rejected humanitarian food aid from the United States because of ill-informed health and environmental concerns and fear that future exports to the European Union would be jeopardized: Now, therefore, be it

Resolved, That the House of Representatives supports and applauds the efforts of the Administration on behalf of the Nation's farmers and sound science by challenging the long-standing, unwarranted moratorium imposed in the European Union on agriculture and food biotech products and encourages the President to continue to press this issue.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Wisconsin (Mr. KLECZKA) each will control 20 minutes.

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

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

Mr. Speaker, I rise in strong support of H. Res. 252 introduced by my good friend from Missouri, Majority Whip Roy Blunt. This important resolution expresses support for the administration's World Trade Organization case against the European Union's unwarranted moratorium on agriculture and food biotech products.

On May 13, 2003, U.S. Trade Representative Robert Zoellick and Agriculture Secretary Ann Veneman announced that the United States, Argentina, Canada, and Egypt would file a WTO case against the European Union over its illegal 5-year moratorium on approving agricultural biotech products. Other countries expressing support for this case by joining it as third parties include Australia, Chile, Colombia, El Salvador, Honduras, Mexico, New Zealand, Peru, and Uruguay.

Since the late 1990s, the European Union has opposed the use of agriculture biotechnology and pursued policies opposing genetically engineered products around the world. The current 5-year moratorium on the approval of new agriculture biotechnology products entering the European market has no scientific basis, effectively prohibits most United States corn exports to Europe, violates European Union law, and clearly breaches World Trade Organization rules.

According to recent studies, biotechnology has made substantial contributions to the protection of the environment by reducing the application of pesticides, reducing soil erosion and creating an environment more hospitable to wildlife. Since its implementation in October 1998, the moratorium has blocked more than $300 million annually in United States corn exports to countries in the European Union. This is completely unacceptable.

I urge my colleagues to support this resolution and support the administration, sound science, and United States farmers at the WTO.

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

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

Earlier this year, the U.S. Trade Representative announced that the United States would file a World Trade Organization case against the European Union over its 5-year moratorium on approving genetically modified foods. The measure before us today supports the Bush administration's challenge to the EU's longstanding moratorium.

The European Union is made up of sovereign countries whose citizens have decided that they would rather not eat genetically modified food. Mr. Speaker, when did the United States acquire the right to tell Europeans what they should be eating? The issue before us is not trade discrimination as the proponents of this bill have argued. The individual EU countries are simply debating whether or not to implement a domestic policy related to genetically modified food which would also be applied to imports.

Due to the lack of hard data about the long-term health effects, in the United States there has also been public concern about consuming genetically modified products. According to a Rutgers University Food Policy Institute study, 90 percent of Americans said that foods created through genetic engineering should have labels on them. I am proud to join with the gentleman from Ohio (Mr. KUCINICH) in his efforts to require the labeling of genetically engineered food.

Although there have been few studies devoted to health effects of genetically modified food, some scientists claim that there may be a link between the resurgence of infectious diseases and genetic modifications in the U.S. food supply. There have even been cases of lab animals suffering immune system damage and allergic reactions after eating biotech food.

I think that Members would agree that the WTO should not interfere with the creation of domestic law in this Chamber, so I ask Members to apply the same principle to our friends in Europe.

Mr. Speaker, I urge Members to oppose this heavy-handed measure.

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

Mr. CAMP. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of H. Res. 252. I commend the gentleman from Missouri for introducing this important resolution.

It is clear that the U.S. must send a strong and unmistakable message to the European Union that its discriminatory and protectionist trade practices regarding biotechnology will not be tolerated. As the chairman of the Subcommittee on Europe, this Member asserts that this is an important issue in trans-Atlantic relations. This resolution puts the House on record as supporting the U.S. in its efforts within the World Trade Organization to end these practices.

The EU's current moratorium on approving new agricultural biotech products has no scientific basis.

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It harms U.S. agricultural producers and it exacerbates food shortages in Africa. This Member has been strongly

urging the administration to take action on this issue by bringing a case against the EU to the WTO, and is very pleased the announcement has been made that we have done so.

The current EU restrictions on the importation of food with genetically modified organisms, GMOs, have cost agricultural producers billions of dollars in recent years. The U.S. must be aggressive in knocking down such non-tariff trade restrictions.

The EU's delay on lifting the moratorium on biotech crops is unacceptable and the WTO action is certainly appropriate. The intransigence by the EU is having a very detrimental effect on American farmers. It has been reported that since the early 1990s, U.S. corn exports to Europe have plummeted 95 percent, and this issue is one of the causes. Incredibly, too, they have used their emotional arguments against GMOs to coerce African countries facing famine not to accept donated American food and agricultural products. So in contrast to what the gentleman from Wisconsin said, this is strictly not a European issue, this is coercion on their part against African countries who are compelled to leave that food donated to deal with famine and malnutrition setting on the docks.

Also troubling are the indications that the EU is planning to move forward with labeling and traceability requirements that will continue to act as a mechanism to block U.S. agriculture products. This clearly runs counter to the WTO principle that rules should be based on scientific evidence.

I think it is interesting to note that David Byrne, EU Commissioner for Health and Consumer Protection, has been quoted as saying, ''The EU's position on genetically modified food is that it is as safe as conventional food.'' However, the moratorium remains in place and American farmers continue to lose valuable markets, not just in Europe, but third world countries. This matters because it is more important to the farmers today facing difficult times due to the ongoing drought and lower revenue.

When filing the WTO case, U.S. Trade Representative Robert Zoellick stated clearly why it is so important for the U.S. to take action. He said, ''The EU's moratorium violates WTO rules. People around the world have been eating biotech food for years. Biotech food helps nourish the world's hungry population, offers tremendous opportunities for better health and nutrition and protects the environment by reducing soil erosion and pesticide use.'' This Member believes that the EU's GMO standards are transparently devoid of any relationship to sound science, and are either based strictly on emotion or are designed quite simply as trade barriers, or both.

The U.S. is correct in taking strong action to bring this back to reason. I strongly support H.R. 252 and urge my colleagues to support it.

Mr. KLECZKA. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to thank my colleague, the gentleman from Wisconsin (Mr. KLECZKA), for his leadership on this matter to protect consumers in this country and also to protect the rights of farmers.

The fact of the matter is that this action would harm U.S. farmers. EU consumers have clearly expressed their desire to buy non-genetically engineered foods. However, the weak U.S. biotech regulations prevent U.S. exports of non-genetically engineered foods because of fears they are contaminated. H. Res. 252 fails to address weak agriculture regulations that leave non-GE food vulnerable to contamination by genetically engineered foods.

EU consumers are clamoring for non-genetically engineered food. All we need to do is to sell them what they want and U.S. farmers will have a strong market again.

When you think about it, U.S. agriculture has been the pride of the world. We have been the breadbasket of the world. Our agriculture is second to none. But of course, when you have these corporate agribusinesses come in with a different agenda, then you see the interests of farmers undermined.

Now, several farm organizations oppose H. Res. 252 because it supports a complaint to the World Trade Organization challenging the EU's authorization system on approving genetically engineered food. H. Res. 252 is a gift to corporate agribusiness. That is why the National Family Farm Coalition, the American Corn Growers Association and the Soybean Producers of America all oppose H. Res. 252.

Family farmers have suffered a great deal of damage to their trade markets because agribusiness pushed a product on U.S. farmers that the people of the world rightfully refused to accept.

The recently completed national survey of corn producers by the American Corn Growers Foundation, conducted as farmers began planting corn in April, shows that farmers do not support this complaint to the WTO. Seventy-six percent of farmers stated that the U.S. should not file a WTO lawsuit against Europe regarding genetically engineered food. Seventy-eight percent of farmers believe in keeping your customers satisfied and in keeping world markets open to U.S. corn, and that means planting traditional non-GMO corn varieties instead of biotech GMO corn varieties. Eighty-two percent of farmers believe that the U.S. Government must respect the rights of Europeans, Japanese, and all consumers worldwide so they are able to make a choice as to whether they and their children consume foods containing genetically engineered commodities.

Only, and I say only, large agribusiness supports the bill and this bill will increase the profits of large agribusiness, and it will do it at the expense of farmers and at the expense of consumers.

This is a time for us to stand up for the American farmer who is having difficulty surviving. Family farmers are having trouble surviving because they cannot get their price and they cannot get access to markets. Both of these are occasioned by the problems brought about by agribusiness and by monopolies in agriculture.

We should stand up for the family farmers and oppose H. Res. 252. We should create policies which enable our family farmers to get those markets in Europe, that we know have belonged to them for so many years, but have been precluded because of the practices of agribusiness.

Mr. CAMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

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

Mr. Speaker, I rise today to thank the Committee on Ways and Means, the gentleman from California (Chairman THOMAS) and the gentleman from Michigan (Mr. CAMP) for bringing this important resolution to the floor in such a timely fashion. I introduced this resolution 2 weeks ago, and I want to thank the gentleman from Illinois (Speaker HASTERT), our majority leader, the gentleman from Texas (Mr. DELAY), our conference chairman, the gentlewoman from Ohio (Ms. PRYCE), the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Texas (Mr. STENHOLM), and the gentleman from California (Mr. CARDOZA) for joining me in this effort.

This is a timely effort. It is a discussion we need to have. It is a discussion that, frankly, in the European community has gone on for too long. In October 1998, the European Union did a tremendous disservice to American biotechnology by issuing a ban on the importing of agricultural biotech crops. Although this action was supposed to be a moratorium, it has lasted now for close to 5 years.

In my opinion, this is no longer a moratorium, but a ban which is clearly a violation of Europe's WTO obligations and needs to be reversed as soon as possible.

The damage that this moratorium has done is dramatic, to say the least. For example, since the moratorium went into effect, U.S. corn exports have diminished from a high of 1.56 million metric tons to approximately 23,000 metric tons last year. This has resulted in the loss of close to $1 billion in corn sales. The tragic thing is that there is no basis, scientific or otherwise, that can justify such an economic hardship on our corn farmers and on other farmers of other products that take advantage of new technology.

On May 13, the administration took the first steps toward rectifying this situation by filing a World Trade Organization case against the European Union over its illegal 5-year moratorium on approving agricultural biotech products. Despite repeated assurances from European officials that the moratorium would be lifted, there is no sign

of any change in policy. In fact, there is ample evidence that this policy will continue.

The position that the European Union and many of its member countries took regarding our efforts to provide food to Africa is also mentioned in this resolution. The idea that starving people would not be allowed to have access to the same kinds of products that American consumers use every day is an idea that is unacceptable.

The Subcommittee on Research of the Committee on Science, chaired by the gentleman from Michigan (Chairman Smith) will be looking carefully at this issue tomorrow, with the Speaker as the leadoff witness.

My colleagues and I introduced House Resolution 252 because we believe that the Bush administration is correct in this area and needs to take the appropriate action on behalf of our Nation's farmers and on behalf of sound science by challenging this moratorium on agriculture and food biotech products.

Mr. KLECZKA. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I rise in opposition to H. Res. 252. This bill is not about solving world hunger and it is not about promoting agriculture. What this bill is about is promoting bad policy. This bill goes to the fundamental issues of sovereignty and shifting power from democratically determined public health laws and rules to corporate interests. Ultimately this and chapter 11, the investor state provisions in the North American Free Trade Agreement, in the Singapore and Chilean agreements, probably every other agreement that the Zoellick Trade Representative's office will negotiate, will be used to override all kinds of public health and worker safety laws.

Understand what this is. What we are doing is we are telling the Europeans that they cannot enforce their own food safety laws. The European Union has passed legislation specifically determining what kind of food products, what kinds of food safety laws that they wanted. This resolution is telling them that we have the right in the United States to override what the European Union democratically elected Parliament and democratically determined rules and regulations want to do.

Imagine if the French, the French of all people, or the Germans, came to us and came to the World Trade Organization and said we do not like an environmental law, we do not like a safe drinking water law, a food safety law, that the United States Congress has passed and we want to override it. How dare the French or Germans try to override our public health laws and compromise our sovereignty.

How dare the United States tell the Germans and French and the Poles, new members of the EU and our allies in the war in Iraq, or anybody else in Europe, how dare we try to override their public health and their public safety laws? Imagine if they did that to us. We have no business saying we know best. We are going to tell you in France, you in Germany, you in Poland, you in England, we are going to tell you what your public safety laws are going to say, what your public health laws are going to say.

Mr. Speaker, I ask the House to vote no on H. Res. 252.

Mr. CAMP. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan, a member of the Committee on Agriculture and a good colleague.

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

This an important discussion. Maybe it would be reasonable, Mr. Speaker, to start out trying to explain what is biotechnology?

Gregor Mendel discovered dominant and recessive traits in plants in the mid 19th century. He started taking two quality plants and crossing them to see if you could come out with an improved variety. So we have had cross-breeding, we have had hybrid breeding ever since. Now we have finished gene cataloguing of an agricultural plant called the Arabidopsis, a mustard plant.

But with 25,000 genes, you just took your chances when mixing two plants together. Sometimes the product turned out poisonous or allergenic. Sometimes it was very undesirable for a raft of other reasons.

Now we have the scientific technology to pick out one single gene and decide what characteristics are going to evolve from that gene, and instead of taking your chances by mixing 25,000 or 30,000 genes of two plants, you pick out one gene because you want a certain characteristic. You put it into that other plant and predetermine what is going to happen as a result.

□ 1315

Now, there is a lot of scare of what might happen generations from now. In the discussion of this resolution, it seems to me that we should not be debating whether this is a trade issue. This is now going to be in the hands of the WTO to decide whether or not it is unfair. But everybody, Mr. Speaker, needs to understand, other countries are trying to keep our products out of their country for one reason or another, restricting imports for bio sanitary reasons or anything else they can come up with. And in this case, it appears that they are trying to keep our agricultural products, that we produce more efficiently, out of Europe and Japan and some of these other countries, simply because they do not want it to disrupt the problems of their farmers and they want to protect their markets. We are going to let the WTO decide if it is restraint of trade. But as we evolve into greater assurance that we are going to have safety, both to human health, to animals, and to the environment, we need to move ahead with this technology.

Look, the possibilities in developing countries are so tremendous. That is why our whip mentioned that the day after tomorrow I am holding a hearing on biotechnology. The Speaker is going to lead off the testimony in that hearing on the potential and safety of biotechnology. We are going to have Rita Caldwell from NSF come to tell us about the implementation of what we put in my NSF bill in terms of working with African scientists, developing products that are going to help their particular country. And if we get into Africa, eventually, science and biotechnology are going to prevail. We are going to have Mr. Natsios, the administrator of AID, say how important it is that we do not restrict this technology for developing countries.

Vote for this resolution and vote to let science, not emotion, rule the future of agricultural biotechnology.

On May 12th, the Speaker of the House and members of Congress joined with the Bush Administration to challenge the European Union's import ban on genetically modified (GM) crops. WTO rules, while allowing countries to reject imports on the basis of health and environmental concerns, require that any such policy be supported by scientific evidence.

However, the EU has refused to process new applications for trade of transgenic food crops since 1998 without even attempting to demonstrate any compelling scientific reasons. It is estimated that over $300 million annually in U.S. corn exports alone are being lost. Even EU Enviroment Commissioner Margot Wallstrom has admitted that, ''We have already waited too long to act. The moratorium is illegal and not justified.''

While the EU stance on GM crops is an unfair economic burden on American farmers, it is also an unjust burden on the world's poorest continent. With approximately 180 million undernourished people, Africa stands to benefit tremendously from GM crops.

The EU is exploiting Africa's dependence on the EU market to stall acceptance of GM crops. For example, with its population literally starving last year, Zambia rejected 23,000 metric tons of U.S. food aid because Europe might reject future Zambian corn exports. EU pressure is even impeding research on new transgenic crop varieties important to bringing Africa closer to sustainability.

The Speaker of the House, USAID Administrator, and leading scientists will testify at my Research Subcommittee hearing this Thursday. We will examine barriers to plant biotechnology in Africa and new government programs supporting partnerships with African scientists in Africa.

The U.S. challenge moves us one step closer to removing unfair barriers that hurt American farmers and deny the people of Africa a tool for combating hunger. Please support H. Res. 252.

Mr. KLECZKA. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY), a distinguished member of the Committee on Ways and Means.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time; and with 1 minute, I will have to be brief. This really is not about biotech. It is about whether global agriculture trade will be conducted under the rules adopted by the countries pursuant to trade agreements.

There is a procedure for evaluating the safety and soundness of agriculture products to be exported into a marketplace. Under the WTO, it requires that measures regulating imports be based on sufficient scientific evidence and that countries operate regulatory approval and procedures without undue delay. Basically, the Europeans have thrown up this effort to keep our product out, and they have not followed the WTO actions in so pursuing this course of action.

That is why the resolution before us commending our President is exactly the right thing to do. We can only participate as a full partner with other nations in trade agreements if people follow the rules. We have rules. The rules are being ignored to keep their markets closed to our exports. We need to pass this resolution.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF).

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

Mr. WOLF. Mr. Speaker, I want to share in the comments of the gentleman from North Dakota (Mr. POMEROY) and agree with him. Also, I would ask the Members that are thinking of voting against this, this boils down to be really kind of a moral issue of famine in Africa. I learned about this issue from our former Member, Congressman Tony Hall.

What is happening in Africa, there are 35 million to 40 million people that are basically almost starving to death. In Zambia and Zimbabwe, they have been using this argument, and the people are starving and the genetically modified or biotech foods are in the warehouses. What is taking place is some of our friends, and they are friends in Europe, are using this as a trade mechanism with regard to their economy and their jobs; and as a result of this, people are dying in Africa.

So this is an issue with regard to the economy, but I will not say more important; but I personally believe it is more important. It is an issue of people, particularly in Africa. People living in Ethiopia, there is a famine of biblical proportions. Now, fortunately, the Ethiopian Government is not foreclosing this; but in Zambia they are, in Zimbabwe, Mugabe has it in the warehouses and the people are starving outside, and they cannot eat. Some of the other countries, Uganda is going through the same thing. They have genetically modified banana plants. Their banana industry is falling off, and they are afraid to use it because they are afraid they will not be able to have their exports going in to France.

So this resolution is a good resolution. This also would help us feed the people of the world who are starving. So I would hope everyone would vote for this. And if any Members have any doubts before this vote, they may want to call Tony up in Rome at the Food and Agricultural Organization and get his thinking, because this is a major issue of famine and feeding hungry people, particularly in Africa.

Mr. Speaker, I rise today in support of H. Res. 252, but not because of the benefits to U.S. trade or our agricultural industry, but out of concern for the millions of hungry people around the globe. In a world as plentiful as ours, it is unconscionable that women and children still die of hunger.

I have traveled to Africa to witness the devastation of famines, first in 1984 and most recently, earlier this year. I saw women and children who were too weak to feed themselves. Thankfully, relief efforts for the 30 million Africans, whose lives are in peril, are not being complicated by refusals of certain food supplies, as was the case last year in Zambia.

Developing countries need biotechnology to improve crop viability and yield. However, as long as such agricultural products remain unacceptable to European markets, developing countries are likely to continue to reject the very thing they need to bring them to self-sufficiency and beyond.

American agricultural products are among the safest in the world—even Europe's officials admit that. But making a convincing case on the safety of U.S. products is difficult.

Last year, Zambians turned down genetically modified maize from the U.S., fearing that when their agricultural industry recovers, they would no longer be able to sell their products to their main export market, Europe.

In an effort to alleviate this concern, and at considerably increased costs, the U.S. offered a milled version free from any seeds that farmers could plant, thereby protecting Zambia's agricultural sector. Tragically, the Zambian government never accepted the food.

Famine relief and building longer term self-sufficiency in Africa is a global issue that requires a response from all nations. The U.S. has provided leadership through its contribution in 2002 of 51 percent of the food provided by the UN World Food Programme. Europe's combined contribution totaled only 27 percent.

I don't know which saddens me more, knowing that European countries like France have the ability to contribute more to famine relief efforts, but haven't, or knowing the situation is being exacerbated by European opposition to importing biotech agricultural products.

This resolution is an important statement to encourage the Administration in its efforts to challenge the unwarranted moratorium by EU countries on genetically modified agricultural products.

I urge a unanimous vote of support.

Mr. KLECZKA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise today in support of House Resolution 252 supporting the United States' effort to end the European Union's discriminatory trade practices regarding agriculture biotechnology.

Biotechnology is critically important for the future of U.S. agriculture, not just the farmers in my district. Genetically enhanced crops have increased yields, decreased production inputs, and reduced pesticide usage. In the near future, this technology will allow U.S. farmers to produce healthier, fresher, and more nutritious food products for consumers.

Throughout its lifetime, agricultural biotechnology has been the subject of the strictest testing by USDA, FDA, and EPA prior to consumption, and has made considerable contributions to protection of the environment by reducing the application of pesticides.

However, amongst this growing climate for innovation, the European Union has continued to pursue a path of opposition. The EU moratorium has cost U.S. farmers almost $300 million a year in corn exports alone and goes directly against the WTO mandate that the regulation of imports be based on ''sufficient scientific evidence.'' As such, their policies have resulted in a slowdown of development and support of genetically engineered products around the world.

I believe that the EU's opposition to agriculture biotechnology has much more to do with the discriminatory trading practices that they employ, rather than environmental science. I applaud the work of the U.S. Department of Agriculture and the U.S. Trade Representative to challenge the EU's moratorium on this technology, and I am happy to lend my support to this important resolution. I urge Members' ''aye'' votes.

Mr. KLECZKA. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

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

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

Mr. Speaker, I rise today in support of the resolution and to state my support and urge House support for the administration and its decision to take on the European Union and its discriminatory practices against biotech projects.

Agriculture has changed greatly in recent years. When I was growing up on a farm in Johnston County, the most advanced technology we had was an old tractor. It was a big improvement, though, over the mule and plow that we had had previously.

These days, biotechnology has moved farming to the cutting edge of technology. I have always been and still remain a strong supporter of using biotechnology to benefit American agriculture and our society as a whole. In fact, when I was appropriations chairman in North Carolina's general assembly, I helped fund the establishment of the North Carolina Biotechnology Center, because I could see biotechnology was the science of the future. Consequently, North Carolina has become a leader in the field of biotechnology.

The gains that biotechnology brings to agriculture, efficiency, reduced use

of pesticides, higher crop yields, and healthier products, are well documented. That is why I find it ironic that the continent that gave birth to the Renaissance and the Enlightenment is turning its back on a proven science, despite the increasing amount of evidence as to the safety and effectiveness of this technology.

What is really a shame is that the Europeans' fear of biotechnology is having tragic consequences. The European Union is actually discouraging nations facing food shortages and famine from accepting food aid that may contain biotech products.

The Europeans' actions and attitude regarding biotechnology are, at best, indefensible, and maybe immoral regarding the European Union's rule. I strongly applaud Ambassador Zoellick's work in this area, and I urge the passage of this resolution.

I rise today in support of this resolution to state the House's support for the Administration in its decision to take on the European Union and its discriminatory practices against U.S. biotechnology products.

Agriculture has changed greatly in recent years. When I was growing up on a farm in Johnston County, NC, the most advanced technology we had was a tractor, a big improvement over a plow, a mule. These days, biotechnology has moved farming to the cutting edge of technology.

I have always been and still remain a strong supporter of using biotechnology to benefit American agriculture and our society as a whole.

In fact, when I was appropriations chairman in the North Carolina General Assembly, I helped fund the establishment of the North Carolina Biotechnology Center because I could see biotech was a science of the future. Consequently, my State of North Carolina has prospered as a leader in the field.

The gains that biotechnology brings to agriculture in efficiency, reduced use of pesticides, higher crop yields, and healthier products are well documented.

That's why I find it ironic that the continent that gave birth to The Renaissance and The Enlightenment is turning its back on a proven science, despite the increasing amount of evidence as to the safety and effectiveness of this technology.

And what's really a shame is that the Europeans' fear of biotechnology is having tragic consequences. The European Union is actually discouraging nations facing food shortages and famine from accepting U.S. food aid that may contain biotechnology products.

The Europeans' actions and attitudes regarding biotechnology are indefensible, and according to WTO rules, illegal.

I strongly applaud USTR Ambassador Zoellick for pressing forward with this case against the European Union in the WTO.

We must continue to show the world that biotechnology offers a new Renaissance in agriculture for those willing to reject fear.

I urge the House to pass this resolution, and show our support for a science that offers profound benefits for all of humanity.

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

Mr. OSBORNE. Mr. Speaker, obviously, biotech is really important to the Midwest. Roughly 55 percent of the corn grown in Nebraska and a high percentage of the beans grown in Nebraska are biotech, and roughly $300 million in corn exports is being blocked by the current boycott.

As has been mentioned by several speakers previously, this boycott is not about safety. It is a tariff, and it is a thinly disguised tariff. The European Union did the same thing in blocking our beef that was fed hormones. The WTO stepped in and said, look, that is nonsense. This is against WTO rules, so it is something that has precedent. So the European Union has simply said, well, we will go ahead and pay the fine; it saves us the money. We will pay $116 million a year in blocking your beef, and that is essentially what this tariff is doing as well.

Already, people have mentioned several times about the fact that starving people, particularly people in Africa, have had their products blocked; and this is, I think, unconscionable.

Lastly, let me just say in regard to the reduction of pesticides, water use, fertilizer, these are certainly good for the environment. And we hear people all around the country decrying biotech; and yet Brazil, when we were down there a year ago, said they really did not believe in biotech, and yet they are raising 1 million acres of soybeans. So they obviously know it is safe. So usually these are simply tariff barriers. I certainly applaud the resolution, and I urge support of it. It makes a lot of sense.

Mr. KLECZKA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I rise in support of House Resolution 252. I feel compelled to remind all 280 million Americans once again that we are truly blessed in this country to have the most abundant food supply, the best quality of food, the safest food supply at the lowest cost to our people of any country in the world. That has not happened by accident. It has always happened because we have always used sound science, peer-reviewed, in order to make two blades of grass grow where one grew before.

Now, we have repeatedly heard even today the explanation that the European Union maintains its ban on new approvals of biotech products because European consumers are unwilling to accept biotechnology due to safety concerns. That explanation disappoints me.

There are no peer-reviewed, scientific risk assessments that conclude that food products of agriculture biotechnology are inherently less safe than their traditional counterparts. Bio-engineered crops in the United States are rigorously reviewed for environmental and food safety by USDA, EPA, and FDA. Food safety reviews of bio-engineered crops focus on the safety of the newly introduced trait, on the safety of the whole food, and consider issues including toxicity, allergenicity, nutritional content, and antibiotic resistance.

Our forward-looking regulatory system has not only ensured the safety of our food supply, it has allowed the development of technologies that have improved our food supply and lowered the cost of production. Besides lowering costs, biotechnology has the potential to reduce crop risks and improve food security in developing countries, as we heard the gentleman from Virginia (Mr. WOLF) speak about a moment ago. Examples include US-AID projects in Africa to improve production of peas and bananas.

Regulations based on protectionism instead of science have a chilling effect on research and the adoption of biotechnology. When there is uncertainty that a product of biotechnology will be accepted, farmers are reluctant to adopt the product, despite its proven safety and benefits.

I believe that the US and the EU have a responsibility as developed nations to lead by example in developing regulatory systems that not only promote safe food, but also promote a better and more secure food supply.

And I am disappointed that Europe has so far been unable to construct a science-based regulatory system for food that encourage development of new technologies that can benefit developed and developing countries around the world.

The resolution before us today supports our requests for consultations with Europe on this important issue, and I urge my colleagues to support it.

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Mr. CAMP. Mr. Speaker, I yield 2 minutes to the chairman of the Committee on Agriculture, the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, this is an important resolution and I hope all of the Members of the House will support it. Earlier this year, as the chairman of the Committee on Agriculture, I had the opportunity to meet with Pascal Lamy, the European Union Commissioner for Trade, and to strongly make the case that this moratorium that Europe has imposed upon U.S. biotech products should be dropped and a reasonable system should be administered in its place; not what they are currently contemplating, which is a tracing and labeling requirement, which will make it in some instances even harder for us to sell our products into Europe.

I pointed out to them that people have been starving in Africa because of their policies. He took great umbrage at my suggestion that the Europeans were in fact promoting such a policy in Africa, but it turns out that that is exactly the case.

Through the organizations that they hire to distribute their own European food aid in African countries, they have spread the word that if they feed U.S. biotech grapes to their livestock, they will not be able to sell that livestock into Europe. It turns out that the Spanish, who agree with us on this position, by the way, grow thousands and thousands of acres of biotech crops in Spain, feed it to livestock, and sell it all over Europe anyway.

So the European policy on this issue is clearly nothing more than an artificial trade barrier. It is against the interests of their people, their consumers, to have the opportunity to have greater quality foods, foods that have greater vitamin retention, foods that are more environmentally sound, foods that can be grown in places like subSaharan African that are more drought-resistant. All of these things are important for us to promote, and that is what biotechnology does.

I commend the Bush administration for taking this case to the World Trade Organization, and I urge my colleagues to support this resolution.

Mr. Speaker, I rise today in strong support of H. Res. 252. America's farmers and ranchers deserve to have the best technologies available at their disposal and I am hopeful that an end to the EUs illegal and longstanding moratorium on agricultural biotechnology may be near.

Agricultural biotechnology is one of the most promising developments in modern science. This science should be embraced and not banned, for it can help to provide answers to the problems of hunger around the world. It would be a shame if developing countries in Africa continue to deny food aid containing biotechnology because of the antibiotechnology attitudes in Europe. The politicizing of agricultural biotechnology should end so that we can return to providing food aid to the hungry as soon as possible.

I commend the Bush administration for taking this case to the World Trade Organization. The EU moratorium on biotech approvals has been spreading beyond Europe. In the fall of 2002, some famine stricken African nations refused U.S. food aid because it contained biotech corn. These countries were ill informed on the health and environmental impact of biotechnology and were also concerned that their own agriculture exports to Europe would be denied if they accepted the product. Zambia, Mozambique, and Zimbabwe refused United States food aid made of the same wholesome food that Americans eat every day. Zimbabwe and Mozambique eventually accepted United States food aid after making costly arrangements to mill the corn so that African farmers could not grow it. Zambia continues to refuse United States corn.

As noted by the French Academy of Sciences, more than 300 million North Americans have been eating biotech corn and soybeans for years. No adverse health consequences have ever been reported. Many biotechnology products are being developed that will have unlimited benefits to vitamin deficient children. Research continues on a gene to add to rice which will contain more beta carotene, a precursor to vitamin A. Up to half of a million children per year go blind due to vitamin A deficiency. Another product being developed could also help reduce iron deficiencies, thus reducing anemia among millions of women and children worldwide.

The United States is not trying to force consumers to buy these biotechnology products. Consumer choice is the key and the moratorium is an example of the European government denying their consumes a choice. The moratorium is not based on science, but it is a blatant protectionist trade barrier. American farmers and ranchers are merely asking that their safe, sound and affordable product be allowed on the shelves in Europe.

America's farmers and ranchers produce the safest and most bountiful food supply in the world. Their goal is to share this bounty with those who need it most, while at the same time having access to markets around the world. While United States farmers have utilized many of the new technologies, some farmers are hesitant to use biotechnology because of the moratorium in Europe.

The European Union's (EU) illegal and unscientific moratorium should be lifted and a WTO case against the EU will send a message to the rest of the world that illegitimate, non-science based trade barriers will not be tolerated.

I urge my colleagues to support H. Res. 252.

Mr. KLECZKA. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

(Mr. RYAN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding time to me. I would also like to thank the leadership of a colleague of mine, the gentleman from Ohio (Mr. BROWN), who has been tremendous on this issue.

I do not know why we are telling the World Trade Organization what to do because they do not listen to us anyway. We tried to inform them and advise them on steel tariffs and they did not listen to us. We are not against trade. We understand there is going to be trade. There has always been trade, there always will be trade.

What we are against is shifting the debate from this Chamber, shifting the debate from the Parliament, shifting the debate from the Russian Duma to a bureaucratic organization behind closed doors with no accountability. They are not elected by anybody on the face of this Earth, they are appointed, and they represent the corporate interests. That is the problem.

We are losing our sovereignty in this country, and if we tell the European Union or if we tell another country what they need to do, at what point do they tell us what we need to do? When is it our labor laws, our environmental laws that become exposed?

I think that is the thing that we need to be most focused on is that we are losing our sovereignty. We want strong environmental laws in this country, we want strong labor laws in this country, and the World Trade Organization has proven and consistently tried to undermine those things. We need to fix the system and we need to let the WTO be O-U-T.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, I rise today as co-chairman of the House Biotechnology Caucus in strong support of House Resolution 252. Approvals for biotech commodities are critical to the future of biotechnology. By filing a complaint with the WTO, the administration has taken the necessary steps to respond to the European Union's moratorium on biotech food products.

The EU moratorium is a clear violation of Europe's WTO obligations. The policy has cost American farmers hundreds of millions of dollars in export sales and seriously hindered the adoption of an enormously beneficial technology. Moreover, the hysteria brought on by the EU policies has begun to spread beyond European borders. It was time to act.

Specifically, the European Union represents a $1 billion per year market for U.S. soybeans and their products, a $500 million market for U.S. corn gluten feed, and a former $300 million per year market for the U.S. commodity corn.

The U.S. lost its commodity corn export business to the European Union in recent years over issues related to the acceptance of biotechnology-enhanced products.

As the U.S. already exports more than one-third of its agricultural production and farm States such as Illinois export more than 40 percent of their agricultural products, it is essential that the EU model for food safety and precaution is stopped before their policy and attitudes towards biotechnology affect U.S. export markets around the world.

Recently, several Illinois farmers returning from Europe concluded that the U.S. needs to take the EU to the WTO over the current EU moratorium on biotech crops.

I commend the administration for their leadership in taking the necessary steps to end this ridiculous moratorium, and urge my colleagues to support this resolution and send a strong signal to the EU and the rest of the world that the U.S. will not tolerate illegitimate, unscientific barriers to U.S. agricultural exports.

Mr. KLECZKA. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, this is an issue of sovereignty. The democratically elected governments of Europe have chosen, with tremendous support and urging by their own people, to urge more study and delay on the massive introduction of genetically modified organisms into their agricultural system. A large majority of Americans would like to see the same testing.

We heard about testing, that this is regulated by the FDA. No, it is not. It is not regulated by the FDA. They said

they have no jurisdiction, and it has been tested by the EPA. No, these things have not been tested by the EPA. It has been tested by the industry, who tells us, do not worry, it is safe. So the peer review tests we heard about and the government regulation that we heard about do not exist for the American people, and certainly not for the European people.

So are we going to turn to this faceless, conflict-ridden bureaucracy, the WTO, and ask it to preempt the laws of the sovereign nations of Europe? Then how about next week, when someone asks it to preempt some of our consumer health and safety or labor or environmental laws? That will happen, we can bet on it.

We heard a lot about Africa. Well, they will accept the food aid if the seed corn is ground up or the wheat is milled. They will take it. They are happy to take it. They just do not want the starving people there to take it out and plant it and begin to have it cross with their traditional crops. So that is not too tough of a thing to accomplish.

There are huge problems in the distribution system, these massively corrupt dictatorships. People of Africa are not being starved because the Europeans have chosen to protect their people and their agriculture against unknown, untested science, unregulated. That is not a true fact.

Let us have the debate about what this is about, which is new corporate interests that want to increase profits. Most of this is about increasing profits. Tell the people in India who have to buy patented seed year after year, or the people in Canada who have been prosecuted because they tried to replant the seed or it crossed into their crops and they have been prosecuted by Montana, that this is about making the world safe for people to not starve, and for the environment and all those things. No, it is, pure and simple, about profits for American industry.

Mr. KLECZKA. Mr. Speaker, I yield the balance of our time to the gentleman from Ohio (Mr. KUCINICH).

The SPEAKER pro tempore (Mr. NETHERCUTT). The gentleman from Ohio (Mr. KUCINICH) is recognized for 1½ minutes.

Mr. KUCINICH. Mr. Speaker, there are a number of issues at stake here, including one that has been mentioned by my colleagues, the gentlemen from Ohio, Mr. BROWN and Mr. RYAN, with respect to the WTO and the fact that it strips all nations of sovereignty. That is an issue that this House inevitably will have to deal with when, at once, legislation should come before us to in effect cancel our relationship with the WTO.

Now, House Resolution 252 falsely argues for a solution to world hunger, but its prime motive is to garner bigger profits for biotech companies looking to dump GE foods on poor countries. This is really about hungry biotech companies, because the basic cause of hunger is money, not food. The facts of world hunger lead to a much different conclusion.

Currently, 800 million go hungry every day. Malnutrition and related illnesses are the cause of death for 12 million children each year, but a lack of food is not the reason. Enough wheat, rice, and other grains are produced each year to provide 3,500 daily calories per person. So why do so many people go hungry each day? Much of this food goes to those who have the money and the ability to transport it. Food and other farm products flow from areas of hunger and need to areas where money is concentrated, in the northern hemisphere.

While at least 200 million Indians go hungry, in 1995 India exported $625 million worth of wheat and flour and $1.3 billion worth of rice, the two staples of the Indian diet. Only one-quarter of the food produced in Ethiopia reaches the market because of the high cost of marketing transactions.

There are hungry kids in this country, Mr. Speaker. What has biotech done for them?

Mr. CAMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. SMITH of Michigan. Mr. Speaker, I include for the RECORD a summary of a report we wrote on biotechnology in the Committee on Science called ''Seeds of Opportunity.'' The total report is available at: www.house.gov/nicksmith/opportunity.pdf.

The report referred to is as follows:

SUMMARY

The Subcommittee on Basic Research of the Committee on Science held a series of three hearings entitled, ''Plant Genome Research: From the Lab to the Field to the Market: Parts I–III,'' to examine plant genomics, its application to commercially important crop plants, and the benefits, safety, and oversight of plant varieties produced using biotechnology. The testimony and other information presented at these hearings and information gathered at various briefings provides the basis for the findings and recommendations in this report.

Almost without exception, the crop plants in use today have been genetically modified. The development of new plant varieties through selective breeding has been improving agriculture and food production for thousands of years. In the 19th century, the basic principles of heredity were discovered by Gregor Mendel, whose studies on inheritance in garden peas laid the foundation for the modern science of genetics. Subsequent investigations advanced our understanding of the location, composition, and function of genes, and a critical breakthrough revolutionized the field in 1953, when James Watson and Francis Crick described the double helix structure of deoxyribonucleic acid (DNA), the substance of heredity. This ground breaking research set the stage for deciphering the genetic code and led to the rapid advances in practical application of genetics in medicine, animal science, and agriculture.

The development of the science of genetics in the 20th century was a tremendously important factor in the plant breeding programs that have produced the remarkable diversity of fruits, vegetables, and grains that we enjoy today and that provide food security for the poor nations of the world. Traditional crossbreeding has been very useful in improving crop plants, but it is a time consuming process that results in the uncontrolled recombination of tens of thousands of genes, commonly producing unwanted traits that must be eliminated through successive rounds of backcrossing. Improving crops through traditional methods also is subject to severe limitations because of the constraints imposed by sexual compatibility, which limit the diversity of useful genetic material.

With the arrival of biotechnology, plant breeders are now able to develop novel varieties of plants with a level of precision and range unheard of just two decades ago. Using this technology, breeders can introduce selected, useful genes into a plant to express a specific, desirable trait in a significantly more controlled process than afforded by traditional breeding methods.

U.S. farmers have been quick to adopt plants modified using new biotechnology, including commercial crops that resist biologically insect and viral pests and tolerate broad-spectrum herbicides used to control weeds. As our knowledge of plant genetics expands, new varieties of plants with improved nutrition, taste, or other characteristics desired by consumers will become available. The federally-funded plant genome program provides much of the essential basic research on plant genetics required to develop new varieties of commercially important crops through advanced breeding programs.

For over two decades, the application of biotechnology has been assessed for safety. Oversight of agricultural biotechnology includes both regulatory and nonregulatory mechanisms that have been developed over the last five decades for all crop plants and conventional agricultural systems. Federal regulation of agricultural biotechnology is guided by the 1986 Coordinated Framework for Regulation of Biotechnology, which laid out the responsibilities for the different regulatory agencies, and the 1992 Statement on Scope, which established the principle that regulation should focus on the characteristics of the organism, not the method used to produce it. Three federal agencies are responsible for regulating agricultural biotechnology under existing statutes: the U.S. Department of Agriculture (USDA), which is responsible for ensuring that new varieties are safe to grow; the Environmental Protection Agency (EPA), which is responsible for ensuring that new pest-resistant varieties are safe to grow and consume; and the Food and Drug Administration (FDA), which is responsible for ensuring that new varieties are safe to consume.

Although biotechnology has had an uninterrupted record of safe use, political activists in Europe have waged well-funded campaigns to persuade the public that the products of high-tech agriculture may be harmful to human health and the environment. As a result of these efforts, public confidence in the safety of agricultural biotechnology has been seriously undermined in Europe. Many European countries have established new rules and procedures specifically designed to address ''genetically modified organisms,'' and these have

had a detrimental impact on international trade in agricultural products.

The controversy over agricultural biotechnology now has spread to the United States, the world's largest grower of plants and consumer of foods produced using this technology. At the core of the debate is food safety, particularly the possibility that unexpected genetic effects could introduce allergens or toxins into the food supply. The use of antibiotic resistance markers also has been criticized as dangerous to human health. As a result, there have been calls for both increased testing and labeling requirements for foods created using biotechnology.

Environmental concerns also have been raised. It has been suggested, for example, that widespread use of plants engineered with built-in protection against insect and viral pests could accelerate the development of pesticide-resistant insects or could have a negative impact on populations of beneficial insects, such as the Monarch butterfly. It also has been argued that the use of herbicide-tolerant plants could increase herbicide use and that ''superweeds'' could be developed through cross-pollination between these plants and nearby weedy relatives.

Extensive scientific evaluation worldwide has produced no evidence to support these claims. Far from causing environmental and health problems, agricultural biotechnology has tremendous potential to reduce the environmental impact of farming, provide better nutrition, and help feed a rapidly growing world population. Crops designed to resist pests and to tolerate herbicides and environmental stresses, such as freezing temperatures, drought, and high salinity, will make agricultural more efficient and sustainable by reducing synthetic chemical inputs and promoting no-tillage agricultural practices. Stress-tolerant crops also will reduce pressure on irreplaceable natural resources like rainforests by opening up presently nonarable lands to agriculture. Other plants are being developed that will produce renewable industrial products, such as lubricating oils and biodegradable plastics, and perform bioremediation of contaminated soils.

Biotechnology will be a key element in the fight against malnutrition worldwide. Deficiencies of vitamin A and iron, for example, are very serious health issues in many regions of the developing world, causing childhood blindness and maternal anemia in millions of people who rely on rice as a dietary staple. Biotechnology has been used to produce a new strain of rice—Golden Rice—that contains both vitamin A (by providing its precursor, beta-carotene) and iron. The Subcommittee heard about other research aimed at improving the nutrition of a wide variety of food staples, such as cassava, corn, rice, and other cereal grains, that can be a significant help in the fight for food security in many developing countries.

The merging of medical and agricultural biotechnology has opened up new ways to develop plant varieties with characteristics to enhance health. Advanced understanding of how natural plant substances, known as phytochemicals, confer protection against cancer and other diseases is being used to enhance the level of these substances in the food supply. Work is underway that will deliver medicines and edible vaccines through common foods that could be used to immunize individuals against a wide variety of enteric and other infectious diseases. These developments will have far-reaching implications for improving human health worldwide, potentially saving millions of lives in the poorest areas of the world by providing a simpler medicine production and distribution system.

Set against these benefits, however, is the idea that transferring a gene from one organism to an unrelated organism using recombinant DNA techniques inherently entails greater risks than traditional cross breeding. The weight of the scientific evidence leads to the conclusion that there is nothing to substantiate scientifically the view that the products of agricultural biotechnology are inherently different or more risky than similar products of conventional breeding.

The overwhelming view of the scientific community—including the National Academy of Sciences, the National Research Council, many professional scientific societies, the Organization for Economic Cooperation and Development, the World Health Organization, and the research scientists who appeared before the subcommittee—is that risk assessment should focus on the characteristics of the plant and the environment into which it is to be introduced, not on the method of genetic manipulation and the source of the genetic material transferred. These risk factors apply equally to traditionally-bred plants.

Years of research and experience demonstrate that plant varieties produced using biotechnology, and the foods derived from them, are just as safe as similar varieties produced using classical plant breeding, and they may even be safer. Because more is known about the changes being made and because common crop varieties with which we have a broad range of experience are being modified, plants breeders can answer questions about safety that cannot be answered for the products of classical breeding techniques.

FDA has adopted a risk-based regulatory approach consistent with these principles and with the long history of safe use of genetically-modified plants and the foods derived from them. Its policies on voluntary consultation and labeling are consistent with the scientific consensus and provide essential public health protection.

Unlike FDA regulations on food, USDA has instituted plant pest regulations, and EPA proposes to institute new plant pesticide regulations, that target selectively plants produced using biotechnology and apply substantive regulatory requirements to early stages of plant research and development. These regulations add greatly to the cost of developing new biotech plant varieties, harming both an emerging industry and the largely publicly-funded research base upon which it depends. Regulations and regulatory proposals that selectively capture the products of biotechnology should be modified to reflect the scientific consensus that the source of the gene and the methods used to transfer it are poor indicators of risk.

In the international area, the United States should work to ensure that access to existing markets for agricultural products are maintained. The United States should not accept any international agreements that endorse the precautionary principle—which asserts that governments may make political decisions to restrict a product even in the absence of scientific evidence that a risk exists—and that depart from the principle of substantial equivalence adopted by a number of international bodies.

Finally, the administration, industry, and scientific community have a responsibility to educate the public and improve the availability of information on the long record of safe use of agricultural biotechnology products. This is critically important to building consumer confidence and ensuring that sound science is used to make regulatory decisions.

Mr. CAMP. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 1½ minutes.

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

When I first came to this Congress, I was assigned to the Committee on Agriculture. It makes all kinds of sense. The district I represent in California produces about $4 billion value-added from agriculture. I have been dealing with this issue for more than a quarter of a century.

What we just heard was a total fabrication of reality. We have heard about the green revolution, the attempt to feed more people in the world. In the old days, they used to take a plant, put a slit in it, and graft another portion of the plant onto it. That was science in those days.

There is fundamentally no difference to what we now call biotechnology than understanding the way the world works, and through science improving our ability to produce food to feed people. Everything else is politics. Somehow, large corporations get involved, the desire to sell something to Africa that Africa does not want.

I was in Africa 3 months ago. They pleaded with us to help them solve their problem. The problem is the Luddites in the world today who do not want to recognize science. Anybody who assists the Europeans in their unscientific opposition to wanting to do better with the amount we have is simply attempting to wreak havoc.

Vote for science. Vote yes.

Mr. HASTERT. Mr. Speaker, I rise in strong support of this resolution supporting the Administration's efforts in challenging the European Union's five-year moratorium on biotech products. As an original cosponsor, I congratulate President Bush and Ambassador Zoellick for putting American farmers and sound science first by challenging this illegal trade ban on genetically modified foods before the WTO.

Over the last few years, we have seen country after country implementing protectionist trade policies, like the EU moratorium, under the cloak of food safety—each one brought on by emotion, culture, or their own poor history with food safety regulation.

Simply put, non-tariff protectionism is detrimental to the free movement of goods and services across borders. We all know that free trade benefits all countries. However, free trade will be rendered meaningless if it is short-circuited by non-tariff barriers that are based on fear and conjecture—not science.

As the Representative of the 14th District in Illinois, my district currently covers portions of eight countries, including four of the top 25 corn-producing counties, and three of the top 50 soybean-producing counties in the nation. The State of Illinois is the second-largest producing state of both corn and soybeans in the country. Forty percent of this production currently goes to exports, valued at approximately $2.7 billion per year.

U.S. agriculture ranks among the top U.S. industries in export sales. In fact, the industry generated a $12 billion trade surplus in 2001, helping mitigate the growing merchandise trade deficit. It is important to realize that 34 percent of all corn acres and 75 percent of all soybean acres are genetically modified.

And what exactly are we talking about when we say ''genetically modified?'' The EU would have you believe this is a new and special type of food, questionable for human consumption. In fact, since the dawn of time, farmers have been modifying plants to improve yields and create new varieties resistant to pests and diseases. Why would we want to snuff out human ingenuity that benefits farmers and consumers alike?

The European Union has had an indefensible moratorium on genetically-modified products in place for five years with no end in sight. This is a non-tariff barrier based simply on prejudice and misinformation, not sound science. In fact, their own scientists agree that genetically modified foods are safe. Still, regardless of the overwhelming evidence to the contrary, bans on genetically modified products continue to persist and multiply—the worldwide impact has been staggering.

The current EU moratorium on genetically-modified products has translated into an annual loss of over $300 million in corn exports for U.S. farmers. More disturbing is the recent trend in Africa, where several nations have rejected U.S. food aid because the shipments contained biotech corn. This based solely on the fear that EU countries will not accept their food exports if genetically modified seeds spread to domestic crops.

These actions by our trading partners have consequences. U.S. farmers are already beginning to plant more non-biotech seeds. This trend will increase farmers' cost of production as well as increase the damage from harmful insects. In fact, the U.S. Environmental Protection Agency has recently approved a corn technology that will allow the commercialization of the first corn designed to control rootworm—a pest that costs U.S. farmers approximately $1 billion in lost revenue per year. It is absurd to think that farmers would not be able to take advantage of this technology.

Clearly, the long-term impact of these policies could be disastrous for U.S. farmers in terms of competitiveness and the ability to provide food for the world's population. Addressing world hunger is particularly critical when approximately 800 million people are malnourished in the developing world, and another 100 million go hungry each day. Biotechnology is the answer to this pressing problem. Farmers can produce better yields through drought-tolerant varieties, which are rich in nutrients and more resistant to insects and weeds, while those in need reap the benefits.

As you can see, halting or even slowing down the development of this technology could have dire consequences for countries where populations are growing rapidly and all arable land is already under cultivation. Official WTO action will send a clear and convincing message to the world that prohibitive policies on biotechnology which are not based on sound science are illegal.

Hopefully, the WTO will act quickly to resolve the Administration's case on behalf of American farmers. There's no doubt that the U.S. and American agriculture go into this battle with the facts on our side. We simply cannot allow the free trade of our agriculture products to be restricted by this unfair and unjust moratorium. After all, the price of inaction is one we can no longer afford to pay.

Mr. PAUL. Mr. Speaker, I rise in opposition to this measure not because I wish to either support or oppose genetically-modified products. Clearly the production and consumption of these products is a matter for producers and consumers to decide for themselves.

I oppose this bill because at its core it is government intervention—both in our own markets and in the affairs of foreign independent nations. Whether European governments decide to purchase American products should not be a matter for the U.S. Congress to decide. It is a matter for European governments and the citizens of European Union member countries. While it may be true that the European Union acts irrationally in blocking the import of genetically-modified products, the matter is one for European citizens to decide.

Also, this legislation praises U.S. efforts to use the World Trade Organization to force open European markets to genetically-modified products. The WTO is an unelected world bureaucracy seeking to undermine the sovereignty of nations and peoples. It has nothing to do with free trade and everything to do with government- and bureaucrat-managed trade. Just as it is unacceptable when the WTO demands—at the behest of foreign governments—that the United States government raise taxes and otherwise alter the practices of American private enterprise, it is likewise unacceptable when the WTO makes such demands to others on behalf of the United States. This is not free trade.

Genetically-modified agriculture products may well be the wave of the future. They may provide food for the world's populations and contribute to the eradication of disease. That is something we certainly hope for and for which we will all applaud should it prove to be the case. But, again, this legislation is not about that. That is why I must oppose this bill.

Mr. KIND. Mr. Speaker, I rise in qualified support of this measure.

I am a proponent of genetically modified (GM) food, and firmly believe that its continued implementation and use provides a number of important benefits for the American farmer and worldwide consumers. Furthermore, I believe we are legally correct and justified in asking the World Trade Organization (WTO) to impose penalties on the EU for maintaining a moratorium on import permits for genetically modified crops in violation of its rules.

However, I fear that our government's efforts will have the unintended consequence of wreaking havoc on the current WTO trade discussions. As we all know, the U.S. farmer would benefit much more if, in the current Doha Round of the WTO, the EU nations agreed to slash the generous agriculture subsidy assistance they provide their farmers.

According to a recent Organization for Economic Cooperation and Development (OECD), an international organization that seeks to help governments tackle the economic, social, and governance challenges of a globalized economy, in 2002, the EU provided $112.6 billion in agricultural subsidies to their farmers. This amount totals approximately 1.3 percent of the EU GDP. Compare this staggering number with that of the United States, which generously provided in 2002 $90.3 billion (0.9 percent of our GDP) to farmers in the form of agricultural subsidies, and you can easily see why reform of domestic agricultural policy and worldwide agricultural trade liberalization is much needed.

In addition to fighting this important fight on GM foods today, the Administration and Congress need to hold the Europeans' feet to the fire on reforming their domestic agriculture policy and making their country more open to imported goods. The Doha Round was devised to accomplish these two objectives.

Moreover, the U.S.'s policy on GM foods must not just single out Europe. In an article, which appeared in yesterday's The Wall Street Journal, many U.S. soybean traders are accusing the Chinese of impeding soybean imports due to the failure of various inspection permits. The article continues by stating, ''China last week announced it will extend to April 20, 2004, strict regulations on crops containing genetically modified organisms that had been set to expire September 20th.''

Thus, the question that needs to be asked—Is China moving toward closing its borders in perpetuity on import permits for genetically modified crops? Will the U.S. government file a similar petition against the Chinese government? If so, when? If not, why not? After all, under commitments China made when it became a member of the WTO in December 2001, it must open its market to agricultural products.

Mr. Speaker, I will support this resolution and encourage my colleagues to do likewise—but I suggest more substantive work be done to reform domestic agricultural policy and worldwide agricultural trade liberalization policies that currently stand in the way of sustainability and prosperity of our farmers.

Mr. NUSSLE. Mr. Speaker, I rise in support of House Resolution 252. This important resolution expresses the House of Representatives' supports for American efforts within the World Trade Organization (WTO) to end the European Union's unfair trade practices regarding agriculture biotechnology. These trade practices are protectionist and discriminatory, and have been in place the past five years.

In 2001, the United States and other industrialized countries produced almost 109 million acres of genetically modified foods. These foods are modified, safely, to reduce the application of pesticides, reduce soil erosion and

create an environment more hospitable to wildlife. These foods are resilient and can grow in areas often inhospitable to agriculture. Genetically modified foods hold great promise in alleviating hunger in developing areas of the world.

The European Union, acting without scientific basis, enacted a moratorium on genetically modified foods in October 1998. Since then, this moratorium has blocked more than $300 million annually in American corn exports to countries in the European Union. This action has had a damaging effect on agricultural exports from the United States, particularly from Iowa.

Allow me to describe the devastating effect this action has had on many developing countries in Africa. Earlier this year, I traveled to several nations in sub-Saharan Africa. I met people trying to help themselves with their own hard work, and through the humanitarian efforts of the United States and other nations. Far too many people in Africa depend on food from other countries, and far too many are starving. Genetically modified food could withstand the intolerant climate and harsh growing landscapes common in the area. But because of fear about future exports to Europe, these African nations have held back from a wonderful opportunity to promote agriculture in their own nations. Just last year, humanitarian food aid sent to Africa from the United States was rejected. Mr. Speaker, this is wrong.

Iowa is America's second-largest agriculture exporter, sending $3.2 billion worth of commodities and value-added products overseas. There is much promise in using biotechnology to change to the face of agriculture. Biotechnology is now being researched to create custom-made pharmaceuticals and renewable ingredients for industrial use. The cities of Waterloo and Davenport in my district are working to make value-added agriculture the driving force of their economic growth. They are making significant investments to reach this end. It is clear that continued research and production is needed to make these investments pay off for these communities and the rest of the Midwest.

Mr. Speaker, we took a tremendous step forward by granting the President trade promotion authority. As the U.S. begins to negotiate trade agreements with this authority, it is critical we demonstrate that protectionist and discriminatory practices, like those used by the EU, will not be tolerated. the U.S. must now take further action within the WTO. I applaud the President and the U.S. Trade Representative's interest in taking action on this critical issue now. Accordingly, I urge passage of this resolution supporting Administration efforts through the WTO.

Mr. BLUMENAUER. Mr. Speaker, I cautiously approach my colleagues' zealous concern about the European Union's long-standing moratorium on agriculture and biotech products. The World Trade Organization agreement does recognize that countries are entitled to regulate crops and food products to protect health and the environment. However, WTO members must have sufficient evidence for their regulations and must operate approval procedures without ''undue delay.'' The EU's current moratorium lacks sufficient justification and at 5 years has reached a point of undue delay.

At the same time, consumers have a right to know what they are eating and the food industry should remain transparent and accountable. I fully support labeling and a comprehensive paper trail that would ensure that consumers are aware when they are purchasing genetically modified ingredients.

I am more cautious than the Bush administration on this issue, but also feel the European Union's moratorium is extreme. I support this resolution in the spirit of fair trade, but urge my colleagues and the administration to not interfere with consumer awareness to be gained by labeling and industry transparency.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and agree to the resolution, House Resolution 252, as amended.

The question was taken.

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

Mr. CAMP. 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.

RECOGNIZING SCIENTIFIC SIGNIFICANCE OF SEQUENCING OF HUMAN GENOME AND EXPRESSING SUPPORT FOR GOALS AND IDEALS OF HUMAN GENOME MONTH AND DNA DAY

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 110) recognizing the sequencing of the human genome as one of the most significant scientific accomplishments of the past 100 years and expressing support for the goals and ideals of Human Genome Month and DNA Day.

The Clerk read as follows:

H. CON. RES. 110

Whereas April 25, 2003, will be the 50th anniversary of the publication of the description of the double-helix structure of deoxyribonucleic acid (DNA) in Nature magazine by James D. Watson and Francis H.C. Crick, which is considered by many scientists to be one of the most significant scientific discoveries of the twentieth century;

Whereas their discovery launched a field of inquiry that explained how DNA carries biological information in the genetic code and how this information is duplicated and passed from generation to generation, forming the stream of life that connects us all to our ancestors and to our descendants;

Whereas this field of inquiry in turn was crucial to the founding and continued growth of the field of biotechnology, which has led to historic scientific and economic advances for the world, advances in which the people of the United States have played a leading role and from which they have realized significant benefits;

Whereas, in April 2003, the international Human Genome Project will achieve essential completion of the finished reference sequence of the human genome, which carries all the biological information needed to construct the human form;

Whereas the Human Genome Project will be completed ahead of schedule and under budget;

Whereas all data from the Human Genome Project is provided free of charge to the public as soon as it is available;

Whereas the sequencing of the human genome has already fostered biomedical research discoveries that have led to improvements in human health;

Whereas the Human Genome Project has provided an exemplary model for social responsibility in scientific research, by devoting significant resources to studying the ethical, legal, and social implications of the project;

Whereas, in April 2003, the National Human Genome Research Institute of the National Institutes of Health will publish a new plan for genomic research;

Whereas this new plan will establish priorities for the future of genomic research, predict future developments in understanding heredity, and serve as a guide in applying this knowledge to improve human health; and

Whereas the National Human Genome Research Institute has designated April 2003 as ''Human Genome Month'' in celebration of the completion of the sequencing of the human genome and April 25, 2003, as ''DNA Day'' in celebration of the 50th anniversary of the publication of the description of the structure of DNA on April 25, 1953: Now, therefore, be it

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

(1) recognizes the sequencing of the human genome as one of the most significant scientific accomplishments of the past one hundred years;

(2) honors the 50th anniversary of the outstanding accomplishment of describing the structure of DNA, the essential completion of the sequencing of the human genome in April 2003, and the development a plan for the future of genomics;

(3) supports the goals and ideals of Human Genome Month and DNA Day; and

(4) encourages schools, museums, cultural organizations, and other educational institutions in the United States to recognize Human Genome Month and DNA Day with appropriate programs and activities centered on human genomics, using information and materials provided through the National Human Genome Research Institute and other sources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. 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 House concurrent resolution 110.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 110, a concurrent resolution recognizing the sequencing of the human genome as one of the most significant scientific accomplishments of the past 100 years

and expressing support for the goals and ideals of Human Genome Month and DNA Day.

This legislation, introduced by our colleague, the gentlewoman from New York (Ms. SLAUGHTER), was unanimously approved by the Committee on Energy and Commerce on April 30 of this year.

□ 1345

April 2003 marked the 50th anniversary of a momentous achievement in biology: James Watson and Francis Crick's Nobel Prize-winning description of the double helix structure of DNA. In addition, this past April we celebrated the culmination one of the most important scientific projects in history, the sequencing of the human genome.

The science and technology of genomics have become the foundation of research and biotechnology for the 21st century. In addition, health care has undergone phenomenal changes, driven in part by the Human Genome Project and accompanying advances in human genetics. While these advances will certainly present a myriad of challenges for policymakers, I feel confident that this information will truly revolutionize the practice of medicine and greatly improve our quality of life.

Mr. Speaker, I urge Members to support passage of H. Con. Res. 110.

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

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

Mr. Speaker, I thank my friend, the gentleman from Florida (Mr. BILIRAKIS) for his good work and bipartisanship and thank my colleague, the gentlewoman from New York (Ms. SLAUGHTER) for authoring H. Con. Res. 110.

I rise in support of this resolution and recognize its two major advancements in public health: The 50th anniversary of the discovery of the double helix structure of DNA and the completion recently of the Human Genome Project.

Fifty years ago, Dr. James Watson and Dr. Francis Crick published a structure of DNA. It is likely that neither of these scientists fully understood the enormous impact that their discovery would have on our Nation's public health, from historic advances to disease diagnosis to life-saving medicine to reform of our everyday vocabulary. Their scientific discovery laid the groundwork for another milestone of the evolution of science; that is, the completion of the Human Genome Project ahead of schedule and under budget.

While the investment in this project was modest in some ways by U.S. standards, the return promises to be extraordinary. Doctors will have tools to assess diseases in terms of their causes, not just their symptoms. An entire genome of an organism can be known in a matter of weeks or months, not years or decades. Scientists will begin to know why some people and not others get sick from certain infections or environmental exposures.

We can only begin to imagine what this means for health care delivery. Clearly, being asked by your family doctor about your family history will take on a whole new meaning. The Human Genome Project will strengthen the roots of innovation, foster tomorrow's breakthrough discoveries: discoveries like that of Dr. Watson and Dr. Crick which offer every person the opportunity of a longer, healthier life.

With genetics and the burgeoning fields of genomics, we have truly moved into a new era. Already friends and loved ones benefit from what we have learned about genetic links to diabetes, Alzheimer's disease, breast and ovarian cancer, colorectal cancer, cystic fibrosis, and Huntington's disease and others. We should not overlook the impact this investment has on the public health infrastructure as whole. When we invest in research, we are also investing in education.

The NIH reports that Ph.D. faculty at U.S. med schools has increased by double digits as a result of the Federal investment in research. These discoveries raise important policy issues, to be sure, like the importance of strong genetic nondiscrimination policies.

My colleague, the gentlewoman from New York (Ms. SLAUGHTER), the sponsor of this resolution, has introduced legislation to address the potential abuse of genetic information by insurers and by employers. That is a real issue. That is one we absolutely in this body have a duty to address.

Genomics offers exciting opportunities to strengthen our public health system and can take us into a new era of health and health care. I am pleased to be a sponsor of the Slaughter resolution and I urge my colleagues to join me in applauding the legion of talented scientists who significantly contributed to these achievements.

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

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

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

Mr. STEARNS. Mr. Speaker, I thank my distinguished chairman of the Subcommittee on Health of the Committee on Energy and Commerce.

Mr. Speaker, I rise in support of H. Con. Res. 110, a resolution commending the completion of the sequencing of the human genome and the 50th anniversary of the description of the double helix which makes up the DNA.

As past chairman of the Task Force on Health Care and Genetic Privacy, I think we need to commend the folks at NIH for their outpouring of work. As someone who studied science myself as a former electrical engineer, I stand in awe of the frontier that we are starting to move into with genetics.

As many of us know, genetics is the study of single genes and their effects on human health. Genomics is a relatively new field of scientific research that includes not only the study of single genes but also the functions and interaction of all genes that comprise a genome.

The human genome is a collection of about 35,000 genes that give rise to life. Each gene is made up of a series of base pairs, tiny DNA units denoted by A, C, T, and G. There are about 3.12 billion of these genetic letters. Spanning nearly two decades, the Human Genome Project is the international research effort to determine the sequencing of all these genetic letters or, as we like to call it, a genetic blueprint for humans.

Congress invested significant tax dollars, primarily at the National Institutes of Health, just to advance this project. And we did so here in Congress, because the human genome findings will pave the way for what we hope will be a breakthrough of information on the new ways to prevent and, of course, cure diseases.

I think we are just beginning to see the results of this investment. Just as scientists have decoded the genetic map that defines us as human beings, we will now need to decipher how well the Federal bureaucracy is working to advance this promising area of genomics research.

Genomics research transcends every institute and center at NIH. It has implications for how we study every disease. Two short weeks ago, the Committee on Energy and Commerce held a hearing to learn more about genomics research. At that time, members had the opportunity to hear from the leading scientists in the world about this research. We also learned that we are right on track with a new project underway to ensure that our investments at the National Institutes of Health are fully maximized.

As the authorizing committee at NIH, the Committee on Energy and Commerce is conducting an extensive review to determine how well NIH is advancing medical research. All of us have been touched by someone afflicted with a disease.

In my district of Jacksonville, Florida, a collaborative NIH study between the Mayo Clinic and Shands Hospital is leading the charge for screening for the gene that leads to strokes.

Just last year, NIH began its first phase of a clinical trial on a drug compound that has shown promise in addressing the most life-threatening symptoms of ataxia, a heart condition. Because of these answers in sequencing of the human genome, more progress has been made in understanding the underlying mechanism of this disorder than in the previous 133 years.

Research advances like this mean something real to patients. It is the hope that they are looking for when they need all the courage they can muster to fight a debilitating disease.

So today we pay tribute to a major scientific achievement. Let us keep working to speed forward more achievements like this to bring hope to all patients that are suffering from diseases throughout the world.

It is our responsibility to ensure that NIH is held accountable on behalf of our patients. It is our responsibility to remove barriers that unnecessarily delay the incredible progress we are making in improving human health.

We were just beginning. So I encourage all of my colleagues to assist our effort in this great task. I encourage my colleagues to vote for H. Con. Res. 110. It is altogether appropriate for us to pay tribute today to the outstanding accomplishments of our Nation's scientists in this groundbreaking achievement of sequencing the human genome. These same scientists will lead the way with an even bigger project: determining how to translate the outline of the human genome into real public health solutions.

Mr. BROWN of Ohio. Mr. Speaker I yield 4 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

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

Mr. Speaker, I rise this afternoon also in support of H. Con. Res. 110 and to recognize what is perhaps the greatest scientific endeavor of the 21st century, the Human Genome Project, which will forever change the way medicine is practiced and research is conducted. Moreover, it has important implications for how we look at and define each other.

The practical consequences of the emergence of this new field are widely apparent. Identification of the genes responsible for certain human diseases, once a staggering task requiring large research teams and many years of hard work and an uncertain outcome, can now be routinely accomplished in a few weeks.

This discovery also holds out new hope for wellness for African Americans and other minority populations. Sickle cell disease was the first genetics disease to be identified but needs more effort and resources devoted towards a cure.

I want to take this opportunity to applaud Howard University's College of Medicine who, just a few weeks ago, announced a partnership with First Genetic Trust, Inc., to develop the first-ever massive data bank of DNA of individuals of African descent. Called the Genomic Research in the African Diaspora Biobank or GRAD Biobank, the data will advance the study of genetic and biological bases for differential disease risk, progression, and drug response.

But beyond deciphering what the human genome will do for science, it gives us new understanding of the molecular processes underlying disease and disease susceptibility, and it opens heretofore unknown doors that take us beyond treatment to the correction of the origins of disease. This discovery can also be a defining moment in human history for other reasons.

As Dr. Georgia Dunston, the Director of the National Human Genome Center at Howard University, pointed out at our health braintrust meeting a few years ago, this monumental discovery also challenges the current paradigm of race and ethnicity and all that follows from those concepts, because in her words, ''The most salient feature of human identity at the sequence level is variation. Human genome sequence variation dispels the myth of a majority.''

Anthropologists, Dr. Dunston told us, have estimated that less than 1 percent of the total gene pool code for the phenotypic characteristics, such as eye, hair and skin color, is what is used to classify human populations, in other words, to divide us.

Whether or not African American or Hispanic American, Anglo or White American, Native American, Asian/Pacific Islander or Alaskan Native, it turns out that we are 99 percent alike.

So as we celebrate Human Genome Month and DNA Day, in addition to focusing on what this discovery will do to ensure that all populations are knowledgable about the science underpinning the HGP and have the opportunity to participate in various ways, such as becoming research scientists, research participants and policymakers, it is also important for everyone to be informed about the Human Genome Project and understand the ethical, legal, and social implications resulting from genetics and genomics research.

Through our continued efforts to educate ourselves, to reach out to our communities, and to communicate our fears, needs, and responsibilities, we as government policymakers have the best opportunity to have genetics and science improve the quality of life for all Americans and make this a better country.

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

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

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me join in with the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) for their wisdom in bringing this legislation to the floor, and certainly to the gentlewoman from New York (Ms. SLAUGHTER) who I enthusiastically join, along with the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) on this important legislative initiative.

H. Con. Res. 110 is a resolution that helps to educate our colleagues but also it speaks truth to the American people. As a member of the House Committee on Science, we spent many, many hours on the question of the human genome and the Human Genome Project in particular. Recognizing the sequencing of the human genome as one of the most significant scientific accomplishments of the past 100 years and expressing support of the goals and ideals of the Human Genome Month and DNA Day really is a statement about life.

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It is a statement about the ability of the new science to be able, Mr. Speaker, to create life where there is none, to create better improved health where that was not a possibility 10, 15 or 50 years ago.

It is crucial as the human genome project achieves its essential completion of the finished reference sequence of the human genome that carries all of the biological information needed that we begin to utilize this project; and one of the challenges that we have in this Congress is the whole question of human cloning. It is important not to equate these projects and this research and human genome work and DNA with the idea of the creation of a human being.

It is important now as we have begun or understand the sequence that we allow this project to grow and to be utilized to help us determine the cures for diseases such as Parkinson's, Alzheimer's disease, diabetes, stroke, and, yes, HIV/AIDS. The more we understand about the human being and its makeup, the more we can create a better way of life.

We well know of our renowned fiction character Superman, who is no longer a superman in real life, who is trying time after time with a number of efforts to find the cure for those who suffer spinal injuries, some of the most devastating injuries that we will face. As we look to the wounded who will be coming home from the war in Iraq and Afghanistan, they will be coming home with major injuries, some continuing to be life-threatening. The greater knowledge of our ability to be able to respond to those kinds of devastating injuries, although they are not by disease but by devastating injuries, physical injuries through weapons, the better off we will be. The more we can find a way to determine and fight against the war against bioterrorism, the better off we will be.

This is an excellent resolution, Mr. Speaker, because it educates my colleagues and educates the public.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4½ minutes to the gentlewoman from New York (Ms. SLAUGHTER), sponsor of this resolution who has showed particular interest in the issue of nondiscrimination of genetics.

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

I rise in strong support of H. Con. Res. 110, a resolution that I was pleased to author with my colleagues, the gentleman from Louisiana (Mr. TAUZIN),

the chairman of the Committee on Energy and Commerce; and the gentleman from Michigan (Mr. DINGELL), the ranking member.

This resolution recognizes a set of milestones in the history of human scientific endeavors. In April of 1953, two young scientists by the names of James Watson and Francis Crick published an article in the journal ''Nature'' describing the structure of a molecule known as deoxyribonucleic acid, or DNA. In doing so, they opened the doors to an entirely new field of research that explained the information carrying the genetic code and the way it is duplicated, translated, and activated.

This field of research culminated 2 months ago with the announcement that the next generation of scientists had completed a full map of the human genome. Every one of the 3 billion base pairs in a strand of human DNA has been identified. This singular achievement is the result of more than a decade of concerted planning, international cooperation, and single-minded dedication to the cause. It is a scientific accomplishment of the highest order, emblematic of the advances in human knowledge of which we are capable when we work together across all divisions.

When the human genome project was initiated, the technology to carry it through did not exist. It was invented as the research sped along. Congress, to its credit, considered this endeavor worthy of funding and had faith in our scientists' ability to achieve it. It was, therefore, also a stunning example of the vision and good of which our government is capable.

H. Con. Res. 110 expresses the sense of the U.S. Congress that we recognize these achievements for the historical landmarks that they are. The resolution also lends its support to the designation of April as Human Genome Month and April 25 as DNA Day. Furthermore, it encourages schools, museums, cultural organizations, and other educational organizations to recognize the dates with appropriate programs and activities.

Even though the resolution does not specifically do so, I would be remiss if I did not take this opportunity to commend the individual who has directed the human genome projects since 1993, my good friend, Dr. Francis Collins. Dr. Collins began his career as a brilliant scientist, a pioneer in the field of genetics and discoverer of the gene for cystic fibrosis. He has continue his career, however, as a brilliant administrator, a truly remarkable progression.

Under his leadership, the human genome project has been completed under budget and ahead of schedule. Dr. Collins guided and shaped the initiative for a full decade, bringing it to fruition. Our Nation, and indeed, our world, owe him a debt of gratitude.

I am pleased the leadership has agreed to consider this resolution today, and I urge my colleagues to support it. I would also, however, like to urge the body to take up a far more urgent piece of legislation on the subject of genetics, which is the Genetic Nondiscrimination in Health Insurance and Employment Act.

The resolution before us today recognizes the immense benefit which the mapping of the human genome may have for us. The Genetic Nondiscrimination Act would forestall the darker consequences that could arise through this new technology. We must not allow the potential advances in human health to be stifled because Americans fear that their genetic information may be used against them.

I urge the leadership to take up and pass the Genetic Nondiscrimination in Health Insurance and Employee Act as quickly as possible.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Florida for his good work on this bill, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I appreciate the cooperation of the gentleman from Ohio (Mr. BROWN). He has always been very cooperative. This is an illustration of bipartisanship at work and all the work obviously of the gentlewoman from New York (Ms. SLAUGHTER).

Mr. ISRAEL. Mr. Speaker, every day we wake up and are faced with new discoveries. We read about the depths of space that we can only now see with the Hubble Telescope. We learn about tremendous achievement in nanotechnology, like the printing of a Bible that can fit on a pencil eraser. We have been to the moon and back, landed robots on Mars and cured diseases that have plagued mankind for millennia. Yet, Mr. Speaker, in this litany of great achievements one that stands out above all, is to have learned the very vocabulary of life, to have mapped the entire human genome.

I rise today in support of this resolution and to recognize that the sequencing of the human genome is indeed one of the greatest scientific accomplishments of the past one hundred years, indeed of all of history.

But Mr. Speaker, I rise with special pride because of Long Island's unique contribution in the quest to map the genome. Much of the work to sequence the genome took place at Cold Spring Harbor Lab on Long Island, and in particular, by a brilliant scientist I am privileged to know: Dr. James Watson.

Dr. Watson, along with Francis Crick, discovered the structure of DNA. For this accomplishment they shared the 1962 Nobel Prize in Physiology of Medicine with Maurice Wilkins. Their revolutionary concept was that the DNA molecule takes the shape of a double helix, and elegantly simple structure that resembles a gently twisted ladder.

Mr. Speaker, my children learn about the double helix today in science class. We take it for granted. We watch Law and Order and CSI and hear about DNA testing and we go to the doctor to find out if we have a genetic marker for a specific disease.

Yet we almost never stop to think about this phenomenal breakthrough. It is amazing that in fewer than fifty years we have come so far. We should all be very proud that this achievement occurred here in the United States, a testament to our ongoing strengths, continuing leadership in science and technology.

The human genome provides us with the most basic information of life. What we do with that information is up to us. Dr. Watson and his colleagues have gotten us this far. It is my hope, that through efforts like Human Genome Month and DNA Day, our young people will be inspired to make the great scientific leaps of tomorrow—applying the genetic map to conquering dreaded diseases and improving the quality of life on our planet.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of H. Con. Res. 110, a resolution that I was pleased to author with my colleagues, Energy and Commerce Committee Chairman TAUZIN and Ranking Member DINGELL.

This resolution recognizes a set of milestones in the history of human scientific endeavors. In April 1953, two young scientists by the name of James Watson and Francis Crick published an article in the journal Nature describing the structure of a molecule known as deoxyribonucleic acid, or DNA. In doing so, they opened the doors to an entirely new field of research—that exploring the information carried in the genetic code and the way it is duplicated, translated, and activated.

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When the Human Genome Project was initiated, the technology to carry it through did not exist. It was invented as the research sped along. Congress, to its credit, considered this endeavor worthy of funding and had faith in our scientists' ability to achieve it. It was, therefore, also a stunning example of the vision and good of which our government is capable.

H. Con. Res. 110 expresses the sense of the U.S. Congress that we recognize these achievements for the historical landmarks they are. The resolution also lends its support to the designation of April as Human Genome Month and April 25 as DNA Day. Furthermore, it encourages schools, museums, cultural organizations, and other educational institutions to recognize these dates with appropriate programs and activities.

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I am pleased that the leadership has agreed to consider this resolution today, and I urge

my colleagues to support it. I would also, however, like to urge this body to take up a far more urgent piece of legislation on the subject of genetics: the Genetic Nondiscrimination in Health Insurance and Employment Act. The resolution before us today recognizes the immense benefit which the mapping of the human genome may have for us. The Genetic Nondiscrimination Act would forestall the darker consequences that could arise from this new technology. We must not allow the potential advances in human health to be stifled because Americans fear that their genetic information will be used against them. I urge the leadership to take up and pass the Genetic Nondiscrimination in Health Insurance and Employment Act as quickly as possible.

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

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 110.

The question was taken.

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

Mr. 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.

PATSY TAKEMOTO MINK POST OFFICE BUILDING

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2030) to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building''.

The Clerk read as follows:

H.R. 2030

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

SECTION 1. PATSY TAKEMOTO MINK POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, shall be known and designated as the ''Patsy Takemoto Mink Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Patsy Takemoto Mink Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2030.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to be part of the consideration of H.R. 2030, a bill introduced by the distinguished gentleman from Hawaii (Mr. CASE), that designates the postal facility in Paia, Maui, Hawaii, as the Patsy Takemoto Mink Post Office Building.

Mr. Speaker, Congresswoman Patsy Mink was a devoted public servant and a friend to all who served here in the House. She was a passionate representative for her Hawaiian constituents for 26 years, despite having to make the 10-hour flight home almost every weekend. For that alone, she deserves commendation.

Congresswoman Mink was a particular advocate of health, education, and civil rights issues during her tenure in the House; but her career was perhaps best known for her tireless work for gender equality. Congresswoman Mink authored the Women's Education Equity Act, and she was a coauthor of the original title IX legislation. She was an esteemed member of the Committee on Government Reform, the committee that just last month passed by voice vote this bill that honors her. I am pleased that this bill has now come up for consideration by the whole House.

Congresswoman Patsy Mink sadly passed away last September 28 during her 13th congressional term. Patsy Mink won her first election to the House in 1964 and only two current Members of this body were first elected earlier. A long congressional career never took the spring out of her exuberant step or the warmth from her caring heart; and even after her passing, her remarkable service in this House for the people of Hawaii and this entire Nation will certainly never be forgotten.

Mr. Speaker, I urge all Members to support the passage of H.R. 2030 that honors the life and career of Congresswoman Patsy Mink. I congratulate my colleague, the gentleman from Hawaii, for introducing this meaningful and important legislation.

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

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

Mr. Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), in consideration of H.R. 2030, which names a postal facility after the late Congresswoman Patsy Mink.

H.R. 2030, which was introduced by the gentleman from Hawaii (Mr. CASE) on May 8, 2003, has met the committee policy and has been cosponsored by more than just the State delegation. The bill currently lists 115 cosponsors, truly a testament to the accomplishments of our late colleague, the Honorable Patsy Mink, who sadly passed away on September 28, 2002.

Congresswoman Mink was first elected to Congress in 1964 and served until 1976. She took a 14-year hiatus from national politics and returned to her congressional seat in 1990, where she remained unto her death in 2002.

Congresswoman Mink served on the Committee on Government Reform for a year in 1991 before being assigned to the House Committee on the Budget. She returned to our committee in 1999 where she served until her death last year. As a distinguished member of the Committee on Government Reform, Congresswoman Mink was committed to writing important legislation, such as the bill that would increase the mandatory retirement age of law enforcement officials.

As a member of the House Committee on Education and the Workforce, Congresswoman Mink fought hard for the rights of women and children. She cosponsored title IX, the Early Childhood Education Act and the Women's Educational Equity Act.

During her last few years in Congress, Congresswoman Mink continued to work on such important issues as immigration, Social Security, and health care. Throughout her brilliant career, the Congresswoman provided the strong voice to those who needed one. Her accomplishments will continue to benefit Americans for generations to come. It is only fitting that we share our gratitude by honoring her in this manner.

I would also urge my colleagues to remember our late colleague as a fighter for children and the working class. I note she would have joined us in our push to bring the child tax credit bill to the floor.

Mr. Speaker, I would like to commend my colleague, the gentleman from Hawaii (Mr. CASE), for honoring Patsy Mink with the postal designation. I would also like to thank the gentleman from Virginia (Mr. TOM DAVIS), the chairman, and the gentleman from California (Mr. WAXMAN), the ranking member, for moving this bill to the House floor and Anne Stewart of the gentleman from Hawaii's (Mr. CASE) staff for her hard work.

I urge swift passage of this bill.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further speakers at this moment. Therefore, I will reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii (Mr. CASE), the author of this legislation.

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

Mr. CASE. Mr. Speaker, I thank both of my colleagues for their very fine comments.

Mr. Speaker, just 9 months ago, in the middle of her campaign for a 13th House term, a campaign which she most certainly would have won resoundingly and, in fact, did win posthumously, the late United States Representative Patsy Takemoto Mink was tragically lost to her beloved Hawaii, this Congress, our country, and our world.

The days, weeks, and months that followed witnessed a massive outpouring of first shock and disbelief, then sorrow and regret and, finally, remembrance and gratitude for this singular life.

As just a few representative examples, we had a deeply moving memorial service in the U.S. Capitol here as well as in the Hawaii State capitol back in Hawaii attended by many of our colleagues here.

This House published a beautiful memorial volume that memorialized the many eulogies given to Mrs. Mink on this floor and a volume for which I want to relay the deep gratitude of the Mink family, husband John, daughter Wendy, brother Eugene.

The students at the University of Hawaii Law School Richardson School of Law, on their own initiative, created and funded the Patsy Mink Memorial Fellowship for the purpose of providing an internship here in the U.S. Congress each year to a person in Mrs. Mink's liking.

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I am very proud to say the first Mink fellow, Van Luong, joined my office last week, and she reminds me a lot of Mrs. Mink.

There also were and continue to be a multitude of testimonials on her lasting legislative accomplishments, and I want to leave to the colleagues that come after me to document those one more time because they know better than I do what she accomplished here.

But maybe what struck me the most, when I went out to campaign to take over the representation that she had so well provided to the Second Congressional District in what is still to this day referred to as Patsy Mink's seat, the testimonies from the ordinary people, the people that she touched during her life, the people that she represented, like the longtime friend in Lihue who was sick and who Patsy visited in the hospital just 2 days before she went into the hospital herself; like the taro farmers in Kipahulu on Maui, they wanted to show her their lo'i, and the only way for her to do that was to put on boots and walk out there in a very remote part of our district, and she did that. And the pig hunter in Waimen on the Big Island; he had an issue, and the only way to show her what that issue was was to take her into the forest where he lived. She went.

These testimonials are the testimonies that really count, but they can really only give testament to the fact that her remembrances are her best legacy. But it is entirely appropriate that we honor her with a more tangible reminder that will serve as a constant physical remembrance of her and cause us to reflect on what she stood for.

So as I talked about this with John Mink after my election, he relayed his wish, later endorsed by others such as the Maui County Council, that the U.S. Post Office at Paia be renamed the Patsy Takemoto Mink Post Office. I want to tell Members about Paia very briefly. Paia is on the north shore of Maui on the slopes of Haleakala. Near Paia, only about a mile away, is a town called Hamakuapoko. It used to be a thriving plantation village. It is not quite that anymore, a time when sugar and pine were prevalent, and this is where Patsy Takemoto Mink was born in 1927 and was raised in all of the good and not so good of Hawaii in the 1930s and the 1940s, the community where the old Maui High School is located where Mrs. Mink's political career began when she ran successfully for student body president, the first woman to accomplish that position, the first of many firsts along those lines.

In short, this is where she came from, where her values were forged, where her spirit was lit, and it represents the people's traditions and beliefs that she never forgot. This is a fitting memorial for Patsy Takemoto Mink, and I urge my colleagues' full support, and I thank them for further consideration of a great Hawaiian and a great American.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I am proud cosponsor of this legislation here today, a bill to commemorate the remarkable life and tremendous achievements of a woman who served with great distinction in the House of Representatives. To Patsy's friends, to her husband John, her daughter Wendy, and her brother Eugene, I offer my condolences as we remember her today.

Over the past few months, we have all missed the presence of her in our lives, and we know if she was still with us today, Patsy would be fighting for the rights of women and girls through Title 9, and fighting to see that this country lives up to its responsibilities to provide economic opportunity for all Americans, and she would be promoting democratic values and human rights and international cooperation abroad in Iraq and throughout the world.

She leaves a powerful legacy, and I will leave it to others to go on, item by item, but we know she broke down many, many barriers, first for herself and then for others. She left a legacy for millions of working families that she helped lift out of poverty with education and job training programs, ranging from the war on poverty to welfare reform. And she helped a whole generation of female student athletes for whom she drafted and implemented title IX.

I was proud to serve with Patsy on both the Committee on Education and the Workforce and on the Committee on Government Reform where she gave voice to the voiceless every day that she served. Patsy provided vision, courage and leadership, speaking out on all of the vital issues of the day and inspiring those of us who served with her with her fiery oration and a mastery of education, economic, and labor issues.

Mr. Speaker, she mixed her persuasive powers with the chocolate macadamia nuts that she used to pass out to all. Her memory will long remain here and in Hawaii for another generation of young women and Americans for the work she did.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 2030, the legislation to designate a Post Office in Hawaii for Patsy Mink. I know I am not alone in support of honoring our dear friend and former colleague, Congresswoman Patsy Mink.

Mr. Speaker, Patsy Mink fought tirelessly during her career for improved education. Ms. Mink's coalition-building ability for progressive legislation continued during her tenure in Congress. She introduced the first comprehensive Early Childhood Education Act and authored the Women's Educational Equity Act. Patsy was knowledgeable and courageous and she was committed to people. I am certainly proud to have had the opportunity to serve with her and learn from her example. I miss her, and the people of Hawaii miss her, and her colleagues fondly remember her commitment and devotion to public service.

Mr. Speaker, I rise in support of H.R. 2030, legislation to designate a post office in Hawaii as the Pasty Mink Post Office Building. I know I am not alone in support of honoring our dear friend and former colleague, Congresswoman Patsy Mink.

Throughout her career, Patsy Mink was a trailblazer among Asian-American women. Born in Maui in December of 1928, she was encouraged to excel in the world of academia. Her life was a continuous breaking down of barriers: the first woman to be elected to the Territorial House, the first Asian-American woman to practice law in Hawaii, and the first woman of color elected to Congress.

Mr. Speaker, there was no hurdle our dear friend Patsy could not overcome. After obtaining her law degree from the University of Chicago in 1951, she decided to open her own law practice when no one was willing to hire her. During this time, getting a job in the legal field for women was very difficult. She seamlessly combined her work, marriage, and life as a new mother.

In 1965, Patsy Mink was elected to Congress and began the first of six consecutive terms in the House of Representatives.

Mr. Speaker, Patsy fought tirelessly during her career for improved education. Mink's coalition-building ability for progressive legislation continued during her tenure in Congress. She introduced the first comprehensive Early Childhood Education Act and authored the Women's Educational Equity Act.

Patsy Mink was a trailblazer and fighter for her constituents in Hawaii, as well as the rest of the nation. She was a solid supporter of the Congressional Black Caucus and for that I am grateful. As a disciplined and focused advocate for the voiceless, she will be forever etched in our hearts and commitment to this body.

Patsy was a knowledgeable, courageous women—committed to people. I am certainly proud to have had the opportunity to serve with her and learn from her example. I will miss her, and the people of Hawaii will miss her and her colleagues will fondly remember her commitment, determination, and devotion to public service.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WATSON).

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

Ms. WATSON. Mr. Speaker, I rise today in strong support of H.R. 2030 that will designate the Patsy Takemoto Mink Post Office Building in Hawaii. I want to thank the gentleman from Hawaii (Mr. CASE) for introducing this bill so we may once again pay tribute to an outstanding United States Congresswoman.

I was deeply saddened by the passing of Patsy Mink last year. Working with Patsy has been one of the highlights of my short time in Congress. As the first minority woman elected to Congress, Patsy Mink has always been an inspiration to me as an elected official. I learned firsthand the remarkable work Patsy was doing 30 years ago when title IX was passed, and as a member of the Los Angeles Unified School Board at the time, I was charged with implementing a title IX plan for the Los Angeles Community College system.

Ever since then, I followed Patsy Mink's public service career closely, including her tireless fight on behalf of the Economic Justice and Civil Rights for All. During the 107th Congress, I had the opportunity to work with Patsy in putting together a comprehensive welfare reform program. I was able to spend quality time with her during a trip to Sacramento to collect data on our welfare reform program we had written in California. During the process of putting her legislation together, Patsy never backed down and never compromised on protecting and addressing the needs. Although our efforts were unsuccessful, it was a great honor to work with a true champion for American values and ideas. Thank you, Patsy, for all you have done for all of us.

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

Mr. ABERCROMBIE. Mr. Speaker, it is kind of an amazing thing that all of us are coming down to the floor with 1 minute or 2 minutes to try to summarize our feelings about Patsy. I could not possibly even begin to do that. Forty-three years of my life was involved with Patsy when I was a student and supporter of hers, and then as a colleague. To say that the people coming down to this floor loved Patsy, admired her and respected her, hardly does justice to those words.

There will never, ever be another person on this floor like Patsy Mink. When the history of the House of Representatives is written, she will be in the pantheon of heroes, those who exemplify the People's House. If there was ever anyone who embodied what it was that made this country great, someone who came from immigrant circumstances to the highest echelons of government, and never forgot where she came from and who she was and what and who she represented, it was Patsy Mink.

She was more than a friend and more than a colleague. She was a beacon to all of us who serve here hope to be. We all take our oath of office here to uphold and defend the Constitution of the United States, and we are only here because of the faith and trust of the people in our districts. Never, ever, has anyone upheld better that faith and trust that our constituents have given to us than Patsy Mink. Patsy, you live with us and you live in this House, the people's House, forever.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 minute 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 gentleman from Illinois (Mr. DAVIS) for yielding me this time, and I thank the gentleman from Hawaii (Mr. CASE) for the generosity and attitude that you have brought to this House following such a giant legacy, and of course to the gentleman from Hawaii (Mr. ABERCROMBIE) who has always been a champion on the issues of social justice, alongside his very dear friend, Patsy Mink.

We have been honored by allowing us to have an opportunity to say a few words again about the Honorable Congresswoman Patsy Mink. We were honored to have shared in her home-going service in Hawaii, getting to see her family members and all of her friends. But more importantly, you have given us an opportunity once again to tell America what a champion, what a hero, what an enormous giant of a woman, the first minority woman who served in the United States Congress.

I close simply by saying this is the appropriate honoring. I hope we will honor her more, not only with Post Office buildings, but with legislation commemorating her valiant service. Finally, we would not be here, equal as women and equal as athletes in performance, if it had not been for Patsy Mink, title IX, her love of women's causes and her love of education. This is an appropriate tribute.

Mr. Speaker, I rise in support of H.R. 2030 to pay tribute to a great colleague and personal friend, the Honorable Patsy Takamoto Mink. Congresswoman Mink passed away on September 28, 2002, after serving 12 terms in the House of Representatives. She was posthumously re-elected in November 2002 for a thirteenth.

Congresswoman Mink was a remarkable woman in this chamber and throughout her life. Her interest and activism in politics started early, at the University of Nebraska, where she fought and won a battle against race segregated student housing. After gender discrimination kept her from prestigious medical schools, she was accepted to the University of Chicago Law School. Congresswoman Mink joined the NAACP in the early days of the civil rights movements in the 1960s. She was one of the few Asian American members of the organization. Then, in 1965, Hawaii elected her the first woman of color in Congress.

Congresswoman Mink was an outspoken advocate for women, children, laborers, minorities and the poor. He visions of bettering this country lead to legislation supporting early childhood education and family medical leave. She also authored and ardently supported the Temporary Assistance for Needy Families (TANF) bill that provided special protections for victims of domestic violence and sexual assault.

One of Congresswoman Mink's most significant actions in this House was her role as coauthor of the Title IX legislation, prohibiting gender discrimination. Title IX requires equal support fro men and women in academics and athletics at any institution receiving federal money. This legislation has affected every school and college campus across the country for the better.

Recently, the Administration has threatened to dismantle Title IX and the progress that has been made to create equal opportunities for women and girls. We have come too far in the struggle for fairness to turn back now. Congresswoman Mink not only helped to create the Title IX legislation but she fought to maintain it. Consequently, after her death, Title IX was renamed the ''Patsy T. Mink Equal Opportunity in Education Act.''

Congresswoman Mink was a fighter. She knew what it was to knock down doors and worked to keep them open for the women who would follow her. She changed the course of history and caused transformation in the lives of millions of men and women, boys and girls. For that reason, it is my privilege to stand in support of this bill to name a post office in her honor.

Many of us have witnessed Congresswoman Mink's fiery style, particularly when she spoke out about social causes. Patsy Mink wanted to see society become more equitable. She worked tirelessly to promote policies that truly addressed the realities of poverty and to promote education that would allow individuals to attain self-sufficiency.

Without question, she was an effective leader. In 1992, McCall's magazine named Congresswoman Mink one of the 10 best legislators in Congress. Recently, in 2002, the National Organization for Women (NOW) named her a ''Woman of Vision.''

I wish Congresswoman Mink were here with us today, still leading the crusade to help children and the working poor. She would not

stand idly by while those on the other side of the aisle exclude millions of low-income families from the Child Tax credit while giving away tax benefits to the wealthy. In this chamber, we could only benefit from her wisdom and her voice on this issue, to protect the real interests of all Americans, and not simply the wealthy elite.

Congresswoman Patsy Mink is dearly missed, not only as a Congresswoman and friend, but also as a tireless advocate for positive change in this country. We must not lose sight of her vision to promote equity among the differing segments of society.

I support H.R. 2030 to honor Congresswoman Patsy Takemoto Mink. I will work to continue her legacy. I will start now, by working to prevent the Administration from trying to pry open the gaps in equity that Congresswoman Mink worked so tirelessly to close.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 minute to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise in strong support of H.R. 2030 authored by the gentleman from Hawaii (Mr. CASE) honoring the late Congresswoman Patsy Takemoto Mink and naming the Post Office in Maui for her.

□ 1430

My association with, and admiration for, Patsy Mink goes back many years to the time that her husband, John, had done some work on Guam. Those of us living in the Pacific islands heard many stories of the legendary Patsy Mink, and it was my good fortune to know her as a friend and a role model. She blazed trails as a woman leader and Pacific Islander that we have eagerly followed and showed us that women can make a huge difference for children and families in our islands. She endorsed my candidacy for Congress just before the November election, 2002. Guam will always remember Congresswoman Patsy Mink, and we will always be grateful for all the causes that she championed on our behalf.

Mr. Speaker, I join my colleagues in honoring her for her service and for being a true inspiration for women throughout the Pacific.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time and thank the gentleman from Hawaii (Mr. CASE) for offering this important and very well-deserved tribute.

Patsy Mink was a friend of mine. We worked on many projects together long before I was ever elected to the Congress of the United States. Mr. Speaker, our dear departed friend and colleague, Patsy Mink, was a giant. No one among our elected officials stood taller in addressing the needs of the poor, the disenfranchised, and the workers of this country than Patsy Mink.

As the first minority woman elected to the Congress and the first Japanese-American woman admitted to the bar in Hawaii, Patsy was a pioneer who shattered the glass ceiling, a trailblazer who cleared the path for women and minorities to take their rightful place in all aspects of public life.

As always, had she been here with us, Patsy would be leading the fight to restore the child tax credit for low-income working Americans and to reorient our priorities to protecting the vulnerable, not rewarding the privileged. We Democrats will fight this battle for a child tax credit for low-income working Americans and their children in Patsy's memory and we will not rest until it is won.

While she probably would have been embarrassed by the attention, it is wonderful that this House will take time to honor Congresswoman Mink and her constituents by renaming the post office for her.

Mr. DAVIS of Illinois. Mr. Speaker, it is now my pleasure to yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, I am proud to stand here and recognize the many contributions that Patsy Takemoto Mink made to the people of this country, particularly to the girls and women of this country. And I am equally proud that she will be honored by a post office in her home State named after Patsy Mink. I was privileged to serve with Patsy on the House Committee on Education and the Workforce from the beginning of my tenure in 1992. She was my mentor and my friend, and I miss her every day.

Besides being the first woman of color to serve in the House of Representatives, Patsy Takemoto Mink helped craft landmark legislation for girls and women across the country during her 24 years in Congress. In the early seventies, Patsy played the central congressional role in the enactment of title IX, prohibiting gender discrimination by federally funded institutions.

But title IX was not Patsy's only contribution to girls and women of America. Patsy also authored the Women's Educational Equity Act, WEEA. WEEA remains the primary resource for teachers and parents seeking information on proven methods to ensure gender equity in their schools and their communities. In fact, while this Congress is reauthorizing Head Start, I can hear Patsy's passionate and intelligent voice demanding that we not decimate this successful program by block granting any or all of it to the States. Her voice is missed. I hear it in my ears. I hope the people on the other side of the aisle can hear it in their ears so that we will do the right thing.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

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

Ms. SOLIS. Mr. Speaker, I rise today also to join with my colleagues in celebrating Patsy Mink. We are going to honor her by naming a post office after her, but she deserves so much more. She was a wonderful human being whom I had a chance to know in my first term here in Congress. She was a warrior, a warrior in the sense that she fought for those who were voiceless. She was a champion for women's rights, equality, civil rights and environmental justice, someone whom I believe will always be remembered in the halls here of Congress. She was a role model not only to women of color but also to the many, many young women who were striving for equality in the sports field, to even the playing field. Today with much honor, I wear a symbol of shattering the glass ceiling. This pin that I am wearing, this brooch, symbolizes women breaking through and challenging and shattering the glass ceiling. Patsy Mink was one of those warriors, someone who was always constantly testing our tenacity, encouraging us as women and new Members here in the House to step forward. She was tremendous in the arguments and debates that occurred on welfare reform. Even though we did not get what we wanted, she was there.

I commend the gentleman from Hawaii (Mr. CASE) and the gentleman from Hawaii (Mr. ABERCROMBIE), who are paying tribute to her. She is a wonderful individual. I would ask our colleagues to support this measure.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 1 minute to the gentlewoman from Ohio (Mrs. JONES), the first African American woman on the Committee on Ways and Means.

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, this afternoon I am so pleased to have an opportunity to join with my colleagues on both sides of the aisle to celebrate Congresswoman Patsy Mink. As a trial lawyer, I used to litigate equal employment opportunity cases. One of the cases I had involved a school system wherein the women coaches were claiming that they were not paid the same amount of money as male coaches for doing lots of work. I remember doing some research and learning about Patsy Mink. Little did I know that I would ever have the opportunity to serve in the House of Representatives with such a great woman.

Patsy, I want you to know that I am keeping the faith and working on your behalf and working to keep your name in high regard. I hosted previously the NCAA women's volleyball championships in the city of Cleveland back in 1998; but I want you to know that in 2006, your girlfriend will be hosting the NCAA women's basketball finals in the city of Cleveland. I am going to do it in your name and in your support. Thank you, Patsy, for all you do.

Mr. DAVIS of Illinois. Mr. Speaker, may I inquire as to how much time I have left.

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from Illinois has 1 minute remaining.

Mr. DAVIS of Illinois. Mr. Speaker, I would like to ask the gentlewoman from Florida if we might be able to use some of the time on her side.

Ms. ROS-LEHTINEN. Mr. Speaker, I would be glad to yield 10 minutes to the gentleman from Illinois (Mr. DAVIS).

The SPEAKER pro tempore. Without objection, the gentleman from Illinois will control an additional 10 minutes.

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, we have heard speaker after speaker take to the floor and talk about the virtues and attributes of Patsy Mink. To a person, they have all talked about how fiery, how dynamic, how pointed and how relevant she was and how much she meant to this institution.

Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the distinguished gentleman from Illinois for yielding me this time.

Mr. Speaker, in 1 minute I cannot possibly do justice to our dear colleague and friend, Patsy Mink. But the other day in Ohio I had an experience; and I said, Patsy, if your amendment had passed, we would not be in this situation where we have hundreds, indeed thousands, of students lined up in our community awaiting admission to nursing school and they cannot be admitted because the Workforce Investment Act does not allow the funds to be used for education for career training, only for storage of people at bottom feeder jobs in this economy. I thought, Patsy, if your amendment had passed, thousands and thousands and thousands of people across this country who are in the unemployment lines, who are unable to advance their careers, would already be in the workforce. I thought, I miss you so much. You tried so hard.

What a great woman. She accomplished so much—Title IX, her leadership here on education issues, the first woman of color ever elected to the Congress of the United States. What an incisive intellect, what an intelligent and persevering woman and someone who made a difference in the lives of people across this country. It is my deepest, deepest privilege to say I support the proposal to name the post office in Hawaii in her name. She is missed every day here. We thank her, and we thank her family for her devoted service to our country.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE) for some further reflections.

Mr. ABERCROMBIE. Mr. Speaker, I indicated in my previous remarks that we were limited in our opportunities to be able to speak about Patsy and I thought perhaps that it might offer an opportunity had we been able to extend our time, and I want to say how much we appreciate that we have had this opportunity to have a few more minutes to do it.

Not everyone may recognize the side of Patsy that was so familiar to us in Hawaii, because obviously we saw her as the dynamo of legislative activity here in Washington. But I think perhaps not everyone recognized or understood until they came to Hawaii and had the opportunity to see from whence Hawaii Patsy came as to what molded her as a person.

For the young people that are here today observing the remarks here on the floor, they may not fully comprehend what it was to be female and Japanese-American and smart and have to try and come up. We take a lot of these things for granted. She was in fact the pioneer, not just in Hawaii but throughout the Nation, for indicating what could be accomplished with those kinds of strikes against her. She turned that adversity into accomplishment. For that reason, if for that reason alone, she stands as the standard for which every young woman and every young man who comes from humble circumstances can aspire. With Patsy Mink, you had someone who was not just a friend, not someone who was just a standard bearer, but you had someone who set the foundation for all those who came after.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure now to yield 4 minutes to the gentlewoman from California (Ms. PELOSI), the Democratic leader and a longtime friend and associate of Patsy Mink's.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from Illinois (Mr. DAVIS) for yielding me this time and for his leadership in bringing this to the floor. I want to commend the gentleman from Hawaii (Mr. CASE), the author of this legislation, and the gentleman from Hawaii (Mr. ABERCROMBIE). I am pleased to join both of them in honoring Patsy Takemoto Mink.

I rise in support of naming the post office on Maui, Hawaii, as the Patsy Takemoto Mink Post Office Building. Everyone who knew Patsy or worked with her on a daily basis had his or her day brightened by her presence. With her wonderful family and her magnificent education, Patsy could have led a comfortable life, away from the rough and tumble world of politics. But as has been said of Eleanor Roosevelt, Patsy had a ''burdensome conscience.'' She dedicated her life to helping people and challenging our consciences.

Our colleagues have spoken, as I heard the gentleman from Hawaii (Mr. ABERCROMBIE) speak, to the obstacles that Patsy Mink had to overcome, as she was the first woman, the first Japanese-American in her law school, in her class; the first Asian-American woman attorney in Hawaii. She broke so many barriers. She was a pioneer.

□ 1445

As I said, she considered public service a noble calling, and her public service was distinguished by deep patriotism and love of America. She loved America because of our freedoms, which are the envy of the world. She loved America because of its people, whose diversity is the strength of our country. She loved America because of the beauty of our country, which she worked so hard to preserve on the Committee on Resources.

Patsy worked on the Committee on Education and the Workforce and was dedicated to improving the quality of education and the quality of life for children. When Patsy said ''It is not right'' about something, Members would follow her anywhere.

I had the privilege of speaking at Patsy's funeral service, and I told a story then that I think speaks to how irresistible she was and how she would never take no for an answer and how we were all at the mercy of her smile and the twinkle in her eye.

She had said to me one day, ''I need you to come speak in Hawaii at my testimonial dinner, 25 years of service in the Congress.'' How exciting and honored I was, except it was on the day of my town meeting in San Francisco. It was a Saturday evening for her then.

She said, ''What time is your town meeting?''

I said, ''It is 10 o'clock in the morning and it lasts 2 hours.''

She said, ''Fine. You can be on the 1 o'clock to Hawaii.''

I said, ''I have another town meeting on Sunday.''

She said, ''Fine. You can be on the red-eye to go back.''

So I took the 1 o'clock flight to Hawaii, got there at 5 o'clock, got to the event at 6, left at 9, and was on the 10 o'clock flight home to San Francisco, as Patsy had decided for me. That was sandwiched in between flights to and from Washington, D.C. But there was no way to say no to her, because she had done so much for our country, because she meant so much to all of us. She had championed so many issues. We all loved her, respected her, and miss her terribly.

So I cannot help but think that if Patsy were here today, she would be concerned about the expansion of the child tax credit and saying it is not right for us not to extend it to all the children of our men and women in uniform, as well as our working families in America. I wish she were here today.

I know she would be proud of the representation of Hawaii that is here now, in the person of the gentleman from Hawaii (Mr. CASE), and, of course, her close pal and buddy and former colleague for many years, the gentleman from Hawaii (Mr. ABERCROMBIE).

Patsy Mink left a powerful legacy. Again, with a twinkle in her eye, her dazzling smile and her wonderful laugh,

Patsy worked her magic on our country, making history and progress along the way. We were all privileged to call her ''colleague,'' and it is an honor to have this building named for the great Patsy Mink, and, important to her family, the Patsy Takemoto Mink Postal Building in Maui, Hawaii.

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

Mr. Speaker, I want to thank the gentlewoman from California for her remarks and comments.

Mr. Speaker, I do want to express my appreciation to you for your accommodation and to the gentlewoman from Florida. Patsy Mink was a great American, a great representative for this body, and thousands of people all over the world were inspired by her. Long before I became a Member of Congress, I was inspired by Patsy Mink.

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

Mr. DAVIS of Illinois. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, in my friendship with the Case family, which includes the recently departed Dan Case, he was a great person in our country and came from a beautiful, magnificent family of leaders, and among them was Dan Case and is Steve Case. But we are blessed in this House for Patsy to have been followed by the gentleman from Hawaii (Mr. CASE). The Case family is a family I know well, and Hawaii is well represented by the gentleman from Hawaii (Mr. CASE).

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I want to thank the gentleman from Hawaii for introducing this important legislation. We all worked with Congresswoman Patsy Mink and respected her. She will always be in our prayers, and her family as well.

I urge all Members to support the adoption of this important resolution.

Mrs. DAVIS of California. Mr. Speaker, it is my privilege today to come to the podium in support of the measure to honor a truly memorable colleague, the Honorable Patsy Takemoto Mink by naming the post office in Paia, Maui for her.

When I came to Congress as a freshman member, it was so inspiring to serve on a committee with a role model who has made a real mark on our society through her lengthy service in the House of Representatives.

Whenever Patsy took the microphone in the Education and the Workforce Committee, everyone knew that her comments would be principled, measured from the institutional knowledge of years working on persistent issues, and delivered with articulate passion. I admired her penchant for considering strategy—was it better to accept half a loaf this year or wait until next year to try to get the whole loaf. I respected her willingness always to stand up for people who were disadvantaged. Her priorities for education, housing, and health care match mine, and I valued her leadership in keeping that focus clear.

It was an honor for me to join her at this podium on June 19, 2002 in the commemoration of the thirtieth anniversary of Title IX. Seldom does one get to join forces with one of the original sponsors of legislation that was not only landmark legislation for our country but was so formative for my children's generation. When I was a local school board member, we had to work hard to change the culture of our society to implement the equality embodied in this bill.

As we all spoke that day of the importance of this legislation, little did we imagine that her influence on the national conscience was soon to end. But, surely, she lived the battle for equal opportunity that Title IX codified.

I am awed by the fact that in 1951 she earned a law degree from the University of Chicago, one of the country's premier institutions. Most of us know that the two women members of the Supreme Court who subsequently earned their law degrees struggled to find openings to practice their profession. She, too, demonstrated that equal opportunity was right for women in a field where women were not well appreciated.

It is important that in addition to practicing law, her skills were valued so that President Carter invited her to serve the executive branch in the Department of State.

Naming a post office in her beloved Maui in her honor will remind us all of the issues which empowered her life—working for children—their education, their homes and their health care. I thank her for showing us the way.

Ms. LEE. Mr. Speaker, I rise today to support H.R. 2030, a resolution designating the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building''.

Patsy was an outstanding leader, woman, mother, and friend, and I believe that naming a post office after her is a great tribute to a people's champion.

I believe Patsy spoke not only for the forgotten, the disenfranchised, and the poor, but also to the conscience of all Americans. She was my colleague and dear friend who helped lead the charge on providing real reforms that helped all people across the country.

Patsy stood as the standard for all legislators to rise to. Over the span of her career, she was particularly proud of the leading role she played in 1972 during the passage of Title IX of the Federal Education Act. She helped open many opportunities for women, which reflected a long-standing concern for equality, liberty and justice for people.

I also shared her passion for peace and mediation. She once said, ''America is not a country which needs to demand conformity of all its people, for its strength lies in all our diversities converging in one common belief, that of the importance of freedom as the essence of our country.''

I loved and respected Patsy for her courage and fortitude.

A great woman in Congress, Patsy Mink was brilliant, full of compassion, and passion; always working tirelessly for equal justice, liberty, and the value of a diverse legislative body.

I'm proud to have served beside Congresswoman Patsy Mink and miss her tremendously. I ask that all of my colleagues support passage of H.R. 2030.

Mr. CUMMINGS. Mr. Speaker, I rise to support H.R. 2030, the Patsy Takemoto Mink Post Office Building offered by Representative ED CASE.

Congresswoman Patsy Mink was a trailblazer who fought for the passage of the Women's Educational Equity Act—landmark legislation. This groundbreaking legislation, Title IX, promoted educational equity and opened the playing fields for millions of girls and women. Patsy Mink stood up and spoke up for girls and women.

She was a member of the Government Reform Committee and I am please that I had the opportunity to work with her. She will be missed but her legacy will continue not only in the naming of this post office but in the legislative policies she supported.

I join my colleagues in honoring Patsy Mink for her service and for being a true role model for women and all Americans.

Mr. HONDA. Mr. Speaker, in the nine months since we lost the irrepressible Congresswoman Patsy Takemoto Mink, my colleagues and communities across the Nation have celebrated the incredible ''firsts'' and the numerous battles that Patsy waged on the behalf of Americans who needed a voice in federal policymaking the most.

Congresswoman Mink's record as an advocate for civil rights is unassailable, a crowing achievement being the passage of Title IX of the federal education amendments in 1972. This landmark legislation banned gender discrimination in schools, both in academic and athletics.

She awakened all of our social consciousness through her tireless advocacy, work and dedication; inspiring students, community leaders, political appointees and especially elected officials of the Asian Pacific American communities and beyond.

Anyone who was fortunate enough to have been touched by her life knows that this nation has lost a true warrior in the constant struggle for justice. We will all miss her counsel and guidance, as well as her friendship.

Patsy Mink was there at the beginning of many things. She was born at the time when women and minorities were not given fair opportunities to achieve their dreams. She remains a role model for countless women, as well as those of us from the Asian American and Pacific Islander community.

Though she is not physically present, her spirit and legacy will live on through those of us who believe that the fight for fairness and equity is never over. I find it a very fitting tribute to pass H.R. 2030. This post office located in Pa'ia, Maui will be a constant reminder to us of our great friend Patsy Mink and is the least we can do to ensure her legacy continues.

Ms. MILLENDER-MCDONALD. Mr. Speaker, today I want to speak in favor of renaming the U.S. Postal Service office in Paia, Hawaii the ''Patsy Takemoto Mink Post Office Building.'' We do this in honor of the legacy of a pioneering woman and one of the most distinguished and honorable Members of the House of Representatives, my colleague and my friend—Congresswoman Patsy Mink. I am so pleased to have had an opportunity to know her and serve with her.

Without Patsy's leadership, the passage of the hallmark Title IX of the Federal Education Act of 1972 would never have come to pass. Thanks to Patsy's hard work, Title IX created

opportunities for women and girls in athletics and all operations of college and university programs.

I shall remember her as a giant who spoke in gentle but very fierce and deliberate tones, and whose stature allowed her to tower above the crowds. Patsy challenged us all the time with the question ''Does it matter whether women are involved in politics?'' Her career exemplifies the answer. Her voice is now stilled, but her ideals and the challenges she left for us will forever be etched in our memory.

Mr. MATSUI. Mr. Speaker, I rise today in support of H.R. 2030, a bill to designate the United States Postal Service facility located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building.'' I want to thank my colleague from Hawaii, Mr. CASE, for introducing this bill, and ask all of my colleagues to join with me in supporting this legislation to ensure that the people of Hawaii and all those who visit there remember this remarkable woman.

I cannot say enough about Patsy Mink. She was a trailblazer—the first woman of color elected to Congress in 1964, the first Asian-American woman to practice law in Hawaii, the first woman president of the Americans for Democratic Action, the list goes on . . . By the time I was elected to Congress in 1978, she had already won passage of a major piece of civil rights legislation: Title IX expanded opportunities to female student athletes across the United States. Mindful of the beautiful region she represented, Patsy was also fiercely committed to protecting our natural resources and fought to ensure a healthy environment for all Americans. And her work on welfare reform later in her career reflected her fundamental belief that families living in poverty deserve the opportunity to share in the America dream. The country has benefited tremendously from Patsy's dedication to her values and her devotion to social progress. And those who had the privilege to know her benefited from her warmth, kindness, and friendship.

Patsy Mink's unyielding commitment to issues of social justice and equality will be deeply missed in the House, as will her friendship and leadership. I urge my colleagues to support this bill as a small token of appreciation for all that Patsy Mink gave to this body, the people of Hawaii, and our great nation. As we remember her today, let us hope that naming this building in her honor will inspire others to follow her example of tireless dedication to public service.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of this bill, which designates a post office in Paia, Maui County, Hawaii as the Patsy Takemoto Mink Post Office Building. Patsy Mink served in the House of Representatives from 1964 to 1977 and again from 1990 to 2002. The world lost one of its greatest citizens, and I lost a good friend when she passed away on September 28, 2002.

One of her greatest legislative accomplishments, she felt, was the passage of Title IX, which led to expanded opportunities for women and girls in athletics and academics. In the last decade of her political leadership, she was a tireless advocate on behalf of poor families, working to promote policies that addressed the realities of poverty. During the 107th Congress, she garnered substantial support for legislation to provide additional educational opportunities for the nation's welfare recipients. Patsy Mink also helped write environmental protection laws safeguarding land and water in communities affected by coal strip mining.

It is certainly fitting that we acknowledge this outstanding woman's accomplishments by naming a post office in her honor, and I thank Representative ED CASE for his stewardship of this bill. Patsy Mink's life of public service spanned six decades, beginning in 1956 when she was elected to the Territorial House in Hawaii. In 1964 she was elected to the House of Representatives and was one of the early opponents of the Vietnam War. President Jimmy Carter appointed her as assistant secretary of state for oceans, international, environmental and scientific affairs from 1977 to 1978, and she served as the national president for Americans for Democratic Action (ADA) from 1978 to 1981. Following her tenure as ADA president, she returned to politics, serving on the Honolulu City Council, and in a 1990 special election, she regained her Congressional seat.

Patsy Mink was an exemplary role model for women and minorities, and it is a pleasure and an honor to pay homage to a cherished colleague, who is no longer here, but certainly not forgotten.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of H.R. 2030, a bill to designate the facility of the United States Postal Service in Paia, Maui, Hawaii as the Patsy Takemoto Mink Post Office Building. Patsy served as my mentor, my teacher, my advisor and most importantly, my friend. Congresswoman Mink was a woman of courage and determination who wore the mantle of leader with ease.

Born to immigrant parents in Hawaii, Patsy developed an appreciation for education at a young age. She obtained a Bachelor's degree from the University of Hawaii and, as we all know, it was Patsy's intent to attend medical school upon completion of her bachelor's degree. However, Patsy never realized this dream as none of the 20 medical schools to which she applied would accept women.

Not one to stand idly by, Patsy decided to attend the University of Chicago's Law School. Upon graduating from law school, Patsy returned to Hawaii where she became the first Asian-American woman to practice law in Hawaii. This was just one of many firsts Patsy would accomplish.

Congresswoman Patsy Mink was the first woman of color elected to Congress and introduced the first comprehensive Early Childhood Education Act. Most notably, Patsy was a coauthor of Title IX of the Higher Education Act, an Act which has played a pivotal role in expanding women's educational and sports opportunities in colleges and universities throughout our country.

Patsy also faced life's hardships with dignity, integrity and honor. I believe it is only fitting that we now honor Patsy by designating the U.S. Postal facility in Paia, Maui in her name. I urge my colleagues to support H.R. 2030.

Mr. WU. Mr. Speaker, I rise in strong support of H.R. 2030, a bill to designate a post office in Paia, Maui, Hawaii in honor of dear colleague and friend, Patsy Mink.

Congresswoman Mink was an advocate, mentor, and inspiration for Asian American and Pacific Islander communities. Mrs. Mink was the first Asian American woman elected to Congress, and she served the APA community as chair of the Congressional Asian Pacific American Caucus. She blazed trails for many of us, and encouraged students, community leaders, and APA elected officials to get involved with the legislative process.

Mrs. Mink's career in public service was defined by her commitment to giving a voice for those who needed it most. A prominent member of Congress, she worked tirelessly on behalf of women and minorities, focusing on issues such as civil rights, education, the environment, and poverty.

I am honored to have served with her, both in the Congressional Asian Pacific American Caucus and in the Education and Work Force Committee. Her endless dedication to public service was a guiding example to all of us. Above all, I will miss her friendship.

I urge my colleagues to vote in favor of H.R. 2030.

Mr. CASE. Mr. Speaker, just nine months ago, in the middle of her campaign for a thirteenth House term, which she most certainly would have won resoundingly and in fact did win posthumously, the late United States Representative Patsy Takemoto Mink was tragically lost to her beloved Hawai'i, this Congress, our country, and our very world.

The days, weeks, and months that followed witnessed a massive outpouring of first shock and disbelief, then sorrow and regret, and finally remembrance and gratitude for this singular life.

As just a few examples:

A deeply moving memorial service was held in our Hawai'i State Capitol, graciously attended by many of Mrs. Mink's colleagues from this House, including now-Minority Leader PELOSI and Education and the Workforce Ranking Member MILLER, and thousands of grateful citizens of Hawai'i and beyond;

This House published a beautiful memorial volume containing the many eulogies delivered by Mrs. Mink's colleagues on this House floor, and I want my colleagues to know how deeply grateful the Mink family—husband John, daughter Wendy, brother Eugene—are for that gesture; and

The students at the University of Hawai'i Richardson School of Law, on their own initiative, created and funded the Patsy T. Mink Memorial Fellowship for the purpose of providing an internship here in our Congress each year to a person in Mrs. Mink's making; the first Mink Fellow, Van Luong, joined my office last week and, you know, she reminds me of Mrs. Mink.

There also were and continued to be a multitude of testimonials on her lasting legislative accomplishments. My colleagues that will follow me and know of her exploits in this arena can tell this story best.

But perhaps what struck me most amidst this outpouring were the simple testimonials I heard, as I sought election to what is still referred to as ''Patsy Mink's seat,'' from the ordinary people out across Hawai'i's great Second District; the people she represented and lived for, like:

The longtime friend in Lihu'e on Kaua'i, who Patsy, herself sick, visited in the hospital there just days before she herself was admitted;

The taro farmers in Kipahulu, Maui, about as remote a place as there is in Hawai'i, who asked Patsy to come and see their problem personally, and she did, donning boots and walking through their lo'i; and

The pig hunter in Waimea on the Big Island; he was concerned that she understand an issue and the only way, he thought, was to show her the issue up in the forest; she went.

These testimonials, of course can never replace Patsy Mink, although they do demonstrate that our remembrances of her are her own best legacy. But it is entirely appropriate that we all provide a more tangible reminder of her life and times, a memorial that will serve as a constant physical reminder that will cause us to reflect on what she stood for.

And so, as I talked about this with John Mink after my election, he relayed his wish, also endorsed by others such as the Maui County Council, that the U.S. Post Office at Pa'ia, Maui be renamed the ''Patsy Takemoto Mink Post Office Building.'' And when you understand Pa'ia where it is and what it represented to Patsy Mink, you understand how entirely appropriate it is that we take this action.

Pa'ia is a town on the north shore of Maui, on the slopes of Haleakala, a town built on sugar and pineapple. It is located about a mile from what was once the thriving plantation village of Hamakua Poko, a village of immigrants of Japanese, Portuguese, Filipino and other origins; a village where Patsy Takemoto was born in 1927 and raised in all of the good, and not so good, of Hawai'i and our country in the 1930s and 1940s; a community in which bonds were deep but needs were great. It is also the community in which the old Maui High School was located, the school where Mrs. Mink's political career began when she was elected its first woman student body president, the first of many such firsts, and from which she graduated in 1944 as valedictorian and went on to the incredible life she led.

In short, Pa'ia is where this great American was born, where her values were forged, where her spirit was lit. And it represents, both physically and figuratively, the peoples, traditions, and beliefs that she never ever forgot.

There is no more fitting memorial to Patsy Takemoto Mink than that she be remembered by us all here in her hometown. For the Mink family and Hawai'i, I thank my 115 co-sponsors. I thank Chair DAVIS and Ranking Member WAXMAN for moving this bill through the committee so quickly, I thank those who came here to speak, and for Hawaii I thank this House.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 2030.

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

A motion to reconsider was laid on the table.

CESAR CHAVEZ POST OFFICE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 925) to redesignate the facility of the United States Postal Service located at 1859 South Ashland Avenue, Chicago, Illinois, as the ''Cesar Chavez Post Office''.

The Clerk read as follows:

H.R. 925

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

SECTION 1. CESAR CHAVEZ POST OFFICE.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, and known as the Pilsen Post Office, shall be known and designated as the ''Cesar Chavez Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Cesar Chavez Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 925.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 925, introduced by my distinguished colleague, the gentleman from Illinois (Mr. GUTIERREZ), redesignates this postal facility in Chicago, Illinois, as the Cesar Chavez Post Office Building.

This legislation deals with an American civil rights advocate. Cesar Chavez grew up as a migrant agrarian worker after being born in Arizona in 1927. As a young adult he became involved in the Community Service Organization and ultimately rose to the position of general director in 1958.

Four years later, Cesar Chavez left the CSO to join with some of his fellow wine grape pickers and form the National Farm Workers Association. This organization was active in acquiring service contracts from major growers in California. His ambition led him to merge the National Farm Workers Association with the Agricultural Workers Organizing Committee of the giant labor umbrella organization, the AFL–CIO. The upshot group became called the United Farm Workers Organizing Committee.

In 1972, Cesar Chavez's organization became a member union of the AFL–CIO and he was named president. In this role, Cesar Chavez's influence only expanded, and he coordinated activities on agricultural issues.

Cesar Chavez will be remembered for his stands in support of workers, in support of their wages and their rights, and the difference he has made in the lives of all current and future workers. His advocacy has led to countless agreements between business and labor on a variety of important issues.

So my colleague from Illinois wants to name this post office for labor leader Cesar Chavez, and, therefore, Mr. Speaker, I urge all Members to support passage of H.R. 925.

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

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

Mr. Speaker, I am pleased to join my colleague in consideration of H.R. 925, legislation redesignating a postal facility after Cesar Chavez, a fighter for dignity, human rights, and livable working conditions.

H.R. 925, which was introduced by my good friend and colleague, the gentleman from Illinois (Mr. GUTIERREZ), on February 26, 2003, has met the committee policy and has been cosponsored by the entire Illinois delegation.

Cesar Estrada Chavez, the founding leader of the first successful farm workers union, was born on March 31, 1927, near Yuma, Arizona, the second of six children. Cesar began working as a migrant worker when the family lost their land during the Depression. When he was 11 years old, the Chavez family followed the crop picking and moved to California, living in the trucks they drove.

Although working in the fields and attending school was difficult, if not impossible, Cesar managed to do both and graduated from the eighth grade. Shortly afterwards, he joined the Navy. After his tour of duty, he began teaching Mexican farm workers to read and write so that they could take the test and become American citizens. This activity marked the beginning of Cesar's efforts to improve working conditions for migrant workers.

Cesar Chavez founded the National Farm Workers Association in Delano, California, and in 1965 joined an AFL–CIO union strike against Delano Table and Wine Growers. This successful 5-year strike led supporters to the United Farm Workers, a national group of unions, churches, students, minorities and others. It became affiliated with the AFL–CIO.

Cesar continued organizing workers, strike after strike. And he produced results. Farm workers gained collective bargaining rights and under union contracts enjoyed higher pay, health care and pension benefits.

In 1984, Cesar called for another grape boycott, to protest the pesticide poisoning of grape workers and their farmers.

Cesar Chavez passed away at the age of 66 on April 12, 1993. Before he died, he received the Aztec Eagle, Mexico's highest award given to people of Mexican heritage who have made major contributions outside of Mexico. On August 8, 1994, President William Clinton posthumously awarded Mr. Chavez the Presidential Medal of Freedom, the highest civilian honor in America.

Mr. Speaker, I commend my colleague for seeking to honor the legacy

of Cesar Estrada Chavez, and urge swift passage of this resolution.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Illinois (Mr. GUTIERREZ), the sponsor of this legislation.

Mr. GUTIERREZ. Mr. Speaker, I thank my good friend for yielding me time, and I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her work on the consideration of this bill today. I would like to also thank all of the staff members who worked tirelessly in making this possible, and specifically I would like to thank my good friend Danielle Simonetta and Michael Layman from the majority side for all of the work they have done in making this bill. And I say to Danielle specifically that my daughter sends her good wishes. She is doing better, and she is real excited about Cesar Chavez and the opportunity for the action that we can afford his life here today.

Mr. Speaker, I rise to celebrate today the life and legacy of Cesar Chavez and to recognize his passion for empowering workers and for defending the rights of the disadvantaged.

The legislation we are considering today, H.R. 925, would designate a United States Postal Service facility at 1859 South Ashland Avenue in my district as the Cesar Chavez Post Office. The facility would serve as a permanent tribute and a lasting reminder of the selflessness and self-sacrifice that embodied Chavez's life and work.

Mr. Speaker, this is not the first time a legislative body has paused to honor Cesar Chavez, and it is my hope it will not be the last. The more buildings, the more streets, the more stamps and the more parks that are designated, the more we can keep Cesar Chavez's principles, his passion and devotion alive, and the more we will be able to encourage others to continue the unfinished business that Cesar Chavez left behind, to take up his fight and his causes and to make similar sacrifices in the name of justice and dignity.

Throughout history, there have been few individuals that have done more, that have fought harder or sacrificed as much to ensure dignity and decency for all workers than Cesar Chavez. The late Senator Robert F. Kennedy called him one of the heroic figures of our time.

Cesar Chavez remains a champion to working people around the world and an inspiration to generations of Latinos, both here in this country and abroad, and his accomplishments are an enduring symbol and a shining example of what one man can achieve in the fight for fairness.

Cesar Chavez stood up to the biggest, the most well-financed and the strongest corporate growers. He fought for farm workers who spent countless hours doing our Nation's most arduous and strenuous work.

□ 1500

He defended men and women crippled by despair and deplorable working conditions, so that they too could have a say in the fight for reasonable and respectable wages. Chavez fought for the most basic and the most fundamental and the most essential rights for workers. He fought so that growers would not spray pesticides while workers were in the fields. He fought so that they could have a clean water system and decent housing. And his actions and hard work were vital in achieving better pay for migrant farmers, to banning child labor abuses, and to mitigating the proliferation of sexual harassment of women workers.

Cesar Chavez's courage and his character helped strengthen the farm workers movement, and his principles of nonviolence continue to play an important role in the quest for social justice and human rights and for a world without prejudice or injustice.

Mr. Speaker, for everyone who has ever fought for fairness, Chavez is a model and a true mentor. Because he refused to let bigotry and bias go unchallenged, workers are better protected and represented today. Because he refused to respond to discrimination and intolerance with silence, we live in a better and more inclusive America.

According to Chavez, ''The truest act of courage, the strongest act of manliness, is to sacrifice ourselves for others in a totally nonviolent struggle for justice. To be a man is to suffer for others.''

At the time those eloquent words were articulated, Chavez was too weak to speak them himself. He was fasting in protest of violence against workers, and his speech had to be read by someone else.

Throughout his life, Chavez never relented, he never backed down, and he never wavered from his commitment to nonviolence. When he passed away in 1993, more than 50,000 people attended his funeral to pay homage and their respects to a man who fought so fearlessly, so tirelessly for those not always heard or even seen in our society.

A reporter wrote, ''During the vigil at the open casket on the day before the funeral, an old man lifted a child up to show him the small, gray-haired man who laid inside. 'I am going to tell you about this man some day, he said.' ''

The legislation we are discussing today would ensure that countless others remember to tell their children about this man, about his life, his lessons, and his legacy. It will also help educate tomorrow's leaders about the characteristics that they should appreciate, about the achievements that they celebrate, and about the types of individuals that they should emulate.

Mr. Speaker, in the year since his passing, Chavez has been awarded many of our Nation's highest honors, including the 1994 Medal of Freedom. And the passage of this legislation, I believe, would serve as another important and lasting testament to the outstanding work of Cesar Chavez.

At the Commonwealth Club of San Francisco, Chavez said, ''The consciousness and pride that were raised by our union are alive and thriving inside millions of young Hispanics who will never work on a farm.'' And we must work to keep that consciousness and pride alive in future generations. We must work to keep the consciousness and pride alive as we advocate for a new generation of immigrant workers.

Every time someone in my community drops off a letter, goes to buy a stamp, or passes by the post office, they will be able to remember Cesar Chavez's life, remember his accomplishments, appreciate his vision and, ideally, summon the strength to embody his teaching in their daily activities. It will also serve as a focal point in a vibrant and growing Pilsen community and as a reminder of the challenges we face today.

Mr. Speaker, Cesar Chavez gave workers everywhere a reason to believe and a reason to dream. He inspired them, with his desire and discipline, to stand together and to do better and to reach farther. And in doing so, he gave so many the courage and the strength to fight for equity and equality.

That is why I urge the passage of this important legislation.

In ending, Mr. Speaker, I would like to thank my friends again, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and my dear friend, the gentleman from Chicago, Illinois (Mr. DAVIS), who I know when we finally get this legislation approved will be standing with me in inaugurating this wonderful new post office for Cesar Chavez.

Mr. DAVIS of Illinois. Mr. Speaker, I do not believe we have any additional requests for time, but I yield myself such time as I may consume to note that I was pleased to have the opportunity to be in the company of Caesar Chavez on several occasions, at rallies, demonstrations, marches, and on picket lines, even in Chicago where there were no farms. It is an excellent way of remembering the great contributions that he has made.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I have no other speakers. Again, I want to thank the gentleman from Illinois (Mr. GUTIERREZ), my good friend, for introducing this measure, and I urge all Members to support the adoption of this resolution.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H.R. 925, a bill to designate a U.S. Post Office in Chicago, IL the ''César Chàvez Post Office.'' I can think of no one more deserving of such an honor than the great civil rights leader, César Chàvez. I want to commend my colleague, Representative GUTIERREZ, for his leadership in bringing this legislation before the House and I am proud to join him as an original cosponsor.

César Chàvez was an organizer, an activist, a protestor, a farm worker, a peace-lover, a father, and a son. Raised in a family of farm workers forced to migrate throughout the Southwest, Chàvez was led by his compassion, his ability to inspire others to action, and

his deep sense of fairness and equality to organize and establish what is today the United Farmworkers of America. Because of his efforts, many farm workers today enjoy higher pay, family health coverage, pension benefits, and other contract protections. While we still have a long way to go in giving farm workers the fair pay and healthy work conditions they deserve, César Chàvez laid the foundation toward accomplishing those important goals.

César Chàvez understood what it took to create a movement and he dedicated every part of his life to setting an example and leading the way. As a child and young man, he experienced firsthand the harsh working conditions of farm workers—the long hours, poverty wages, harassment, and abuse—as well as the limited access to education and health care. Understanding and addressing the roots of the problem, Chàvez was able to make a lasting and significant impact. He conducted voter registration drives and campaigns against racial and economic discrimination. He led boycotts and pickets and hunger strikes. His nonviolent methods echoed those of Martin Luther King, Jr. and Mahatma Gandhi. He showed us all how critical it is to organize people, to unify them for a cause, and to help them believe in themselves and their ability to make a difference.

César Chàvez continues to be an example for us today. He taught us that ''Si se puede,'' or ''Yes we can.'' We can—and we must—help those with no voice, help those who are discriminated against, help those who are taken advantage of, and help those who live in poverty and are struggling to survive. If César Chàvez were alive today, I am sure he would still be leading the fight for fairness and equality for workers and their families. We must not let his legacy die; we must not let his great strides forward become giant steps backward. We must continue to work for what is right. I urge my colleagues to vote yes on H.R. 925.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in solidarity with my colleagues to honor the enduring legacy of Mr. Cesar Estrada Chavez.

Mr. Chavez was born of humble beginnings in 1933 near Yuma, Arizona. Early in life, Mr. Chavez was forced to recognize the harsh realities of racism that all too often plagued communities of color. After his family's home and land were taken from them, Mr. Chavez knew first hand what it meant to be the victim of gross injustice. Yet despite this and similar experiences of discrimination, Mr. Chavez was not deterred. He often said that, ''the love for justice that is in us is not only the best part of our being but also the most true to our nature.''

In 1945, Mr. Chavez joined the U.S. Navy and served in the Western Pacific during the end of WWII. After completing his military service, Mr. Chavez returned to his roots, working and laboring in the fields. By day Mr. Chavez picked apricots in an orchard outside of San Jose; by night he was actively involved in galvanizing voter registration drives. In 1952, Mr. Chavez was a full time organizer with the Chicago-based Community Service Organization (CSO). Not only did he coordinate voter registration drives, but he battled racial and economic discrimination against Chicano residents and organized new CSO chapters across California and Arizona as well.

In 1962, Mr. Chavez moved his wife and eight young children to California where he founded the National Farm Workers Association (NFWA). Cesar Chavez founded and led the first successful farm workers' union in U.S. history. In 1968, Mr. Chavez conducted a 25-day fast to reaffirm the United Farm Workers commitment to nonviolence. The late Senator Robert F. Kennedy called Cesar Chavez ''one of the heroic figures of our time'', and actually flew to be with Mr. Chavez when he ended his fast.

In 1991, Mr. Chavez received the Aguila Azteca (The Aztec Eagle), Mexico's highest award presented to people of Mexican heritage who have made significant contributions outside of Mexico. Mr. Cesar Chavez passed away on April 23, 1993, at the age of 66. At the time of his death he was the president of the United Farm Workers of America, AFL–CIO. On August 8, 1994 Cesar became the second Mexican American to receive the Presidential Medal of Freedom, the highest civilian honor in the United States. The award was presented posthumously by then president, Bill Clinton.

Given the immense and innumerable contributions that Mr. Cesar Chavez has made to our society in advocating for the rights and causes of the working poor, I hope that my colleagues will join me in voting affirmatively that the U.S. Postal Service Facility located at 1859 Southland Avenue in Chicago, Illinois be designated at the ''Cesar Chavez Post Office''.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 925.

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

A motion to reconsider was laid on the table.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 2143, UNLAWFUL INTERNET GAMBLING FUNDING PROHIBITION ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 263 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 263

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2143) to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Mr. Speaker, H. Res. 263 is a structured rule that provides for the consideration of H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act. This is a fair, structured rule that merits the House's approval.

This rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services.

This rule makes in order only those amendments printed in the Committee on Rules report accompanying H. Res. 263. It provides that the amendments printed in the report may be considered only in the order printed in the report, may be offered only by a Member designated by the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

This rule waives all points of order against the amendments printed in the report, provides one motion to recommit, with or without instructions.

With respect to the underlying legislation, H.R. 2143, I want to acknowledge the efforts of my friend and colleague, the gentleman from Ohio (Mr. OXLEY), chairman of the Committee on Financial Services, in bringing this important bill to the floor today. This rule we have before us today will give the House the opportunity to consider

H.R. 2143 and three additional amendments made in order under the rule.

In conclusion, Mr. Speaker, H. Res. 263 is a structured rule that will give the full House an opportunity to work its will on the major issues it raises, and I urge my colleagues to support the rule so that we can move on to consideration of the underlying legislation.

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

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

Mr. Speaker, first, let me thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

The Unlawful Internet Gambling Funding Prohibition Act has the potential to eradicate illegal Internet gambling by disallowing merchants from accepting credit card, debit card, or other bank-sanctioned transactions as payment for online wagering.

Mr. Speaker, because online gambling has grave societal consequences, I support this legislation that aims to eradicate it. As the ''crack cocaine'' of gambling, Internet betting often leads to severe personal and family hardships, including debt, bankruptcy, foreclosed mortgages, and divorce.

Although I am pleased that three amendments were made in order, I find it especially disappointing and frustrating that the Pombo amendment will not be debated today.

The gentleman from California (Mr. POMBO) presented an amendment that would have treated Indian tribes on a par with State governments. The interests of the Native American people, a community that has been disenfranchised for all of their history, should always be heard and, in this case, should have been debated.

The price of Internet gambling can be measured best in terms of the human costs. As we debate the pros and cons of this act, the most important question we should be asking is, What does Internet gambling cost our children, and is this a price we are willing to pay?

Mr. Speaker, we are debating a bill that has the potential to stop the gambling with our future, because Internet gambling hurts children. I have learned of one young man that racked up debts of $70,000 and was kicked out of his house because he was stealing from his family, and of another teen who blew his tuition and 3 days after his father repaid it, he withdrew from his courses, demanded a refund, and spent the refund on gambling. Stories like these are innumerable.

The American Psychiatric Association is so concerned about the increase in youth gambling, primarily on the Internet, that it recently issued the following statement: ''In virtually all studies of the rates of gambling problems at various ages, high school and college-aged individuals show the highest problem areas.''

The APA says the increase in problems among young people can be attributed, in part, to the ease with which they can gamble on the Internet, where there are no enforceable restrictions on age.

Mr. Speaker, this bill is intended to help reduce the extent of existing illegal Internet gambling in the United States; and I support it as it is presently constituted, with hopes of continuing revision.

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

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am the ranking minority member on the committee of jurisdiction, and I am pleased that we forestalled a suspension proposal here and that we do have a chance to debate some of the amendments. I will talk about that bill in due time.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. I did want to note today, though, and I guess I may need the Parliamentarian, Mr. Speaker. I know under our rules it is forbidden to speak ill of the Senate and from time to time people get exasperated and they speak ill of the Senate and they are duly chided.

But the question I have, Mr. Speaker, is, is it permissible to speak well of the Senate? Is it within the rules to lavish on the Senate the praise they deserve for passing the child tax credit bill?

The SPEAKER pro tempore. It is not in order to characterize the Senate in any way.

Mr. FRANK of Massachusetts. In any way. Well, I regret my inability to give credit where credit is due. I was hoping that an example recently given would be followed in this side of the Capitol; but I will abide by the rules, though as foolish as I think this particular rule is, and not comment on the Senate.

□ 1515

I will, though, have to say that the refusal of the Republican leadership in the House to allow the House to vote on a proposal that would extend to hard-working, low-income people financial relief after all of the financial relief we have given to people in the upper brackets is truly distressing.

I know there has been an effort on the House floor to portray our interest in providing a tax credit to people, and let us be clear, we are talking about here people who work. They work very hard. They work at jobs that are not very pleasant, and that, by definition, are not well paid. Many of them have families.

It is true that because they work hard at jobs that this society has devalued in many cases they do not pay much or any income tax. They do, however, pay a significant percentage of their income in taxes. They pay the Social Security tax and the tax on Medicare. They pay the withholding tax.

For many of them because there are no exemptions from that, there are no deductions, they pay the full thing no matter how many children they have, no matter how many other expenses they have. For some of those people this is a larger percentage of their income paid in tax than is paid by many wealthier people. That reduction will be further.

What this House says is, no, they get no relief out of this bill comparable to what others get. It is unworthy of this House to say that to these hardworking people struggling to provide for their children when the Republicans have said, in the tax bill, this looks like $350 billion, but we are going to convert it into hundreds of billions more.

A bill is going to be introduced that would cost a total of $10 billion, or would expend $10 billion; but it would be neutral revenue-wise to help these low-income people. We are told we cannot do that.

When there was a parliamentary situation that the President confronted, and he was told he could only get $350 billion in tax relief over the next 10 years, he said that he did not think people should be for such a little bitty piece of tax relief. So $350 billion is a little bitty. We are asking for a very small percentage of that little bitty for the poorest, hardest-working people in this country.

The Republican leadership, I can understand in the core Republican philosophy that they would say no to these people, but to refuse to allow the House of Representatives to vote on it seems to me unpardonable. We are just asking, okay, let it come to the floor. Let us have a debate. Are they so afraid that their resistance to helping these low-income people is so out of sync with the American people that they will not let it come forward?

I hope we will see that bill on the floor fairly soon.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. SWEENEY).

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

Mr. Speaker, I rise to actually speak on the underlying bill and the rule in support of both of those, and, as well, if I could take the opportunity to speak against one of the amendments.

I am from New York's 20th Congressional District, the home of Saratoga, New York. We like to say it is the home of horse racing. It certainly is the home of the oldest flat track in the Nation, the proud home of Funny Cide, the winner of the Kentucky Derby and the Preakness.

While we are a little less jubilant today than we were, maybe, a couple of days ago, we are still very bullish on the whole idea and the whole horse racing industry.

I am also the cochairman of the Congressional Horse Caucus. I want to talk a little bit about how important this rule is and this underlying bill is to horse racing and the horse racing industry. U.S. horse racing is regulated

by Federal and State laws. It is in fact the most highly regulated form of entertainment sports initiative in this Nation.

The specific concerns expressed by many in this Congress about offshore international wagering, the integrity of operators, the identity of the participants, consumer fraud, and money laundering are not an issue as it relates to horse racing. Horse racing is a $34 billion domestic industry, along with the agribusinesses that it supports. It is critically important not just to the economy of my district but through vast regions throughout the Nation.

The underlying bill respects existing Federal and State gambling law. It does not make any unlawful gambling lawful; it does not make any lawful gambling unlawful. It does not override any State prohibitions or requirements. It does not expand or contract wagering. It simply maintains the status quo with respect to the underlying substantive law on gaming.

There will be an amendment later today brought forward sponsored by the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Utah (Mr. CANNON), and the gentleman from New York (Mr. CONYERS) that would prohibit State license activities and represents a broad overuse and abuse of Federal power.

I want to congratulate the gentleman from Georgia (Mr. LINDER) for bringing this rule forward. I want to congratulate the chairman of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY), for recognizing the importance of this underlying legislation and how important, critically important, it is to vast areas throughout the Nation.

I want to ask my colleagues to support both this rule and to support the underlying legislation and oppose the so-called Sensenbrenner-Cannon-Conyers amendment.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 3 minutes to my friend, the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to speak on this rule. This bill requires U.S. credit card companies and other financial entities to develop reasonable policies and procedures to identify and block financial transactions made in connection with unlawful Internet gambling.

Online gambling can have a severe impact on family life. It can be done anonymously easily from someone's home and requires little more than a computer and a credit card. We know the dangers of online gambling: lost savings, excessive debt, bankruptcies, foreclosed mortgages.

This is an important issue that we discuss today. Equally important as an issue is the restoration by the House of the child tax credit to 6.5 million families that have been in fact left behind, families of 12 million children which are taxpaying families, Mr. Speaker, who deserve tax relief. They have bills to pay, mouths to feed, children to take care of. With the economy continuing its slide downward, they do not know where their jobs will be the week after next.

Let me be clear: as has been indicated, these families do pay taxes. They pay payroll taxes, sales taxes. They may not know week to week whether their next paycheck is forthcoming; but they know that if it does, that 8 percent will come off the top on the first dollar earned.

So we should not be kind of lulled or fooled into thinking that these families do not pay any taxes, because they pay a greater share of their income in taxes than a corporation like Enron did in 4 of the last 5 years. Just because these families do not have a powerful lobby, we must be their lobby in this institution. We must lobby for their hard-earned money and not take it from them.

Before we consider bills like the Internet gambling bill, this House should take up the other body's child tax credit legislation. The White House has said that the House should take up this bill, and if we do, that the President will sign our bill.

This is not a partisan issue; this is an issue of values, of character. Each individual, those of us who serve in this marvelous institution, come here to do the right thing. This reflects doing the right thing, and also it reflects what our national character is all about.

That is why, Mr. Speaker, though I support this underlying bill, I also support the motion for the House to take from the Speaker's table, agree to, and pass the Senate amendment on the child tax credit. It is time the House votes to extend the full $1,000 tax credit to the families of 12 million children, just like 25 million other families in America. Quite simply, it is the right thing to do. We should meet that July 1 deadline when others will be getting their tax cut.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS).

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

Mr. Speaker, illegal Internet gambling, that is something that many Americans do not know much about. They have not heard much about it until they look at their credit card and there is $4,000 or $5,000 worth of charges on their credit card because their son off at a university, or even their 14-year-old son, has gotten their card, gone in his bedroom, got on the Internet, and began to gamble.

Harvard University Medical School, the University of Connecticut, newspapers all over this country have looked at this problem. They estimate that as many as 5 million of our youth, as well as compulsive, what they call ''pathological gamblers,'' are gambling on the Internet today.

This is basically a new phenomenon. In 1997 it was first brought to our attention when groups came before the Congress and asked that we do something about it. At that time, there were about 24 sites offshore, and it is estimated at that time that anywhere from $50 million to $300 million being bet.

In 2001, an Internet gambling bill was killed by this Congress, despite the urging of groups as diverse as Major League baseball, the NCAA, the NFL, various faith-based groups, and the AARP, because AARP represents a lot of grandparents whose grandchildren are becoming addicted to gambling in these sites, and they urged us to act.

In 2001, and again in 2002, this Congress began to argue not about illegal Internet gambling, but they began to attach amendments to this bill that would make lawful gambling unlawful or unlawful gambling lawful. Everybody wanted to improve their position. Some Members wanted to eliminate certain types of lawful gambling. Others wanted to create lawful exceptions to what was illegal gambling in this country. These bills continued to go down.

Today, we are not faced with a situation where we have a half a dozen sites and maybe $10 million of gambling on these sites; we are faced with a situation where we have $6 billion a year bet on these sites, $6 billion. That we know. We also know that there are somewhere between 1,500 and 2,000 sites offshore.

What else do we know about these sites? We know that they are untaxed. Not one dime of tax is collected. We know they are unsupervised. In fact, we do not know the identity of these people, except in two cases when the FBI prosecuted them and found out. The reason they prosecuted them is because they were laundering money. We found out they were money-launderers.

We do know, because the FBI has reported it, that organized crime is heavily invested in these sites, and they believe that organized crime controls these sites. We know that.

We know some other things about these people. We know they are not good people. We know they link these sites with pornographic sites, and we know some of these sites specifically target preteens. When they go on those sites, they also get a pop-up that exposes them to pornographic sites. We know that because various organizations have come before us and over the last 3 years testified that our youth, our preteens, are being led into addictive gambling.

The University of Connecticut, Harvard University, The New York Times, all of them have exposed this problem; but this Congress continues to take the occasion when these bills come up to try to have a turf fight on gambling.

In fact, the gentleman from Utah (Mr. CANNON) will offer an amendment which is another turf fight. Senators have said that if the Cannon amendment is attached that this bill will be

killed in the Senate. So we again have a choice to make: Do we want to continue to let this industry grow, a mob-run industry? Do we want to continue to not know who these people are? Do we want to continue, in the words of a professor at Harvard University, to allow what he calls the ''crack cocaine of gambling'' to take hold in America?

□ 1530

Do we want to continue to do that or do we want to vote down the Cannon amendment and vote up this legislation?

One final thing that I would like to remind this body. There is a trial that went on last week in Florida. Adrian McPherson, Adrian McPherson was Mr. Football in the State of Florida. He was also Mr. Basketball in the State of Florida. Imagine such a talent, both the best high school football player, the best high school basketball player, and he went to Florida State University. And what do we know from the testimony last week? We know that he, and this is according to testimony, he has not been convicted, but we know this: We know he has been suspended from the team; not suspended, but he has actually been thrown off the Florida State team. We know he has been accused of going in a business and stealing checks from that business. We know that he is accused of going to a grocery store and bouncing a number of checks. We know that he is facing time in jail. We know that if he is convicted in the trial that he will be going through in the next month or two, that he will be banned from organized college athletics for life.

And all because what? The accusations, the testimony is he became addicted to Internet gambling, and he had massive debts and that is why he went out and stole these checks. But that young man and his family have been devastated. Florida State University has spent over a million dollars investigating this case.

What if 3 years ago this Congress had quit fooling with these turf battle Cannon-type amendments and adopted this legislation? I wonder if this young man would be taking the field for Florida State? I wonder if we had listened to the NCAA when they testified before our committee 3 years ago when they said, please take action, do something; when the NCAA warned us 2 years ago in testimony that we are going to have a scandal one day because illegal Internet gambling is making it very difficult for us to protect the integrity, the integrity of this sport.

There was one Gallup poll which said that 25 percent of college athletes today are betting on the Internet on sports, and most of those are betting on their own teams, and almost all of them were betting on college sports. What are we going to do? Are we going to continue to stand by while families are broken apart?

This morning I was on C–SPAN and when I got off, a man from Georgia called and said, I support this legislation. He was asked why. He said, I am a compulsive gambler. And he said, If I have to go 50 miles or 100 miles to gamble, I feel like I can keep that under control. But, he said, If it is in my home, if it is in my bedroom, if it is on my computer, I have a difficult time handling that. That man was saying to us: Take action.

In a few minutes we will get an opportunity to do two things. We will get an opportunity to do what the National Governors Association, in a letter dated yesterday, has urged us to do. We will do what the attorney generals, when they urged us, the Attorney Generals Association usually says, hands off, let the States handle it. But the Attorney Generals Association has said do something about this, we cannot.

When the Methodists, the Presbyterians, the Southern Baptists, we received a letter, Focus on the Family have written us, different faith-based groups; when even major league baseball says there is a growing problem, it is time to take action. If we do not, there will be other Adrian McPhersons. There will be other lives ruined. There will be families broken up. There will be children addicted to gambling. Because if there is one thing these illegal Internet gamblers know is, they know that our children are fascinated with and very literate on the computers. They use the computers.

We have seen the statistics. The average teenager is on the computer 20, 30 hours a week. We hear incredible numbers, and what do they enjoy doing as much as anything? Sports. You combine the computer with sports and you get what the Harvard Medical School said is an explosive, the crack cocaine, as I said earlier, of gambling. Let us take action before any more lives are ruined. We have had suicides. We have had at least five suicides.

Let us take action. Let us vote down these killer amendments and let us vote up this legislation, and let us finally take action.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. ALEXANDER), a new Member, new in the sense that this is his first term; however, he has distinguished himself in many ways among freshmen and all of us.

Mr. ALEXANDER. Mr. Speaker, I rise today in opposition to the rule and I have a motion to the House to take from the Speaker's table and pass the Senate amendment to the Child Tax Credit.

This body continues to refuse to address the problem that we have created. Extending the child tax credit to low-income working families is the right thing to do, and we should do it today. The Senate has already passed and the President is calling for it now.

Now, I have heard people say that those who did not vote for the tax cut should not be complaining about the way it turned out. Well, I supported the tax cut. I was 1 of only 4 Democrats to vote for it from day one, and I stand by that vote today. But by neglecting to provide the child tax credit to the low-income families, we have made a drastic mistake. We need to correct that now. These are hardworking people who pay taxes, too, and they deserve relief like everyone else.

Because of our actions, in Louisiana 1 out of every 4 families is being told that their children are not as valuable as other kids. That is wrong. We have the power to easily correct that mistake. Instead, we are playing games.

Now, last night I joined with the gentleman from Tennessee (Mr. TANNER) and the gentleman from Delaware (Mr. CASTLE) to introduce an exact replica of the Senate bill that has already passed. If they wanted, the House leadership could bring up our bill today and we could send it to the President.

The time for playing games is over. We made a mistake and we need to correct that today so that all working families can receive the needed relief when the checks go out next month.

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

Mr. HASTINGS of Florida. Mr. Speaker, would the Speaker inform us of how much time remains on each side?

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from Florida (Mr. HASTINGS) has 18½ minutes remaining. The gentleman from Georgia (Mr. LINDER) has 15 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), my very good friend.

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

Mr. Speaker, I am going to speak against the rule, and it is not because I am against the underlying bill. It is because, Mr. Speaker, hardworking families need a break more than anyone else in this country and hardworking families are the ones that are bearing the brunt of this weak economy. But for some reason the Republicans leadership feels that the privileged few are more important than the 12 million children who are left out of the Republican tax cut and that Internet gambling is more important to discuss today than our children. And that is just plain wrong.

Voices across the country are speaking out in great numbers. It is overwhelming what we are hearing in our offices. And it must be overwhelming what the administration is hearing about supporting increasing the child tax credit and making it permanent, especially for those 12 million children who were left out of the recent tax package, because President Bush is finally urging the House to follow suit with the other body, saying that he wants to sign legislation that will restore tax credits for lower-income families and put the majority party's bad decision behind him.

Why is the Republican leadership in the House dragging its feet when we can help American families now?

Let us hold off on debating issues, even though we agree with them, like the underlying bill we are talking about, Internet gambling. Let us hold off on those issues until all working families are provided the benefits of the child tax credit. And at the same time, Mr. Speaker, while it is imperative that we swiftly extend the child tax credit to lower-income families, it absolutely should not be part of a broad package that extends even more benefits to the wealthy.

We must pass a clean bill that solves the injustice that has been done to these hardworking families. Our priority must be the 12 million forgotten children, not more tax breaks for the rich, not debate about Internet gambling, not anything except giving the tax breaks to those hardworking families.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), my good friend.

Mr. PALLONE. Mr. Speaker, I rise in opposition to this rule, not only because I believe the House should finally address the child tax credit, but also because the Committee on Rules refused to include an amendment by the gentleman from California (Mr. POMBO) to allow American Indian tribes to operate Internet gambling sites on their reservations, the very action the overall bill gives to the States. Without the inclusion of this amendment, Indian tribes are unfairly singled out and cannot reap the same benefits States will receive if this legislation becomes law.

Mr. Speaker, I join my Democratic colleagues in calling on the Republican leadership to follow the Senate's lead and immediately approve legislation that will provide a child tax credit to 12 million children, children Republicans left out of their bill last month. Included among these 12 million children are the children of U.S. military families.

A report out last week showed nearly 1 in 5 children of active duty U.S. military families will not benefit from the increased tax credit because their parents earn too little to qualify.

Mr. Speaker, it appears the only Republicans who do not fully comprehend the huge mistake they made in their tax bill are my Republican colleagues here in the House. Last week the Senate passed a bill. Yesterday the President's press secretary said his advice to the House Republicans is to pass it, to send it to him so he can sign it. And yet House Republicans continue to fight against common fairness.

Just today in an AP story that I will quote, the gentleman from Texas (Mr. DELAY) said, it ''ain't going to happen.''

''DeLay said the House will not pass the Senate's bill. Instead, it will use the child tax credit as a bargaining chip to encourage the Senate to pass bigger tax cuts favored by the House.'' And I have a quote of the gentleman from Texas (Mr. DELAY), ''What we are interested in is real solid tax relief for those who are paying taxes,'' he said.

So the gentleman from Texas (Mr. DELAY), on behalf of the House leadership, continues to stop the child tax credit from becoming law for these 12 million working families.

Now, let me point out that these workers do pay Federal taxes; 7.65 percent of their earnings go to pay for Social Security and Medicare. These hardworking parents also pay State and local taxes as well. An analysis released earlier this year by the New York Times found that families pay 14 percent of their income.

These people pay taxes and they deserve the child tax credit, too. Pass the bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY), my good friend.

Ms. HOOLEY of Oregon. Mr. Speaker, I support the Unlawful Internet Gambling Funding Prohibition Act.

Online gambling has a huge impact on individuals and families. But I am not supporting the rule because we have not been able to bring up the child tax credit. I went to the Rose Garden today for the celebration of Leave No Child Behind. And they were celebrating all of the States having plans and about what they were going to do about education and how they were going to move forward. And I supported that plan.

But today we are leaving children behind, 12 million children. These are children whose parents earn $6, $7, $8, $9, $10, $11, $12 an hour. These are people that get up every morning, every noon, every afternoon, whatever their shift is. They go out and work hard, and yet they were denied the child tax credit.

□ 1545

It is time that we change that. The time is now. When I saw the quote from the gentleman from Texas (Mr. DELAY) that said there are a lot of other things that are more important than that, referring to the child tax credit, I wanted to say to the gentleman, say it isn't so, say it isn't so. We need to pass this and get on with our business.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Speaker, I rise in opposition to this unlawful Internet funding prohibition act and in support of the Sensenbrenner-Conyers amendment.

I oppose this bill as a strong defender of tribal government, a strong advocate for tribal sovereignty, a strong believer in fairness and equity. I state, a strong believer in fairness and equity.

This bill does not treat solvent tribe governments with the same level of respect it does States. Section four of this bill provides for a carve-out for States that allows States to license Internet gaming operations for lottery, horse track, and corporate gambling operations.

Although the bill grants States with this exception, it does not provide tribal governments with the same exception. Have we not learned that it is wrong to treat our Native American brothers and sisters as second class citizens? One would think that we would know better.

Let me be clear, I will not be standing here today in opposition to this bill if tribal governments were treated equal, if tribal governments were treated equal.

I do not disagree with the principle behind this legislation, but I disagree with the effects on Native Americans and their economy. H.R. 2143 gives an unfair advantage to private gaming enterprises, and it treats tribal governments and their industry as inferior.

Just when we think that the centuries of mistreatment and discrimination are ending, something like this comes up or shows up. Once again, Congress is trying to put tribal government at a disadvantage. Once again, Congress is trying to put tribal government at a disadvantage; and once again, I will stand up and defend the sovereignty of our tribal governments. I will stand up and make sure that our government lives up to its responsibility, lives up to their responsibility.

Gaming provides the financial resources the tribes need to survive and bring economic development to their people. It provides resources. The tribal governments need to provide health, education and hope for their people. It is the livelihood of our Native American brothers and sisters.

I will not stand by and watch Congress put tribes behind the eight ball once again.

I urge my colleagues to vote ''no'' on H.R. 2143 and ''yes'' on the Sensenbrenner amendment.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Ohio (Mr. BROWN), my classmate and good friend, former Secretary of State of the State of Ohio.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from Florida for yielding time to me.

Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question so we can take the Senate tax bill off the Speaker's table for immediate consideration.

On May 22, this House passed a bill that gives a tax break of $93,500 to the average millionaire in our country. As Republicans rushed towards the Memorial Day recess, Vice President CHENEY cut a deal that left working, tax paying families out of the child tax credit expansion. That is right, $93,500 for millionaires, not one cent to working lower-income families.

As the tax bill advanced in the House, I joined my colleagues and sent out three Dear Colleagues alerting Members of all parties to the fact that it left low-income, working, tax-paying families out in the cold by denying them marriage penalty relief under the earned income tax credit.

Republicans knew they were making low-income Americans wait years for the same benefit that they would offer more affluent families right now. Republicans of the House knew that their leadership and knew that the Bush White House had stuck it to low-income families again by denying them relief under the child tax credit, $93,500 to millionaires and not one cent to lower-income working families. Republicans knew that the bill they supported offered that $93,000 to millionaires and was a slap in the face to millions of tax-paying, working American families.

Democrats believe simple fairness demands that we act immediately to remedy the injustice; but the majority leader of the House, the gentleman from Texas (Mr. DELAY), says we will not do it, not while he is the Republican leader. He says there are a lot of other things that are more important than that. The majority whip, the gentleman from Missouri (Mr. BLUNT), says we do not need to rush through this. Remember, $93,500 for millionaires, not a cent for lower-income working families.

We had to rush to give millionaires this $90,000 tax break; but when it comes to tax breaks for working tax-paying families, Republicans need time to think it over. While Republicans have left working families out in the cold by refusing to advance tax fairness legislation, they have moved on other bills.

For example, since that May 22 date, since Republicans were rushing out of town for the Memorial Day recess, Congress has renamed Federal buildings and post offices, congratulated baseball star Sammy Sosa, commemorated the 20th anniversary of National Tourism Week, and made it easier to clear bank checks. There is nothing wrong for any of those bills. I voted for all of them. But was any of them more important than helping 12 million children who were intentionally left behind by the Bush-Cheney-DeLay-GOP tax bill? Was any one of them more important, any of those pieces of legislation more important than helping 3.7 million working, low-income, tax-paying families whose marriages this House said were not worth as much as the marriage of their bosses? Not by a long shot, not in the wake of a tax bill that gives $93,000 to millionaires, not one cent to tax-paying working families.

Vote ''no'' on the previous question so we can take the Senate tax bill off the Speaker's table.

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

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

Mr. HASTINGS of Florida. Mr. Speaker, if the previous question is defeated, I will offer an amendment to the rule; and my amendment will provide that as soon as the House passes this rule, it will take from the Speaker's table and immediately consider the Senate-passed version of H.R. 1308, which restores the refundable child tax credit that was removed from the recently passed Republican tax bill.

Let me make very clear to my colleagues in the House that a ''no'' vote on the previous question will not stop consideration of the Unlawful Internet Gambling Funding Prohibition Act. A ''no'' vote will allow the House to vote on H.R. 2143 and on the Senate-passed version of H.R. 1308 as well. However, a ''yes'' vote on the previous question will prevent the House from voting on this badly needed tax package to provide real relief to America's working families.

I urge a ''no'' vote on the previous question so we can send this bill to the President today.

Mr. Speaker, I ask unanimous consent that the text of the amendment and a description of the amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

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

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

I would just like to point out in the light of the conversations we have heard today that by definition a tax credit is a credit against income taxes paid. People who are left out supposedly were people who do not pay income taxes and do not get a credit because there is no place against which to lay that credit. I am sorry that we are turning the income tax system into a welfare program, but it appears that we are about to do that.

Mr. BACA. Mr. Speaker, I rise to urge my colleagues to defeat the previous question. Defeating the previous question allows us to discuss H.R. 2286 introduced by Congressman RANGEL to grant the Child Tax Credit to the thousands of needy families wrongfully ignored by the Republican majority.

When the conference report on the Republican tax cut was finished, the dividend tax cut got bigger and tax credits for working families got smaller. It is unconscionable that we are willing to sacrifice Child Tax Credits for the poorest in our society, so that we can give more money to the wealthiest.

Six and a half million families in this Nation earn $10,500 to $26,625 per year. If we do not pass a child tax credit for these families, 19 million children will be ignored. In my home State of California, nearly 1.3 million families alone, will not receive a child tax credit under the Republican's plan. These families need tax relief.

By not passing a child tax credit, 250,000 kids of active duty military families, many of whom are right now fighting overseas, will be ignored. Military families need tax relief.

Our economy is in desperate need of stimulation. Unemployment across the Nation has risen to 6.1 percent. The Hispanic unemployment rate alone is currently at 8.2 percent. America's families are suffering. They need immediate relief from the burden of a weak economy.

During this time of economic downturn we must not leave out those who are working harder for less pay or those who have recently joined the ranks of the unemployed. It is time to put working families back into the equation. America's families need our help. They need a child tax credit.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION FOR H. RES. 263—RULE ON H.R. 2143: THE UNLAWFUL INTERNET GAMBLING PROHIBITION ACT

At the end of the resolution add the following:

SEC. 2. Immediately upon adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, with Senate amendments thereto, and a single motion that the House concur in each of the Senate amendments shall be considered as pending without intervention of any point of order. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

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

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

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

Mr. HASTINGS of Florida. 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 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 222, nays 196, not voting 16, as follows:

[Roll No. 252]

YEAS—222

Aderholt	Barrett (SC)	Bereuter
Akin	Bartlett (MD)	Biggert
Bachus	Barton (TX)	Bilirakis
Baker	Bass	Bishop (UT)
Ballenger	Beauprez	Blackburn

Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
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
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Cole
DeGette
Eshoo
Fletcher
Gephardt
Gordon
Herger
Houghton
Lantos
Larson (CT)
Rush
Smith (WA)
Tierney
Toomey
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1615

Messrs. MARSHALL, WEINER, SCOTT of Georgia and RODRIQUEZ changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 259, noes 158, not voting 17, as follows:

[Roll No. 253]

AYES—259

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NOES—158

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Conyers
Cooper
Costello
Cummings
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
John
Johnson, E. B.
Jones (OH)

Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—17

Carson (OK)
Cole
DeLay
Eshoo
Fletcher
Gephardt
Gordon
Houghton
Jenkins
Lantos
Larson (CT)
Rush
Smith (WA)
Tierney
Toomey
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1623

Ms. CORRINE BROWN of Florida changed her vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COLE. Mr. Speaker, on June 10, 2003 for rollcall votes 252 and 253, I was unavoidably detained. If I had been present, on rollcall vote No. 252, I would have voted ''yea.'' On rollcall vote No. 253, I would have voted ''yea.''

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2143.

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

There was no objection.

UNLAWFUL INTERNET GAMBLING FUNDING PROHIBITION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 263 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2143.

□ 1625

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2143) to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes, with Mr. TERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from Oregon (Ms. HOOLEY) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

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

Mr. WOLF. Mr. Chairman, I rise in strong support of this bill today. There are going to be several amendments offered. One amendment will be offered as if it is an antigambling amendment. In essence, the amendment will actually bring this bill down. Fifteen years ago, there was gambling in two States, Nevada and New Jersey. Once we in this country moved to what we call convenience gambling, we have seen an increase in crime, corruption, domestic violence, physical abuse, and many other bad things that we Republicans and Democrats do not want to see. The ultimate in what is called ''convenience gambling,'' meaning that you do not have to go very far to gamble, is Internet gambling where you can sit in your own family room in your bathrobe on a rainy weekend and literally go broke in about 24 hours.

There will be an amendment offered that will be sort of viewed as maybe some of the pro-family groups are for it. Let me say I have a letter to the gentleman from Alabama signed by the Christian Coalition, Concerned Women for America, the Family Research Council, the General Board of Church and Society of the United Methodist Church, and the National Council of Churches, the National Council of Churches headed by former Democratic Congressman Bob Edgar who served here for many years.

I would ask you, do not support the amendments that will weaken this bill. Internet gambling is beginning to be very corrosive in our society. We have a chance to deal with Internet gambling in the Bachus bill that the gentleman from Ohio (Mr. OXLEY) and other Members of the House have put forth. I rise in strong support of the bill. I think this is an opportunity to get control of Internet gambling and to do it in a way that is constructive and positive.

I ask my colleagues, one, support the bill on final passage; but, lastly, do not support any amendments that may appear on the surface to be good but what will in essence bring down this bill and thereby mean that Internet gambling will never be controlled. Five to 7 percent of the young people in our country are addicted to gambling.

□ 1630

As Internet gambling becomes easier and easier, that addiction rate goes up.

So I hope Members will oppose the amendments that will really bring the bill down, and on final passage do something to help this country, to help the young people, to get control of it, to get control and regulate Internet gambling.

Mr. Chairman, I rise in support of H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act, legislation needed to prevent the use of credit cards, checks, or electronic funds transfers for unlawful Internet gambling. It will be of vital assistance in curbing illegal Internet gambling.

This legislation states in the findings section that: ''the National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent them.''

As the author of the legislation which established the commission, I am pleased to see that one of its most important recommendations may indeed become law. The spread of Internet gambling means that people can now gamble at the workplace and their homes, around the clock. The unchecked progress of Internet gambling must be curbed.

The National Gambling Impact Study Commission report went on to state that gambling can breed bankruptcy, divorce, domestic violence, and physical and emotional problems. Even suicide has been linked to gambling. Often times, even school-aged children—who have never gambled before—are lured into on-line gambling.

H.R. 2143 will establish an enforcement structure that will let federal regulators set up regulations which will limit the acceptance of bank instruments such as credit cards for use in illegal Internet gambling, reducing the chance for gambling to gain a further foothold in our society.

Before I close, let me share with you a story. Donna Kelly, a mother of a 12-year-old daughter and a 7-year-old son developed a gambling problem. At one time there were 13 warrants for her arrest for writing bad checks. Gambling had so wrecked her life that she saw only one option: suicide. Two days before Thanksgiving, she tried to kill herself. She failed, and was placed in a mental hospital. Mrs. Kelly spent Thanksgiving in a mental hospital because of her gambling problem.

Her daughter asked her afterwards, ''Momma, why did you try to kill yourself? Do you not love me anymore?'' This is the human dimension to gambling. This story illustrates why it is so important to vote for this bill. When you cast your vote today, remember the many lives ruined by gambling, and remember the family members left devastated by their loved ones gambling activities.

Internet gambling is a vast and growing enterprise which can serve as an avenue for money launders and terrorist funding. Gambling also involves great social costs. This bill will reduce access to the medium of the Internet as another forum for inducing people to

gamble. I urge Members to vote for this legislation.

Hon. SPENCER BACHUS,

House of Representatives, Financial Services Committee Member, Washington, DC.

DEAR REPRESENTATIVE BACHUS: As a diverse bipartisan coalition of family and faith-based organizations, we are very concerned with the effects of gambling on our society and the well-being of young people and families. We write to strongly support the passage of H.R. 2143, To Prevent the Use of Certain Bank Instruments for Unlawful Internet Gambling, and for Other Purposes. Internet Gambling is already against the law in all 50 states, yet offshore gambling interests continue to operate without any accountability and are available in every state by utilizing the Internet. We urge you to support H.R. 2143 and reject any amendment or proposal which would weaken the bill or hinder its enforcement according to current federal law.

The National Gambling Impact Study Commission Report presents a disturbing and devastating picture of the effect of gambling on families. Some critical points to consider in the report as it relates to Internet gambling are:

Gambling costs society $5 billion a year in societal costs including job loss, unemployment benefits, welfare benefits, poor physical and mental health, and problem or pathological gambling treatment, bankruptcy, arrests, imprisonment, legal fees for divorce, and so forth.

Because the Internet can be used anonymously, the danger exists that access to Internet gambling will be abused by underage gamblers, our children and youth.

The high-speed instant gratification of Internet games and the high level of privacy they offer may exacerbate problem and pathological gambling.

Lack of accountability also raises the potential for criminal activities, which can occur in several ways. First, there is the possibility of abuse by gambling operators. Most Internet service providers hosting Internet gambling operations are physically located offshore; as a result, operators can alter, move, or entirely remove sites within minutes. Furthermore, gambling on the Internet provides an easy means for money laundering. Internet gambling provides anonymity, remote access, and encrypted data. To launder money, a person need only deposit money into an offshore account, use those funds to gamble, lose a small percent of the original funds, then cash out the remaining funds. Through the dual protection of encryption and anonymity, much of this activity can take place undetected.

Computer hackers or gambling operators may tamper with gambling software to manipulate games to their benefit. Unlike the physical world of highly regulated resort-destination casinos, assessing the integrity of Internet operators is quite difficult.

Please support H.R. 2143 and reject the spread of a predatory industry, which is contrary to the well-being of individuals and all of society.

Sincerely,

Christian Coalition of America, Concerned Women for America, Family Research Council, General Board of Church and Society of the United Methodist Church, National Council of Christians.

Ms. HOOLEY of Oregon. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2143, the unlawful Internet Gambling Funding Prohibition Act. I thank the gentleman from Alabama (Mr. BACHUS) for all of the hard work he has done on this particular piece of legislation, for working with me and the rest of the subcommittee.

This bill is really about enforcing what is already illegal activity. I have had several people come up to me and say, well, what does this bill really do? What this bill really does, it takes what is already illegal, it makes nothing more illegal or nothing less illegal, it takes what is already illegal and tries to enforce that law.

Furthermore, I would like to thank the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Committee on Financial Services, for the opportunity to manage the debate for the Democratic Caucus. He and I do not see eye to eye on this legislation, but I appreciate and respect the fact that we agreed to disagree, and I welcome healthy debate on the topic of illegal Internet gambling.

I am an original cosponsor of H.R. 2143, which was reported favorably by the Committee on Financial Services in March. Actions taken recently by the Committee on the Judiciary served to weaken this bill in such a way as to throw into question whether the bill would still adequately preserve the Federal law and protect States rights when it comes to regulating Internet gambling. Today's legislation will reduce that uncertainty by moving forward with the financial services-related provisions of H.R. 2143, which would serve as a core purpose of the bill to shut off that financial spigot to the illegal offshore casino sites.

Mr. Chairman, I want to talk a minute about what that financial spigot looks like. It is currently around $6 billion a year. None of that contributes to the United States economy. There are between 1,500 and 2,000 offshore Internet gambling sites. Unlawful Internet gambling is a scourge of our society. It not only leads to crime, but in many cases it is run by criminal enterprises. By shutting off the funding flow, we will go a long ways toward shutting down these elicit enterprises.

The Committee on Financial Services and all of the members, the ranking member and the chair, have worked diligently over the last few years with industry groups and civic organizations to strengthen the measure and to build support for its enactment. We consulted with financial services companies to improve the bill, recognizing current industry practices and protecting firms from liability for refusing to honor restricted transactions.

The policy rationale for this legislation is very simple: Offshore Internet gambling is already deemed illegal. By continuing to allow the financing of illegal Internet gambling, we are stating that we are not serious about enforcing the law. Worse, the FBI, the Department of Justice, and the Department of State have all stated that Internet gambling can be exploited to launder money for such groups as drug dealers, organized crime and terrorist organizations.

Now is the time to close the loophole that allows illegal Internet gambling to still exist in the United States.

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

Mr. BACHUS. Mr. Chairman, I am happy to yield 1 minute to the gentleman from Ohio (Mr. PORTMAN). I understand he has an inquiry about this legislation.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, first I would like to engage the chairman in a brief colloquy and say that I commend him for his very important work on this legislation, which I strongly support.

As the chairman is aware, there are legitimate businesses Ohio and elsewhere that provide legal, skill-based Internet games, such as Monopoly and Boggle. Is it the gentleman's understanding that H.R. 2143 is not intended to apply to these games of skill that are played, created, or distributed over the Internet and which do not involve the risk of something of value?

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, that is correct. It is intended to apply to gambling, which is primarily determined by chance, rather than the skill of one of the players over the other.

Mr. PORTMAN. I thank the Chair. As we know, several States and the District of Columbia have State lotteries that fund education and other State needs. In these States, the lotteries operate under a strict set of State rules.

Is it the gentleman's understanding, again, that H.R. 2143 is not intended to prohibit the use of electronic fund transfers, ACH transactions, checks or other bank instruments to pay for lottery play within the boundaries of a State within which the lot is located?

Mr. BACHUS. Mr. Chairman, if the gentleman will yield further, so long as it is legal within that State, that is correct.

Mr. PORTMAN. Again, I commend the chairman for his good work on this legislation. I hope he can beat back the amendments.

Mr. BACHUS. Mr. Chairman, I both commend and yield 5 minutes to the gentleman from Ohio (Mr. OXLEY), the chairman of the full committee, who has been instrumental in bringing this legislation to the floor.

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

Mr. OXLEY. Mr. Chairman, the bill we are considering today, H.R. 2143, the Unlawful Internet Funding Prohibition Act, represents the culmination of many hours of deliberation and hard work on the part of members and staff of the Committee on Financial Services.

The gentleman from Iowa (Mr. LEACH), the former chairman of the

Committee on Banking and Financial Services, has led a determined battle to cut off the financial lifeblood of the unlawful Internet gambling industry, and the battle has been joined with vigor by the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit, and the gentlewoman from Oregon (Ms. HOOLEY), who has been a staunch advocate in the committee's efforts to stop this illegal activity. I want to commend both of them for their strong leadership.

Support for our committee's efforts to stop the money flow to illegal gambling sites has been nearly universal, from family and religious groups, to anti-gambling groups, from professional sports to college athletics, from major players in the banking and credit card industries, to law enforcement and Internet service providers.

Mr. Chairman, it would be far easier and far quicker just to list who does not support such efforts. That would, of course, be the illegal Internet gambling industry itself and the ''wannabes'' waiting in the wing for some sign that the Federal Government will roll over and sanction Internet gambling. They have launched an all-out effort at obfuscation and mischaracterization in hopes of defeating this bill and perpetuating their obnoxious activities.

Six years ago Internet gambling was nearly nonexistent. Indeed, the Internet itself was just coming into its own. Sadly, just as nature abhors a vacuum, so do criminals, and it was just a matter of time before gambling sites began cropping up offshore, beyond the reach of U.S. regulators and law enforcement.

Seeing their opportunity, they multiplied unchecked, gobbling up victims in the United States who represented the most vulnerable in our society: children, college students, and problem gamblers. Enticed by pop-up ads that promised untold riches, these victims yielded up their credit card numbers and other valuable personal financial information to an unregulated criminal element that could use that information as it chose.

All of the privacy hawks in this Chamber need to listen to this plea. The Committee on Financial Services has heard testimony from the U.S. Department of Justice and the FBI that Internet gambling serves as a haven for money launderers, and unregulated offshore gambling sites can be exploited by terrorists to launder money. FBI Director Mueller, in testimony before our committee, cited Internet gambling as a substantial problem for law enforcement. That view has been reinforced by the Financial Action Task Force, an international body that seeks to combat money laundering, which stated in a 2001 report that some member countries had evidence that criminals were using Internet gambling to launder their illicit funds.

For the record, let us make clear what the bill does and what it does not do. It does require the Federal functional regulators to establish regulations to limit the acceptance of U.S. financial instruments, such as credit cards, for use in unlawful Internet gambling transactions. By so doing, it cuts off the financial lifeblood of the illegal Internet gambling industry.

It does not, and I point out, it does not expand gambling in any way, shape, or form. Why would we want to do that? Those who claim otherwise are either not telling the truth, or they simply do not get it.

The bill's provisions kick in only, and only, where a regulator determines that an illegal activity has taken place and relies on Federal and State law current at that time to guide in that determination.

Let me be crystal clear: H.R. 2143 protects the right of States to regulate gambling within their borders. It neither expands nor limits gambling beyond what is allowed under existing Federal, State and Tribal law.

Mr. Chairman, H.R. 2143 represents legislation at its best. It is a directed approach to a serious problem. It will give regulators an important new tool to fight unlawful Internet gambling, and will protect families throughout America. It deserves the support and vote of every Member of this House.

Mr. Chairman, in closing, I want to point out that this legislation is intended to address funding of illegal Internet gambling, not to regulate general purpose communications networks that may be used in isolated instances to transmit funds. The terms ''networks'' and ''participants in networks'', used in section 3(c) and in the definition of a ''Designated Payment System'' in section (4)(3), are intended to refer to payment networks, such as funds transfer networks, not to general purpose telecommunications or Internet networks. Thus, this bill would not regulate the provision of Internet connectivity or frame relay service to an electronic funds transfer network, but would regulate the operation of the funds transfer network itself.

Ms. HOOLEY of Oregon. Mr. Chairman, I yield 3 minutes to my good friend, the gentleman from Alabama (Mr. DAVIS), a member of the committee.

Mr. DAVIS of Alabama. Mr. Chairman, let me first of all compliment my good friend, the gentleman from the other half of Birmingham, Alabama (Mr. BACHUS), for his leadership on this issue.

I take up where the gentleman from Ohio (Mr. OXLEY) left off. This is a very well-conceived piece of legislation. I speak from the perspective of someone who spent 5 years as a Federal prosecutor.

When I started out as a Federal prosecutor, we did not hear a whole lot of about gambling, frankly, from a lot of the people who crossed my desk. By the time I left, gambling had become the means of choice for disguising large sums of money being moved back and forth by drug dealers.

It goes without saying that in this age of Internet access, a lot of children are finding their way to a lot of things that parents do not know that they are finding, and one of them is Internet gambling.

This is a positive bill. I will note that some people have raised concerns about how financial institutions would go about enforcing it, how they would go about policing and enforcing the various mechanisms contained within it. And I will note for those who raised those concerns that this legislation only requires financial institutions to develop adequate policies and procedures for identifying and blocking gambling payments.

Most of the credit card industry and most of the financial services industry have said they can easily take on this burden. It is a burden that they regularly assume in policing all kinds of transactions.

I do want to address one line of amendments that I do expect will come before the House today, and it deals with the amendment offered by my colleague from Wisconsin that refers to one very specific section of the bill. Right now this bill would exclude from its coverage ''any lawful transaction with a business licensed or authorized from a State.''

That is an important provision, for a very simple reason. As many of my colleagues well know, a number of States in this country permit various forms of pari-mutuel betting. We may not like that, we may not engage in it, but there is not one of us in this institution who questions that it is the right of a State to determine what is gambling and what is not gambling. It is the right of the State of Alabama to decide and the right of our legislature to decide if we are going to recognize pari-mutuel betting or not.

If this amendment, which I believe is well-guided, were to be enacted, it would fundamentally change the purpose of this bill, because what it would do, very simply, is it would prevent a State from accepting pari-mutuel betting or any other forms of gambling that have been recognized, frankly, and declared as permissible by State law.

We talk a lot about States rights in this institution, and both parties now have picked up that mantra. It is in the interests of States rights if we decide that States can decide what is legal and what is not illegal. So I would urge my colleagues to reject the stream of amendments that would take away the States' ability to decide what is valid inside their own house.

So I close, Mr. Chairman, by saying this is well constructed, bipartisan legislation of the kind, frankly, that our committee regularly and routinely produces.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank the gentleman from Alabama for yielding me time.

Mr. Chairman, I am reluctant to oppose my chairman of the full committee, but I am doing it today. What

I am saying today is consistent with what I have said previously about this bill. We reported the bill out of the Committee on the Judiciary Subcommittee on Crime, Terrorism and Homeland Security without the Cannon amendment. The Cannon amendment was added in full committee and comes back to us today when the gentleman from Wisconsin (Chairman SENSENBRENNER) submits his amendment subsequently.

The amendment, in my opinion, Mr. Chairman, will strike the provision of the bill that states that the term ''bets or wagers'' does not include any lawful transaction with a business licensed or authorized by a State. This provision is duplicative of the actual definition of ''unlawful Internet gambling,'' which is defined as a bet or wager that is unlawful under any applicable Federal or State law.

□ 1645

I am told, Mr. Chairman, and I think the gentleman from Louisiana has corroborated this, that some groups feel that this is a carve-out from the prohibition set forth in the bill. I believe that those groups who so declare are misinterpreting current law and, with or without this provision, we still have to contend with the prohibitions of the Wire Act.

Finally, Mr. Chairman, I believe that the Sensenbrenner amendment will pretty well remove the muscle from the arm of States' rights. I believe that the language that the Sensenbrenner amendment seeks to strike simply preserves the ability of States to regulate gambling, and that is where I think the regulatory issue should arise.

Ms. HOOLEY of Oregon. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), our ranking member.

Mr. FRANK of Massachusetts. Mr. Chairman, where are the libertarians when we need them? What we have before us is the Inconsistency Act of 2003. Rarely has a bill come forward which is in conflict with as many principles as Members of this House have professed. In the first place, we have the question as to whether or not we should substitute the government's opinion for individuals' choices.

Now, there are ills in this world against which people should be protected. There are economic injustices, there are environmental problems, there are criminal elements who would prey on people. I spend all of my energy trying to protect people against things done by others, whether forces of nature or individuals, that would harm them. I envy my colleagues who have more energy than I. I do not have enough left to protect people against themselves. This is an example of our deciding that we cannot trust adults to decide what to do with their own money.

Now, if we were talking about someone who was being forced to gamble at gunpoint, I am with you. If there are people who are being coerced into putting down a bet, let us protect them. But if an individual has gone out and earned his or her money and decides he or she wants to gamble, why in the world is it anybody in this building's business?

So we, first of all, have this inconsistency with the principle of let us keep big government off our backs. I do not myself gamble. I do not like to see my money go when I do not have any control over it, and so I do not gamble. And other people who are opposed to gambling, I do not always hold myself out as an example, but I will in this case. Be like me: do not gamble. But if other people want to put a bet down, mind your own business.

Now, there are people for whom this is enjoyable. I do not understand why we should cast aspersions on them. And it is true, some people will abuse it. There are a minority of people who will abuse this. But the notion that we prevent adults from making their own choices with their own money, to do things which have no harmful effect on anyone else, because a minority of people will abuse them is, of course, a very dangerous principle. There are people who drink too much. There are people who go to too many movies. There are people who do a lot of things in excess that most of us do in moderation. Ban the excess, if you want to; deal with the consequences of the excess. This is a violation, though, what we are doing now, of the fundamental principle: leave people alone.

There is another principle that I have heard: the sanctity of the Internet. We are told that we should not interfere with the Internet. Indeed, this House has refused to cooperate with State governments; now, many of them are in terrible fiscal crises, cutting back on health care, laying off public safety officials, but we will not cooperate with them in collecting sales taxes from people who buy things over the Internet in competition with local communities, and they lose tax revenue. But we say, oh, no, we cannot touch the Internet, unless it is being used for something people here do not like. That is basically what is involved here.

We have, and there is an interesting conjunction here of liberals and conservatives. Conservatives do not like it, some of them because I read from some of the very conservative groups that it is immoral to gamble. I am often baffled by their morality, and I do not understand why it is immoral to gamble. I am struck by so many of my liberal friends who do not want people to gamble. Indeed, gambling is, to many liberals, what sex-oriented literature is to conservatives. They do not like it, so they do not want anyone else to do it. There are people who do not like gambling; then do not gamble. But why use the law to prevent other people from doing it?

Now, I know they say, well, but this is not just making it illegal; this is doing this, that, and the other. But let us cut right down to it. This is being put forward by people who do not like gambling and want to make it harder to gamble, and their principle of keeping government out of private choices, forget about it; their principle of being able to use the Internet without interference, forget about that; and their respect for financial institutions, forget about that.

Now, they say children will abuse it. I understand that. That is a serious effort. I am prepared to cooperate in efforts to try to protect children, although we should know that the major protection of children ought to be their own parents. This is protecting children, forgetting about any parental role; but that is another principle that is a problem. You cannot, in my judgment, sensibly, in a society like ours, make it illegal for adults to do things because there is a possibility that some young people will do them when they should not. Let us work on ways to prevent children from doing this sort of thing.

Gambling is a perfectly legitimate human activity. There are people who enjoy it. There are people who find that it engages them. I do not think they ought to be anesthetized on the floor of the House, but being anesthetized, I guess a lot of people do not pay a lot of attention to what we say. No real harm there. But when you take the law of the United States and you now put further criminal penalties here and further restrict people, I think we are making a very grave error.

So I hope Members who have talked about States' rights, who have talked about individual liberty being protected from an overreaching government, who have talked about not stifling the Internet and its creativity, will think about one of those things when you come to vote on this bill and vote it down.

I thank the gentlewoman for managing this time and yielding this time to me. I am the senior minority member, but since the majority of members of my committee, in a temporary lapse from their usual good judgment, supported this bill; I did not think it was appropriate for me to be the manager.

But I do hope that individual freedom, a distrust of overreaching government, a respect for the rights of State and local jurisdictions, and a respect for the Internet will count for something when we vote.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume to respond to the gentleman from Massachusetts. I would say to the gentleman that this bill is not about opposing legal gambling. This bill is about opposing mob activity, criminal activity. The FBI says that organized crime is behind these Internet sites. This is about the unsupervised, illegal, untaxed Internet gambling. Illegal, offshore.

We talk about adults. These sites specifically target preteenaged children; and as the University of Connecticut has shown us, it is becoming a problem for many of our teenagers. They are becoming addicted to it, and they then turn to crime. This is about protecting Americans from crime that arises from these sites, specifically from these sites.

In the gentleman's own State, Dr. Schaffer, Harvard Medical School, likened illegal Internet gambling to crack cocaine, and he said, ''It is changing the gambling scene as crack cocaine changed the drug scene.'' We have all seen the scourge of crack cocaine. We have seen how it has ruined our country, ruined our youth. We have seen Adrian McPherson, a young man with a lot of promise, a star quarterback, a Mr. Basketball in the State of Florida, Mr. Football, we have seen him on trial, accused of Internet gambling.

Mr. Chairman, this is simply about enforcing the laws of this country and protecting our youth. We take the animals of the field, the one thing they do is they protect their youth. If dogs, cats, rabbits, any animal, if they protect their youth, at least we can rise to that level and above that level and protect the youth of our country.

Finally, as the NCAA said when they urged us to adopt this legislation for 5 straight years, ''Illegal Internet gambling is destroying the integrity of college sports and we have scandals in the making.'' Let us put an end to it; let us put an end to it now. Let us vote for this bill. Let us vote for the Kelly amendment. Let us vote against the Cannon amendment, which is a poison pill, as we all recognize, any of us who have studied the issue at all.

Mr. Chairman, I yield 3½ minutes to the gentlewoman from New York (Mrs. KELLY), who has conducted extensive hearings on this matter.

Mrs. KELLY. Mr. Chairman, I would like to enter into a colloquy with the gentleman from Alabama.

Mr. Chairman, I would like to clarify the intention of this legislation. Section 4, subsection 2(E)(ix), exempts transactions with a business licensed or authorized by a State from the definition of ''bets or wagers'' under the bill.

Some parties have raised concerns that this could be read broadly to allow the transmission of casino or lottery games in interstate commerce, for example, over the Internet, simply because one State authorizes its businesses to do so. I want to make clear that this exemption will not expand the reach of gambling in any way. It is intended to recognize current law that allows States jurisdiction over wholly intrastate activity, where bets or wagers, or information assisting bets or wagers, do not cross State lines or enter into interstate commerce.

The exemption would leave intact the current interstate gambling prohibition such as the Wire Act, Federal prohibitions on lotteries, and the Gambling Ship Act, so that casino and lottery games could not be placed on the Internet. Is that correct?

Mr. BACHUS. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from Alabama.

Mr. BACHUS. The gentlewoman's assessment of the intent is accurate. I thank the gentlewoman for clarifying that point.

Mrs. KELLY. Mr. Chairman, reclaiming my time, I thank the gentleman for that clarification.

I strongly support this legislation and urge my colleagues to join us in standing against illegal Internet gambling. These Web sites are extremely destructive, and it is time we put them out of business.

We all know that illegal money transfer has funded terrorism in this Nation. We need to dry up terrorism's money. Anyone who cares about their personal safety and the safety of the people in this Nation needs to vote for this bill.

This legislation will bar Internet gambling access to the U.S. financial services network by preventing the use of credit cards, wire transfers, or any other bank instrument to fund gaming associations.

Representatives of the offshore casino industry have tried to make the case that Internet gambling is a harmless activity that can easily be brought under control by Federal regulation; but, unfortunately, that is not true on many fronts. It is technologically impossible to create safeguards that will regulate Internet gambling. That means anyone with access to a credit card, including children, can access these sites. Anyone who is a terrorist with a credit card can transfer money this way.

As the FBI closes down on other money-laundering schemes, more illicit funds are expected to move through Internet gambling sites. To stop terrorism, we must dry up their access to funding.

□ 1700

This legislation will help that. The bottom line is, Internet gambling is illegal, and according to the Department of Justice and the FBI there is no effective way to regulate it. The only way to stop it is to cut off the financial flow to the illegal Internet casino industry, which is precisely what this legislation before us does.

Finally, there has been a lot of misinformation spread about this legislation in the past few weeks. Let me be very clear, this legislation does not change current law by defining what is legal or illegal; it simply ensures that we have a mechanism to enforce illegal activity under the Federal law.

Reasonable people can disagree on offering a separate amendment to the committee which makes it absolutely crystal clear that we are not changing anybody's law regarding Internet gambling. I believe that the base text speaks for itself. But if it needs to be clarified, my amendment makes it absolutely clear: The legislation does not change any law currently in place, Federal, State, or tribal, governing gambling in the United States.

I urge my colleagues to support the legislation that will give law enforcement an important new tool to fight crime and protect our families in the United States.

Ms. HOOLEY of Oregon. Mr. Chairman I yield 2½ minutes to my good friend, the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I feel somewhat like a skunk at the church picnic, but I rise today to urge my colleagues to vote against this senseless and useless piece of legislation.

I know something about gaming and gaming law. I was a gaming attorney for many years before I came to the United States Congress, and I represent Las Vegas. This bill, in spite of what its sponsors say, will not stop illegal Internet gaming, and, if passed, it will have serious unintended consequences.

This legislation, let me reiterate, will not stop Internet gaming. It exists today. There are over 1,600 gaming Web sites offshore already. Americans are playing online now. But instead of playing on well-regulated sites, they are placing wages on the existing 1,600 offshore unregulated sites which have no requirement to verify the identity, the age, the background, or the location of the person placing the wager.

In most cases, there is no regulation of offshore sites. A child can place a wager on these offshore sites, a compulsive gambler can place a wager on these sites, and there is no guarantee that players will receive their winnings from these offshore sites.

My good friend, the gentleman from Alabama (Mr. BACHUS), speaks of mob influence and speaks of protecting children from gambling. There is not one thing in this legislation that will remedy any of the problems that he speaks of.

Let us not be foolish enough to believe that this bill will stop people from gambling online. Despite efforts by every credit card company in the United States to prohibit the use of their financial instruments for Internet gaming, the General Accounting Office predicts that the offshore Internet gaming industry will continue to grow to a $4.2 billion industry in 2003 with a growth rate of 20 percent per year. Passing this bill will do nothing to impede that growth. Online gaming is here to stay.

If these unregulated and unscrupulous offshore sites continue to flourish, the integrity of the legal gaming industry is also at risk. Instead of prohibiting online gaming, we should be closely examining online wagering to see if it can and should be regulated and taxed as a legal business. No one knows the answer to this, but it might turn out that it may be the only effective way to stop illegal online wagering

and the problems it creates. H.R. 2143 would cut off this option, and we should not pass it.

For those people that are so worried about funding of terrorists, let us have our so-called Saudi allies and our moderate Arab allies, let them stop the money they are flowing into the terrorists, and not kid ourselves to think that stopping online Internet gaming is going to do the trick for us.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, major league baseball, the National Football League, and the NCAA all endorse this legislation. We could have no better representative than the gentleman from Nebraska (Mr. OSBORNE), who many of us still think of as Coach OSBORNE of the Nebraska Cornhuskers.

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

Mr. OSBORNE. Mr. Chairman, I thank the gentleman from Alabama and the gentleman from Iowa (Mr. LEACH) for this legislation. I support H.R. 2143.

As the chairman mentioned, I spent most of my life working on a college campus. I can attest to the fact that Internet gambling is really hitting our college campuses very hard, because all you have to do is have a computer and a credit card and you are in business. Almost all students have this, so we see an explosion of gambling on the college campuses. Many student athletes are becoming heavily involved. I think someone mentioned earlier a quarterback from Florida State.

The reason that the NCAA, the NBA, major league baseball, all of these organizations are against it, is that once a student athlete becomes heavily indebted, there are really only a couple avenues he can take to get out of the problem. One is to cooperate with gamblers. Another is to shave points. So it tremendously compromises the athletic scene.

According to a 1997 study by Harvard Medical School, students show the highest percentage of pathological gambling. To say that students are not involved is simply inaccurate. For some, as has been mentioned earlier, gambling releases endorphins, much like crack cocaine, so this is a highly addictive activity.

Our society is becoming increasingly dependent on gambling. Individuals try to get out of poverty by winning the lottery or hitting the jackpot. States try to cure economic woes through lotteries and casinos.

Internet gambling does not fix the problem; it makes it worse. Internet gambling provides no useful goods or services. It usually is linked to organized crime. It often results in divorce, suicide, theft, and poverty. It siphons money that would otherwise be spent to buy food, clothing, appliances, housing, and thus hurts the economy. Above all, it hurts our families and it hurts our children.

Please support H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act.

Ms. HOOLEY of Oregon. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would respond to the comments of the gentlewoman from Nevada (Ms. BERKLEY). I think she gave a really good argument why we should pass this bill. It may not do everything that we want it to do, but right now offshore gambling is illegal.

What we are trying to do in this bill is very simple. It is to shut off the financial spigot. Will it stop it totally? Probably not. Will it make a dent? I certainly hope so. But unless we can shut off that financial spigot, nothing will happen, and it will just continue to grow and take that money out of our economy.

Mr. Chairman, I yield 2 minutes to my good friend, the gentlewoman from Texas, (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman for yielding time to me. I thank her for her leadership and for her work.

Mr. Chairman, we know that unregulated Internet gambling does hurt. I also believe we as Members of Congress want to do the right thing. I would encourage that we look at the idea of the expanded study of this question to make the right decisions.

I would also like to offer a comment on what I believe will be a very helpful amendment that I will have the opportunity to expand on as we go into the amendments on this legislation.

It is important to note that 8 percent of children under the age of 18 in America have a serious gambling problem, as opposed to a 3 percent number of adults. That is, of course, a distinctive difference between those children under the age of 18.

I would hope that my colleagues would look upon an amendment that hopefully answers that question and provides some of the comparable legislation that was allowed in the Children's Protection Act that dealt with protecting children from accessing pornography on the Internet by utilizing a credit card.

My amendment will allow the use of a credit card in the instance of legal Internet gambling so that it will prevent or prohibit or stop or inhibit 18-year-olds, or those under 18, from using the credit card to access Internet gambling.

What it will do is the fact that a credit card, one, requires one to be at least 18 to secure one. Then, of course, it has a purchasing coding system to alert parents of unauthorized charges. Then it records the information on the charge. These are all ways of providing that extra door, that extra fire door to prevent those youngsters from accessing Internet gambling.

I hope my colleagues will listen to the debate. I expect to listen to the debate so we in Congress can do the right thing, so we can do it together, and do it on behalf of the American people.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to rise to register my very, very strong support for this bill, and my opposition to the Cannon amendment; not that I oppose the intent of the Cannon amendment, but simply because that is likely to be a poison pill for this bill and result in its immature death. Let me ask a few questions.

Does gambling cause any social good in this country? The answer is absolutely not. It creates a great many social problems but provides no social good.

Does it help when we assess taxes on it? Does that not provide some good? It may salve our conscience a bit, but it certainly does not overcome the problems that arise from gambling.

Is gambling addictive? Yes, without doubt. I can recount an example that was just told me a few weeks ago by one of my constituents, where a gentleman who had been reasonably well off had to go into bankruptcy because his wife had become addicted to gambling. She had very carefully hidden it from him. She had taken out credit cards which he did not know about. The accumulation of debt from her gambling addiction drove them into bankruptcy.

Does gambling attract crime? Yes. Terrorism? Yes. Why? Wherever there are large amounts of cash available with minimal accounting standards, as we have with Internet gambling, we are going to attract crime. We are going to attract terrorism.

What is the worst form of gambling? Internet gambling. It is easy, it is convenient, it is anonymous, and we can do it from our own homes or from a public library or any of a number of other places. It is very tempting for any addicted gambler to use Internet gambling, and use it surreptitiously when necessary, to cover the fact that he or she is addicted.

I very strongly support this bill. I hope the Congress will approve it, that the Senate will approve it, that the President will sign it, and it will become law.

Ms. HOOLEY of Oregon. Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Iowa (Mr. LEACH) have been fighting this issue and offering legislation for some time. This legislation actually appropriately would bear their names. I commend the gentleman from Virginia. I think no one has done more than he and the gentleman from Iowa (Mr. LEACH) on this issue.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I want to thank the gentleman from Alabama (Mr. BACHUS) for his leadership

on this issue. He has been fighting this for a long time, and I appreciate his efforts to bring forth this legislation.

I am pleased to support it, the Unlawful Internet Gambling Funding Prohibition Act, because it is an important first step in the fight against Internet gambling. It hits illegal gambling institutions where it hurts the most: their pockets. By shutting off the financial lifeblood of this illegal industry, this bill will help to starve out unlawful Internet gambling sites and in the process close off opportunities for money launderers, terrorists, and organized crime.

Gambling on the Internet has become an extremely lucrative business. The Internet gambling industry revenues grew from $445 million in 1997 to an estimated $4.2 billion this year. Furthermore, industry analysts estimate that Internet gambling could soon easily become a $10 billion a year industry.

The problems with Internet gambling are many. The instant access to online gambling is particularly disturbing. This illegal activity is available to adults and children alike with the simple click of a mouse.

In addition, the social problems associated with traditional forms of gambling have increased with the proliferation of Internet gambling. Online gambling results in more addictions, more bankruptcies, more divorces, more crime, the cost of which must ultimately be borne by society.

I do believe that more needs to be done in the fight against Internet gambling, including creating stiffer criminal penalties for violators and updating the Federal Wire Act to make it clear that it covers new technologies such as the Internet.

□ 1715

However, H.R. 2143 is an important first step in this fight and I am pleased to support this bill.

I urge my colleagues to join me in this effort. I want to thank the gentleman from Iowa (Mr. LEACH), the gentleman from Ohio (Mr. OXLEY) and others, the gentleman from Virginia (Mr. WOLF), who have helped to lead this effort. This is a great opportunity for us today and I thank the gentleman from Alabama (Mr. BACHUS) for it.

The CHAIRMAN. For the record, the Chair announces that the gentlewoman from Oregon (Ms. HOOLEY) has yielded to the gentleman from Alabama (Mr. BACHUS) 8 minutes, reserving 4 minutes for herself.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH). Many fine things have been said about the gentleman, that he and the gentleman from Virginia (Mr. GOODLATTE) have been fighting this issue, this problem, and have really brought it to our attention, along with the gentleman from Virginia (Mr. WOLF), and I commend him.

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this bill is a great credit to the gentleman from Alabama's (Mr. BACHUS's) leadership. Also, as indicated, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. WOLF) have worked on this for years, and I am very grateful for their support.

Mr. Chairman, the bill as it comes before the floor today is, frankly, not as comprehensive as I would have liked. It would have been better if the Committee on the Judiciary had updated the Wire Act. It would have been better if we had been more precise in allowing certain law enforcement ties to the financial system. Nevertheless, this is a very credible first step to slowing the growth of Internet gambling.

The issue has been raised on the floor, and I think it is worthy of serious review, the question of is this an individual issue, a libertarian issue or is it a social issue?

I believe very firmly that it is far more than a libertarian issue. We ignore gambling at our peril. It is simply not good for the American economy to send billions of dollars overseas. It is not good for American national security to allow Internet gambling to provide the ideal basis for money laundering, for narco-traffickers and for terrorists. But most of all it is not good for the American family.

Anyone that gets hooked on Internet gambling or any form of gambling, but particularly Internet which is gambling alone, will lose virtually all of their assets. Anyone that gets hooked will, in all likelihood, lose their family. Divorce is a serious element of the gambling problem. In very many cases the extraordinary circumstance of suicide is contemplated by gamblers that get this as a virtual disease.

It is a libertarian myth that only the individual, only the gambler is affected. Its effects spill over to the financial systems. When there are losses, everybody else has to pay higher interest rates. They spill over to the social welfare system where people have to pick up the costs of broken lives. It spills over to the economy where suffering has to be picked up elsewhere; and they spill over into national security concerns.

Internet gambling serves no social purpose whatsoever. It is a danger to the American family. It is a danger to the American society. It is a danger to the security of the United States. It should be ended, and this is a credible beginning.

Mr. BACHUS. Mr. Chairman, I yield back 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, how many more speakers does the gentleman have?

Mr. BACHUS. Mr. Chairman, we have 2 more.

Ms. HOOLEY of Oregon. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, it has become very apparent to me after listening to this debate that the supporters of this bill not only oppose the Internet gaming, they are opposed to any form of gaming whatsoever. They speak of gaming and they speak of addiction and crime and drugs and suicide.

Well, I grew up in Las Vegas. Las Vegas has 1.5 million residents; 37 million visitors come to our community every year to enjoy our entertainment, and our wholesome family entertainment, I might add.

I grew up in Las Vegas. I represent the good people of Las Vegas who depend on the gaming industry for their livelihood. My father was a waiter when I was growing up. He worked in one of these casinos that you disparage so handily.

Let me state what Las Vegas means to me. On a waiter's salary my father was able to put a roof over our heads, food on the table, clothes on our backs, and two daughters through college and law school. That is not so bad on a waiter's salary. And the reason he was able to do it was because of the strong economy that the gaming industry created.

Las Vegas to me is churches and synagogues and families and Saturday soccer and proms at this time of year and graduations and hopes and dreams and aspirations to millions of people that come to Las Vegas and the 1.5 million people that live there.

And, quite candidly, the people in this Chamber ought to be ashamed of disparaging a community like Las Vegas that I daresay lays shame to all of your own. So please be careful when you speak of my community and the major industry that takes care of the people that live there and provides good educations, good economy, good living conditions, and a quality of life that is the envy of the rest of the United States of America.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I want to thank the gentleman from Iowa (Mr. LEACH) and the gentleman from Virginia (Mr. GOODLATTE) for their efforts here.

I want to disagree with the gentlewoman from Nevada (Ms. BERKLEY) for a moment. I used to be an FBI agent. And the old saying ''It takes money to make money'' is as true for organized crime as it is for any other business in America. This is not about Las Vegas. This is about offshore entities; Russian organized crime establishing offshore sites to develop low-cost/high-revenue venues where they can do two things: A, make a tremendous return on their investment; and B, launder money. And they are not laundering money that they have earned by betting or working in legitimate businesses. They are laundering money that they obtained illegally from drug sales, from prostitution rings, from pornography rings, from street gang street tax, from street

taxing businesses who are trying to operate in New York and Miami and Los Angeles.

These are exactly the kinds of activities that this bill will at least attempt to put a tool in the toolbox to stop. The FBI already has several cases today involving organized crime using Internet gambling to launder money. They use this money and turn it around to do pretty awful things, not only in America but now internationally. And they have become very, very sophisticated at how they get there.

It would be sticking our heads in the sand if we do not stand up and say we will not tolerate organized crime using the Internet to negatively influence our communities and our business community all across America.

This is dangerous, dangerous stuff. And to compare this to soccer games in Las Vegas is both naive and shortsighted. I would encourage the gentlewoman to understand where we seek to go and the very types of people we seek to stop with this bill.

I would also take this opportunity to urge this body to reject the Sensenbrenner and Cannon amendment. We are very, very close here today to taking one step closer to knocking organized crime off their feet. That is a poison pill that may slow that endeavor.

Ms. HOOLEY of Oregon. Mr. Chairman, I reserve the balance of my time for closing.

Mr. BACHUS. Mr. Chairman, I have the right to close. I do intend to close.

Ms. HOOLEY of Oregon. Mr. Chairman, is the gentleman through with his speakers?

Mr. BACHUS. Mr. Chairman, we have no other speakers, but I do wish to close.

Ms. HOOLEY of Oregon. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to remind people this is not about legal gambling. This is about illegal gambling. This is about offshore casinos. This is about illegal Internet gambling.

Again, I appreciate the opportunity to speak in favor of this Unlawful Internet Gambling Funding Prohibition Act. And I also want to thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) for all of the hard work, and it has taken more than 1 year that they have worked on this.

Mr. Chairman, I do not intend to turn this debate into an oversimplification, but I want to remind this entire Chamber that this bill does not in any way prohibit Internet gambling. The bill does not make Internet gambling illegal. This bill quite simply takes Internet gambling that is already illegal, such as offshore gambling, and prohibits financial institutions from funding those transactions. The best way to put it is that this bill will actually enforce existing law, which is something I believe that we all agree on is in this country's best interest.

Finally, I would like to share a couple of quick facts that sum up my support for this legislation. First, a study released by the American Psychiatric Association concluded that about 20 percent of children-oriented online game sites featured Internet gambling advertisements, 20 percent. Does that make any sense? Offshore illegal Internet gambling sites are advertising to our children and we are not shutting down these offshore illegal Internet gambling sites? That does not make sense to me.

Second, the FBI and the Department of Justice have linked, without question, offshore Internet gambling to organized crime, money laundering and identity theft. Offshore illegal Internet gambling has been linked to organized crime and terrorism and we are not going to shut it down? That does not make sense to me.

It is time to enact legislation that empowers our law enforcement officers to become tough on the existing laws and to put illegal Internet gambling sites out of business once and for all.

Please support H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act.

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

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this Congress has tried mightily, Members of this Congress, to pass legislation to protect our children from this organized criminal activity. And it is a criminal activity. To equate this with the lawful supervised gambling in Las Vegas is simply to miss the point.

The fact is the gentlewoman from Oregon (Ms. HOOLEY) said, We do nothing in this bill to make unlawful what is lawful or make lawful what is unlawful.

What we do say is that where there is this criminal activity which is causing such heartbreak and such sorrow and such destruction and really a crime wave in this country, that it is time to put an end to it.

Now, the gentleman from Virginia (Mr. GOODLATTE) has for years strived to bring the conscience of this Congress to this issue. The gentleman from Iowa (Mr. LEACH) for years has brought this issue to our attention. They want stronger measures. I would like stronger measures, I will admit that, but we have to be practical.

We have to get what we can get. And what was the Cannon amendment killed this legislation in the past, and it will be brought up and they will attempt to kill this legislation. I hope that is not the case. I hope that we do not vote for the Cannon, now Sensenbrenner amendment, and again postpone facing this issue.

When it gets to the point that MasterCard, American Express, Visa, and Discover are all urging this Congress to take action to stop the illegal use of their networks, and they have written letters endorsing this legislation that every Member of this Congress has gotten, and they have said it will be an effective tool to stop the use of our credit cards to this illegal activity, when Citibank, when Morgan Stanley, when the largest banks in this country say give us the regulations, give us the framework to stop this, it is about time that we move.

We have talked about major league baseball, the NFL, and I think that the gentleman from Nebraska (Mr. OSBORNE), more skilled than any of us in college sports, he is the longtime football coach of the Nebraska Cornhuskers, when he says this is undermining the integrity of the sport, it is time for us to take action.

It is time for us to quit this turf fighting where someone tries to expand gambling and someone else tries to limit gambling, and to come forward with a bill to address this, what the FBI calls ''mob-drive, crime-controlled activity.''

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When we started this debate, some 4 or 5 years ago, we had less than a half a dozen sites, less than $300,000 being used. Today, the number of addicted gamblers in this country has grown by 5 million, a great number of them starting in their preteen or early teenage years.

It is time this Congress acted. It is time this Congress rejected the Sensenbrenner amendment in a few minutes and voted for this legislation. If it does not, we are going to be dealing with a $20 billion industry or $30 billion industry, and it is bad enough today when we do not know who these people are. They are unregulated. We do not even know where the money that is earned, how much of that money is finding its way back to Washington; but it is a pretty strong indication when we have one so-called faith group that battled for this legislation until a few weeks ago and suddenly turned around 180 degrees and suddenly opposed this legislation; and we find from a California paper that a few years ago they, in fact, took gambling money to fight on behalf of the gambling industry.

The National Council of Churches has written us today, the National Governors Association. The Fraternal Order of Police has urged us to take action to accept no amendments other than the Kelly amendment. The Federal Law Enforcement Officers Association has written us. They have urged us to take action.

Mr. Chairman, the house is on fire and it is time for this body to wake up and to take action and to protect the youth of this country and the compulsive gamblers.

I close with one fact, and that is from the University of Connecticut Health Center, an extensive survey that said 74 percent of those who have used the Internet to gamble have serious problems with addiction, and many of those have resorted to criminal activities to pay for the habit. On the other hand, those that engage in legal gambling, they find only a third as many have become permanently addicted.

We have a wave in this country which Dr. Schaffer at Harvard Medical School compares to a cocaine epidemic in gambling, a crack cocaine epidemic; and in a few minutes, each one of us will decide to end this addiction and this heartbreak and this threat to not only our sports programs in this country but to our fabric as a Nation, or we will decide to vote for the Cannon amendment and, again, kill this legislation and put it off.

I urge all the Members to take a strong stand against the killer amendments that will be offered, a strong stand for this legislation. Join with the credit card companies, the financial institutions, the many church groups in this country, law enforcement officers, National Governors Association, Attorneys General Association. If there is ever a clear vote in this House, this should be the vote. If there was ever a unanimous vote in this House, this should be the vote.

Mr. BLUMENAUER. Mr. Chairman, I am troubled by and opposed to the increasing reliance of government on gambling. We are seeing more evidence of its destructive power, even as the current financial crisis is driving more States to expand their gaming operations.

Gaming has been one of the tools that has enabled Native Americans to regain some economic footing after centuries of neglect, abuse, and broken promises. While this is not my favorite tool for their economic development, I do not favor treating tribal interests differently than we do for other private and State-sponsored gaming. The State exemptions in this bill violate that fundamental principal by regulating tribal gaming differently from State gaming, which is unfair and ultimately an unwise precedent.

I am opposed to illegal offshore betting and I would be happy to regulate internet gambling. I stand ready, if we can ever breach the wide array of vested interests to support legislation that does restrict gaming without singling out Native Americans for unequal treatment. This bill falls short of that mark, and I will not support it.

Mr. PAUL. Mr. Chairman, H.R. 2143 limits the ability of individual citizens to use bank instruments, including credit cards or checks, to finance Internet gambling. This legislation should be rejected by Congress since the Federal Government has no constitutional authority to ban or even discourage any form of gambling.

In addition to being unconstitutional, H.R. 2143 is likely to prove ineffective at ending Internet gambling. Instead, this bill will ensure that gambling is controlled by organized crime. History, from the failed experiment of prohibition to today's futile ''war on drugs,'' shows that the government cannot eliminate demand for something like Internet gambling simply by passing a law. Instead, H.R. 2143 will force those who wish to gamble over the Internet to patronize suppliers willing to flaunt the ban. In many cases, providers of services banned by the government will be members of criminal organizations. Even if organized crime does not operate Internet gambling enterprises their competitors are likely to be controlled by organized crime. After all, since the owners and patrons of Internet gambling cannot rely on the police and courts to enforce contracts and resolve other disputes, they will be forced to rely on members of organized crime to perform those functions. Thus, the profits of Internet gambling will flow into organized crime. Furthermore, outlawing an activity will raise the price vendors are able to charge consumers, thus increasing the profits flowing to organized crime from Internet gambling. It is bitterly ironic that a bill masquerading as an attack on crime will actually increase organized crime's ability to control and profit from Internet gambling.

In conclusion, Mr. Speaker, H.R. 2143 violates the constitutional limits on Federal power. Furthermore, laws such as H.R. 2143 are ineffective in eliminating the demand for vices such as Internet gambling; instead, they ensure that these enterprises will be controlled by organized crime. Therefore, I urge my colleagues to reject H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act.

Mrs. MALONEY. Mr. Chairman, I rise in support of the Unlawful Internet Gambling Funding Prohibition Act. While I support the bill, I am disappointed that the legislation could not be further refined to satisfy the concerns of the Native American gaming community. I firmly believe that in its final form, any legislation must clarify the absolute legality of Native American gaming.

Last Congress, in response to 9/11, the Financial Services Committee passed significant new legislation curbing money laundering. During the course of hearings on the legislation, law enforcement testified that Internet gambling sites are often used for money laundering purposes by drug dealers and potentially by terrorists. As I've often said, criminals are like other business people in that they go out of business if you limit their money. This legislation will give law enforcement important new tools to cut off money laundering.

I also support the legislation because I fear that the explosion of the Internet and the access that young people have to it in their homes and schools creates an opportunity for them to fall victim to online gaming. The best way to keep young people from getting hooked on gambling is to limit their access to it. There is good reason that U.S. casinos do not permit individuals under 21 years of age from entering the premises.

While I support the bill, I am concerned that the concerns of the Native American gaming community have not been fully satisfied. Gaming has raised standards of living and provided economic development money to the Native American community that was missing for too long. Congress must not do anything to imperil gaming as a source of much needed jobs and commerce to reservations. I look forward to working with the Native American community on this issue going forward.

Mr. CONYERS. Mr. Chairman, you might remember a failed experiment the U.S. government tried in the 1920s called Prohibition. Today, Congress is rushing to pass a similar ill-conceived prohibition of Internet gambling. Gaming prohibitionists believe they can stop the millions of Americans who gamble online by prohibiting the use of credit cards to gamble on the Internet. Just as outlawing alcohol did not work in the 1920s, current attempts to prohibit online gaming will not work, either. Let me explain why.

In addition to the problems I addressed earlier, this bill lacks a number of important protections. It does not require that the businesses getting the special exception be licensed for Internet gambling, any kind of license will do. It does not require that these businesses keep minors from gambling as a condition of the license. It does not even require that these businesses limit the amount that can be gambled to protect problem gamblers.

And what about lotteries? Family values conservatives fight the lotteries in State after State. They say that there is no greater evil than State-sponsored gambling. The Justice Department said in their testimony that this bill would ''absolutely'' allow Internet gambling on lotteries.

This is not just my interpretation of this bill. The Free Congress Foundation, led by conservative activist Paul Weyrich, says this bill expands gambling. The Traditional Values Coalition, led by the Reverend Lou Sheldon, says this bill expands gambling. The United States Justice Department says this bill expands gambling.

And while many powerful gambling interests receive an exemption, less favored interests get the short end of the stick. Native Americans became more tightly regulated than the horse racing industries. It is unfair and unjustifiable public policy.

Instead of imposing an Internet gambling prohibition that will actually expand gambling for some and drive other types of Internet gambling offshore and into the hands of unscrupulous merchants, I believe Congress should examine the feasibility of strictly licensing and regulating the online gaming industry. A regulated gambling industry will ensure that gaming companies play fair and drive out dishonest operators. It also preserves State's rights.

The rules should be simple: if a State does not want to allow gambling in its borders, a licensed operator should exclude that State's residents from being able to gamble on its website.

That is why I introduced H.R. 1223, the ''Internet Gambling Licensing and Regulation Commission Act.'' The bill will create a national Internet Gambling Licensing and Regulation Study Commission to evaluate how best to regulate and control online gambling in America to protect consumers and prevent criminal elements from penetrating this industry. In addition, the Commission will study whether the problems identified by gambling prohibitionists—money laundering, underage gambling, and gambling addictions—are better addressed by an ineffective ban or by an online gaming industry that is tightly regulated by the States.

Until now, Republicans and Democrats have stood together against those who wanted to regulate the Internet, restrict its boundaries, or use it for some special purpose. Except in the narrow areas of child pornography and other obvious criminal activities, Congress has rejected attempts to make Internet Service Providers, credit card companies, and the technology industry policemen for the Internet. We should not head down this road now.

Attempts to prohibit Internet gambling in the name of fighting crime and protecting children and problem gamblers will have the opposite effect. Prohibition will simply drive the gaming industry offshore, thereby attracting the least desirable operators who will be out of the reach of law enforcement. A far better approach is to allow the States to strictly license

and regulate the Internet gambling industry, to foster honest merchants who are subject to U.S. consumer protection and criminal laws.

There are many different concerns with this bill, some of which I just mentioned. These concerns range from doubts about the desirability of having government regulate the personal behavior of competent adults to the fact that the bill, under the guise of banning Internet gambling, actually enables some favored gambling industries on-line. There are concerns about the bill's fundamental unfairness to native American tribal governments, and concerns about the precedent of deputizing financial institutions to regulate the Internet. For all of these concerns, I urge you to vote, ''no'' on H.R. 2143.

Mr. BACHUS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2143 is as follows:

H.R. 2143

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 ''Unlawful Internet Gambling Funding Prohibition Act''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Internet gambling is primarily funded through personal use of bank instruments, including credit cards and wire transfers.

(2) The National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent them.

(3) Internet gambling is a major cause of debt collection problems for insured depository institutions and the consumer credit industry.

(4) Internet gambling conducted through offshore jurisdictions has been identified by United States law enforcement officials as a significant money laundering vulnerability.

SEC. 3. POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL INTERNET GAMBLING.

(a) REGULATIONS.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Federal functional regulators shall prescribe regulations requiring any designated payment system to establish policies and procedures reasonably designed to identify and prevent restricted transactions in any of the following ways:

(1) The establishment of policies and procedures that—

(A) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means; and

(B) block restricted transactions identified as a result of the policies and procedures developed pursuant to subparagraph (A).

(2) The establishment of policies and procedures that prevent the acceptance of the products or services of the payment system in connection with a restricted transaction.

(b) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In prescribing regulations pursuant to subsection (a), the Federal functional regulators shall—

(1) identify types of policies and procedures, including nonexclusive examples, which would be deemed to be ''reasonably designed to identify'' and ''reasonably designed to block'' or to ''prevent the acceptance of the products or services'' with respect to each type of transaction, such as, should credit card transactions be so designated, identifying transactions by a code or codes in the authorization message and denying authorization of a credit card transaction in response to an authorization message;

(2) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and blocking, or otherwise preventing the acceptance of the products or services of the payment system or participant in connection with, restricted transactions; and

(3) consider exempting restricted transactions from any requirement under subsection (a) if the Federal functional regulators find that it is not reasonably practical to identify and block, or otherwise prevent, such transactions.

(c) COMPLIANCE WITH PAYMENT SYSTEM POLICIES AND PROCEDURES.—A creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, or money transmitting service, or a participant in such network, meets the requirement of subsection (a) if—

(1) such person relies on and complies with the policies and procedures of a designated payment system of which it is a member or participant to—

(A) identify and block restricted transactions; or

(B) otherwise prevent the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

(d) ENFORCEMENT.—

(1) IN GENERAL.—This section shall be enforced by the Federal functional regulators and the Federal Trade Commission under applicable law in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act.

(2) FACTORS TO BE CONSIDERED.—In considering any enforcement action under this subsection against any payment system, or any participant in a payment system that is a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, or money transmitting service, or a participant in such network, the Federal functional regulators and the Federal Trade Commission shall consider the following factors:

(A) The extent to which such person is extending credit or transmitting funds knowing the transaction is in connection with unlawful Internet gambling.

(B) The history of such person in extending credit or transmitting funds knowing the transaction is in connection with unlawful Internet gambling.

(C) The extent to which such person has established and is maintaining policies and procedures in compliance with regulations prescribed under this subsection.

(D) The feasibility that any specific remedy prescribed can be implemented by such person without substantial deviation from normal business practice.

(E) The costs and burdens the specific remedy will have on such person.

SEC. 4. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) RESTRICTED TRANSACTION.—The term ''restricted transaction'' means any transaction or transmittal to any person engaged in the business of betting or wagering, in connection with the participation of another person in unlawful Internet gambling, of—

(A) credit, or the proceeds of credit, extended to or on behalf of such other person (including credit extended through the use of a credit card);

(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the other person;

(C) any check, draft, or similar instrument which is drawn by or on behalf of the other person and is drawn on or payable at or through any financial institution; or

(D) the proceeds of any other form of financial transaction as the Federal functional regulators may prescribe by regulation which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the other person.

(2) BETS OR WAGERS.—The term ''bets or wagers''—

(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of greater value than the amount staked or risked in the event of a certain outcome;

(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

(C) includes any scheme of a type described in section 3702 of title 28, United States Code;

(D) includes any instructions or information pertaining to the establishment or movement of funds in an account by the bettor or customer with the business of betting or wagering; and

(E) does not include—

(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) for the purchase or sale of securities (as that term is defined in section 3(a)(10) of such Act);

(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade pursuant to the Commodity Exchange Act;

(iii) any over-the-counter derivative instrument;

(iv) any other transaction that—

(I) is excluded or exempt from regulation under the Commodity Exchange Act; or

(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act or section 28(a) of the Securities Exchange Act of 1934;

(v) any contract of indemnity or guarantee;

(vi) any contract for insurance;

(vii) any deposit or other transaction with a depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act);

(viii) any participation in a simulation sports game or an educational game or contest that—

(I) is not dependent solely on the outcome of any single sporting event or nonparticipant's singular individual performance in any single sporting event;

(II) has an outcome that reflects the relative knowledge and skill of the participants with such outcome determined predominantly by accumulated statistical results of sporting events; and

(III) offers a prize or award to a participant that is established in advance of the game or contest and is not determined by the number of participants or the amount of any fees paid by those participants; and

(ix) any lawful transaction with a business licensed or authorized by a State.

(3) DESIGNATED PAYMENT SYSTEM DEFINED.—The term ''designated payment system'' means any system utilized by any creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, or money transmitting

service, or any participant in such network, that the Federal functional regulators determine, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

(4) FEDERAL FUNCTIONAL REGULATOR.—The term ''Federal functional regulator'' has the same meaning as in section 509(2) of the Gramm-Leach-Bliley Act.

(5) INTERNET.—The term ''Internet'' means the international computer network of interoperable packet switched data networks.

(6) UNLAWFUL INTERNET GAMBLING.—The term ''unlawful Internet gambling'' means to place, receive, or otherwise transmit a bet or wager by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State law in the State in which the bet or wager is initiated, received, or otherwise made.

(7) OTHER TERMS.—

(A) CREDIT; CREDITOR; AND CREDIT CARD.—The terms ''credit'', ''creditor'', and ''credit card'' have the meanings given such terms in section 103 of the Truth in Lending Act.

(B) ELECTRONIC FUND TRANSFER.—The term ''electronic fund transfer''—

(i) has the meaning given such term in section 903 of the Electronic Fund Transfer Act; and

(ii) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

(C) FINANCIAL INSTITUTION.—The term ''financial institution''—

(i) has the meaning given such term in section 903 of the Electronic Fund Transfer Act; and

(ii) includes any financial institution, as defined in section 509(3) of the Gramm-Leach-Bliley Act.

(D) MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.—The terms ''money transmitting business'' and ''money transmitting service'' have the meanings given such terms in section 5330(d) of title 31, United States Code.

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 108–145. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 108–145.

AMENDMENT NO. 1 OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mrs. KELLY:

Page 13, after line 2, [page and line numbers refer to H.R. 2143, as introduced on May 19, 2003] insert the following new section:

SEC. 5. COMMON SENSE RULE OF CONSTRUCTION.

No provision of this Act shall be construed as altering, limiting, extending, changing the status of, or otherwise affecting any law relating to, affecting, or regulating gambling within the United States.

The CHAIRMAN. Pursuant to House Resolution 263, the gentlewoman from New York (Mrs. KELLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I yield myself such time as I may consume.

I strongly support the Unlawful Internet Gambling Funding Prohibition Act, which seeks to cut off the lifeblood of illegal Internet gambling. As we consider this important legislation, I am offering an amendment to clarify the intent of the legislation and to specifically address concerns raised by those who oppose the bill.

Over the last few weeks, there has been a lot of inaccurate and misleading information spread about H.R. 2143. Let us be clear about that, though. This legislation does not change current law by defining what is legal or illegal. It simply ensures that we have a mechanism to enforce illegal activity under the Federal law; but because reasonable minds can disagree, I offer this amendment in an abundance of caution to put concerns to rest that this legislation changes existing law. It does not.

My amendment adds a straightforward section to the bill entitled ''Common Sense Rule of Construction'' to ensure that there are no carve-outs, no loopholes, no new powers created by any section of H.R. 2143. The amendment clearly states in one sentence that this legislation does not change any law, Federal law, State law or tribal law, governing gambling in the United States.

I urge my colleagues to support this amendment and the underlying legislation that will give law enforcement an important new tool to fight crime, stop terrorism, and to protect families across America.

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

Ms. HOOLEY of Oregon. Mr. Chairman, I ask unanimous consent to claim the time otherwise reserved for the opposition.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Ms. HOOLEY of Oregon. Mr. Chairman, I yield myself such time as I may consume.

I am supportive of the gentlewoman from New York's (Mrs. KELLY) amendment. I think it is a great idea that she came up with to make very clear what this bill does and does not do.

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

Mrs. KELLY. Mr. Chairman, I yield myself such time as I may consume.

In closing, this is one of the simplest amendments I have ever offered on the floor of this Chamber. In one sentence this amendment says the legislation does not change any law governing gambling in the United States of America. It makes clear that the legislation simply seeks to cut off the financial flow to the unlawful Internet casino industry. It guarantees there are no carve-outs in the bill, no loopholes, no new powers created by any section.

I cannot understand why anyone would oppose this amendment unless they want to change current law to open up loopholes for themselves.

Mr. Chairman, it is time we put the crooks out of business. We have got to stop the drain of the money-laundering system that terrorists can access. I ask for an emphatic ''yes'' vote on this amendment and an emphatic ''yes'' vote on the final passage of this bill.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 108–145.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. JACKSON-LEE of Texas:

Page 7, strike line 3 [page and line numbers refer to H.R. 2143, as introduced on May 19, 2003] and all that follows through line 6 (and redesignate the subsequent subparagraphs and any cross reference to any such subparagraph accordingly).

The CHAIRMAN. Pursuant to House Resolution 263, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes 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. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I propose this amendment to H.R. 2143 to protect minors from the dangers of Internet gambling. This amendment removes credit card transactions from categories of prohibited financial transactions under the bill. The purpose of removing credit cards from the list of prohibited financial transactions is that credit cards have built-in mechanisms that protect children from the dangers of Internet gambling. I urge my colleagues to vote in favor of my amendment to H.R. 2143.

A study released by the American Psychological Association finds that pathological gambling is more prevalent among youth than adults. Between 5 and 8 percent of the young Americans and Canadians have a serious gambling problem, compared to 1 to 3 percent of adults. Let me repeat that again, Mr. Chairman. Between 5 and 8 percent of young Americans and Canadians, young people, have a serious gambling problem compared to 1 to 3 percent of adults. The study went on to say that with gambling becoming more accessible in U.S. society it will be important to be able to intervene in children

and adolescent lives before the activity can develop into a problem behavior.

Many Internet gambling sites require bare minimum information from gamblers to participate. Security on bets placed over the Internet has proven ineffective; and unlike traditional regulated casinos, Internet operators have no demonstrated ability or requirement to verify a participant's age or identification. Also, an Internet gambling site can easily take a person's money, shut down their site and move on. My amendment will allow the use of credit cards to provide the protections that many Internet gambling sites do not.

As H.R. 2143 is presently drafted, no betting or waging businesses may knowingly accept credit cards, proceeds of credit, electronic fund transfers, moneys transmitted through a money-transmitting business or a check or similar draft in connection with another person's participation in unlawful Internet gambling.

Allowing credit cards to be used in Internet gambling transactions helps to protect minors. Credit cards, unlike the other methods of payment prohibited in H.R. 2143, provide safeguards to help to ensure minors do not engage in Internet gambling. For example, acquiring a credit card requires the individual to verify he or she has reached the age of 18. Credit cards are an effective method of verifying age because minors are not issued their own accounts. Credit card companies may also conduct a background or credit check to confirm the individual is of age. The procedures help to deter minors from using credit cards to gamble.

In fact, in previous legislation passed by Congress to protect children from harmful Internet sites, credit cards were used as a deterrent in the Children's Online Privacy Protection Act, COPPA. Congress specifically allowed the use of credit cards as a method of age verification in order to restrict access by minors to Web sites containing adult material. Does it not seem logical for Congress to follow its own logic? By prohibiting the use of credit cards, H.R. 2143 ties the hands of law enforcement agencies and Federal regulatory agencies like the FTC to ensure sufficient control to identify minors who may attempt to gamble online.

There are also transactional safeguards available from credit card companies that will help prevent Internet gambling by minors. For example, several of the major credit card companies have a coding system that tracks the type of merchandise that is being sold by a merchant. The coding system alerts the credit card company and the credit card owner of purchases and charges that are not typical. For example, if a child steals his parent's credit card and makes several bets on an Internet gambling Web site, the coding system will recognize the new purchases, alert the credit card owner, who in turn can take necessary steps to stop the gambling by the minor.

Just about a year ago, we rewarded credit card companies with respect to a new bankruptcy bill on the issue of credit card debt. Here we can utilize credit card companies to do something effective and good to protect our children.

Mr. Chairman, the age verification and merchandise tracking safeguards provided by credit cards are not sufficient alone to cure the problem of minors engaging in Internet gambling. I know that. However, these safeguards are a step in the right direction, and they will prevent some minors from using the Internet gambling Web sites that remain, even in spite of this bill. If we pass this legislation without this amendment to H.R. 2143, we will eliminate the one proven method of effectively preventing children from accessing Internet gambling Web sites.

For these reasons, I ask that my colleagues enthusiastically join me in amending H.R. 2143 so that credit cards can be used and thereby protect children, America's children, 8 percent of whom are engaged or addicted to gambling from those activities and access to Internet gambling.

Mr. Chairman, I propose this amendment to H.R. 2143 to protect minors from the dangers of Internet gambling. This amendment removes credit card transactions from categories of prohibited financial transactions under the bill. The purpose of removing credit cards from the list of prohibited financial transactions is that credit cards have built in mechanisms that protect children from the dangers of Internet gambling. I urge my colleagues to vote in favor of my amendment to H.R. 2143.

A study released by the American Psychological Association finds that pathological gambling is more prevalent among youths than adults. Between five and eight percent of young Americans and Canadians have a serious gambling problem, compared with one to three percent of adults. The study went on to say that with gambling becoming more accessible in U.S. society, it will be important to be able to intervene in children's and adolescent's lives before the activity can develop into a problem behavior.

Many Internet gambling sites require bare minimum information from gamblers to participate. Security on bets placed over the Internet has proven ineffective. And unlike traditional regulated casinos, Internet operators have no demonstrated ability or requirement to verify a participant's age or identification. Also, an Internet gambling site can easily take a person's money, shut down their sites, and move on. My amendment will allow the use of credit cards to provide the protections that many Internet gambling sites do not.

As H.R. 2143 is presently drafted, no betting or wagering businesses may knowingly accept credit cards, proceeds of credit, electronic fund transfers, monies transmitted through a money-transmitting business, or a check or similar draft, in connection with another person's participation in unlawful Internet gambling.

Allowing credit cards to be used in Internet gambling transactions helps to protect minors. Credit cards, unlike the other methods of payment prohibited in H.R. 2143, provide safeguards that help to insure that minors do not engage in Internet gambling. For example, acquiring a credit card requires the individual to verify he or she has reached the age of 18. Credit cards are an effective method of verifying age because minors are not issued their own accounts. Credit card companies may also conduct a background or credit check to confirm the individual is of age. The procedures help to deter minors from using credit cards to gamble.

In fact, in previous legislation passed by Congress to protect children from harmful Internet sites, credit cards were used as a deterrent. In the Children's Online Privacy Protection Act ("COPPA") Congress specifically allowed the use of credit cards as a method of age verification in order to restrict access by minors to websites containing adult material. By prohibiting the use of credit cards, H.R. 2143 ties the hands of law enforcement agencies and federal regulatory agencies like the FTC to ensure sufficient controls to identify minors who may attempt to gamble online.

There were also transactional safeguards available from credit card companies that will help prevent Internet gambling by minors. For example, several of the major credit card companies have a coding system that tracks the type of merchandise that is being sold by a merchant. The coding system alerts the credit card company and the credit card owner of purchases or charges that are not typical. For example, if a child steals his parents' credit card and makes several bets on an Internet gambling website, the coding system will recognize the new purchases, alert the credit card owner, who in turn can take the necessary steps to stop the gambling by the minor.

Mr. Chairman, the age verification and merchandise tracking safeguards provided by credit cards are not sufficient alone to cure the problem of minors engaging in Internet gambling. However, these safeguards are a step in the right direction and they will prevent some minors from using Internet gambling websites. If we pass this legislation without amendment, H.R. 2143 will eliminate the one proven method of effectively preventing children from accessing Internet gambling websites. For these reasons, I propose that H.R. 2143 be amended so that credit cards can be used by betting and wagering businesses.

The CHAIRMAN. The gentlewoman's time has expired.

□ 1745

Mr. BACHUS. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Alabama (Mr. BACHUS) is recognized for 5 minutes.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Ohio (Mr. OXLEY), and I introduced this legislation, and I think the gentleman from Ohio (Mr. OXLEY) probably said it best when he described the Jackson-Lee amendment as gutting the bill by removing from it the major source of financing for illegal Internet gambling, and that is credit cards.

What this entire legislation is about is about cutting off the money, because these illegal Internet gamblers are not

offering a public service, they are making money. They are, in fact, making a killing. It is all about money, and the way we address it is by cutting off the money. Removing credit cards from the financial instrument covered under the bill is tantamount to saying we are only going to pretend to address the problem of illegal Internet gambling.

No one should seriously contend that children are not now gambling over the Internet using credit cards in too many instances. How difficult is it to borrow, with or without permission, mom or dad's credit card and gamble over the Internet. College kids are doing it every day; teenagers are doing it every day. How difficult is it for a thief to obtain someone else's credit card number to gamble over the Internet? They steal blank checks, they cash worthless checks, and they steal credit cards, all to feed their addiction. A slew of identity theft cases have hit this country in recent months. Many of those may, in fact, have been driven by this very addiction.

This is a damaging amendment designed to turn a very strong enforcement bill into a weak shadow of itself. I strongly urge a no vote on it. I would like to close by reading a letter from MasterCard because we are told they already have everything they need to do in doing it, and this is a letter to the gentleman from Ohio (Mr. OXLEY).

''I am now writing to communicate MasterCard's strong support for appropriate measures to combat illegal Internet gambling. In particular, we commend the efforts of you and your colleagues on H.R. 2143. This legislation will build on the rules developed by MasterCard and enable MasterCard to block branded payment card transactions in connection with Internet gambling. These rules have been extremely effective in impeding the use of U.S.-issued MasterCard branded payment cards for Internet gambling transactions. MasterCard believes that H.R. 2143, introduced by Congressman SPENCER BACHUS, would establish a workable framework for combating illegal Internet gambling. We are committed to working with you and your colleagues to further refine and pass this legislation as Congress seeks to provide a legislative solution to this important problem.''

MasterCard, Discover, American Express, Visa, the Nation's largest banks, Household Finance, Morgan Stanley, I could go on and on, have all endorsed this legislation because it will work. It will not cut off everything, but the bill as presently constituted covers money orders, it covers e-cash, it covers wire transfers, but it also covers credit cards and it must cover credit cards to be a comprehensive approach.

As the gentleman from Iowa (Mr. LEACH) said and as the gentleman from Virginia (Mr. GOODLATTE) has said, there are more effective things we could do, and hopefully we will to them, but both of them have strongly endorsed this legislation as a first step.

I urge this body to defeat this amendment, defeat the poison pill that will be offered next and vote on final passage of this bill without these killer amendments.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

It is now in order to consider amendment No. 3 printed in House report 108–145.

AMENDMENT NO. 3 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SENSENBRENNER:

Page 9, line 22, after the semicolon, insert ''and''.

Page 10, line 17, strike ''; and'' and insert a period.

Page 10, strike lines 18 and 19.

The CHAIRMAN. Pursuant to House Resolution 263, the gentleman from Wisconsin (Mr. SENSENBRENNER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that 5 minutes of my time be yielded to the gentleman from Michigan (Mr. CONYERS) and that he may yield blocks of that time as he sees fit.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is the amendment that has been the subject of much name-calling by the proponents of this bill. I ask the membership to look at the amendment. It strikes the carve-out that the authors of this bill put in to exempt horse racing, dog racing, State lotteries and other forms of gambling from the proposed regulations of this bill.

I believe that Internet gambling should be eliminated; but to have a carve-out for horses and dogs and lotteries and jai lai, and Lord knows what else, means that people will be able to use the Internet and use their credit cards to place bets and lose a lot of money.

No, if Internet gambling is addictive, we ought to close the loophole, because minors and others can lose just as much money on horses and dogs and lotteries and jai lai as they can lose on other forms of Internet gambling. I strongly urge support of this amendment. This is a loophole that is big enough to drive a truck through. By passing the amendment, we close the loophole.

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

Mr. BACHUS. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Alabama (Mr. BACHUS) is recognized for 10 minutes.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. ROGERS) in opposition to the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) and in support of the base bill before us. The bill before us effectively achieves its purpose, to prevent people from using credit on illegal gambling activities, particularly offshore Internet sites.

But if this amendment should be adopted, we might as well just call this bill the ''Horse Racing Prohibition Act'' because it will literally kill that entire industry. The intent of the amendment is not to prevent illegal activity, rather it is intended to make current legal activities illegal.

If the language regarding State license domestic wagering were eliminated or changed, this legislation would not simply prohibit credit in connection with Internet gambling, it would restrict the day-to-day wagering activities of millions of horse racing fans by limiting financial clearing transactions with domestic wagering facilities. As a result, this would severely curtail simulcast wagering and personal account wagering on any horse race.

Not surprisingly, over 80 percent of the amount bet on horse racing is wagered at locations other than where the race is run. The result of this amendment, should it pass, would be catastrophic to the $34 billion racing/horse breeding industry, especially to the States that rely on it for tax revenue and the 500,000 full-time jobs it supports.

In Kentucky alone, there are 460 thoroughbred farms, 150,000 horses, 8 tracks and 52,000 jobs which add $3.4 billion directly to the State's economy. On top of this, the U.S. horse racing industry is already one of the most highly regulated industries in the country, governed by both Federal and State laws.

States like Kentucky have highly sophisticated systems in place to ensure that each transaction is made in accordance with the law. Because of this State regulation, the integrity of gaming site operators, the identity of the participants, consumer fraud and money laundering are not at issue.

It is ironic that this Congress would stand here today and attempt to trample on the rights of States to regulate

their own businesses. The adoption of this amendment would be the triple crown of injustices. It would put hard-working folks out of work, it would take away much-needed revenue from the States, and it would deprive honest folks the fun of putting a couple of bucks down on their favorite horse to win, place, or show. I ask Members to reject the Sensenbrenner amendment and support the bill as written.

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

Mr. Chairman, what an exciting day on the floor of the House. The Unlawful Internet Gambling Funding Prohibition Act just happens to have one problem: It accepts horse racing. Now, can somebody explain to me why that is so? We are going to ban Internet gambling except horse racing. Why?

Well, it is because the horse racing lobbyists and the dog racing lobbyists have said that is what we ought to do. Why did they write a bill like this? This is a bill that expands gambling, expands gambling by accepting two industries.

Now I have been in touch with Reverend Lou Sheldon of the Traditional Values Coalition and Paul of the Free Congress Foundation, and they have told me this is a bad, bad bill, not to do it. We have a wire act from 1961 that has forbidden gambling, and now we are making the exception for horse racing. Can someone suggest why this bill was written this way? Anyone on the floor, I yield.

I did not think so.

Mr. BACHUS. Mr. Chairman, can I inquire as to the time left on each side?

The CHAIRMAN. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 4 minutes. The gentleman from Alabama (Mr. BACHUS) has 7 minutes. The gentleman from Michigan (Mr. CONYERS) has 3½ minutes.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Chairman, I rise in opposition to the amendment from the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary. I oppose it because it prohibits Americans from using their credit cards for behavior that is entirely legal. Pari-mutuels, horse tracks, dog tracks, and jai lai frontons are all legal in many States. They are heavily regulated. They pay taxes. They provide jobs, and in many communities are an important part of the tourism industry and local culture. That is why the National Governors Association is against this amendment.

□ 1800

Pari-mutuels employ thousands of Americans and provide enjoyment to millions more. The horse racing industry generates $34 billion a year and creates 472,000 full-time jobs in America. Greyhound racing is a $2.3 billion industry creating over 30,000 jobs in America. They both provide very needed tax revenue to our States. It makes no sense for Congress to usurp States' rights with the result being a loss of employment of Americans and State revenue.

The underlying bill rightfully bans credit card use for illegal gambling. Casino-style offshore Web sites are not regulated. They do not pay taxes, and they do not employ Americans. They are illegal, and American banks should not help facilitate them. But the issue here is whether Congress is going to make a policy that says Americans cannot use credit cards to engage in behavior which in their State is legal. Not illegal, but legal.

I would respectfully argue that Congress should do no such thing and should oppose this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. I want to thank the chairman of the Committee on the Judiciary for his work on this matter.

Mr. Chairman, I would like to begin by expressing my great esteem for the proponents of this bill. I believe that they honestly think that this bill will limit or, to some degree, prohibit or slow the growth of the pernicious vice of gambling on the Internet. I am personally not convinced that that will happen; and if I might, I would like to just focus on comments by the last two gentlemen who have spoken.

The gentleman from Kentucky talks about 52,000 jobs in his State that depend upon horse racing, which is currently legal in his State and currently legal in many other States in the Union and around the world. The gentleman from Florida has just talked about 700,000 jobs in the country or more that relate to horse racing and 30,000 jobs that relate to dog racing; and, of course, the other two exceptions that are carved out in the underlying bill are jai alai, which is, of course, a big sport in Florida, and State-run lotteries.

The problem with this bill and the reason we have so much emotion and so much emotional support for the idea that this amendment is bad is that this amendment might make those activities illegal when in fact what this amendment does is eliminate carve-outs and eliminate gambling that is now illegal. The problem for me is that I represent the State of Utah, one of only two States that actually totally prohibits gambling. The other State is Hawaii. From the perspective of our States, and I say this with all due respect, this is not the Internet Gambling Prohibition Act, this is Internet Gambling Enabling Act. It actually allows gaming in Utah and will do so in Utah and Hawaii and other States where there are limitations on gambling unless the carve-outs are removed.

The underlying bill provides these major carve-outs, and I think we have broad consensus from those who have actually looked at the bill and understand it. The U.S. Department of Justice and the National Association of Attorneys General have expressed themselves on this issue. In testimony before the Senate Banking Committee, John Malcolm of the U.S. Department of Justice testified that the aforementioned section, the carve-out section, was one of the reasons DOJ could not endorse Senate 627, which is nearly identical to H.R. 21 and now H.R. 2143. Testifying on behalf of the National Association of Attorneys General, Richard Blumenthal, Attorney General of Connecticut, warned that under that bill the exceptions could swallow the rule. Certainly in those States where gambling is outlawed or some gambling is outlawed, the exceptions could swallow the rule. In testimony before the House Committee on the Judiciary, when asked if that action would allow lotteries to go online, Malcolm responded, ''Absolutely.'' You cannot do that in Utah today, but you will be able to if this law preempts local State law.

Thus, H.R. 21 is not really an Internet gambling prohibition bill. You might actually consider it an Internet gambling industrial policy bill because we are choosing a favored class of state-sponsored Internet gambling under this bill.

Last year during consideration of a similar bill, H.R. 3215 in the 107th Congress, the Committee on the Judiciary voted overwhelmingly against allowing carve-outs in Internet gaming legislation. Last year when the Committee on the Judiciary was considering the Goodlatte Internet gambling bill, which had similar carve-outs, I offered amendments to strike those carve-outs. The amendments were adopted by wide margins, and the bill as modified was reported overwhelmingly by the committee.

The argument that the provisions simply allow States to regulate intrastate wagers does not wash. The provision is an exception from the definition of ''bets or wagers.'' It is not confined to intrastate. It essentially says that state-licensed facilities can do anything their license allows them to do, be it pari-mutuel, casino-style, or any other kind of betting.

This bill is ill considered despite the great intentions of its proponents. I urge my colleagues to vote against it.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw my recorded vote request on the Jackson-Lee amendment. I will work in conference to make sure that children are protected in America.

The CHAIRMAN pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The request for a recorded vote is withdrawn and, pursuant to the voice vote, the amendment is not agreed to.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, as a strong opponent of Internet gaming, I rise in support of the Sensenbrenner-Conyers-Cannon amendment. The Traditional Values Coalition supports this amendment, which removes the exemption that would allow state-licensed or authorized businesses to conduct Internet gambling. The bill does not provide equivalent treatment for tribal governments. If this bill becomes law, the outcome will result in the unequal treatment of Indian tribes because the current Federal law, the Wire Communications Act that prohibits Internet gambling will apply only then to Indian tribes. Only state-licensed businesses will be permitted to conduct Internet gambling.

Mr. Chairman, this bill will actually make it possible to expand Internet gambling rather than prohibit it. This amendment eliminates the special interest exemption for various gambling groups that support the bill. I urge my colleagues to support the amendment.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. LUCAS), who rises in opposition to the amendment.

Mr. LUCAS of Kentucky. Mr. Chairman, as the cochair of the Congressional Horse Caucus and a Member from Kentucky, I agree with the gentleman from Kentucky (Mr. ROGERS). Kentucky is where more thoroughbreds are born each year than in any other State. I rise in strong opposition to this amendment, an amendment that seeks to change the very intent of the bill before us. Horse racing is one of the most highly regulated industries, and we do not want to do harm to an industry that employs well over half a million people nationwide.

The title of the bill, the Unlawful Internet Gambling Funding Prohibition Act, says it all. The intent is to address the problem of unlawful, unregulated gambling over the Internet. H.R. 2143 does this while respecting existing Federal and State gambling laws.

We have heard supporters of this amendment argue that it is needed because it will keep the bill from expanding Internet gambling. This is just not true. In fact, the bill itself without this amendment deals only with the use of credit cards and other bank instruments in connection with unlawful Internet wagering. The bill does not change any Federal or State gambling provision. It does not make any unlawful gambling lawful. It does not make any lawful gambling unlawful. And it does not override any State prohibitions or requirements.

The National Governors Association is opposed to this amendment because they understand and support this distinction in the bill and its purpose. Governors in States like Kentucky that allow lawful, state-sanctioned and regulated gaming activities such as pari-mutuel horse racing know the importance of the economic impact of gaming in the form of jobs and tax revenue generated to the State. State governments across the country are grappling with shortfalls.

Regardless of what you hear, that is what passage of this amendment will do. We need to oppose this amendment and support H.R. 2143.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise in support of the Sensenbrenner amendment. The underlying bill, as we know, exempts transactions with a business licensed or authorized by a State from the definition of ''bet or wager.'' This will permit lotteries, horse and dog tracks and other gambling operations to go on the Internet, but does not cover transactions with tribal governments. It is simply unfair not to provide parity for Indian tribes.

If this bill becomes law, the outcome will result in unequal treatment of Indian tribes because the current Federal law that prohibits Internet gambling will only apply to Indian tribes. With this bill, only state-licensed businesses will be permitted to conduct Internet gambling. The gentleman from Wisconsin's amendment, with the gentleman from Michigan, ensures fairness for everyone, placing tribes and States on a level playing field. Indian gaming, as we know, has provided tribal communities with economic self-reliance; and it has also helped to create jobs in surrounding communities, not just for tribes but for other people in the surrounding communities. It is simply unfair not to provide parity.

I would ask my colleagues to vote in favor of the Sensenbrenner amendment if they feel strongly that there should be parity for Indian tribes.

Mr. BACHUS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. WOLF) in opposition to the Cannon-Sensenbrenner amendment.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to the Sensenbrenner amendment. There has been a lot of talk on the floor and sometimes what appears to be is not to be. It is very, very confusing to somebody who is watching it. Simply, it is a poison pill. The Sensenbrenner amendment is a poison pill. If you want to kill the bill, vote for Sensenbrenner. It looks good. It looks good, but it will hurt the effort. Many people, particularly young people, will be hurt by the failure of this bill to pass.

If you want this bill to pass, if you are opposed to Internet gambling, if you care about the future of these young people, I ask you to vote against the Sensenbrenner amendment and vote in support of the base bill.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, unequal treatment of American Indians and American Indian tribes is not an American value. I have great respect for those who resist this amendment because I believe they are acting in sincere good faith and trying to establish American values. But we need to pass this amendment to assure that the American value of fair treatment of American Indians, which has been denied them in certain times in our history, to our great shame, is not repeated in this bill.

This amendment, when passed, will assure that we do not have special interest legislation just for non-Indian Americans. Indian and non-Indian Americans ought to be treated the same. That will not happen unless we pass this amendment.

I will tell Members why I feel so strongly about this. About a year ago, I was driving through the Tulalip Indian reservation by Marysville, Washington. I spent a lot of time in my youth there. I noticed a new building that had just gone up. It was the first Boys and Girls Club on an Indian reservation in America. Today as we speak, there are kids there who are learning teamwork and new skills and getting new job training at that Boys and Girls Club. The reason that club is there is because of this industry, this legal industry.

Let us not hearken back to the dark days of treating Indian tribes with less respect of law than other industries in America. Let us pass this amendment. Let us do what is right for a lot of folks, including the Boys and Girls Club and the Tulalip Indian reservation.

Mr. BACHUS. Mr. Chairman, I include for the RECORD a letter from the United Methodist Church, the National Council of Churches, and four other faith-based organizations and a letter from the National Governors Association in opposition to the Sensenbrenner amendment.

JUNE 3, 2003.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: As a diverse bipartisan coalition of family and faith-based organizations, we are very concerned with the effects of gambling on our society and the well-being of young people and families. We write to strongly support the passage of H.R. 2143. To Prevent the Use of Certain Bank Instruments for Unlawful Internet Gambling, and for Other Purposes. Internet Gambling is already against the law in all 50 states, yet offshore gambling interests continue to operate without any accountability and are available in every state by utilizing the Internet. We urge you to support H.R. 2143 and reject any amendment or proposal which would weaken the bill or hinder its enforcement according to current federal law.

The National Gambling Impact Study Commission Report presents a disturbing and devastating picture of the effect of gambling on families. Some crucial points to consider in this report as it relates to Internet gambling are:

Gambling costs society $5 billion a year in societal costs including, job loss, unemployment benefits, welfare benefits, poor physical and mental health, and problem or pathological gambling treatment, bankruptcy,

arrests, imprisonment, legal fees for divorce, and so forth.

Because the Internet can be used anonymously, the danger exists that access to Internet gambling will be abused by underage gamblers, our children and youth.

The high-speed instant gratification of Internet games and the high level of privacy they offer may exacerbate problem and pathological gambling.

Lack of accountability also raises the potential for criminal activities, which can occur in several ways. First, there is the possibility of abuse by gambling operators. Most Internet service providers hosting Internet gambling operations are physically located offshore; as a result, operators can alter, move, or entirely remove sites within minutes. Furthermore, gambling on the Internet provides an easy means for money laundering. Internet gambling provides anonymity, remote access, and encrypted data. To launder money, a person need only deposit money into an offshore account, use those funds to gamble, lose a small percent of the original funds, then cash out the remaining funds. Through the dual protection of encryption and anonymity, much of this activity can take place undetected.

Computer hackers or gambling operators may tamper with gambling software to manipulate games to their benefit. Unlike the physical world of highly regulated resort-destination casinos, assessing the integrity of Internet operators is quite difficult.

Please support H.R. 2143 and reject the spread of a predatory industry, which is contrary to the well-being of individuals and all of society.

Sincerely,

Christian Coalition of America, Concerned Women for America, Family Research Council, General Board of Church and Society of the United Methodist Church, National Coalition Against Gambling Expansion (NCAGE), National Council of Churches.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, June 9, 2003.

Hon. MICHAEL G. OXLEY,
Chairman, House Financial Services Committee, Rayburn House Office Building, Washington, DC.

Hon. BARNEY FRANK,
Ranking Member, House Financial Services Committee, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN AND REPRESENTATIVE FRANK: On behalf of the National Governors Association, we are writing to express our interest in H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act. We appreciate your efforts to address the troubling problems posed by Internet gambling, while recognizing the authority of states to regulate gambling within their own borders.

We urge you to maintain the exemption currently included in H.R. 2143 for Internet transactions with businesses licensed or authorized by a state such as a state lottery.We understand that there may be efforts to strip the bill of this provision, and we encourage you to oppose such attempts. An incursion into this area with respect to online gambling would establish a dangerous precedent with respect to gambling in general as well as broader principles of state sovereignty.

Sincerely,

Governor MIKE JOHANNS,
Chair, Committee on Economic Development and Commerce.

Governor JAMES E. MCGREEVEY,
Vice Chair, Committee on Economic Development and Commerce.

□ 1815

Mr. BACHUS. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE), who, second to none, has led the fight against this illegal Internet gambling.

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

Mr. GOODLATTE. Mr. Chairman, I thank the chairman, the gentleman from Alabama, for his leadership on this legislation, which is a big step forward in the fight against Internet gambling. This amendment, as the gentleman from Virginia (Mr. WOLF) described, is indeed a poison pill. The reason is, it does not have any effect on the lawfulness or the unlawfulness of gambling, the provision that they want to pull out. That provision simply protects the rights of States to regulate gambling.

Historically, that is what we have always done in this country. Gambling has always been the province of the States. They regulate gambling, and this amendment would change that. This amendment would take away from the States the right to do that.

We are simply attempting to maintain the status quo with respect to underlying Federal and State substantive law on gambling. We are not tilting the playing field one way or another unfairly, we are simply trying to address the problem of unlawful gambling, as the title of the bill suggests. I would love to do more on these other issues, but this is not the bill, this is not the place to do it.

The term ''lawful'' is included in this provision of the bill to indicate that no transaction will be exempted from the effect of the bill unless that transaction complies with all other State and Federal laws. The amendment already adopted offered by the gentlewoman from New York (Mrs. KELLY) makes that even clearer, so the complaints of the gentleman from Utah, whose State I have great admiration for in terms of their efforts to combat gambling, need have no fear of this legislation. This does not open up Utah to any new forms of gambling. It will tighten it down.

There are plenty of people in Utah today who pull up a chair in front of their computer in their living room and go on and place a bet, using a credit card or wire transfer or some other form of financial transfer, that this legislation will stop. We should not allow a poison pill to prevent this legislation from moving forward to accomplish that.

In addition, States have traditionally had the power to decide whether to allow gambling within their borders. We should not put into question the authority of those States to decide these matters for themselves. Utah, Virginia, or any other State in the country, they ought to be able to make that decision, and we ought not interfere with it. Striking this provision of the bill would eliminate a provision that reinforces the rights of the States to decide whether or not to prohibit gambling, and I urge my colleagues to oppose this amendment.

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

The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 237, not voting 11, as follows:

[Roll No. 254]

AYES—186

Abercrombie
Akin
Baca
Baird
Baldwin
Ballance
Ballenger
Bartlett (MD)
Becerra
Bell
Bereuter
Berkley
Berman
Bishop (UT)
Blackburn
Blumenauer
Bono
Brown (OH)
Brown, Corrine
Cannon
Capps
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cole
Conyers
Cox
Crane
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dreier
Edwards
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fossella
Frank (MA)
Frost
Gallegly
Gingrey
Granger
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hayworth
Herger
Hinchey
Hinojosa
Hoeffel
Hoekstra
Honda
Hostettler
Hoyer
Hunter
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Markey
Marshall
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pombo
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Rohrabacher
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Solis
Souder
Stark
Stenholm
Stupak
Tancredo
Tauscher
Thompson (CA)
Tiahrt
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wilson (NM)
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—237

Ackerman
Aderholt
Alexander
Allen
Andrews
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)

Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capuano
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Collins
Cooper
Costello
Cramer
Crenshaw
Crowley
Davis (AL)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Everett
Feeney
Ferguson
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goss
Graves
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Hill
Hobson
Holden
Holt
Hooley (OR)
Hulshof
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McKeon
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pascrell
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Ruppersberger
Ryun (KS)
Sabo
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiberi
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Waters
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Wu

NOT VOTING—11

Cubin
Eshoo
Fletcher
Gephardt
Gordon
Houghton
Lantos
Larson (CT)
Smith (WA)
Tierney
Toomey

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SIMPSON) (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1848

Messrs. GILCHREST, UPTON, GREENWOOD, KIRK, DEMINT, DOOLITTLE, TAYLOR of Mississippi, FRANKS of Arizona, BOSWELL, FRELINGHUYSEN, CAMP, RYUN of Kansas, VITTER, NUSSLE, BURNS, GOSS, PORTMAN, JANKLOW, TAYLOR of North Carolina, ROGERS of Alabama, FORBES, WILSON of South Carolina, PITTS, BOOZMAN, and ISSA, and Ms. SLAUGHTER, Mrs. MUSGRAVE, and Mrs. JO ANN DAVIS of Virginia changed their vote from ''aye'' to ''no.''

Messrs. GEORGE MILLER of California, RODRIQUEZ, OWENS, BECERRA, MARSHALL, VISCLOSKY, WYNN, BEREUTER, FOSSELLA, MENENDEZ, and Mr. YOUNG of Alaska, and Mrs. JOHNSON of Connecticut, Ms. ROYBAL-ALLARD, and Ms. VELÁZQUEZ changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1850

The CHAIRMAN pro tempore (Mr. SIMPSON). There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. SIMPSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2143) to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes, pursuant to House Resolution 263, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This vote will be followed by a 5-minute vote on the motion to suspend the rules and agree to House Resolution 252.

The vote to suspend the rules and agree to House Concurrent Resolution 110 will be postponed until tomorrow.

The vote was taken by electronic device, and there were—yeas 319, nays 104, not voting 11, as follows:

[Roll No. 255]

YEAS—319

Aderholt
Akin
Alexander
Allen
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cantor
Capito
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Waters
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker

Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—104

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (UT)
Blumenauer
Bono
Cannon
Capps
Capuano
Carson (OK)
Clay
Clyburn
Conyers
Cummings
Davis (CA)
DeFazio
Delahunt
Dicks
Dreier
Engel
Evans
Farr
Flake
Fossella
Frank (MA)
Frost
Grijalva
Gutierrez
Hastings (FL)
Hayworth
Hinchey
Holt
Honda
Inslee
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Larsen (WA)
Lee
Lewis (GA)
Lofgren
Markey
Matsui
McCollum
McDermott
McGovern
Meehan
Menendez
Miller, George
Neal (MA)
Nethercutt
Ney
Oberstar
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pombo
Pomeroy
Porter
Rangel
Reyes
Rodriguez
Rohrabacher
Roybal-Allard
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (VA)
Sensenbrenner
Solis
Stark
Stupak
Tauscher
Thompson (MS)
Tiberi
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Watson
Watt
Weiner
Weller
Woolsey
Young (AK)

NOT VOTING—11

Buyer
Cubin
Eshoo
Fletcher
Gephardt
Houghton
Lantos
Larson (CT)
Smith (WA)
Tierney
Toomey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1906

Messrs. WELLER, GUTIERREZ, and HOLT changed their vote from ''yea'' to ''nay''.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE SUPPORTING UNITED STATES IN ITS EFFORTS IN WTO TO END THE EUROPEAN UNION'S TRADE PRACTICES REGARDING BIOTECHNOLOGY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 252, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and agree to the resolution, H.R. 252, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 339, nays 80, not voting 16, as follows:

[Roll No. 256]

YEAS—339

Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—80

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Berkley
Bishop (NY)
Brown (OH)
Brown, Corrine
Capps
Carson (IN)
Clyburn
Conyers
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Engel
Farr
Fattah
Filner
Frank (MA)
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Lee
Lewis (GA)
Lipinski
Majette
Maloney
Markey
McCollum
Miller, George
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Reyes
Rothman
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Slaughter
Solis
Stark
Strickland
Thompson (MS)
Tierney
Udall (NM)
Velazquez
Waters
Watson
Waxman
Wexler
Woolsey

NOT VOTING—16

Cubin
Davis, Tom
Doolittle
Eshoo
Fletcher
Gephardt
Harman
Herger
Houghton
Lantos
Larson (CT)
Leach
Manzullo
Sessions
Smith (WA)
Toomey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1915

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, 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. HERGER. Mr. Speaker, on rollcall No. 256 I was unavoidably detained. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I regret that I could not be present today, Tuesday, June 10, 2003, to vote on rollcall vote Nos. 252, 253, 254, 255 and 256 due to a family medical emergency.

Had I been present, I would have voted:

''No'' on rollcall vote No. 252 on Ordering the Previous Question on H. Res. 263, Providing for consideration of the bill H.R. 2143, To prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes;

''No'' on rollcall vote No. 253 on H. Res. 263, Providing for consideration of the bill H.R.

2143, To prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes;

''Yea'' on rollcall vote No. 254 on the amendment offered by Representative SENSENBRENNER to H.R. 2143, To strike language in the bill which states that a bet or wager does not include ''any lawful transaction with a business licensed or authorized by a State'';

''No'' on rollcall vote No. 255 on H.R. 2143, To Prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes; and

''Yea'' on rollcall vote No. 256 on H. Res. 252, expressing the sense of the House of Representatives supporting the United States in its efforts within the World Trade Organization (WTO) to end the European Union's protectionist and discriminatory trade practices of the past five years regarding agriculture biotechnology.

□ 1915

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2143, UNLAWFUL INTERNET GAMBLING FUNDING PROHIBITION ACT

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2143, the Clerk be authorized to correct section numbers, punctuation cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 660

Mr. PASTOR. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 660.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 660

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 660.

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

There was no objection.

APPOINTMENT OF MEMBERS TO CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 6913, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. LEVIN, Michigan,
Ms. KAPTUR, Ohio,
Mr. BROWN, Ohio.

REPORT ON NATIONAL EMERGENCY CREATED BY ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–83)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 10, 2003.*

CONTINUATION OF NATIONAL EMERGENCY CREATED BY ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–84)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on June 20, 2002 (67 FR 42181).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 10, 2003.*

CONSTITUTION IS NOT IRRELEVANT

(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, when have my colleagues heard of the Constitution being thrown to the side as if it is not relevant? Just a minute ago, I heard a headline news item that says it may not be important about the question of weapons of mass destruction.

Mr. Speaker, I happen to disagree. I believe when the American people move toward war the truth must be told. I believe it is crucial that we have an independent investigation, a special prosecutor, an independent commission to determine the veracity of the truth of the intelligence community upon which this Congress relied.

The war was declared without an actual vote of this Congress under the Constitution under article 1. Now they tell us when young men and women are on the front lines, when we have lost lives, when young men and women are still dying in Iraq, it is irrelevant about the weapons of mass destruction.

Mr. Speaker, our Congress will be irrelevant and the American people will be ashamed of us if we do not find out the credibility of the intelligence community and demand the truth be told to the American people.

I am calling for an independent commission, and I believe we need to stand on the truth so that as we fight wars we will fight them united as Americans, knowing the truth.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FEENEY). Under the Speaker's announced policy of January 7, 2003, and

under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING AL DAVIS

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

Mr. RANGEL. Mr. Speaker, Albert J. Davis was the chief economist on the Democratic staff of the United States House Committee on Ways and Means. He died Friday, May 30, 2003, of injuries caused by a car hitting him on May 19 in Arlington, Virginia, outside of the Metro stop on his way home from work. He was only 56 years old.

Mr. Speaker, it would be impossible for me to list all of the people who have come up to me since the accident to tell me how much Al meant to them. He had such a personal one-on-one relationship with so many Members of this body, so many staff, so many journalists, that all the meetings I had last week became times of reflection on Al's life. Whether I was meeting with other senior Democratic Members or columnists from a weekly news magazine or the experts on tax legislation, we forgot what we were meeting for so that we could pay honor to Al.

I could not help thinking that it was indeed a blessing that Al could have touched so many people so deeply through his hard work, his intelligence, and his good humor. Al worked nearly 20 years for this great institution of democracy, first on the House Committee on the Budget staff, at least the last 5 years at Ways and Means. He was one of those staff members who, though he never had to answer directly to the voters, devoted every minute to bettering the lives of ordinary working people.

Though he appeared soft spoken and cerebral, Al Davis was passionate about defending the interests of the working men and women of this country. Using charts and spread sheets and solid numbers, Al was a powerful fighter for economic justice.

He loved his job. He loved providing information to Members. His analysis was so honest that Members from both sides of the aisle would ask him for information even though they would disagree with him.

While Al was seldom quoted or mentioned in newspapers or on television, he had a profound effect in shaping legislation, publicizing poor policy, and changing minds.

Al is survived by his companion of 20 years, Mary Bielefeld. Mary's an incredibly kind and strong woman in her own right. Her strength has given those of us who worked with Al strength. Like Al, Mary works in public service as an attorney at the United States Department of Justice. They never got rich serving the people of this Nation, but they had a full and rich life in each other's company.

Al worked long hours when he worked here, often to midnight or 1:00 a.m. in the morning on days. He loved the outdoors. He loved getting to know the wilderness, and he shared these experiences with Mary and his close friends.

Most of all, Al valued honest government. He was mainly frustrated when people would cook books or fudge the numbers simply for political gain. Al believed that government in a democracy should be honest. He devoted his life to making sure that it was. He debunked myths whether they were Democratic or Republican. In a political environment too used to skirting around politically inconvenient facts, Al promoted honest opinion, honest budgets, and honest analysis.

Al's death is a loss for the entire Nation.

PRESCRIPTION DRUG PLAN

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

Mr. BURTON of Indiana. Mr. Speaker, a number of us met today to review the Republican prescription drug benefit plan that is going to be presented before this House in the not-too-distant future. I have not seen the Democrat plan, but I am sure it has some of the same benefits and some of the same problems.

One of the problems that bothered me the most was that the pharmaceutical industry is going to continue to be able to charge exorbitant prices for many of the prescription drugs that are going to be covered under the prescription drug benefit bill, and that really bothers me.

For the last several weeks, the gentleman from Minnesota (Mr. GUTKNECHT), myself, and many others on both sides of the aisle have been looking into and complaining about the exorbitant prices that are being charged to Americans as compared to the people in Canada and France and Germany and Spain and other parts of the world. We pay the highest prices for prescription drugs of any country on the face of the Earth; and when we start trying to, as Americans, to buy prescription drugs, the very same drugs that are sold here in America, from Canada, from pharmacies in Canada, where they charge maybe one-fifth or one-half or one-tenth the price of what they are here, the Food and Drug Administration starts saying, oh, my gosh, there is a question of safety; and they threaten to penalize, even prosecute, people who bring pharmaceuticals into this country.

My question has been why is it that the American people are paying two, three, four, five, 10 times as much for pharmaceutical products as they are paying in Canada right next door or in Spain or France or other parts of the world? Now we are going to pass a prescription drug bill that does not address this problem? The taxpayers are going to spend billions, probably trillions, of dollars for pharmaceutical products without any real control over these expenditures?

I am not for price controls. I believe in the free market system; but at the same time, I do not believe the American people should pay exorbitant prices for the same product that is being sold 50 miles away along the Canadian border to the Canadian people, and when Americans go up there to try to save money, because it costs so much for their pharmaceutical products, they are going to be penalized for it and the FDA says that they cannot be reimported into this country, the very same products, and they complain about safety.

We found that there has been absolutely no safety problem whatsoever; and so at this point, unless we make some changes in our prescription drug bill, I am not going to vote for it. I am not going to vote for a bill that is going to charge the American people, the American taxpayer, huge amounts of money for pharmaceutical products for seniors when they can get those same products next door for less money, and that is just something that cannot be tolerated.

In addition to that, what about the rest of us that will not be covered under the prescription drug bill? What about the rest of Americans that are paying these exorbitant prices? Will the additional profits that are going to be made be passed on to them so that they can lower the prices a little bit to benefit the seniors who are covered under the prescription drug benefits of this bill? It is something that we cannot tolerate.

We need to address the entire problem of exorbitant prescription drug prices, pharmaceutical prices here in the United States.

□ 1930

The gentleman from Minnesota (Mr. GUTKNECHT) has been working on this for a long time. I join in his army to try to do something about it. We are not for price controls but the pharmaceutical industry needs to realize we are not going to pay exorbitant prices when they are not charging the same prices in other parts of the world.

They are saying it is because we spend so much on research and development. If that is the case, spread it around, do not load it on the back of the American people.

In addition to that, many, many of these products have been subsidized by the American taxpayer through our health agencies, Health and Human Services. Last night the gentleman from Minnesota (Mr. GUTKNECHT) talked about one where $500 million had been spent on research and development, yet Glaxo had a $9 billion profit on this product and they only gave $35 million back in royalties to the United States Government through HHS. Those are things that we cannot tolerate. Something has to be done about it. We are going to continue to

pound on this issue until there are some positive changes.

Mr. Speaker, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding, and I wish to associate myself with the remarks of the gentleman from Indiana (Mr. BURTON) and state that unless a bill comes to this floor that has a mechanism in it to have a negotiated rate for large numbers of buyers, as we do with our Department of Defense buying and our Veterans Department buying, we are going to force Americans out there in the drug market in their tiny little canoe on an ocean that is very, very rough. They cannot get a good price unless there is a mechanism within a bill which is cleared here which would provide for negotiated rate buying. I thank the gentleman for bringing this problem up.

Mr. BURTON of Indiana. Mr. Speaker, let me say I want to look at the gentlewoman's approach to making the way we deal with veterans' pharmaceuticals maybe the way that we deal with things under this health bill.

TRIBUTE TO AL DAVIS

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

Mr. MATSUI. Mr. Speaker, at a later moment in this Special Order the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget, will be speaking more fully about Al Davis, the chief economist for the Committee on Ways and Means, and formerly the economist for the House Budget Committee.

Today I come to the floor to pay tribute to Al Davis and express my deepest sympathy to Mary, Al's partner for more than 20 years. Al had a remarkable life, one in which he made an unforgettable and immeasurable contribution to the scope of this country's economic and budgetary policies. Although most Americans will never know his name or his extraordinary contributions, he has influenced each of us in our lives for the better.

Five years after serving in the U.S. Army from 1969 to 1971 during the height of the Vietnam War, Al began his lifelong career as an economist while working for the Wisconsin Revenue Department until 1980. While there, he rose from an analyst to the bureau chief in the research and analysis division in a very short period of time.

During the early 1980s, he served as senior analyst on the Taxation and Finance Committee with the U.S. Advisory Commission on Intergovernmental Relations. And from 1994 to 1998, he was chief economist for the Democratic budget staff and then was the economist since 1999 until his tragic passing just last month as the chief economist for the Committee on Ways and Means.

Al was a master of economic and budgetary policy through four administrations. He helped our committee staff navigate every economic budget and tax proposal put before the U.S. Congress.

Al called us, that is the Members of Congress and his colleagues on the House Committee on Ways and Means and the Committee on the Budget his customers, and he provided us with realms of memos and charts and analysis that only Al could produce. He did it with insight and humor. He stripped away the clutter to extract the critical details of major issues facing the American public.

You would often hear about Al's ability to translate complex and difficult economic concepts for Members, staff, and, of course, the press. On his own, he was a unique gift, but what made Al truly remarkable was his delivery of his translation and the integrity that he actually had which he imposed upon all of us because anyone dealing with Al Davis knew they had to be honest with themselves because of his basic decency and honesty.

When Al found a provision or proposal that he analyzed to be unfair to the American public, this translation, without fail, was laced with humor and simultaneously expressed his frustration, and he always exposed the unfairness of whatever he was working on if he believed it to be unfair.

Over the years, Al Davis provided the Democratic Members of the Committee on Ways and Means with probably 150–200 memos. Most of us read all of them, not only because of the analysis that he gave us, but also because of his humor and his sense of humanity. I would like to take a moment to quote two paragraphs in a January 30, 2003 memo. The subject from Al Davis to the Committee on Ways and Means Democrats is ''Snow Hearing Next Week and Budget Deficits.'' Of course, we had a lot of snow during the month of January, so it was snow hearing and budget deficits. And the caption is ''The Return of Budget Deficit as Far as the Eye Can See.'' He says, and I do not mean to be partisan here, but it is humorous. It is not dry. He says, ''Normal mortals would be in the hospital with whiplash if they changed their positions as radically as my Republican colleagues.'' And then in the same memo he states. ''Tax cuts and war look cheap because we are about to put them on a national credit card and pass the costs on to our children.''

Al had a way of saying the obvious and stating public policy by actually communicating with a sense of humor to all of us. I have to say, Mr. Speaker, that we in this country are very blessed because we have always had through the agencies, through the executive branch and the judicial branch, but particularly through the legislative branch of our government, people who are dedicated to the betterment of our country, and truly Al Davis was a symbol of that standard that all of us are here to certainly aspire to.

Al, we are going to miss you very much and we thank you for everything you have done for all of us.

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

(Mr. CULBERSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN MEMORY OF AL DAVIS

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

Mr. LEVIN. Mr. Speaker, like the gentleman from New York (Mr. RANGEL) who has spoken and the gentleman from California (Mr. MATSUI) who has now just spoken, and those who will speak after me about Al Davis, I relied on him every day on a wide variety of issues and on this floor and in committee I miss him every day.

When we hit a tough question, the answer was, ''Ask Al.'' We expected and received from him a straight, unvarnished answer, and if he did not know the answer and I can remember many days he would say, ''I am not quite sure,'' off he would go to find the information.

Al Davis was available with memos, with charts. His documents were so plentiful and useful during debates on taxes that the staff in my office often included in my briefing binders a tab entitled simply ''Al Davis memos.'' I cannot recall a tax debate when so many of us did not rely on some document or some analysis that Al Davis prepared. He was prolific. He analyzed tax bills and budgets upside down and backwards. My tax counsel, who assures me that Al's memos were so valuable that he never deleted a single one, counted 44 memos, charts, and other analysis from Al to the committee from March 1 through May 19 of this year. So many points from these memos were used to help shape important tax and budget debates. He was blessed with the ability to take issues that were complex and numbers even more complex and to explain them in ways that everybody could understand. He hated dishonesty and inaccuracy.

In the past 2 weeks, many, particularly those in the media, have commented on how accurate and reliable his work was. His vigilance helped ensure that all of us who relied on him and worked with him also avoided the temptation to let the digestible sound bite overwhelm the accurate and honest debate that America deserves.

The Washington Post in its editorial, rather unusual in terms of a tribute to a staffer unknown to the public, so well known, though, within this institution, this is what the Washington Post had to say. ''Unless you are a tax and budget wonk, you probably did not know Al

Davis. Mr. Davis, the Democrat's chief economist on the House Committee on Ways and Means, was one of those classic Capitol Hill staffers whose effectiveness cannot be measured by the number of times they are mentioned in a newspaper. From his cluttered office in the Longworth House Office Building,'' and we knew well of the clutter in that office, ''Mr. Davis helped mold and inform the public debate about what he saw as the troubling direction of the Nation's economic policy, churning out fact sheets that were as accurate as they were partisan. He could get as worked up, maybe more, about Democrats using distorted numbers as about Republicans who did so.''

Like so many others, I will miss Al very much. He was not only an important asset to the country, but for so many of us, he was a friend. Our words today cannot replace the loss felt by Al's longtime companion, Mary Beilefeld. I express my deepest condolences to Mary. I hope it is somehow comforting that her loss is not only hers but is shared by all of us on the Committee on Ways and Means and by all of us in this institution who had the privilege of working with Al Davis.

[From the Washington Post]

ALBERT J. DAVIS

Unless you're a tax and budget wonk, you probably didn't know Al Davis. Mr. Davis, the Democrats' chief economist on the House Ways and Means Committee, was one of those classic Capitol Hill staffers whose effectiveness can't be measured by the number of times they are mentioned in the newspaper. But from his cluttered office in the Longworth House Office Building, Mr. Davis helped mold and inform the public debate about what he saw as the troubling direction of the nation's economic policy, churning out fact sheets that were as accurate as they were partisan. He could get as worked up—maybe even more—about Democrats using distorted numbers as about Republicans who did so.

Mr. Davis had the gift of being able to translate the most arcane economic data into real-world language that Democratic lawmakers—the people he called his ''customers''—could use to make their case. For reporters scrambling to make sense of a study or to dredge up an obscure detail, he was the ultimate resource, with a seemingly encyclopedic understanding of the tax code. If you wrote or advocated about such matters, you'd quickly find your way to Al—or he to you. He patiently educated the uninitiated, from green legislative aides to reporters new to the economics beat. When a bill was on the floor, Mr. Davis was always there with his bulging accordion file, colleague Janice Mays recalled, offering when the most obscure of points came up, ''I just happen to have a memo here.''

Mr. Davis died last week at 56 after being struck by a cab on his way home from work. The accident occurred as Congress was finishing work on a tax bill that Mr. Davis detested, and, as he lingered in a coma for 11 days after the accident, we can only imagine how frustrated he would have been not to be immersed in the debate. Len Burman, co-director of the Tax Policy Center, recalled visiting Mr. Davis at George Washington University Hospital and delivering updates on the latest outrages in the tax measure. ''I kept on thinking, he's definitely going to wake up for this,'' Mr. Burman said. Mr. Davis's boss, Rep. Charles B. Rangel (D-N.Y.), said that Mr. Davis ''promoted truth in an institution too used to skirting around politically inconvenient facts.''

OUTRAGEOUSLY HIGH PRESCRIPTION DRUGS PRICES

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

Mr. GUTKNECHT. Mr. Speaker, I rise again tonight to talk about the outrageously high prices that Americans pay for prescription drugs. But before I get started, I want to yield to the gentleman from Indiana (Mr. BURTON) because the gentleman wants to correct something that he said earlier.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

I mentioned Glaxo that made the $9 billion, and I think they made money on other drugs that we will be discussing later, but the company in question was SmithKline Beecham that made $9 billion and returned only $35 million back in royalties to this government for the patents they had.

Mr. GUTKNECHT. And there are published reports that the president of SmithKline Beecham 2 years ago earned over $200 million.

Mr. BURTON of Indiana. Let me just comment on that. If he earned $200 million, maybe he deserved it for ripping off the American people to the tune of $9 billion for their very small investment.

Mr. GUTKNECHT. Mr. Speaker, as the gentleman from Indiana mentioned earlier, we had a Special Order the other night and we had Republicans and Democrats, and we hope to do it next week with Republicans and Democrats because this issue about what Americans pay for prescription drugs is not a matter of right versus left, it is right versus wrong.

I think anybody who spends any time at all on this issue realizes it is wrong to force American consumers to pay the world's highest prices partly because we subsidize the research and development. There was a study done by the Boston Globe several years ago, and what they found was that of the 35 largest selling drugs in America, 32 of them were brought through the R&D channel by the Federal Government. The NIH paid for the basic research and development, got them to phase 3 trials. So we subsidize them in the research and development, we subsidize them in the Tax Code, and yet we are still required to pay the world's highest prices.

Two years ago this Congress came together, the House and Senate, and we voted 304–101, I believe was the final vote, but it was over 300 votes in the House, and we said Americans ought to have access to world-class drugs at world-market prices. That bill passed. It is on the books right now.

□ 1945

But unfortunately the FDA is not enforcing the law because in the conference committee they put a little safety language in there that says essentially if they cannot absolutely guarantee safety, the FDA does not have to enforce that.

Ladies and gentlemen, I want to talk about safety. What I have in my hand tonight is a counterfeit-proof package of prescription drugs. It is called a blister pack, counterfeit-proof package of prescription drugs. This packaging is available today at a cost of about two cents per package. It is available today. Let me tell you what is available soon. They have been working on this at MIT. I do not expect anyone to see this because I cannot see it; but in this little vial, and if you would like to see this, I will share this with Members, in this little vial are 150 tiny computer chips, microchips. Ultimately, this is going to become the next UPC code. With this little chip, we can know where that product was manufactured, where it came from. It can help with inventory control, and ultimately it can guarantee that it is in fact Prilosec and not something else.

Ladies and gentlemen, we can solve this problem. I have said before, it is not shame on the pharmaceutical industry; it is shame on us. The President of Glaxo or SmithKline does not work for us, but the head of FDA does. It is time for us as Members of Congress to do our responsibility, to make certain that Americans have access to world-class drugs at world market prices. No, there is nothing wrong with the word profit. I believe in the word profit. But there is something very wrong with the word profiteer. It seems to me in the heritage of Teddy Roosevelt and so many other politicians who have been here in this city who stood up for the little guy, it is time for us to say, it is not a matter of right versus left; it is a matter of right versus wrong. We need to do the right thing. We need to open American access, we need to create competition here in the United States, and we need to make certain that Americans have access to world-class drugs at world market prices.

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent for the gentleman from Oregon's time.

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

There was no objection.

ANOTHER REPUBLICAN ATTEMPT TO UNDERCUT MEDICARE

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, Republican leadership will soon unveil legislation representing yet another attempt to undercut Medicare. As they did last year, my Republican colleagues will try to coopt the prescription drug needs of Medicare beneficiaries to secure fundamental changes, privatization, in the way they receive coverage. My Republican friends will use stand-alone drug coverage as a lever to try to privatize Medicare. The irony is that their proposal is being marketed as a kinder, gentler take on Medicare reform. Kinder and gentler, that is, than the President's breathtakingly callous ''let them eat cake'' approach.

You have got to give the President and Republicans credit. By playing good cop, bad cop, they are poised to set the clock back 38 years to the beginning of Medicare, 1965, and force seniors back into the private insurance market for their coverage. It is a shining moment for compassionate conservatism.

The President acclimated Congress and the public to the most irresponsible of Medicare privatization gambits by proposing to force seniors who need drug coverage out of Medicare and into HMOs. Blatantly exploiting the most vulnerable seniors to achieve the purely ideological goal of Medicare privatization is so offensive, in fact an egregious breach of the public trust, that virtually any alternative would look good in comparison.

When Republicans announced they planned to reprise their stand-alone drug plan proposal, everyone applauded because at least seniors would not be, as the President wanted initially, forced out of Medicare altogether in order to get drug coverage. Unfortunately, there is more than one way to gut Medicare, and the Republicans have found it. You can force seniors into HMOs, you can coerce seniors into HMOs, you can lure seniors into HMOs. You can, as my Republican colleagues are proposing, require seniors to buy stand-alone private prescription drug plans if they want drug coverage. It would be difficult to come up with a less efficient, less reliable, or more costly way to deliver drug benefits than to build an individual market for them. Yet that is what they are proposing.

The only reason to manufacture this new insurance market is to privatize Medicare. Here is how you do it: you give seniors two options. They can juggle traditional Medicare, plus a supplemental policy, plus a stand-alone drug coverage; or they can join a private insurance plan that offers all three. Once you sweeten the pot by offering enhanced preventive and catastrophic benefits at more cost under the private plans, you have effectively set traditional Medicare up for failure.

Make no mistake about it. Every Member of Congress who votes for the Republicans' Medicare prescription drug coverage plan is voting for Medicare privatization. You know and I know that seniors will not be better off choosing between and among private insurance drug plans just as they have not been better off choosing between this Medicare+Choice HMO or that Medicare+Choice HMO. Health insurance is not like a car. You do not customize it to fit your life-style. Good health insurance covers medically-necessary care delivered by the health care providers we trust. Bad insurance simply does not. Good health insurance lasts. Disappearing health plans and shrinking benefits are the hallmarks of the private insurance experiment that is already part of Medicare, Medicare+Choice. Instead of alleviating uncertainty, Medicare+Choice plans breed it.

Proponents of privatization argue Federal employees have a choice of private health plans, but the fact that FEHBP, the Federal program, features lots of private health plans does not mean it is a better system than Medicare. Federal employee health plan premiums grew 11 percent in 2003. Social Security income grew by 4 percent. Seniors earned $14,000 on average last year. There is not much cushion in that for unpredictable premium increases as you will get under privatized Medicare.

Let us not forget that my Republican friends want to means-test Medicare benefits. So goes the coverage guarantee. So goes Medicare's practical value to every enrollee regardless of income. And so goes popular universal support for the program that we know and respect, known as Medicare. If the Republicans' prescription drug coverage plan is signed into law, Members of Congress who voted for it will be able to look back and take credit for undermining a popular, successful, public insurance program that covers 40 million people and that ensures your parents access to reliable, high-quality care and replacing it with another iteration, another experiment of the failed Medicare+Choice program.

I do not know how any Member of Congress, Mr. Speaker, can look their constituents in the eye after voting to sabotage a public program, Medicare, that anchors the financial security of our Nation's retirees. I hope a majority of us will stand up for Medicare and block any attempt, covert or overt, to destroy it.

ANOTHER VOICE IN THE PRESCRIPTION DRUG DEBATE

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

Mr. BURGESS. Mr. Speaker, I rise tonight to talk to my colleagues about the prescription drug reimportation debate that has been the subject of so much discussion in this House. I would urge my colleagues to use caution and reason when approaching this issue. Several complicated and interconnected issues dominate this situation: trade relations, patient safety, drug costs and government regulation, just to name a few. Some in this House believe that if Americans had the ability to purchase their drugs from Canada or Mexico or Europe or Mars that the United States market would adjust to reflect the importation of cheaper medicines. Let us be clear: foreign countries place price controls on their prescription drugs. This means that the drugs purchased by Canadian citizens may be priced lower than that which an American citizen will pay for the same compound because of that government's artificial market intervention. If an American citizen purchases a drug from a Canadian pharmacy, it may be cheaper. But by permitting the reimportation of drugs into this country, we effectively allow the importation of foreign price controls in the United States market as well. This would be shortsighted and run counter to the free market system that is established in this country. If drug reimportation becomes the established policy in this country, the United States would in essence be allowing foreign governments to set the prices for American businesses.

If we truly believe in the power of the free market, we should remove the market distortion of foreign price controls, a market distortion which ensures that America's seniors and America's uninsured pay the highest prices for their medications. And what happens in countries that have adopted price controls? Pharmaceutical companies and biotech companies have left in droves. According to a report by the Directorate General Enterprise of the European Commission, European drug multinationals have increasingly relied on sources of research capabilities and innovation located in this country. Because of the stranglehold of regulation in European countries, including price controls on pharmaceuticals, Europe is lagging behind in its ability to generate, organize, and sustain innovation processes that are increasingly expensive and organizationally complex. The United States biotech industry in the last decade has had a meteoric rise; but we would place a chill on the industry's development, the number of jobs it creates and the revenue it produces if we allowed foreign drug prices to stymie its growth.

More importantly, if we inject foreign drug price controls into the United States, you will see less innovation in this very promising new field of science. Most importantly, underlying all of the complex economic and trade issues is one that ultimately impacts us all, and that is patient safety. The Food and Drug Administration exists to protect American consumers from

dangerous substances that may be in the food we eat for nourishment or the pharmaceuticals that we take to cure our ills. Only our FDA in this country can assure the safety of drugs for American citizens. I think this House would be shirking its duty if we created a system that relied upon the actions of regulatory officials in Canada, Thailand, Belize or Barbados to ensure the safety of American patients. Allowing drug reimportation from foreign countries would only be a signal to foreign drug counterfeiters that it is open season on the health and safety of Americans citizens. Make no mistake, Mr. Speaker, these foreign counterfeiters are very clever; and with all due respect to my colleague who held up the package this evening, packaging in and of itself does not guarantee that that has not been tampered with and that that is not a counterfeit item. I could relate to you stories from my own medical practice from a few years ago where patients had what might be politely described as therapeutic misadventures by the ingestion of drugs which were imported, illegally, from Mexico.

The House can approach the drug cost issue through far less shortsighted solutions than permitting drug importation from foreign countries. Make no mistake, Mr. Speaker, the pharmaceutical companies in this country also have an obligation to control the cost and be certain that their profits are reasonable. Without this, we will continue to hear the arguments for reimportation nightly on the House floor. The purchasing power of the Federal Government should bring down the cost of safe pharmaceuticals in this country.

Mr. Speaker, we should remember the admonition of a long-ago physician, to first do no harm. In this House, we would do wise to heed that advice.

NATIONAL RAIL INFRASTRUCTURE PROGRAM

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

Mr. LIPINSKI. Mr. Speaker, tonight I rise in support of investing in our Nation's rail infrastructure and making rail transportation part of a strong transportation triad that includes highway, air, and rail. The freight rail industry is one that provides services that are key to the operation of practically every other industry.

In an atmosphere of mounting highway congestion and pollution, shippers ought to be changing more and more of their loads to rail. However, due to the fact that trains are not moving fast enough, these switches to rail are not being made. With 19th century signaling systems and antiquated grade-level junctions, railroads are often unable to deliver a truck-competitive service for many shippers. For example, trains that should be able to move through Chicago in 6 to 8 hours are taking over 2 days.

While freight rail is a sensible, cost-effective way to absorb the expected increase in freight traffic, it is also becoming a major contributor to a variety of social ills, including air and noise pollution, congestion and a declining quality of life. Rail infrastructure improvements would raise the capacity of our transportation network for both goods and passengers; increase safety along the rail network; improve the environment wherever congestion is relieved; and eliminate waits at grade crossings. Since passenger rail service and rail-based transit systems typically share infrastructure with freight rail, improving freight rail infrastructure would also provide much-needed assistance to passenger and commuter rail.

In January, the American Association of State Highway and Transportation Officials released their freight rail bottom line report that states that an additional 2.6 to $4 billion is needed annually for capital investment in our freight rail system. Last fall, the Federal Railroad Administration and the American Short Line and Regional Railroad Association commissioned a study that found short line railroads need nearly $7 billion to upgrade tracks and structures to handle the newer 286,000-pound rail cars used by the class I railroads.

□ 2000

So, how can we meet these growing rail capital needs? We cannot afford to simply rely on the railroads for these funds. The Association of American Railroads' policy position book for the 108th Congress states, ''Especially over the past couple of years, railroads have become increasingly constrained in how much capital they can devote to infrastructure spending.''

The answer to this rail infrastructure funding gap is the bill I have introduced, the National Rail Infrastructure Program, H.R. 1617. H.R. 1617 would create a new significant and dedicated stream of funds for rail projects. Just as we have the Highway Trust Fund and the Aviation Trust Fund, this legislation that I introduced last month would create a national rail infrastructure program. The total revenue stream in my legislation would amount to $3.3 billion annually.

This is a Federal investment that the American public desperately wants. In fact, Strategies One, a Washington, D.C. polling firm, conducted a national public opinion poll that shows 63 percent of Americans strongly favor moving more freight by trains, especially when the alternative is adding to highway capacity larger and longer trucks.

We cannot afford to sit back as freight and passenger traffic swells. We must craft a multi-modal solution to this capacity shortfall in which we can all win, or else we will all massively lose. Therefore, I urge Members to join the 40 bipartisan cosponsors and me and cosponsor H.R. 1617, the National Rail Infrastructure Program.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 108–146) on the resolution (H. Res. 265) providing for consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE NEED FOR ASBESTOS LITIGATION REFORM

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

Mr. KIRK. Mr. Speaker, in 48 hours Congress will face the single most important pending issue of legislation to help our economy. Does your 401(k) look like mine? If so, it is due to the dot.com bust, the war, recession, and possibly even a little bit of Martha Stewart. But it is also due to another problem, and this problem is depressing the value of 900 stocks that form the bedrock of our retirement savings.

The issue is asbestos liability reform. Really. We bankrupted asbestos makers like Johns Manville and U.S. Gypsum a long time ago, but lawsuits now reach out to many companies, most companies, who have had asbestos anywhere in their ceiling tiles, walls, or in the case of Sears Roebuck, in one washer and one iron sold between 1957 and 1958.

Spending on the lawsuits might make sense if our justice system actually compensated victims suffering from asbestos poisoning. But, as the chart behind me shows, most asbestos awards go to lawyers' fees and court costs, and a minority actually goes to the lawsuit plaintiffs. Of the amount that goes to plaintiffs, only a small fraction goes to people who are actually suffering from asbestos poisoning.

When you look at this situation, as Justice Ruth Bader Ginsberg did, you see a system crying out for reform. Amazingly, the American Bar Association has called for this liability reform.

In this House, I introduced the Asbestos Compensation Act with 40 cosponsors, and my colleague the gentleman from Utah (Mr. CANNON) introduced similar legislation. But in 2 days, our eyes will be on the Senate Judiciary Committee, who will take up this issue with Senator LEAHY and Senator HATCH, and I think it is the best chance that we have to move a key piece of legislation forward to help our economy.

We know that two-thirds of asbestos plaintiffs have no symptoms whatsoever and they are flooding the courts to protect their rights in case they get sick sometime in the future. Meanwhile, plaintiffs who are sick are left behind. This has been a key point that the trial bar representing actually injured plaintiffs has raised.

But the financial uncertainty of asbestos liability is probably causing the greatest cost. Already 70 companies have gone into bankruptcy court, and there are approximately 900 publicly traded companies now facing asbestos lawsuits. If Congress does not act this year, we estimate 800 companies will go bankrupt over this issue. This, according to the National Economic Research Association and Rand Institute study, has cost Americans 60,000 jobs so far, and will cost 423,000 jobs in the future.

The system that we are under now has very uncertain results. Robert York has no symptoms and collected $1,200 in his asbestos lawsuit. Half went to his lawyer. William Sullivan had undefined asbestos exposure and collected $350,000, with his lawyer's contingency being undisclosed. Ken Ronnfeldt had exposure to asbestos and collected $2,500, half going to his lawyer; whereas Ron Huber, who had asbestos-related illness, collected only $14,000, and is appealing, rightly, his case.

I think the time is now for asbestos liability reform. I think this is a critical issue, not just to make sure that actual victims truly suffering consequences are compensated, but also that we remove this cloud of liability from America's companies that is depressing the value of the retirement savings of millions of Americans.

The test comes in 2 days before the Senate Judiciary Committee. My hope is that we have a bipartisan agreement to move asbestos liability reform through the Senate, and then it will be time for the House to act.

HONORING THE PUBLIC SERVICE OF DAVID LIZARRAGA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise on the 35th anniversary of the East Los Angeles Community Union to recognize its president and CEO, David Lizarraga, and to commend TELACU on the 20th anniversary of its scholarship program.

TELACU is a nonprofit community development corporation dedicated to rebuilding the East Los Angeles community. Despite complex challenges, TELACU's approach is simple: to provide people with the tools for self-empowerment and self-sufficiency and to create opportunities to use those tools to improve their lives.

Under the leadership of Mr. Lizarraga, TELACU has become the largest, most successful Hispanic community and economic corporation in the Nation. With nearly $400 million in assets, TELACU has created thousands of jobs, brought affordable hopes to untold numbers of families, leveraged millions of dollars in small business loans, and, most importantly, provided numerous educational opportunities for young people and veterans, not only in my congressional district, but throughout the United States.

As a prominent national Latino leader, Mr. Lizarraga is a leading voice in the revitalization of inner-city communities and a beacon of hope for young people searching for a path to a brighter future.

Mr. Lizarraga is an example of the American spirit through which dedicated, hardworking, and enterprising individuals do not just get ahead, but, in striving for a better life for themselves, they empower others to realize the American dream.

Mr. Speaker, it is my pleasure to acknowledge TELACU and Mr. Lizarraga for their dedication to creating jobs and opportunities in our communities, and to wish them continued success for many years to come.

TAX CUT STEALING FROM FUTURE GENERATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, tonight I rise to speak on behalf of future generations of Americans. The needs of these children, and their children, are clear. They need a strong economy, quality education, health care and a clean environment.

The $350 billion tax cut passed by House Republicans provides none of this. In fact, the tax cut steals from the future to feed the greedy of today.

Last-minute changes made by Republicans will prevent families, like this one, with incomes of less than $26,000, who have 11.9 million children, from receiving the child tax credit. In fact, 1 out of every 4 families in my district in California will get no child tax credit.

Working families, like the one pictured here, who told me how hard they are working just to provide basic needs for their children, will get nothing. House Republicans claim they could not fit these families into their tax cut. Somehow they found plenty of room, however, to allow corporations such as Enron to continue to hide $50 billion in offshore tax shelters.

How can I go back to my district and tell families such as this one that their children will get no tax relief because Republicans chose to protect corporate tax shelters instead?

In the Republican plan to rob the future, millionaires get $90,000 in tax cuts, while working families like this one, who build and invigorate our economy, will get next to nothing.

For example, 47 percent of the people in my State of California will get a total tax cut of less than $100. One hundred dollars does not go too far in California, which has some of the highest costs of living in the country; 140,000 of those families in my district will get no child tax credit, and many of these families saw their sons and daughters and fathers and mothers go off to the war. Across the country, there are 250,000 children of active duty military families, such as these, that will receive no child tax credit.

These families all sacrifice when we ask them to protect future generations of Americans. How can I go home and tell these families that their own and future generations will get nothing because Republicans would not even sacrifice a few thousand dollars of the millionaire's $93,000 tax cut?

Families in my district and across the country suffer from rapidly increasing rates of asthma and respiratory disease. How can I tell them the pollution that compromises their health will only get worse because Republicans made room for $100,000 tax breaks for the largest, most polluting SUVs?

These same families, along with families of 9.2 million children across the country, already cannot get relief for their children because they have no health insurance. How can I tell them that we could have provided this coverage, but instead Republicans chose to create a $350 billion tax cut that goes mostly to the wealthy?

Everywhere we look we see future generations in peril. We have schools that need $300 billion in maintenance and repair, a No Child Left Behind Act that is short $9.7 billion, 44 million people with no health care, basic water infrastructure in critical decline, and 9 million people unemployed.

With a $400 billion deficit and 100,000 jobs lost from the economy each month, we have few resources and little time to deal with this problem. Yet Republicans spend our time forcing through a tax plan that primarily helps millionaires, offshore tax haven, and large SUVs.

This is nothing short of a crime. The future has been stolen from future generations, like this family.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

(Ms. DELAURO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PUTTING THE PRIVILEGED FEW AHEAD OF WORKING FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, hardworking families need a break more than anyone in this country, especially since they are bearing the brunt of this very weak economy. But, for some reason, the Republican leadership feels

that the privileged few are more important than the 12 million children who are left out of the Republican tax cut. That is just plain wrong.

Voices across the Nation are speaking out, and they are speaking out loudly, and in overwhelming numbers they are in support of increasing the child tax credit and making it permanent, especially for those 12 million children who were left out of the recent tax package.

□ 2015

That is why President Bush is finally urging the House to follow suit with the other body so he can sign legislation that will restore tax credits for lower income families and put this bad and actually embarrassing decision behind him. Why is the Republican leadership dragging their feet here in the House when we can help American families now?

Well, Mr. Speaker, I know it is important that we swiftly extend the child tax credit to lower-income families. It should not, however, be part of another broad package that extends even more benefits to the wealthy.

We must pass a clean bill, a bill that solves the injustice that has been done to these hard-working families. Our priority should be the 12 million forgotten children, not more tax breaks for the rich.

Mr. Speaker, how am I supposed to go back to my district and tell a mother from Santa Rosa, California, located in the 6th Congressional district of California that I represent, just north of San Francisco across the Golden Gate Bridge, tell her that according to the House Republican leadership that her job at Head Start does not contribute enough into the tax system to deserve an increase through the child tax credit? This mother, whose name is Cori, is the head of one of the 6.5 million families that pays Federal, State, and local taxes; yet she has been left out of the recent increase to the child tax credit. Cori overcame the obstacles of being a single parent. She did it without a support system and she did it with very little money. After turning to the Head Start program for help, she went back to school and became a Head Start teacher to give back to the program that she thought and felt and knew saved her.

How do I explain to Cori that her hard work is not worth rewarding, that she does not give enough to the system to deserve a break? I ask my colleagues on the other side of the aisle where is the compassion for Cori and her children?

It is time that we help working families like Cori so they can balance their responsibilities of earning a living and meeting family demands. Our priority today should be expanding the child tax credit for lower-income families. Passing it can be the first step in reversing a very serious wrong.

Mr. Speaker, it is time to restore compassion to our Nation's families, rather than our Nation's millionaires. American families need to know we have not forgotten them. The 12 million children that have been ignored by the Republican leadership need to know that they are important.

I demand that the Republican leadership in the House act now and extend the child tax credit to those who need it the most: our children. Our children, 25 percent of our Nation, 100 percent of our future.

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

(Ms. EDDIE BERNICE JOHNSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

(Ms. SCHAKOWSKY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICA OPPOSES THE REPUBLICAN ''LEAVE 12 MILLION CHILDREN BEHIND'' ACT

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

Mr. HONDA. Mr. Speaker, I rise tonight to protest the Republicans' tax cut bill, the Leave 12 Million Children Behind Act.

Soon after this tax bill was passed, it was discovered that the Republicans deliberately chose to drop a provision that would have helped 12 million children living in moderate-income working families. Among these children left behind are 1 million children of active duty military.

Mr. Speaker, let me make this clear. Leaving 12 million children behind was not a last-minute oversight; it was a deliberate decision by the Republicans. As our Nation struggles through a Bush recession, Congress has a responsibility to do what is right for families who may need a little extra help, and it is obvious that the Republicans are shirking this responsibility.

The most shocking part of the Republican decision is its impact on families in the military. Many enlisted men and women make far less than $26,000 per year. As a result, their children will not be eligible for the family tax credit. It is clear from this callous denial of assistance that the Republicans' priorities lie with tax cuts for the wealthy, not with the livelihoods of working families and our servicemen and women in the armed services. These priorities are clearly out of step with the American people.

Mr. Speaker, Democrats are working to help these families. Democrats have introduced legislation that restores these benefits to all working families and ensures that our men and women in the military are not denied tax relief while they are fighting in Iraq.

However, the Republican majority refuses to even consider this legislation. According to the Republican majority leader, ''There's a lot of things,'' he says, ''that are more important than that.''

Well, Mr. Speaker, I disagree; and I join my Democratic colleagues today to once again urge the Republican leadership to restore the child tax credit to all working families. Democrats will continue to fight so Congress can fulfill its promise to truly leave no child behind.

AERONAUTICS INDUSTRY FACING IMPORTANT CHALLENGES AFFECTING AMERICA

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

Mr. INSLEE. Mr. Speaker, I come tonight to address an emerging issue that Congress is going to need to deal with, and that is the challenges to one of our most important industries in America, and that is the aeronautics industry.

Right now this portion of our economy from an export standpoint is probably the most successful in our economy, and a large percentage of our export surplus, to the extent it exists, arises from our exports of airplanes. The company, largely located in my neck of the woods in Washington State, Boeing, is the largest net exporter of products in our country and is the largest contributor to a potential surplus that we have; and it has over 150,000 employees and 26,000 suppliers that are located in all 50 States. This is an industry of enormous importance to our trade balance and to job creation in this Nation.

But unfortunately, because of the untoward practices of some European nations associated with Airbus, that industry is threatened; and it is threatened because contrary to well-accepted trading rules in a rules-based trading relationship, Airbus is taking advantage of a significant number of national subsidies for their program.

Among those are a state-sponsored loan program which has significantly reduced the cost of financing for Airbus development, and that can lead to up to as much as $26 billion in additional benefits to Airbus. In addition, they have received subsidies for their research and development costs; and of course, in the development of airliners, R&D is of tremendous importance to the ultimate cost of a product.

It appears clear that these subsidies, in fact, have continued, despite our efforts, our assiduous efforts to try and, in fact, maintain a rules-based trading system. And that now has to stop. The competition, the unlawful, the illegal competition that we have been facing due to these subsidies can no longer stand. And the United States Government needs to take a more aggressive policy to, in some sense, restore balance and fairness to this trading relationship.

In the next several weeks, my colleagues and me will be discussing the appropriate way to do that. Various means are at our disposal. We can consider trade efforts in an attempt to convince our partners in Europe to, in fact, respect a rules-based trading system and end these unlawful subsidies to this sector of the economy, with whom we are happy to compete under a rules-based system. We also may consider, in fact, assisting in the research and development in the technology to benefit America, and certainly in our energy policy. Many of us think that while we are assisting the development of an energy policy, we should assist the development of the most energy-efficient jet the world has ever seen, which we hope to be the 77 manufactured by Boeing.

So there are a variety of measures; but in some fashion, it is now time for America to get serious to insist on a rules-based trading system, one that can allow the best technologically efficient product to emerge so that the marketplace can choose, rather than having governments interfere with that process. And unfortunately, our European partners have muddied about in that system and governments have interfered in the functioning of this marketplace. That is something we have tolerated now for quite a number of years. It is no longer subject to toleration.

Mr. Speaker, it is time for America to become serious and engage in resolving this problem, and I will be working with my colleagues in the upcoming weeks to make sure that the rules are fair and applicable and assist the United States aeronautics industry.

A TRIBUTE TO AL DAVIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order.

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

There was no objection.

Mr. SPRATT. Mr. Speaker, we are here tonight to honor Al Davis, a dear friend, who died in the prime of life in a tragic, wholly unnecessary accident. But in his 56 years, he made a huge, if unheralded, contribution to the government of this country. We have lost a close associate, a valuable colleague. The House has lost part of its institutional memory and its analytical ability, particularly in the bramble bush we call tax policy; and the country, the country has lost a genuine, if sometimes critical, patriot.

Before Al became the chief economist for the Committee on Ways and Means, he was the chief economist for the Committee on the Budget; and it was on the Committee on the Budget that I came to know him best.

Mr. Speaker, if I might digress a minute, I would say that from 1969 to 1970 I served as a young officer, Army officer in the Pentagon and interacted with Congress and its staff; and when I came here in 1983 as a Member of Congress, the most striking change I found in the institution was in the staff, Members' staff and committee staff both. The number of staff had increased several fold, and the professional quality has increased even more. And more than I had ever appreciated, I soon found out how the House literally could not function without our staff. Their roles are often off stage. They make, however, those of us on stage look good. They keep the debate moving forward, and they see to it that the House churns out its enormous work product of bills and reports and conference agreements and correspondence and countless other documents.

Even among the excellent staff that is throughout the House on both sides of the aisle, Al Davis stood out. He was noted for two areas of expertise: the Tax Code and Social Security. And in those fields, he had few peers. He was good because he knew what he was doing, believed in what he was doing, and never tired of what he was doing until he got it right.

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I often asked Al a question and got a tentative answer. Then, a week later, long after I had forgotten the question I put to him, I got from Al a memo, a fax sheet, a graph, a table, whatever. He then came up and explained it to me meticulously in a way that anybody, me included, can understand; because Al was not just our analyst or our economist, he was our tutor. Not only did Al produce memos that answered the questions we put to him, but he also came forth with memos containing answers to questions we should have raised but did not.

I can remember myself more than once in the well of this House struggling, coping to defend our position, only to have Al appear from the benches back here with a memo he just happened to have written in anticipation of this issue.

He was a Democrat, make no mistake about it, but he did not pull punches for partisan purposes. If one wanted a sophist to help rationalize a poor policy proposal, you did not want Al Davis. On the other hand, if we had the right position, if we were principled, if we faced entrenched opposition, special interests, and found our policy hard to defend, we wanted Al Davis on our side, because he would cut to the core of an issue and bend every effort to help us.

His encyclopedic knowledge, his keen mind, his corporate memory, his sense of principle, his passion for the truth, and his patience in explaining it made Al Davis a joy to work with, a colleague that we cherished, a friend we will never forget.

The House will go on without him, of course, but the debate about taxes will be a little less incisive, the explanations of Social Security will be a little less clear, the arguments against the deficit not quite so compelling without the work of Al Davis behind them.

He served his Congress, this Congress, and his country well, and those of us who worked with him will be inspired for a long time by his example, moved by what he taught us, consoled by his humor, for as long as we serve in the Congress of the United States.

Mr. Speaker, I yield to my friend and colleague, the gentleman from Minnesota (Mr. SABO), former chairman of the Committee on the Budget who also worked with Al Davis on the Committee on the Budget.

Mr. SABO. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, in this institution of democracy there is always a small group of smart, talented, hardworking, honest people who labor anonymously behind the scenes. They are absolutely essential to the success of our form of government. Al Davis was at the top of that group. His brilliance was exceeded only by his work effort and his integrity.

Al worked hard to help those of us who are Members of Congress fulfill our responsibilities in developing, debating, and voting on tax and budget laws. He also helped other staffers, policy thinkers, academics, reporters, and the general public understand the issues. I am told that whenever tax policy experts around town ran into a particularly thorny problem, they looked at each other and would say, this is an Al question.

Al was also brutal in his honesty. If he thought something was a bad idea, it did not matter where it came from, he would tell the truth. Al made himself learn budget rules even when they

seemed silly, so that he could bring his understanding of economics and tax law into the budget process. He spent endless hours late into the night doing calculations and grinding out memos on every possible point of argument or challenge that might come up from a floor debate.

Al patiently answered the same questions over and over, so Members who had not been in the committee debates could understand what they were voting on. He spent endless hours helping our staffs learn what they needed to know.

Having said all that, I have to admit there are other staffers here who share these same traits. So what about Al made him so special and so sad to lose him? Much has been said of Al's love of irony and quick humor, but I do not remember him that way. To me, the best single word to describe Al is ''twinkly.'' He was always smiling and winking about something, usually involving numbers. His eyes would sparkle as he saw wonderful number games and possibilities in his mind long before the rest of us caught up with him. There was a little bounce in those long, lanky strides as he walked down the hall, and when he had his special numbers game going in his head, he literally danced.

Like many of the people in the world I come from, Al was a man of few words, but he also was a man of many numbers. He used his profound understanding of numerical relationships and the flow of money to make life better for all Americans, but particularly for people in need. At heart, he was a deeply kind man and a true populist. The House of Representatives, indeed all the people of this country, have lost a great resource, and I have lost a dear friend. I will miss him very much.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Georgia (Mr. LEWIS), who serves on the Committee on Ways and Means and knew Al in that capacity.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, the gentleman from South Carolina (Mr. SPRATT), for bringing this Special Order tonight to honor Al Davis.

Mr. Speaker, it is true, Al Davis was a brilliant economist. But to all of my Democratic colleagues on the Committee on Ways and Means, he was so much more. He was our conscience on the committee. Somehow, the words ''dedication'' and ''tireless'' do not seem adequate to describe the strength of Al's commitment to his work. He spent countless hours on weekends and at night responding to all sorts of Members' inquiries and issues; even some that, to put it kindly, might be considered harebrained.

Still, he took every request seriously and would leave no question unanswered. His efforts were never halfhearted. Unsatisfied with one analysis or two or even ten, Al would often put together hundreds of analyses. Al would leave no stone unturned to provide all the facts, no matter how obscure.

Despite his unparalleled knowledge and command of some of the most complicated issues dealt with by Congress, Al had an amazing and rare ability to distill and explain information so that it was understandable to the least knowledgeable person. Yet he never, but never, condescended to anyone.

There was something about Al's absentminded-professor persona that was both disarming and reassuring. He could always be counted on to calm passionate temperaments and remind us all of the facts. He would not let us get caught up in hyperbole, and he kept us focused on why we are here: to serve as a voice for the underprivileged and the disenfranchised.

Though he might not have enjoyed the name recognition that my colleagues and I do, there is no doubt that his work was critical to our efforts. Without capable and dedicated staff like Al, this place, Mr. Speaker, would not run. I tell the Members tonight, we will forever be grateful for his service, commitment, and dedication.

Mr. Speaker, Al Davis fought the good fight. He kept the faith. He worked hard to make things better for those who needed it most. I truly believe we are blessed to have known him. Al, we will miss you. My friend, a job well done.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from North Dakota (Mr. POMEROY), also a member of the Committee on Ways and Means.

Mr. POMEROY. Mr. Speaker, I thank my friend, the gentleman from South Carolina (Mr. SPRATT), for organizing tonight's Special Order in honor of the memory of Al Davis.

Mr. Speaker, when I arrived in Washington as a freshman Member of Congress in January, 1993, I received an assignment to the Committee on the Budget. That was when I met Al Davis. At the time, Al was the committee's senior economist. For someone like me, brand new to the Federal budget policy, Al was nothing less than the Rosetta Stone.

Even before I knew his name, I knew him by my first impression. It was an impression that I held for the next 10 years working with him, our giant brain. The Washington Post said that Al could translate the most arcane economic data into real-world language. That is absolutely true.

But I must also admit that sometimes even Al's translations were hard to grasp. Why? Because, although he was a master of honing sharp political arguments out of obtuse provisions in the Internal Revenue Code, he would never sacrifice content or accuracy. If a Member came to Al with a winning political argument that did not quite square with the facts, Al would patiently explain how the argument could be changed politically and substantively to be sound and accurate. He loved politics, for sure, but Al cared deeply about the enterprise of government, and believed that we all have an obligation to carry on our public debate with integrity.

Al was a senior economist and then chief economist for the Committee on the Budget for all my 6 years on the Committee on the Budget. Most know that until recently, Democrat staff of the Committee on the Budget were housed in the old O'Neill Building, which was also the dormitory for House and Senate pages.

It was quite appropriate that the Committee on the Budget staff worked out of a dormitory, because when we went to see Al Davis, working along with his colleagues, Richard Kogan and the others who served with such talent the gentleman from Minnesota (Mr. SABO) and then the gentleman from South Carolina (Mr. SPRATT), we truly felt like we were in the gifted and talented dorm at college. Here would be Al in his office, piled high with every budget and economic resource we could imagine, statutes, studies, charts, you name it. Of course, we would always find Al perched in the middle of it with an open collar, or in the summer a short-sleeved shirt, jacket and tie hanging on the wall, just in case of emergencies.

Al would field questions about budget and tax policy with the excitement and enthusiasm of a kid. He not only would answer the question, but also point out the humor, the irony, the inconsistency, or the sheer lunacy of the provision under discussion. When we went to see Al, we were truly talking to the smartest kid in the class.

Al was a very influential staffer, although he had no use for the trappings of authority. Al loved his work for its own sake and not because it made him powerful or sought after, which probably explains why Al treated people like he did. There would be no one in the world more surprised than Al to have an editorial written about him in the Washington Post. He was just as happy to explain the finer points of tax policy to a junior staffer as he was a senior Member. If one was interested in learning the substance, then Al Davis was interested in teaching it to you.

Because of his knowledge and intelligence, we made great demands on Al. We asked him not only to undertake economic analyses to support our policies, but also to develop the arguments and market them. On many occasions, I would decide the night before markup that our charts did not quite capture the perfect argument for the next day. I would ask my staff to call Al to find the data to create the perfect chart. Armed with such an 11th hour request, you can imagine how anyone would be exasperated, and occasionally Al was. But even those times, a few hours later, sometimes well after midnight, Al would send over the chart, just as we had asked.

I served, along with my legislative director for 10 years, Mike Smart, with Al and developed the greatest respect and admiration for him. As he loved

ideas, so he also loved life. I remember my surprise once at disembarking at the Bangor, Maine airport to find Al Davis and his loving partner Mary, Al having one of these goofy camping caps on. He was off for a canoe trip, an incongruous notion for me, thinking of our giant brain paddling that canoe in the wilds of Maine; but that is the kind of diverse and loving-life guy Al Davis was.

I have found my years in Congress to be enriched significantly by knowing Al and having the benefit of his counsel. I will miss him very much.

Mr. Speaker, I include for the RECORD the following items: The Washington Post editorial on Al Davis; the June 9 Tax Notes write-up by Warren Rojas on Al Davis and his contribution to the profession; a tribute in the June 9 Tax Notes from Gene Steurele entitled ''Economic Perspective''; and last but not least, a beautiful eulogy that was presented at the St. Charles Catholic Church in Arlington, Virginia, on Monday, June 9, by Dan Maffei, also a staff member of the Committee on Ways and Means.

The documents referred to are as follows.

[From The Washington Post, June 7, 2003]

(By Albert J. Davis)

Unless you're a tax and budget wonk, you probably didn't know Al Davis. Mr. Davis, the Democrats' chief economist on the House Ways and Means Committee, was one of those classic Capitol Hill staffers whose effectiveness can't be measured by the number of times they are mentioned in the newspaper. But from his cluttered office in the Longworth House Office Building, Mr. Davis helped mold and inform the public debate about what he saw as the troubling direction of the nation's economic policy, churning out fact sheets that were as accurate as they were partisan. He could get as worked up—maybe even more—about Democrats using distorted numbers as about Republicans who did so.

Mr. Davis had the gift of being able to translate the most arcane economic data into real-world language that Democratic lawmakers—the people he called his ''customers''—could use to make their case. For reporters scrambling to make sense of a study or to dredge up an obscure detail, he was the ultimate resource, with a seemingly encyclopedic understanding of the tax code. If you wrote or advocated about such matters, you'd quickly find your way to Al—or he to you. He patiently educated the uninitiated, from green legislative aides to reporters new to the economics beat. When a bill was on the floor, Mr. Davis was always there with his bulging accordion file, colleague Janice Mays recalled, offering when the most obscure of points came up, ''I just happen to have a memo here.''

Mr. Davis died last week at 56 after being struck by a cab on his way home from work. The accident occurred as congress was finishing work on a tax bill that Mr. Davis detested, and, as he lingered in a coma for 11 days after the accident, we can only imagine how frustrated he would have been not to be immersed in the debate. Len Burman, co-director of the Tax Policy Center, recalled visiting Mr. Davis at George Washington University Hospital and delivering updates on the latest outrages in the tax measure, ''I kept on thinking, he's definitely going to wake up for this,'' Mr. Burman said, Mr. Davis's boss, Rep. Charles B. Rangel (D–N.Y.), said that Mr. Davis ''promoted truth in an institution too used to skirting around politically inconvenient facts.''

[From Tax Notes, June 9, 2003]

ECONOMISTS, LAWMAKERS LAUD DEPARTED DEMOCRATIC COLLEAGUE

(By Warren Rojas)

Fiscal watchdogs on both sides of aisle last week grieved the recent death of House Ways and Means Committee Chief Democratic Economist Albert J. Davis—a public servant many revered for his sharp mind, quick wit, and commitment to economic transparency.

Davis, whom colleagues remembered as a fixture of the Washington economics community since arriving here in the early 1980s, died May 30 after being struck by a taxicab in Arlington, Va., on May 19. Although at press time memorial arrangements for Davis remained were uncertain, Democratic leaders plan to sponsor a special order on June 10 allowing lawmakers one hour of debate time on the chamber floor to share their memories of Davis.

''Our members are all sort of devastated because Al was our crutch,'' Ways and Means Democratic staff director and Davis's most recent boss Janice Mays said about Davis, that he was the unofficial ''go-to'' policy guru for most House Democrats.

''From my standpoint, he was the perfect staffer. I am really desolate,'' Mays said.

Davis's chief foil, Ways and Means senior economist for the majority Alex Brill, voiced genuine admiration for Davis's ''strong commitment and belief in economics and his issues.''

''We rarely agreed, but he was someone I respected,'' Brill told Tax Analyists. ''He was someone who worked hard and made his issues vibrant and real.'' While they quite often digested the same economic data only to come to diametrically opposed policy positions, Brill said Davis usually emerged with a ''fair read'' of alternative views.

''He certainly had that strong grasp of the science,'' he said, adding, ''And I know by reputation that he dissected [the information] very quickly.''

Similarly, Ways, and Means Committee ranking minority member Charles B. Rangel, D–N.Y., said that Congress as an institution would suffer from Davis's sudden departure.

''Though he appeared soft-spoken and cerebral, Al Davis was passionate about defending the interests of the working men and women of this country,'' Rangel said. ''Using his spread sheets, his charts, and his memos, Al was a powerful fighter for economic justice. He promoted truth in an institution too used to skirting around politically inconvenient facts. Al's death is a loss for the entire nation.''

A NATIONAL TREASURE

Born in Dallas in 1947, Davis laid the foundation for his economic ascension by securing Bachelor of Arts in economics (with Honors) from Swarthmore College in 1968. He followed that up by earning a Master of Arts in economics (with concentrations in international economics and public finance) from the University of Wisconsin-Madison in 1974.

With tools in hand, Davis then began his professional career as a research director and fiscal policy expert for the Wisconsin Department of Revenue (1976–1980) before moving to Washington and leapfrogging from governmental agency to governmental agency, servicing as: senior analyst at the U.S. Advisory Commission on Intergovernmental Relations (1980–1983); senior economist for the Democratic staff of the House Budget Committee (1984–1994); chief economist of the Democratic staff of the House Budget Committee (1995–1998); and chief economist for the Ways and Means Democrats (1999 to 2003).

While his résumé reads like a road map followed by the prototypical federal number cruncher, economists and friends claim his fiscal vision and translation skills made Davis an unparalleled ally.

According to Mays, Democrats treasured Davis's counsel because the combination of computer savvy and homemade economic models enabled him to provide lawmakers in the minority with in-depth analysis on par with what Treasury and the Office of Management and Budget deliver to the White House.

''He could kind of give you the facts of who would benefit and who wouldn't from various tax changes,'' Mays said of his understanding of how taxes, budget, and long-term fiscal policy changes here all interrelated. ''He had a great overview of how all those things would work together.''

Rather than hoard that knowledge, Mays said Davis enjoyed the intellectual exercise of sifting through the tax code and bringing all its hidden flaws to light.

''He enjoyed explaining how the machine worked. Members would talk to him and go away understanding something a little bit better,'' she said of the impromptu tutorials and explanations Davis could provide at a moment's notice. She added that often, Davis would make time to talk to any legislative assistant who reached out to him—happily logging 20-hour workdays to explain the underlying economic consequences of any legislative proposal.

Explaining how Davis was more than a mere policy work, Urban Institute economist and Tax Policy Institute codirector Leonard E. Burman painted Davis as a ''legislative detective'' adept at sifting through the fine print of most tax bills and spelling out the particulars to Hill watchers and members alike.

''If you talked to Al every day, you would routinely learn things that others might not read about in the mainstream papers till two or three weeks later,'' he stated, hailing Davis as ''an ordinary guy who was pivotal to how tax policy works.''

Burman praised Davis for working ''tirelessly to keep both the Democrats and the Republicans on the Ways and Means committee honest and informed about their tax policy options and the implications of their choices,'' and thanked him for keeping everyone else in Washington up to speed on the day-to-day tax grind.

''He knew how to read the tax law and could figure out how these goofy provisions concocted in the dead of night would [effect] other issues down the road. And he knew how to write so that anyone could understand it,'' Burman said of Davis's copious policy memos.

On a personal level, Burman said he would most miss scanning the tax dailies in search of a (supposedly) clandestine comment from Davis. ''I am going to miss reading articles in Tax Notes and other places where a House staffer or some other well-placed aide was quoted and picking out his voice—because I always knew it was Al,'' he said.

Congressional Research Service economist and close friend Jane G. Gravelle called Davis's death ''a great, great tragedy'' for those who were close to him and to the economics profession as a whole.

Although he prided himself on staying behind the scenes, Gravelle said Davis clearly had a ''great effect on the transmission of economic knowledge'' both in and around Washington.

''To me, he was the epitome of the staff adviser to Congress,'' she said—although Gravelle quickly added that Davis was somehow able to avoid getting mired down in the

political frustration and procedural malaise that often overtakes people who stay on Capitol Hill too long.

''Whereas there are those on the Hill to whom politics is the predominant issue, Al had principles. He always wanted to communicate the truth—even if his members didn't want to hear it,'' she stated.

''He was very quick in seeing through to the essence of things—particularly sneaky ways that people could turn and twist the tax code to benefit from policy changes,'' Gravelle said of Davis's economic intuition. She added that Davis's economic know-how and command of public policy would be hard to replace.

''To replace that set, to explain things and understand them—quite often these two do not go together. Particularly in economics,'' she quipped. ''I can't help but believe that Democrats will suffer from the loss of those skills.''

Brookings Institution senior fellow and Tax Policy Institute codirector William G. Gale said Davis's passing would leave a void that will not easily be filled.

''He was deeply committed to what he was doing—but he was also willing to take a step back and laugh about the policy silliness,'' Gale recounted. ''He will be sorely missed both personally and professionally.''

While noting that he believes there is a sea of unsung policy experts and congressional staffers keeping most lawmakers afloat, Gale hinted that the stereotypical Washington bureaucrats do their jobs ''maybe not quite as well as Al did.''

''He wouldn't have bothered writing such clear, compelling stuff if he didn't think it mattered,'' he said of Davis's economic convictions.

Moreover, Gale suggested that Davis's long commitment to combating complexity and other long-term fiscal concerns had renewed his sense of purpose in recent years.

''One of the things he really railed against was the disingenuity of how tax cuts were advanced over the last few years,'' Gale said. ''It was a constant thorn in his side that tax cut advocates were using any argument to justify their tax cuts. So he spent a lot of time trying to be a reality check on those people.''

Mays noted, however, that even though they had been overtaken by the immediate sense of mourning, she and her staff would ultimately honor Davis's memory by continuing to shine a light on potential abuses of the tax code.

''Al would want us to keep fighting. He would not want us to stop just because he is not one of the troops anymore,'' she stated.

Contributions in memory of Albert J. Davis may be made to memorial funds established in his name at Swarthmore College and the Chesapeake Bay Foundation.

[From Tax Notes, June 9, 2003]

A TRIBUTE TO AL DAVIS

(By Gene Steuerle)

Al Davis. Al Davis. Where are you, Al, now that we need you more than ever? Many tributes are going to be made about Al, who died on Friday, May 30, as a result of injuries from being struck by a taxi. Still, I feel compelled to add my own accolade, not just in gratitude for what he did for me over the years, but to challenge all of us who engage in tax analysis and policy to try to live up to his standards.

Anyone who worked with Al knows that he was a master at putting together information and disseminating it in easily digestible nuggets. He loved data and would reconfigure and recompile it until the stories hidden in the numbers came out and hit you over the head as if they were apparent all along. He fed all of us information about actions we had missed—especially if they involved some sleight of hand, some manipulation of the numbers, or simply some little noticed special interest provision snuck into a bill late at night. In this endeavor he was ceaselessly bipartisan. Those for whom he worked, Democrats on the Ways and Means and House Budget Committees, may be well aware of his biting edge when he thought Republicans were running amok, but I can assure you that he was equally informative, honest, and skeptical when Democrats were dodging or ignoring principles of tax or budget policy.

Al was a national treasure. He knew more quirks of the tax and budget process than most of us will ever hope to guess at, much less understand. He could translate confusing rules, jumbled numbers, and incomplete actions, with a keen awareness of just how they were going to affect the policy process. He would spend whatever time was necessary to educate his bosses and his colleagues in the tax and budget community, even if it meant that he had to work 18 hours instead of 12 to get other parts of his job done.

Al and I go back to graduate school days at the University of Wisconsin long ago. We both had returned to school after a military tour of duty, and we both had a keen interest in issues of public policy. Al was quickly disaffected by some of the arcane aspects of economics—those that might be great for tenure but had no applicability to the real world. Al wanted to solve problems and his interest from the start was in public policy. How could it be made to work best for the public? From beginning to end, I don't think there was ever any other motivation that so drove him. He was an exemplary public servant, the embodiment of the concept of service.

At the same time, he was fun. Sometimes when action was fierce, battle lines drawn, and staff abuse the order of the day, Al would smile brightly and plunge harder than ever into the morass to try to come out with information that was straightforward, sensible, and influential. And always timely. He had a special smirk for much of the silliness that always prevails in the legislative process, and when you saw it come over his face, you got ready for a good story—the same way you anticipated a Bob Hope punch line. I think Al's energy cells were fueled by the action going on around him.

Integrity largely defines Al's approach to work and policymaking. There's something about our system of government that makes it dependent on people like Al, the ones who tell it like it is and are willing to bear the consequences. There's a story that circulates in government about the many staff persons in Congress and the Executive Branch who either stare at their shoes or simply tell their bosses what they want to hear. The shoe staring arises when a elected official says something outlandish or wrong, but no one has the nerve to correct him or even put better information into the conversation. Al's failure to play these games may have foreclosed certain career options, but he was usually in his element in the jobs he took, always just below the surface visible to the public but right at the heart of policy.

It's hard to convey fully the loss to the policy community, much less to Al's friends and loved ones. I do know this. Al's death warns us once again that those who would serve must do it now, not later after some power has been obtained or some career ambition achieved. Thanks, Al. And every time I see still more silliness in the tax or budget process, I'll sense your outrage that it couldn't have been done better and your humor at how it all happened. I'll try to maintain hope that, with people like you to grace our lives, maybe, just maybe, we can muddle through once again.

REFLECTIONS AT THE MASS OF CHRISTIAN BURIAL FOR ALBERT J. DAVIS, ST. CHARLES BORROMEO CATHOLIC CHURCH, ARLINGTON, VIRGINIA, MONDAY, JUNE 9, 2003

My name is Dan Maffei. I am the spokesperson on the Democratic Staff of the Committee on Ways and Means where Al worked.

I first got to know Al though his memos. Al's memos were sort of like his Star of Bethlehem. They did not reveal all the truths but they led you to him and you were seldom disappointed.

Al's title was ''Chief Economist'' but Al knew more tax law than most tax counsels and virtually anything about the federal budget. He knew American history. When I had a question about physics or Latin, it was a pretty good bet Al would know that too.

And Al didn't just know the answers, he knew where the answers came from. He could explain how to understand them to any journalist or staff member—his ''clients'' or ''customers'' as he called them.

Al was a greater communicator.

Too often, the simple soundbite answer can lead to unfair and unjust policy.

But, as a wise member of the Ways and Means Committee once said, ''If you have to 'splain it' you've already lost.''

Al Davis was the antidote to that axiom.

Al could, by explaining something so well and so clearly, reveal the simple truth within a complex issue.

Al produced both quality and quantity. Memos, e-mails, distribution analyses, spreadsheets, one-pagers and charts—charts, charts, charts.

With such preparation, it is easy to understand why Al was such a good sailor and outdoorsman. Compared to Al, the best boy scout would look impromptu.

Al even could predict the future.

On the House floor, he was a walking library. A member would ask some obscure question and Al would say, ''I happen to have something on that right here.''

Though he had served with distinction in the United States Army, Al was not particularly good at taking orders, and not good at delegating. But that did not matter. He was a staff unto himself.

Al had many bosses throughout his career but his big secret was that he really worked for himself. All of his bosses would quickly realize that, if allowed to do it his way, Al could cause a great deal of trouble for some and do a great deal of good for the working Americans.

''Business is good,'' Al would say.

He would reveal the gimmicks, debunk myths, and correct bad numbers.

A couple of weeks ago, the Senate Republicans' tax bill was derailed by ''an estimating error.'' A memo Al had written two days earlier revealed a flawed estimate. Even as Al lay in the hospital, he had thrown a wrench in the works of those trying to get away with too many short-cuts.

Al was angry at the current Administration and the Republicans, not for their views but for their dishonesty.

Al did not sit well for lies.

Honest opinions, honest numbers, honest budgeting—these meant a great deal to Al.

He had a particular dislike of logically inconsistent statements that were designed to con the public. He saw only one rational reaction—ridicule.

As he wrote, ''Most recently, the President has equated tax cuts with 'jobs.' He has warned against a first-round of tax cuts as 'small' as $350 billion. If economics is that simple, why not eliminate all taxes? If economics were that simple, families could get

ahead by spending twice their income every year.''

Al's sarcasm had a lighter side too, frequently accompanied by that trademark grin.

Back in the army, Al would quip that he was given a rifle to guard a paint shed, a night stick to guard a depot, and nothing at all to guard the Pentagon.

Many years later when the Bush White House sent up a budget wrapped in an American flag cover, Al's memo ripping the budget's tax provisions apart had a bold stars and stripes watermark.

As the war in Iraq got under way, Al sent the following e-mail: ''The newspapers today say that the stock market 'soared' upon news of the war. Forget the dividend tax cut plan, the stock market is taken care of.''

Recently, I sent Al an e-mail about a new Democratic Leadership Council idea to set up a ''prosperity reserve fund'' so the Federal government could put away money to pay down debt later on. Al's response was five words: ''Ringling Brothers Barnum and Bailey''

That was not the only Democratic dumb idea that came Al's way. As each new young staffer came along, feeling that he or she really had the solution, and came to Al with their flawed idea, Al would sign. Or, it was something he had heard a dozen times before, it would ge the head shake.

Al was well practiced at rolling his eyes.

Yet, Al had near endless patience. Frequently, a young legislative aide would assure Al had lost patience with him when, lo and behold, they would get an e-mail from Al with all the answers they needed.

Al disdained it when other staffers or members of Congress would take themselves too seriously. That was a trait he did not have.

In fact, the most frequent victim of Al's acerbic wit was Al himself. He would apologize for ''torturing'' people with his depth explanations. Or say that some foolish person decided to do a detailed analysis of this bill and then attach a memo that he himself had done.

Just about 6 weeks ago, I asked Al whether he had ever taught college. Al could have made a great college professor. Al said that had he finished his Ph.D., he might have considered it.

But that would have taken Al out of the front lines. In the fight for better government and for a better life for the working people of this country, Al was in the best place he could be.

For even though Al could seem cloistered among his books and files and spreadsheets, and even though he would shun meetings and had to be dragged to the House door, Al loved being an agent in the process—and a potent one at that. He had found work worthy of himself.

And besides, it didn't whether he had the title, Al was the best professor I ever had.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Texas (Mr. SANDLIN), also a member of the Committee on Ways and Means.

Mr. SANDLIN. Mr. Speaker, I thank the gentleman from South Carolina for yielding to me.

Mr. Speaker, unlike many of my colleagues on the Committee on Ways and Means, I only knew Al Davis well for a brief period of time, although now I am in my fourth term. I had previously met Al, but I recently became a member of the committee. It did not take me long to learn that Al was an invaluable resource to all of us.

Al's mastery of economics, his vast institutional knowledge and patient demeanor, combined with the rare ability to simplify and explain complex data, helped ease my transition and the transition of many others to the committee.

□ 2045

It served committee Democrats well during crucial tax debates.

As several poignant columns have pointed out this past week, including these that have been referred to in The Washington Post and in Tax Notes, Al worked tirelessly to shed light on the ways in which data and statistics can be and often are manipulated and misrepresented to serve narrow purposes. At the same time, Al was proudly partisan and used his extensive knowledge to influence public debate on economic and fiscal policy.

Whether one agreed or disagreed with Al, everyone who was familiar with him acknowledged the accuracy of his data and the sincerity of his motives. He never stopped fighting for economic justice, and he was especially passionate in his criticisms of the increasing inequities in the Tax Code. He clearly stood for the working men and the working women of this country.

His charts, graphs, spreadsheets and memos were highly regarded on the Hill and among fiscal and budget policy experts, and his research and presence will be greatly missed.

As many speakers here today are aware, Al's office space was a study in controlled chaos. I met with Al in his office shortly after I joined the committee in January, and I was impressed with both the volume of material in his office and the fact that he was able to quickly locate seemingly obscure information with very little effort. As committee members and staff know, Al typically carried much of this material with him at all times, carried it with him to the floor; and he always had relevant information handy. During our heated debates, he was a constantly reassuring sight to all of us on this side of the aisle and could always be counted on to clearly and concisely refute arguments on fiscal and budget policy made by our colleagues on the other side of the aisle.

Simply put, Al is irreplaceable, a reality check for both Republicans and Democrats; and his friends and colleagues will feel his loss for years to come.

Al's friend and a friend to the committee, Janice Mays, is the Democratic staff director and Al's most recent boss. On the issue of going forward from this point, she recently said, ''Al would want us to keep fighting. He would not want us to stop just because he is not one of the troops anymore.''

There could be no better memorial than that; and Mr. Speaker, there could be no better compliment.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Texas (Mr. DOGGETT), also a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, as I am sure is the case with each of those who have spoken tonight, I come to these remarks with a heavy heart, one of the more difficult remarks that I make here I guess for two reasons, both because of my affection for Al and because he is not here to help me with the speech.

As I look back over the floor, I see the spots where I would see Al sitting with John Buckley and Janice Mays and Dan Maffei, with Beth Vance and other members of the staff of our committee, knowing the loss that each of us speaks of tonight as a Member is a loss that has been suffered by his colleagues who worked with him, the closest as staff members on the Committee on Ways and Means.

But I think of the many times that I have been here when I was over there vigorously scribbling the final notes of what I might say in rebuttal to some argument I heard when Al would come over and note something that had been omitted from the debate and totally change my speech; or when having concluded that the strongest argument for our side was a particular bit of data, I would turn to Al and have him indicate that it really was not quite as solid as perhaps the sheet that had come out from one of the various groups particularly interested in the matter might have indicated and that a stronger argument was to be found somewhere else.

Al did all this with that sense of gentleness, of cooperation that has been spoken of by others here tonight. He was a remarkable individual.

Also, I still have a collection of e-mails from Al because, as others have also pointed out, Al would see some bit of contradiction. One of them I came across was one that in a simple message said I was struck by the following sentence in the President's speech last night, preceded by an analysis by Al of the contradictions between what the President said and what the President and his administration had done.

Al has provided the kind of careful insight to public policy, the kind of careful analysis of the numbers but also with an understanding of the human condition, an understanding in a life varied in experience, filled with love from his family and from his colleagues, and he brought that special insight to us so that it was not just a matter of regurgitating the numbers but of putting flesh and bone on those numbers and translating them into what they meant to ordinary American citizens in a way that few people I met here, either elected or unelected, have a capacity to do.

As I think about the tragic loss of Al, something that came so unexpectedly to all of us, to his family, his friends, his colleagues, I think that while I will add a few more specifics in my extended remarks here tonight, that I would want to reflect on Al's commitment to words like dedication, industry, loyalty and integrity and would

say that when it came to issues like retirement security, like assuring that people could get health care, like guaranteeing that there was at least a little sanity in the budget process, and I initially met Al working with the gentleman from South Carolina (Mr. SPRATT) and with his predecessor, the gentleman from Minnesota (Mr. SABO), as a young member of the Committee on the Budget, on issues like tax fairness that have been so important to me personally, that Al was committed to those issues.

His tragic passing reminds us that we never know how long our tenure and our ability to serve what we view the public interest is going to be, and I think we are called upon in remembering Al to remember the causes that were most important to him and to redouble our efforts in his spirit and on his behalf to fight for fairness, to oppose hypocrisy, to stand up for what is right for the American people in much the way Al would do if he could be here offering us suggestions tonight.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for his remarks.

Mr. STARK. Mr. Speaker, I rise to join my colleagues gathered here today to honor and memorialize Ways and Means Democratic Staff Economist Al Davis who life was tragically cut short.

Al dedicated many years of his life to helping Democrats in the House of Representatives promote policies to improve the lives of America's working families. He did this first when working for the House Budget Committee Democratic staff and more recently with the Ways and Means Committee Democrats as our chief economist.

Those of us lucky enough to serve in Congress know how important the role of staff really is. A good staffer is not someone who will just agree with you—though it takes many of us a very long time to discover that reality. The best staffer is someone who understands the facts and helps you use those facts to promote policy that you support or oppose, but will tell you when the facts aren't on your side.

Al excelled in this role. He knew the tax code and budgetary impact of any change in law better—and more quickly—than almost anyone. If you needed the facts to support your argument, he was there with a memo to assist you. But, only if your argument was correct and could be substantiated! And, that was why Al will be missed so greatly. He'd tell you if the facts didn't support you—and you couldn't convince him to do otherwise.

There are two words that I think best describe Al Davis. The first is ''integrity''. As I've said above, he always held true to the facts and helped us do so as well. The second word is ''commitment''. Al was truly committed to the work he was doing here on Capitol Hill. He was here helping us whenever the Ways and Means Committee was meeting or the full House was considering Ways and Means bills—no matter how late at night it was. When the House wasn't in session late, he was usually still here long after we'd gone home analyzing bills, making charts and getting his memos out to us to make sure that we had the facts necessary to promote or combat various policies.

Al Davis will be sorely missed. He was the consummate Congressional staffer. We need more Al Davis' on both sides of the aisle. It is very sad that, instead, we have one less in our presence today.

Mr. MCNULTY. Mr. Speaker, I am honored to join with my colleagues tonight in celebrating the life, and mourning the loss, of an exemplary public servant, Al Davis.

Al was the embodiment of the concept of public service. He possessed an encyclopedic understanding of the tax code and was committed to the promotion of truth and honesty in American tax and budget policy. In fact, if there was one word synonymous with Al, it would be ''honesty''. Members and staff on both sides of the aisle expected nothing but the raw truth from Al, and they were never disappointed. It was the core of his being.

Armed with a keen sense of American history, a quick mind and sharp wit, and the passion of his convictions, Al would cut through the political rhetoric to translate complex technical data into readily understandable facts. While the Congress may be diminished by his physical absence, his commitment inspires us to continue the fight for better government.

Al, you will be missed both personally and professionally. But as you look down on us from a better place, we will be inspired by your example and the sense of purpose you set in the fight for a better life for the working people of our country.

Mrs. JONES of Ohio. Mr. Speaker, I would like to take this opportunity to join my colleagues from the Ways and Means Committee honoring Mr. Al Davis.

As one of the two newest members on the committee in the 108th Congress, I was privileged to become acquainted with Al and appreciate his round the clock efforts to make sure the Democratic members of the committee and their staffs were kept abreast of the upcoming events and legislation we would be dealing with. And I do mean round the clock. Messages would come on my Blackberry pager at 11 o'clock at night, sometimes later. When major bills were getting ready to be discussed in a hearing or markup before the committee, the first memo that reached my hands in the morning would be the most recent information that Al had spent the previous night researching and compiling.

To say that Al provided sage-like advice to the committee is an understatement. While my colleagues on the committee are extremely knowledgeable of the economic issues related to the Ways and Means' jurisdiction, rarely would they not yield to Al as he would offer greater insights into the complex issues we faced. I think I can speak for other members when I say that a common first response to questions we had for our staffs was ''Let me check with Al and see what he thinks.''

Al's tireless work ethic, attention to detail, and cunning sense of humor will be remembered by all his friends and colleagues, here on Capitol Hill and elsewhere. As I take these moments to remember Al, I also want to thank him for his steadfast commitment to the ideals of the committee.

AMERICA'S GREATEST THREAT

The SPEAKER pro tempore (Mr. FEENEY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. OSBORNE. Mr. Speaker, I think that our recent military successes in Afghanistan and Iraq have demonstrated very clearly that we are the preeminent military force in the world. Our economy, although it has been somewhat slowed recently, is certainly the strongest in the world.

By most measures, the United States is the most powerful Nation in the world. At the present time, we stand alone in a position of preeminence; and so sometimes when one is in that position, it is easy to begin to think that we are invincible and that this will go on forever, and certainly we hope that that is the case.

Then I think it is important that we cast a historical frame of reference on all of the recent circumstances on things that have happened.

Certainly 2,500 years ago, the Greeks were preeminent; and they, I am sure, felt that their culture would last forever and that they would be in a preeminent position until history ended; and then 500 years later, 2000 years ago, we found that the Roman empire had superseded Greece, and again, for a period of time, it was the most powerful nation in the world, just dominated the then-civilized world as we knew it.

150 years ago, the British Empire certainly was the most dominant nation in the world and controlled most of the affairs in the discovered world at that time; and of course, even the Soviet Union just 20 years ago appeared to be an almost invincible force. It was our rival. And so the United States and Soviet Union were the two most powerful nations in the world; and yet in each case, each one of these great civilizations, each one of these nations fell, and the interesting thing was that they did not fall from outside forces. It was not because somebody took them over. Rather, they fell from internal factors; and so their unity of purpose, their national resolve, the character of their people began to crumble, and as a result, they all to some degree became less powerful, and to some degree they became history.

So what is America's greatest threat today? I am sure some would say al Qaeda. Some would say it is the ongoing conflict in the Middle East between Israel and Palestine. Some would say it is the nuclear capabilities of North Korea and possibly Iran. Others would say the biggest problem we have is the economy, and certainly all of these things are important, and certainly they are all worthy of our attention, and they certainly get it in this body on a daily basis.

I would submit to my colleagues that from my perspective the greatest threat that this Nation faces today is not outside forces, but rather, it is unraveling of the culture from within. So I am going to tonight, Mr. Speaker, document this thesis in some ways, and the reason I say this is because I have had considerable experience working with young people over 36 years.

From 1962 to 1997, I spent almost all of my time working with young people.

Most of them were ages 17 to 22, but I also spent a lot of time in high schools with summer camps where I worked with kids in the 9th, 10th and 11th and 12th grade. I coached 150 young men every year, visited 70 to 80 high schools in all parts of the country. Some were in inner cities, some were in suburbs, some were in rural areas; and I sat in 70 to 80 living rooms all around the country from wealthy to poor to rural. So I am not saying, Mr. Speaker, that I understand the whole situation that is going on in our country; but over those 36 years, I began to see some things that were of concern, some things that I think are worthy of note.

The young people I worked with were talented; and as time went on, they became bigger and faster and stronger and in some cases smarter, but they also were more troubled. I saw more personal problems. I saw more stress. I saw more young people who were off balance; and as a result, over that 36-year period, I progressively spent less and less time coaching and more and more time dealing with personal issues; and I think almost anyone in education would tell us the same thing, whether they are a school administrator or a teacher or a coach. Anyone who works consistently with young people over a period of time will tell us that things have changed. There has been a shift, and as far as stability, it has not been for the better.

I think, Mr. Speaker, there are several factors that have contributed to these changes, and the first of these that is very obvious, and I think almost anyone would recognize this, is a change in family stability. In 1960, when I first started working with young people, the out-of-wedlock birthrate was 5 percent. Today, it is 33 percent. So roughly one out of every three children are born out of wedlock, with no stable marriage and have two strikes against them. That is an increase over that period of time of 600 percent.

In 1960, the great majority of young people lived with both biological parents. We would occasionally see a young person who was from a single-parent family, but usually if we did so, it was because one parent or the other was deceased. Today, roughly one-half of our young people are growing up without both biological parents, again, an increase of probably 3 to 500 percent in terms of lack of stable families.

Today, only 7 percent of our families are so-called traditional families. So the family that we have is generally a father works, a mother stays home with the children and is a full-time homemaker or at least if the mother works, the father stays home, and yet only 7 percent of our families are of that nature today.

□ 2100

So we often think of latchkey kids belonging in the inner city where they come home after school and nobody is there, but I can tell Members from personal experience that there are roughly 80–90 percent of the young people in the suburbs and rural areas, nobody is home at 3 o'clock and they are latchkey kids as well.

So this has been a tremendous shift in our demographics. Parents today spend 40 percent less time with their children than a generation ago. The average parent spends no more than a few minutes with each child, and a huge amount of time is eaten up with the television set and work activities. The divorce rate has increased, from 1960 to 1995, 300 percent. Currently today, 24 million children are living without their real father.

I dealt with a lot of those young people and I remember particularly one case where this young man was a good football player, and by his junior year he was being mentioned as being an All-American. One day I got a phone call from a man living in another State and he wanted to know if I knew this player. I said, I coach him. He said, ''That is my son. I would like to talk to him.''

So I talked to this young man and I thought he would be thrilled being reunited with his father. He said, ''He left me when I was 1 or 2 years old and now the only reason he wants to talk to me is because I am somewhat famous as a player, and I do not want to talk to him.''

I sensed the anguish. I saw young people time and time again who had a father who was missing in their life and they were trying to fill that void, and usually it was with all the wrong stuff; and it was not just young men, it was young women as well.

This Sunday is Father's Day, and fatherless children are in some difficult circumstances at the present time. Fatherless children are 120 percent more likely to experience child abuse, twice as likely to drop out of school, 2–3 times more likely to have mental or emotional problems, 1½ times to 2 times more likely to abuse drugs and alcohol, and 11 times more likely to commit a violent act.

I ran into a story recently that is true, and this had to do with a greeting card business that contacted a prison. Mother's Day was approaching and they notified all of the prisoners that they would provide a Mother's Day card free if the prisoner would use it and send it to his mother. They had almost 100 percent participation. Practically all of the inmates took the card and mailed it to their mother. They thought this was quite a success.

So Father's Day was rolling around and they thought they would do it again. And the interesting thing, Mr. Speaker, in that particular prison there was hardly anyone who asked for a card to send to his father because, I would assume, because none knew their father, or their father had abandoned them.

What I am saying as far as the family is that the launching pad, the family, is not totally broken. We have some good families in our country, but the launching pad is certainly cracked, and changes have been undertaken in our society that are going to be really difficult for us to rectify in the immediate future.

So on top of the family disintegrating to some degree, we find that the environment in which young people are living has changed dramatically. When I began coaching in the 1960s, drug abuse was almost unheard of. We had never heard of cocaine, steroids, methamphetamine. We heard a little bit about marijuana, but that was somebody out in Hollywood, and none of the young people I was dealing with had experienced it. Of course today, currently, we find that we have a drug epidemic on our hands, and that includes alcohol. We have between 2 and 3 million teenage alcoholics in our country today. So the drug issue has become one of epidemic proportion.

The thing that is really interesting to me and astounding to me and discouraging to me is at one time we assumed rural America was the bastion of the family, and that was the one place we could count on traditional values. Yet we find at the present time that drug abuse in rural areas is equal to that of the urban areas, if not greater. The greatest scourge currently in rural areas that we have is methamphetamine abuse. It is roughly twice as prevalent as it is in the cities. If you are addicted to meth, the time that you are going to have to spend in inpatient treatment to have any chance of being cured is not 3 months as it is for alcohol and other drugs, it is roughly 24–36 months, and then the odds are very good you will not beat it and meth probably at some point will kill you.

The average meth addict will commit roughly 130 crimes per year to support that habit. Imagine the cost to each community of one meth addict, and we have rampant meth abuse in the rural areas. We also have the highest rate of violence of any civilized nation in the world at the present time. The United States has the highest homicide rate. We have the highest suicide rate, and of course we have had numerous school shootings in the United States in recent years, and Columbine is almost the catch word for that type of activity. So the violence activity has escalated astronomically over the last 25 years.

Also, pornography has exploded. There are over 1 million porn sites on the Internet today. Sixty percent of all sites on the Internet have to do with pornography, and that is more than one-half. Additionally, there are more than 100,000 child porn sites on the Internet. Child pornography is illegal, and yet we have 100,000 child porn sites. So our children, our young people, are being engulfed by a wave of pornography.

It has been estimated that 1 out of 10 children between the ages of 8 and 16

have viewed pornography on the Internet, and mostly this has been unintentional. They have used a search word such as Pokemon, Disney, Barbie, ESPN, and those search words bring up a porn site, and once you bring up a porn site, you begin to get spam, which is dozens of porn sites and the child is inundated with pornography.

I was really surprised about a year ago, Mr. Speaker, to realize that my name used as a search word brought up a porn site. We were able to get that rectified, but the average young person in my district who is maybe doing a research paper on his or her Congressman and plugged in my name would all of a sudden be confronted with a porn site. In a civilized Nation that simply should not happen. I have grandchildren ages 3–10. I have four of them. I can imagine that they will someday be exposed to hard-core pornography, and this should not happen. Many people say pornography is a victimless crime. It does not really hurt anybody so what you see and hear does not make any difference in terms of how you behave.

If that is true, why do we have an advertising industry that spends billions of dollars on advertising? Obviously, if you see a soft drink advertised in an appealing ad, it changes your behavior. You are more apt to purchase that soft drink or automobile or whatever is being advertised. Obviously what we see and what we hear has a tremendous impact on our behavior, and our young people today are being inundated with these kinds of messages, and that is discouraging to see.

The video game is also a problem. Today, 8- to 18-year-old boys average 40 minutes a day playing video games. There is nothing wrong with that as long as the video games are within the lines. They might be a little bit violent, but they are probably not going to be a real problem. But we see that some of these games have gotten progressively more and more violent and more and more graphic. Many of them teach stalking and killing techniques that are actually used in training military personnel, Special Forces, to go out and kill people.

One particular video game that we saw recently here in Congress was such an example. It was one in which the young person would engage in stalking someone and shooting them, and if you hit them in the right place in the head and the blood flew, you were rewarded by a series of pornographic images. That was your reward. So people say that is for adults and those were adult-rated games, but the average person who plays those games is 12 years old. The marketing is beamed directly at young people who are teenage and preteenage children.

There is no way, Mr. Speaker, that you can play these kinds of games for any length of time and not have it impact you in some way in the depths of your psyche.

There was a school shooting in Kentucky a couple of years ago, and the young man who did the shooting went 9 for 9. He shot at 9 young people and he hit all 9. Many law enforcement people said that was amazing. Hardly any law enforcement individual could have done that, but the amazing thing was this particular shooter had not fired a gun before. He had played a lot of video games, and in playing those video games, he had shot lots of people. Apparently he got very good at it because he was almost perfect in his score. That shows you what video games can do.

We have much music, some television, many movies, some talk shows are very explicit and very graphic, and all of these things, if you think about it, simply could not have been put on the airwaves 30 years ago. It would have been impossible to present this kind of material, and yet we have drifted so far that this becomes commonplace and nobody objects. And obviously, this is impacting the minds and hearts of our young people.

The family is less stable. The environment young people are growing up in is more threatening, and also I would submit that our value system has shifted and shifted considerably. I would point to a study that was done by Stephen Covey who wrote the ''7 Habits of Highly Successful People'' and what he did was research everything that he could find that had to do with success. He said that he noticed a marked shift. He said in the first 150 years in our country's history, success was defined primarily in terms of character traits. A successful person was honest, a successful person was hard-working, a successful person was faithful, was loyal, compassionate. And so really it had to do with qualities of virtue, and that is what success was.

Then he said about 50–60 years ago he began to notice a shift in the literature that he was reading. He noticed that at the present time and for the last 50 years or so that success is now defined in terms of material possessions, in terms of power, and in terms of prestige. So a successful person has money. He may not be an admirable person, but if he has enough money, he is successful. He may have influence and power, and if that is the case, he may not be a good person or an admirable person, but he is a successful person. He may be very popular. He may have people wanting his or her autograph, and he may not be a very good role model, but if he has popularity, he is labeled successful.

So success is no longer linked to character and that is an interesting shift in the way that our value system has come about.

In 1998, there was a poll done that indicated a very high approval rating for the President who was in office at that time. Even though that particular President had misbehaved rather badly with an intern in the Oval Office and had lied to the American public, he still enjoyed a very high approval rating.

□ 2115

The thing that really grabbed my attention was that there was a poll that was done and the question that was posed to the American public was this: Is there any correlation between job performance and private behavior? In other words, what you do in your private life, does that have anything to do with your job performance? Seventy percent of American adults say it has no connection, that there is no relation. You can be a bank president and do all kinds of unscrupulous things in your private life, and it does not affect your job. You can be a very unscrupulous coach, and it would not make any difference in how you did your job. It was amazing to me that this many people in the American public would say that there is no correlation between job performance and private behavior, because what we are saying here is that character really does not count, because what you do in private essentially is an issue of character. The value system has certainly changed in that regard.

In the business world, we have seen some changes. I would submit that WorldCom and Enron and Global Crossing were not isolated instances. These were not accidental happenings. It was simply a reflection of the shift that we have had in this culture to an all-out infatuation with material success. And so anything goes in those types of situations. The Great Wall of China, Mr. Speaker, was breached twice. It was several thousand miles long. It was believed to be impenetrable. As a result, it was built to keep out the barbarian hordes. Yet twice it was breached. In neither case was it a situation where the barbarians overran the wall, knocked it down or had a military victory. It was because they bribed the gatekeeper. What I would submit at the present time is that a lot of our gatekeepers at the present time have not been responsible. As a result, we see a lack of trust in our country today that is almost unprecedented. Many people no longer believe that some of the leaders that we have in various industries and politics and athletics and the business world can be trusted. Of course, the alarming thing here is that democracy is based on trust. When trust evaporates, then it is very difficult to run an effective democracy.

The predominant world view today, Mr. Speaker, is something called postmodernism. Postmodernism is a belief that there are no moral absolutes, that nothing is absolutely good or bad in and of itself. As a famous individual recently said, the Ten Commandments are irrelevant. And so everything is relative. Theft is justified at times. If you need what you are stealing bad enough, it can be justified. Everything is relative. Murder certainly could be justified if you happen to kill someone who is really not an admirable person. You can rationalize that it is okay. Adultery is certainly something that is acceptable if nobody

is going to find out. Even treason would be okay if you were angry enough or hated your country badly enough. Postmodernism has dominated our thought and I think has had a tremendous amount to do with the way our young people and our country begin to see things.

In view of the fact that we have had a family breakdown, we have had a decline of the culture and a shifting of values, this is an extremely difficult time for our young people. They are being asked to weave their way through a minefield. In this minefield, there is alcohol and drug abuse over here, there is harmful video games over here, unwholesome music and television over here, there is promiscuity over here and gangs here, violent behavior and broken homes and all of those things; and somehow we are saying, you have got to get through this thing and you are probably going to have to do it by yourself because you are not going to get much parental support or adult support. And so we are asking our young people to do something that is very, very difficult and in some cases almost impossible. What we find is that our children's feet are not set on a rock but they are, rather, set on sand.

I think it is important we pay attention to these issues because a culture is never more than one generation away from dissolution. There is no permanence if the next generation coming up cannot pull it off. And so we need to think about this. De Tocqueville said something that was very interesting. It was a powerful sentence. He said, America is great because America is good. He said this probably 100, 150 years ago. He did not say that America was rich or powerful or perfect, but he said America was good and that is why America was great. I think America still is good, and I think America is great; but I would say that there are some signs on the horizon, some storm clouds that would lead us to wonder a little bit where we are headed and to cause us to sit up and pay attention.

What can be done? It is easy to state the problems, we hear that all the time, particularly around here, what is wrong. It seems to me, Mr. Speaker, that you do not leave an issue without at least setting out some possible solutions. One thing that I would submit that makes sense to me is the issue of mentoring. We cannot legislate strong families, we cannot legislate morality; but one thing that we can do is provide a mentor in the life of a young person who badly needs it. It is assumed that at the present time in our culture there are roughly 18 million young people who lack a stable, caring adult in their life and badly need a mentor. What is a mentor? A mentor, number one, is someone who cares, someone who has no ax to grind, someone who simply cares enough to show up and spend time with that person. He is not a father, not a mother, not a grandparent, not a preacher, not a teacher, no one who is paid to do this; but it is someone who simply cares enough to be there with that child and provide stability and a caring environment and a stable relationship in the life of a young person who probably does not know what that looks like.

The second thing that a mentor does is he affirms. I guess I saw that very clearly in athletics. If you told a player that you really believed in him, that you really thought that he could amount to something, that someday he had a future with you, oftentimes he would grow into that which he did not know that he was even capable of being. On the other hand, if you said, you know, I really do not think that you are going to make it, son, we do not really think we have a place for you here, his performance would begin to tail off and pretty soon he would play down to that level of expectation and he would be gone. So affirmation is critical. No one can live without some type of affirmation, whether you are 50 years old or whether you are 30 or whether you are 10. A mentor is someone who says, I believe in you. I really think you can do this. And you are important to me. A mentor is one who affirms.

Also, thirdly, a mentor is one who provides some guidance. So many young people that we have today have never seen anyone in their immediate family or their immediate life who has graduated from high school, maybe no one who has held down a steady job, no one who has a concept of what it is like to be a good parent. A mentor is someone who provides some guidance and says, I believe in you. I think you can do this. I think you can graduate from high school. I think you could make it in this college, or I think you would be really good at this. Guidance is critical. Mentoring works. It reduces dropout rates by roughly 100 percent, reduces drug and alcohol abuse by 50 percent, teenage pregnancy by 40 percent, violent acts by roughly 30 percent, and improves relations with peers and parents, improves self-esteem. Even though it is not perfect, it is the best thing that we know of, the best opportunity that we have to begin to rectify some of those relationships that have been so badly broken and have damaged those young people so badly.

The President has proposed currently $450 million over the next 3 years for mentoring. That is $150 million a year; $100 million would go for mentoring for all children and $50 million would be designated for children of prisoners. If that program is enacted, and I hope Congress will do that, I hope it will be funded, that will reach 1 million young people. That still leaves 17 million that are not being reached. But mentoring is cost effective, because a good mentoring program will cost $300 to $500 per child per year. It costs $30,000 to lock somebody up. As we mentioned earlier, a meth addict, someone who commits 130 crimes, would be almost difficult if not impossible to total up the dollars. What we are doing in our society today is we are spending huge amounts of money on the back end, and we are losing person after person after person, the recidivism rate is about 85 percent, and we are not spending the money on the front end where we can really make a difference. Mentoring is something that we think is a possible solution, at least a partial solution.

The President has been talking about the Call to Service Act. This is legislation which encourages volunteerism in our country. One of the greatest resources that we have in this country today is our senior citizens. We have so many people who have retired in their late 50s or in their 60s, and they are going to live until they are 80 or 90 years old and they are still healthy and they are still vibrant. The greatest need that we have in our country today is extended family. Our kids growing up do not have grandparents, some do not have parents at all; and so we feel that the Call to Service Act can certainly be used to hook up people who will volunteer, who have some life experience to help our young people, to mentor them, to tutor them, to be supportive; and we think this is a tremendous opportunity.

The Internet gambling bill was passed today on this floor. I hope that it will have some success over in the other body. As a culture, we are trying to gamble our way to prosperity. The difficult thing is that it impoverishes those who can least afford to gamble, breaks up families, directs money from children's needs. It is tied to organized crime, and students are particularly susceptible. One thing that we noticed on Internet gambling is that the most high-risk group of people in our country is students. All you need is a computer and a credit card. Most college students and an awful lot of high school students have that and the more times that you gamble in a short period of time and the less troublesome it is to do it, which Internet gambling provides the optimal situation, the more addictive it becomes. For some it has the same addictive effect as crack cocaine. So a certain percentage of our young people are getting addicted very quickly. This is a powerful issue, and I believe that the Internet gambling bill if it is passed in the other body can certainly be a tremendous help.

We eliminated the marriage tax penalty which was certainly countercultural to tell people that if you live together, you are going to have less tax consequences, it is going to save you $1,000 or $1,500 a year as opposed to if you were married just makes no sense, because marriage is the basic family unit in this country. We have rectified to some degree that particular marriage penalty.

I think it is really critical that we fund drug prevention programs. Let me just mention one here, Mr. Speaker. Byrne grants. Byrne grants go out to fight meth. It is amazing how much

methamphetamines cost. If you find a meth lab, to get that dismantled and all the chemicals disposed of costs thousands and thousands of dollars. So if we do not fund this, and right now it is not scheduled to be funded, this is a tremendous blow to our culture and particularly to our rural areas where most of these meth labs occur. We need to make sure that we are giving people the tools that they need.

H.R. 669, the Protect Children From Video Game Sex and Violence Act of 2003. I am its cosponsor. I think this is certainly one that can correct some of the problems of video games. H.R. 756, the Child Modeling Exploitation Prevention Act, addresses the issue of some people trying to get around the child pornography statutes by having children pose as models in provocative poses, and so this addresses that.

Above all, Mr. Speaker, we need a fundamental shift in the way that we address first amendment rights in the courts. This is a dangerous statement for somebody to make, that we have got to watch out for the first amendment. Everybody is in favor of free speech and the first amendment, and I certainly go along with that as well; but I would like to point out some things that have happened in the courts in recent years that I think have been very damaging to this culture.

In 1996, Congress passed the Communications Decency Act that made it illegal to send indecent material to children via the Internet. Listen to what happened to that, Mr. Speaker. In June of 1997, the Supreme Court overturned portions of the law and made this statement. They said, indecent material is protected by the first amendment. And so what we are saying is those who produce indecent material have protection, and yet those children who receive that material and are influenced by it have no protection.

In 1996, the Child Pornography Prevention Act outlawed child pornography, including visual depictions that appeared to be of a minor and so it may not actually be a minor involved; but it could be a computer-generated image, or it could be an adult posing as a minor and how do you know? The Supreme Court ruled that unconstitutional and overturned the law banning computer graphics showing child pornography.

In October 1998, the Children Online Protection Act was signed into law to prohibit the communication of harmful material to children on publicly accessible Web sites. It makes sense that you should not be able to on publicly accessible Web sites send pornography to children. Yet the Supreme Court refused to rule on the 1998 law. As a result, it was never enacted; and it still sits there today and is void.

The 106th Congress passed the Child Internet Protection Act to require schools and libraries that receive Federal funds to use Internet filtering to protect minors from harmful material on the Internet.

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In May of 2002, the Federal court declared the law unconstitutional. Free speech is protected, while women and children are attacked.

It is important to note that 80 to 90 percent of rapists and pedophiles reported using pornography usually right before they commit the act, and they will admit that this has shaped their behavior and made a difference. It seems to me our women and children ought to have rights and freedoms as well, and yet it seems the way we have phrased the argument that they are being victimized, whereas others who are perpetrators are being given freedoms to do so.

The Court has often ruled against school prayer. I would not do so necessarily, but some have traced some of the cultural decline I have mentioned tonight to the absence of school prayer, which began I believe in the 1960s. But there have been some decisions that really caused me to wonder. I will mention some of these.

In 1992, the Supreme Court declared an invocation and benediction at a graduation ceremony unconstitutional. On the floor of this House, every day we start with a prayer. In many public places, prayer is used. And yet at a school graduation it is not legitimate to have a minister, a priest, a rabbi, a cleric say a prayer. Again, this seems to fly in the face of the way our country was founded.

The Court also has held that a minute of silence in school is unconstitutional. Now, a child may spend a minute of silence and may say a prayer, may look out the window, may think about the upcoming test. He is not forced to believe in any doctrine. He is not forced to pray. Yet the Court said that a minute of silence is unconstitutional.

The Court also ruled not long ago that a student-led prayer at a football game was unconstitutional. The students voted in this particular student body to have a prayer. They wanted a student-led prayer before the game. The Court said this would really violate the rights of the football players who had to be there and also some of the cheerleaders required to be there. Yet this violated the rights I think of those who chose to have the prayer, the students themselves.

As most people understand, the words ''under God'' were struck from the Pledge of Allegiance by the Ninth Circuit court. Most of the framers of the Constitution obviously mentioned time and time again their dependence upon God, and yet we are trying to strip this away also from our Pledge of Allegiance.

I am not going to get into the abortion issue at any great length. It is very controversial. I realize there are many people on both sides of the issue. But I will mention one thing.

Just recently Congress and this House passed the partial-birth abortion ban. The reason I do not think this is particularly controversial is that this particular ban I believe drew something like 84 votes in the affirmative on the Senate side, and we had a fairly large majority here, and we saw a great many people who are for abortion, who are pro-choice, in quotes, vote for this ban. They were beginning to get the idea of how barbaric it really is.

So this was something where there has been a real shift. Currently 70-some percent of Americans do not favor partial-birth abortion; and many of them, as I said earlier, are in favor of abortion. Yet this particular law, I am sure, will be challenged in the courts, and there is a fair chance it may be overturned as somehow being unconstitutional.

So we have seen a steady erosion of the culture by some decisions that have been made in the courts. The reason I think this is so important to bring up today is that some people cannot understand why there is so much controversy over in the other body regarding the appointment of judges and justices; and the reason is that what is at stake, I believe, is the future course in many of these issues, particularly in moral issues, that our country is going to take. So these are monumental issues, and the shape of the Supreme Court, the shape of our district courts, our courts of appeal, are going to go a long ways in deciding what this country abides by in upcoming years.

Mr. Speaker, this country was founded upon principles of dependence upon God, a recognition that life is sacred, the importance of sound character, and the fact that children are our most important assets. There is no question that we are involved in a cultural and spiritual struggle of Titanic proportions. This struggle may present the greatest crisis facing the United States today, as I have outlined I think fairly clearly.

As Congress addresses critical issues such as national defense, the economy and health care, which we certainly need to spend a lot of time on, it is critical that we not lose sight of the fact that our Nation's survival is directly linked to the character of our people, and particularly our young people. I say it again, our Nation's survival, long-term, will rest primarily upon the character of our people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TOOMEY (at the request of Mr. DELAY) 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. RANGEL) to revise and extend their remarks and include extraneous material:

Mr. RANGEL, for 5 minutes, today.
Mr. MATSUI, for 5 minutes, today.
Mr. LEVIN, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. LIPINSKI, for 5 minutes, today.
Mr. BROWN of Ohio, for 5 minutes, today.
Ms. ROYBAL-ALLARD, for 5 minutes, today.
Ms. SOLIS, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.
Mr. GEORGE MILLER of California, for 5 minutes, today.
Ms. SCHAKOWSKY, for 5 minutes, today.
Mr. FILNER, for 5 minutes, today.
Mr. HONDA, for 5 minutes, today.
Mr. INSLEE, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.

The following Members (at the request of Mr. KIRK) to revise and extend their remarks and include extraneous material:

Mr. BURTON of Indiana, for 5 minutes, June 17.
Mr. JONES of North Carolina, for 5 minutes, June 11.
Mr. BUYER, for 5 minutes, June 11 and 12.
Mr. BURGESS, for 5 minutes, today.
Mr. KIRK, for 5 minutes, today.

ADJOURNMENT

Mr. OSBORNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 11, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2588. A letter from the Director, Department of Defense, transmitting notification that the Defense Finance and Accounting Service is initiating an A-76 Competition of the Marine Corps Accounting function, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2589. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Transportation of Supplies by Sea — Commercial Items [DFARS Case 2002-D019] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2590. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting an annual report for the period January 1, 2002, through December 31, 2002 regarding any exceptions granted, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Financial Services.

2591. A letter from the Assistant Secretary, Department of the Treasury, transmitting an annual report on material violations of regulations, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Financial Services.

2592. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Annual Report on Retail Fees and Services of Depository Institutions, pursuant to 12 U.S.C. 1811 note. Public Law 103—322, section 108(a) (108 Stat. 2361); to the Committee on Financial Services.

2593. A letter from the Deputy Congressional Liason, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Availability of Funds and Collection of Checks [Regulation CC; Docket No. R-1150] received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2594. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Change in Flood Elevation Determinations — received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2595. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2596. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule — Books and Records Requirements for Brokers and Dealers Under the Securities Exchange Act of 1934 [Release No. 34-47910] received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2597. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2598. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Civil Money Penalties: Procedures for Investigations, Imposition of Penalties, and Hearings (RIN: 0938-AM63) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2599. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on employment of U.S. citizens by certain international organizations, pursuant to 22 U.S.C. 276c—4; to the Committee on International Relations.

2600. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution to keep the Congress informed on clashes between Liberian government and rebel forces in the vicinity of the United States Embassy in Monrovia, Liberia; (H. Doc. No. 108—82); to the Committee on International Relations and ordered to be printed.

2601. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members statements, pursuant to D.C. Code section 1—732 and 1—734(a)(1)(A); to the Committee on Government Reform.

2602. A letter from the Administrator, Environmental Protection Agency, transmitting notification regarding the Coeur d'Alene Basin, Idaho, Superfund site, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform.

2603. A letter from the Interim CEO, Girl Scouts of the United States of America, transmitting the Girl Scouts of the United States of America 2002 Annual Report, pursuant to Public Law 105—225 section 803 112 stat. 1362; to the Committee on the Judiciary.

2604. A letter from the Staff Director, United States Commission on Civil Rights, transmitting the Commission's notification regarding the Minnesota State Advisory Committee; to the Committee on the Judiciary.

2605. A letter from the Secretary, Department of the Treasury, transmitting notification of the Secretary's determination that by reason of the public debt limit, the Secretary will be unable to fully invest the the portion of the Civil Service Retirement and Disability Fund (CSRDF) not immediately required to pay beneficiaries, pursuant to 5 U.S.C. 8348(l)(2); to the Committee on Ways and Means.

2606. A letter from the Chief, Regulations Unit, Department of Homeland Security, transmitting the Service's final rule — Customs Broker License Examination Dates [T.D. 03-23] (RIN: 1515-AD28) received June 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2607. A letter from the Chief, Regulations Unit, Department of Homeland Security, transmitting the Service's final rule — Settlement Position Lease Stripping Transactions [UIL 9300.03-00] received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2608. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Unrelated Business Taxable Income (Rev. Rul. 2003-64) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2609. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Unrelated Business Taxable Income (Rev. Rul. 2003-64) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2610. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Exempt Bond Mediation Dispute Resolution Pilot Program (Announcement 2003-36) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2611. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — LMSB/Appeals Fast Track Settlement Procedure (Revenue Procedure 2003-40) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2612. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information to the Department of Agriculture [TD 9060] (RIN: 1545-BB91] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2613. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — SB/SE-Appeals Fast Track Mediation Procedure (Revenue Procedure 2002-41) June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2614. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-30] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2615. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Employee Plans Compliance Resolution System (Rev. Proc. 2003-44) received June 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2616. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule — Cafeteria Plans (Rev. Rul. 2003-62) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2617. A letter from the Director and Assistant Secretary, Office of Personnel Management and Department of Defense, transmitting the joint evaluation by the Department of Defense and Office of Personnel Management of the Federal Employees Health Benefits Program Demonstration: Second Report to Congress, pursuant to Section 721 of the National Defense Authorization Act for Fiscal Year 1999; jointly to the Committees on Armed Services and Government Reform.

2618. A letter from the Director, Financial Management and Assurance, General Accounting Office, transmitting a report entitled, ''Congressional Award Foundation's Fiscal Years 2002 and 2001 Financial Statements,'' pursuant to 2 U.S.C. section 807(a); jointly to the Committees on Education and the Workforce and Government Reform.

2619. A letter from the Secretary, Department of Energy, transmitting notification that the Department of Energy requires an additional 45 days to transmit the implementation plan for addressing the issues described in the Defense Nuclear Facilities Safety Board's Recommendation 2002-3, Requirements for the Design, Implementation, and Maintenance of Administrative Controls; jointly to the Committees on Energy and Commerce and Armed Services.

2620. A letter from the Secretary, Department of State, transmitting a report assessing the voting practices of the governments of UN members states in the General Assembly and Security Council for 2002, and evaluating the actions and responsiveness of those governments to United States policy on issues of special importance to the United States, pursuant to Public Law 101—167, section 527(a) (103 Stat. 1222); Public Law 101—246, section 406(a) (104 Stat. 66); jointly to the Committees on International Relations and Appropriations.

2621. A letter from the Director, National Science Foundation, transmitting the National Oceanographic Partnership Program, National Ocean Research Leadership Council, March 2003 Annual Report, pursuant to 10 U.S.C. 7901(b)(2)(B); jointly to the Committees on Armed Services, Resources, and Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 265. Resolution providing for consideration of the bill (H.R. 2115) to amend title 49, United Stated Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes (Rept. 108–146). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 2122. A bill to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health; Rept. 108–147, Part 1, referred to the Committee on Armed Services for a period ending not later than June 11, 2003, pursuant to clause 1(c), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2122. Referral to the Committee on Government Reform and Homeland Security (Select) extended for a period ending not later than June 13, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BAIRD (for himself, Mr. INSLEE, Mr. LARSEN of Washington, Mr. DICKS, Mr. MCDERMOTT, and Mr. SMITH of Washington):

H.R. 2397. A bill to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. BARRETT of South Carolina (for himself and Mr. WILSON of South Carolina):

H.R. 2398. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to the Committee on Armed Services.

By Mr. BARRETT of South Carolina (for himself and Mr. WILSON of South Carolina):

H.R. 2399. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mr. FLAKE, Mr. GALLEGLY, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, and Mr. ACEVEDO-VILA):

H.R. 2400. A bill to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam; to the Committee on Resources.

By Mr. DEAL of Georgia:

H.R. 2401. A bill to amend the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself, Mr. LATOURETTE, Mr. CLAY, Mr. MORAN of Virginia, Mrs. CHRISTENSEN, and Mr. DAVIS of Illinois):

H.R. 2402. A bill to expand the number of individuals and families with health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and 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. KENNEDY of Rhode Island (for himself, Mr. FRANK of Massachusetts, Mr. MEEHAN, Ms. NORTON, Mr. LANGEVIN, Mr. LANTOS, Ms. SOLIS, Mr. TOWNS, and Mr. VAN HOLLEN):

H.R. 2403. A bill to expand the powers of the Attorney General to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Attorney General to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mrs. MALONEY, Mr. BAKER, Mr. BACHUS, Mrs. KELLY, Mr. NEY, Mr. KANJORSKI, Mr. GUTIERREZ, Mr. LEACH, Mr. BLUNT, Mr. ISRAEL, Mr. WAMP, Mr. BISHOP of New York, Mr. BISHOP of Georgia, Mr. BOEHLERT, Ms. BORDALLO, Mr. BUYER, Mr. CALVERT, Mrs. CAPPS, Mr. CASE, Mr. CONYERS, Mr. FOLEY, Mr. FOSSELLA, Mr. FROST, Mr. GREEN of Wisconsin, Mr. HINCHEY, Mr. HYDE, Mr. KENNEDY of Minnesota, Mr. LANTOS, Mr. LIPINSKI, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MILLER of Michigan, Mr. MURPHY, Mr. NEAL of Massachusetts, Mr. PETERSON of Pennsylvania, Mr. POMEROY, Mr. QUINN, Mr. RANGEL, Mr. RODRIGUEZ, Mr. SCHIFF, Mr. SERRANO, Mr. SHAW, Mr. SIMMONS, Mr. SKELTON, Mr. SOUDER, Mr. SWEENEY, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. TIAHRT, Mr. WALSH, Mr. WOLF, and Mrs. JO ANN DAVIS of Virginia):

H.R. 2404. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes; to the Committee on Financial Services.

By Mr. OXLEY (for himself and Mr. GONZALEZ):

H.R. 2405. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 2406. A bill to support the domestic shrimping industry by eliminating taxpayer subsidies for certain competitors, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Resources, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Mr. ENGEL, Ms. MILLENDER-MCDONALD, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. CUMMINGS, Mr. JEFFERSON, Ms. LEE, Mr. ENGLISH, Mr. OWENS, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. HINOJOSA, Mr. PRICE of North Carolina, Mr. SANDERS, Mr. MICHAUD, Mr. CONYERS, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2407. A bill to amend the Consumer Credit Protection Act and other banking laws to protect consumers who avail themselves of payday loans from usurious interest rates and exorbitant fees, perpetual debt, the use of criminal actions to collect debts, and other unfair practices by payday lenders, to encourage the States to license and closely regulate payday lenders, and for other purposes; to the Committee on Financial Services.

By Mr. SAXTON:

H.R. 2408. A bill to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges; to the Committee on Resources.

By Mr. SHADEGG (for himself, Mr. NORWOOD, Mr. MARKEY, and Mr. TOWNS):

H.R. 2409. A bill to amend title XIX of the Social Security Act to clarify that inpatient drug prices charged to certain public hospitals are included in the best price exemptions for the Medicaid drug rebate program; to the Committee on Energy and Commerce.

By Mr. STRICKLAND:

H.R. 2410. A bill to prohibit the importation for sale of foreign-made flags of the

United States of America; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 2411. A bill to decrease the matching funds requirement and authorize further appropriations for Keweenaw National Historical Park; to the Committee on Resources.

By Mr. STUPAK:

H.R. 2412. A bill to require any amounts appropriated for Members' Representational Allowances for the House of Representatives for a session of Congress that remain after all payments are made from such Allowances for the session to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on House Administration, 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. WILSON of South Carolina (for himself and Mr. BARRETT of South Carolina):

H.R. 2413. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself, Mr. SMITH of New Jersey, Mr. EVANS, Mr. FILNER, and Mr. GUTIERREZ):

H.R. 2414. A bill to amend title 38, United States Code, to provide for the appointment of chiropractors in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FEENEY (for himself, Mr. PUTNAM, Mr. SHAW, Mr. FOLEY, Mr. MARIO DIAZ-BALART of Florida, Mr. KELLER, Mr. MILLER of Florida, Mr. GOSS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, and Ms. GINNY BROWN-WAITE of Florida):

H. Con. Res. 214. Concurrent resolution concerning the national cheerleading championship of the University of Central Florida Varsity Cheerleading Team; to the Committee on Education and the Workforce.

By Mr. LANTOS (for himself, Mr. PENCE, Mr. PITTS, Mr. PAYNE, Mr. MCDERMOTT, Mr. BERMAN, Mr. MCGOVERN, Mr. BELL, Mrs. NAPOLITANO, Mr. FRANK of Massachusetts, Mr. WEXLER, Mrs. TAUSCHER, Mr. PALLONE, and Ms. MCCOLLUM):

H. Res. 264. A resolution expressing sympathy for the victims of the devastating earthquake that struck Algeria on May 21, 2003; to the Committee on International Relations.

By Mr. BARRETT of South Carolina (for himself, Mr. SPRATT, Mr. CLYBURN, Mr. DEMINT, Mr. BROWN of South Carolina, and Mr. WILSON of South Carolina):

H. Res. 266. A resolution commending the Clemson University Tigers men's golf team for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship; to the Committee on Education and the Workforce.

By Mr. BEREUTER (for himself, Mr. KING of Iowa, Mr. PETERSON of Pennsylvania, Mr. STENHOLM, Mr. HINCHEY, Mr. TOWNS, Mr. TAYLOR of North Carolina, Mr. LEACH, Mr. SHUSTER, Mr. OBERSTAR, Mr. JANKLOW, Mr. MORAN of Kansas, Mr. TANNER, Mr. GOODE, Mr. NETHERCUTT, Mr. SWEENEY, Mr. PAUL, Mr. LATHAM, Mr. DAVIS of Tennessee, Mr. STUPAK, Mr. RENZI, and Mr. OSBORNE):

H. Res. 267. A resolution expressing the sense of the House of Representatives that there is a need to protect and strengthen Medicare beneficiaries' access to quality health care in rural America; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H. Res. 268. A resolution urging the President to authorize the transfer of ownership of one of the bells taken from the town of Balangiga on the island of Samar, Philippines, which are currently displayed at F.E. Warren Air Force Base, to the people of the Philippines; to the Committee on Armed Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

76. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 2 memorializing the United States Congress to amend the Northwest Power Act and other appropriate federal statutes so that Northwest communities can be eligible for economic grants to assists communities impacted by Endangered Species Act fish recovery programs; to the Committee on Resources.

77. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 4 memorializing the United States Congress to sponsor and support legislation to create a new Circuit of the United States Court of Appeals for better regional representaion; to the Committee on the Judiciary.

78. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 11 memorializing the United States Congress that the Legislature finds the failure to provide prompt medical care is a failure to provide care, that it is not acceptable, and we urgently request that the members of the Idaho congressional delegation address the appropriations necessary to provide timely access to health care for our valued veterans; to the Committee on Veterans' Affairs.

79. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 8 memorializing the United States Congress that the Legislature supports the President, the President's cabinet, and the men and women of the United States Armed Forces for their courage and the decision to remove Saddam Hussein from power; jointly to the Committees on Armed Services and International Relations.

80. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 1 memorializing the United States Congress to urge the members of the Idaho Congressional delegation to support the passage of legislation similar to S. 2873 as introduced by Senator Grassley that removes the geographic disparity in Medicare reimbursements; jointly to the Committees on Energy and Commerce and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. LATOURETTE introduced a bill (H.R. 2415) for the relief of Zdenko Lisak; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 91: Mr. BONILLA.
H.R. 106: Mr. HEFLEY.
H.R. 111: Mr. MCCOTTER.
H.R. 236: Mr. HOLT, Mr. DAVIS of Florida, Mr. VAN HOLLEN, Mrs. MALONEY, Ms. SLAUGHTER, Mr. MCGOVERN, Mr. CASE, and Mr. PETERSON of Minnesota.
H.R. 303: Mr. HONDA, Mr. BALLANCE, and Mr. GINGREY.
H.R. 371: Mr. LANGEVIN and Mr. OLVER.
H.R. 438: Mr. THOMAS and Mr. FATTAH.
H.R. 440: Ms. LEE.
H.R. 442: Mr. WEXLER.
H.R. 466: Mr. RAHALL.
H.R. 548: Mrs. BLACKBURN, Ms. BORDALLO, Mr. SULLIVAN, and Mr. LANGEVIN.
H.R. 584: Mr. PRICE of North Carolina.
H.R. 660: Mr. PEARCE.
H.R. 745: Mrs. MALONEY, Mr. CROWLEY, and Mr. BELL.
H.R. 754: Mr. LEWIS of Georgia, Mr. ALEXANDER, Mr. THOMPSON of Mississippi, and Mr. TAYLOR of Mississippi.
H.R. 785: Mr. STRICKLAND, Mrs. EMERSON, and Mr. DOYLE.
H.R. 817: Mr. SHERMAN, Mr. HOLDEN, and Mr. BELL.
H.R. 850: Mr. BURGESS.
H.R. 857: Mr. KUCINICH.
H.R. 876: Mr. ALLEN, Mr. ALEXANDER, and Mr. MOORE.
H.R. 879: Mr. RYAN of Ohio.
H.R. 886: Mr. GUTIERREZ, Mr. REYES, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, and Ms. WATERS.
H.R. 898: Mr. KLECZKA.
H.R. 919: Mrs. WILSON of New Mexico.
H.R. 937: Mr. DICKS and Mr. GUTIERREZ.
H.R. 942. Mr. CANTOR.
H.R. 953: Mr. TURNER of Ohio.
H.R. 965: Ms. SLAUGHTER and Mr. FILNER.
H.R. 977: Mr. CALVERT, Ms. BORDALLO, and Mr. REHBERG.
H.R. 980: Mr. KILDEE and Mr. TANNER.
H.R. 1008: Mr. PICKERING.
H.R. 1043: Mr. DEFAZIO and Ms. KILPATRICK.
H.R. 1110: Mr. SCOTT of Georgia and Mr. PAYNE.
H.R. 1125: Mr. HULSHOF and Mrs. CAPITO.
H.R. 1157: Mr. RANGEL and Ms. MILLENDER-MCDONALD.
H.R. 1182: Mr. JENKINS.
H.R. 1209: Mr. SANDERS, Mr. BISHOP of Georgia, Mr. CROWLEY, and Mr. SPRATT.
H.R. 1212: Mr. CROWLEY.
H.R. 1225: Mr. WEXLER, Mr. LARSON of Connecticut, and Mr. DAVIS of Florida.
H.R. 1231: Mrs. EMERSON, Mr. NADLER, Mr. CLAY, Mr. ORTIZ, Mr. CONYERS, Mr. MCCOTTER, Mr. TURNER of Ohio, Mr. RANGEL, and Mr. MILLER of North Carolina.
H.R. 1256: Mr. CROWLEY.
H.R. 1270: Mr. COLE.
H.R. 1276: Mr. COLE and Mr. BURNS.
H.R. 1305: Mr. ISAKSON.
H.R. 1309: Mr. CROWLEY.
H.R. 1334: Mr. EMANUEL and Mr. DOYLE.
H.R. 1348: Mr. LANGEVIN.
H.R. 1359: Ms. BALDWIN.
H.R. 1377: Mr. WALSH.
H.R. 1385: Mr. HOSTETTLER and Mr. DOYLE.

H.R. 1421: Ms. MCCOLLUM.
H.R. 1422: Mr. Isakson.
H.R. 1429: Ms. MILLENDER-MCDONALD and Mr. FRANKS of Arizona.
H.R. 1489: Mr. TURNER of Ohio.
H.R. 1508: Ms. MCCOLLUM, Mr. DAVIS of Alabama, Mr. OLVER, and Ms. LORETTA SANCHEZ of California.
H.R. 1511: Ms. HARMAN, Mr. LAMPSON, Mr. TAYLOR of Mississippi, Mr. EDWARDS, Mr. GORDON, Mr. HOLDEN, Mr. HOYER, Mr. KANJORSKI, Mr. MATHESON, Mr. MCINTYRE, Mr. MEEHAN, Mr. POMEROY, and Mrs. TAUSCHER.
H.R. 1530: Mr. JENKINS and Mr. ROGERS of Kentucky.
H.R. 1532: Mr. FORD, Mr. LIPINSKI, Mr. DEUTSCH, Mr. DELAHUNT, Mr. LYNCH, Mr. BOEHLERT, and Mr. WEXLER.
H.R. 1536: Mr. CARSON of Oklahoma and Mr. MCDERMOTT.
H.R. 1551: Ms. CARSON of Indiana.
H.R. 1567: Mr. MANZULLO.
H.R. 1587: Mr. ADERHOLT.
H.R. 1616: Mr. MARSHALL.
H.R. 1673: Mr. HOLT.
H.R. 1675: Mr. GUTIERREZ.
H.R. 1676: Mr. CRAMER, Mr. ROSS, Mr. DEFAZIO, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1700: Mr. WALSH and Mr. QUINN.
H.R. 1708: Ms. LOFGREN, Mr. OBERSTAR, and Mr. GILCHREST.
H.R. 1710: Mr. LAHOOD, Mr. EVANS, Mr. BOEHLERT, Mr. REYNOLDS, Mr. WU, Mr. GUTIERREZ, Mr. BELL, and Mr. SHERMAN.
H.R. 1713: Mr. CROWLEY.
H.R. 1715: Mrs. LOWEY.
H.R. 1724: Mr. BURGESS.
H.R. 1736: Mr. DAVIS of Alabama, Ms. CORRINE BROWN of Florida, Mr. ISRAEL, Mr. SCOTT of Georgia, Ms. SCHAKOWSKY, and Mr. LEWIS of Georgia.
H.R. 1738: Mr. BALLANCE and Mr. STARK.
H.R. 1767: Mr. FLAKE.
H.R. 1769: Mr. WICKER, Ms. SOLIS, and Mr. GEORGE MILLER of California.
H.R. 1778: Mr. ROYCE.
H.R. 11784: Mr. RAMSTAD, Mr. BOSWELL, Mr. RANGEL, Mr. INSLEE, and Mr. THORNBERRY.
H.R. 1787: Mr. BURGESS, Mr. GIBBONS, Mr. FRANK of Massachusetts, Mr. GRIJALVA, and Mr. MCINTYRE.
H.R. 1807: Mr. GREEN of Wisconsin.
H.R. 1819: Mr. GUTIERREZ.
H.R. 1821: Ms. GINNY BROWN-WAITE of Florida, Mr. CANTOR, Mr. GOODE, Mr. HAYWORTH, Mr. NUSSLE, Mr. HASTERT, Mr. RENZI, Mr. BURTON of Indiana, Mr. BURNS, Mr. ACEVEDO-VILA, Mr. MCINTYRE, Mr. MICHAUD, Mr. BARTLETT of Maryland, Mr. DEMINT, Mr. FLAKE, Mr. HOBSON, Mr. HOUGHTON, Ms. PRYCE OF OHIO, Mr. QUINN, and Mr. ISAKSON.
H.R. 1839: Mr. CANTOR.
H.R. 1861: Mr. NADLER.
H.R. 1865: Mr. COOPER.
H.R. 1873: Mr. TOOMEY.
H.R. 1889: Mr. ISRAEL, Ms. PELOSI, Mr. SMITH of Washington, Mr. DOYLE, Mr. HASTINGS of Florida, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 1902: Mr. REYNOLDS.
H.R. 1913: Ms. MILLENDER-MCDONALD.
H.R. 1914: Mr. COLE.
H.R. 1930: Mr. GRIJALVA.
H.R. 1933: Ms. BALDWIN and Mr. LANTOS.
H.R. 1943: Mr. HOSTETTLER and Mr. PENCE.
H.R. 1951: Mr. FILNER.
H.R. 1956: Mr. ALEXANDER, Mr. SIMMONS, Mr. SANDLIN, Mr. CASTLE, and Mr. VITTER.
H.R. 1963: Mr. SHAW, Mr. BOOZMAN, Mr. ROSS, Mr. WELDON of Florida, Mr. NETHERCUTT, and Mr. HULSHOF.
H.R. 1964: Mr. FATTAH.
H.R. 1999: Mr. FALEOMAVAEGA.
H.R. 2009: Mr. SHAYS, Mr. LARSEN of Washington, Mr. KUCINICH, and Ms. MCCOLLUM.
H.R. 2030: Ms. ROS-LEHTINEN.
H.R. 2032: Mr. ANDREWS, Ms. DELAURO, Mr. PICKERING, Mr. FOLEY, Mr. NADLER, and Mrs. MALONEY.
H.R. 2034: Mr. UDALL of Colorado.
H.R. 2038: Ms. ESHOO and Mr. SERRANO.
H.R. 2060: Mr. WYNN, Ms. NORTON, Mr. GILCHREST, and Mr. ENGLISH.
H.R. 2066: Ms. WOOLSEY.
H.R. 2068: Mr. HOLT, Mr. WAXMAN, Mr. NEAL of Massachusetts, Mr. SCOTT of Georgia, Mr. LANTOS, and Mr. FRANK of Massachusetts.
H.R. 2069: Mr. HOLT, Mr. WAXMAN, Mr. NEAL of Massachusetts, Mr. SCOTT of Georgia, and Mr. DOGGETT.
H.R. 2124: Mr. BELL, Ms. MILLENDER-MCDONALD, Ms. CARSON of Indiana, Ms. JACKSON-LEE of Texas, and Ms. CORRINE BROWN of Florida.
H.R. 2163: Ms. HART.
H.R. 2182: Mr. RANGEL, Mr. SMITH of New Jersey, Mr. CONYERS, and Mr. SIMMONS.
H.R. 2198: Ms. DELAURO.
H.R. 2205: Mr. SANDERS, Ms. WOOLSEY, Mr. FATTAH, Ms. SLAUGHTER, Mr. SERRANO, Mr. BROWN of Ohio, Ms. MAJETTE, Mr. TURNER of Ohio, Mr. STEARNS, Mr. DOYLE, Mr. BELL, Ms. ROS-LEHTINEN, Ms. CARSON of Indiana, Mr. COOPER, Mr. DEUTSCH, Mr. STARK, Mr. GRIJALVA, Mr. FORBES, Mr. BERMAN, Mr. BAIRD, and Mr. KUCINICH.
H.R. 2210: Mr. OSBORNE and Mr. BALLENGER.
H.R. 2211: Mr. TIBERI.
H.R. 2233: Mr. SHERMAN and Ms. LOFGREN.
H.R. 2242: Mr. GRIJALVA.
H.R. 2262: Ms. VELAZQUEZ.
H.R. 2283: Mr. BRADY of Texas.
H.R. 2284: Mr. WEXLER and Mrs. CHRISTENSEN.
H.R. 2286: Mr. GRIJALVA, Mr. PALLONE, Mr. REYES, Ms. WOOLSEY, Mr. EVANS, Mr. NEAL of Massachusetts, and Mr. SHERMAN.
H.R. 2291: Mr. WEXLER and Mr. POMEROY.
H.R. 2292: Mr. BOEHLERT.
H.R. 2295: Mrs. MALONEY.
H.R. 2330: Ms. MCCOLLUM, Mr. KIRK, Mr. DELAHUNT, Mr. BEREUTER, Ms. WATSON, Mr. WEXLER, Ms. SLAUGHTER, Mr. PAYNE, Mr. MCNULTY, Mr. BERMAN, Mr. DOGGETT, Mr. NADLER, Mr. SHAYS, Mr. RAHALL, Mr. FRANK of Massachusetts, and Mr. WEINER.
H.R. 2333: Mr. OBERSTAR, Mr. QUINN, and Mr. SKELTON.
H.R. 2351: Mr. KOLBE, Mr. SENSENBRENNER, Mr. GUTKNECHT, Mr. SHAYS, Mr. LATOURETTE, Mr. AKIN, and Mr. LINDER.
H.R. 2361: Mr. PASTOR.
H.R. 2365: Mr. CARDIN.
H.J. Res. 36: Mr. RAMSTAD and Mr. WILSON of South Carolina.
H.J. Res. 56: Mr. PENCE, Mr. ISTOOK, Mr. JONES of North Carolina, Mr. RYUN of Kansas, Mr. SAM JOHNSON of Texas, Mr. DEMINT, Mr. AKIN, Mr. BURGESS, and Mr. NORWOOD.
H. Con. Res. 111: Ms. NORTON and Mr. OBERSTAR.
H. Con. Res. 126: Mrs. MUSGRAVE and Mr. WALDEN of Oregon.
H. Con. Res. 154: Mr. LEWIS of Georgia.
H. Con. Res. 164: Mr. PAUL and Mr. SKELTON.
H. Con. Res. 169: Mr. WEXLER.
H. Con. Res. 178: Mr. BURNS, Mr. TURNER of Ohio, Mr. GREEN of Wisconsin, Mr. LATOURETTE, Ms. MCCARTHY of Missouri, Mr. STRICKLAND, Mr. COSTELLO, Mr. MATHESON, and Mr. PLATTS.
H. Con. Res. 192: Mr. CRAMER, Mr. GREEN of Wisconsin, Mrs. WILSON of New Mexico, Mr. CALVERT, Mr. SIMMONS, Mr. UDALL of Colorado, Mr. WOLF, and Mr. LANTOS.
H. Con. Res. 196: Mr. MCDERMOTT, Mr. ABERCROMBIE, Mr. TOWNS, Ms. MCCOLLUM, Ms. LOFGREN, Ms. CARSON of Indiana, and Ms. KILPATRICK.
H. Con. Res. 200: Mr. FATTAH.
H. Con. Res. 208: Mr. CUNNINGHAM.
H. Con. Res. 213: Mr. ALLEN, Mr. GREEN of Texas, Mr. NADLER, Mr. REYES, and Mr. SABO.
H. Res. 28: Mr. MEEKS of New York.
H. Res. 58: Ms. LEE, Mr. BERMAN, Mr. KANJORSKI, and Mr. BELL.
H. Res. 177: Ms. MCCOLLUM.
H. Res. 194: Mr. GREEN of Wisconsin, Ms. MCCOLLUM, and Mr. BELL.
H. Res. 198: Mr. PENCE, Mr. GALLEGLY, and Mr. FEENEY.
H. Res. 199: Mr. WEXLER and Mr. KUCINICH.
H. Res. 234: Ms. MCCOLLUM, Mr. GRIJALVA, Ms. SOLIS, and Mr. KUCINICH.
H. Res. 237: Mr. KUCINICH and Mr. CLAY.
H. Res. 242: Mr. OXLEY, Mr. PENCE, Mr. KING of New York, Mr. SHAW, Mr. GILLMOR, Mr. FORD, Mr. GOODLATTE, Mr. WEXLER, Mr. RUSH, and Mr. MCINNIS.
H. Res. 259: Mr. FROST, Mrs. WILSON of New Mexico, and Mr. WAXMAN.
H. Res. 260: Mr. SANDERS, Mr. RANGEL, and Mr. FILNER.

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. 660: Mr. PASTOR and Mr. GRIJALVA.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, JUNE 10, 2003 No. 84

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Keith Wright, executive director of the National Center for Leadership.

PRAYER

The guest Chaplain offered the following prayer:

Gracious God, we are grateful for this day and all the possibilities it holds. Throughout this day, we determine to live with joy, gratitude, integrity, and purpose. We are elated to live in the United States of America which offers so many freedoms, opportunities, and riches. We humbly acknowledge that our many blessings are gifts of Your grace.

We affirm with the Scriptures that You are more concerned with the condition of our inner lives than our position, accomplishments, or reputations. ''The Lord does not look at the things people look at. People look at the outward appearance, but the Lord looks at the heart.'' Help us to see life from Your perspective and to walk in Your ways. May our hearts find joy in the things that bring You joy, and be broken by the things that break Your heart.

Enable each Senator to hear Your call, instill within them the character to match their high calling. Grant them true wisdom at each decision-making moment.

May these Senators be molded by Your authority, inspire people with a sense of purpose, practice servant leadership, and model good stewardship of Your creation. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume consideration of S. 14, the Energy bill. Under the order from last night, Senator DORGAN's amendment regarding hydrogen fuel cells will be debated under a 30-minute time limit. A vote will occur in relation to that amendment at sometime this morning before the recess for the policy luncheons. The Senate will recess for the policy meetings from 12:30 to 2:15 today. Other Energy amendments will be debated during today's session, and therefore Senators can expect votes throughout the day.

Again, I will state that each day we continue to work towards a filing deadline or a list of amendments to the Energy bill. I will be consulting with the Democratic leadership to see when we might lock in a list of amendments to this bill. I am very hopeful we can do that as soon as possible. It is also our hope to reach a consent agreement to allow the Senate to consider the Burma sanctions bill introduced by the distinguished Senator from Kentucky, the majority whip. He will want to speak on this issue shortly. We will continue to press for a consent agreement on this measure.

At this juncture, I will withhold a few of the comments I want to make on an issue we will be addressing in 2 weeks on Medicare and strengthening Medicare, but at this juncture I will yield to the assistant minority leader for comments and then the Senator from Kentucky.

Mr. REID. Mr. President, responding to the majority leader, we are hotlining later today a time tomorrow people would have to give us a list of their amendments, that we would have a finite list. As I indicated, Senator MCCONNELL and I and the two managers of the bill would immediately begin working through that to see what we can do to expedite passage of the Energy bill. We are on track to do that sometime tomorrow. We have the ranking member of the Finance Committee here today to deal with the matter about which Senator MCCONNELL is going to shortly make a unanimous consent request.

The PRESIDENT pro tempore. The Senator from Kentucky.

UNANIMOUS CONSENT REQUEST—S. 182

Mr. MCCONNELL. Mr. President, I will take very little time.

To underscore where we are on the Burma sanctions issue, I tried to get this bill cleared for this morning for an hour equally divided and a rollcall vote, but there was an objection on the other side with the suggestion that we modify the bill to have the sanctions end in 1 year. Of course, that is exactly the wrong message to send to the military junta in Burma. That is not acceptable to this side.

The Washington Post, in this morning's editorial, gets it right by saying: Senators supportive of democracy in Burma should vote for the bill without condition for expiration dates. That is the way the bill ought to pass. That is the way the bill was introduced. That is the way I hope we will be able to reach consent to take it up in the near future.

In that regard, I ask unanimous consent that the Foreign Relations Committee be discharged from further action of S. 182, the Burma sanctions legislation; that the Senate proceed to its immediate consideration; further that there be 1 hour of debate equally divided in the usual form and that no

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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amendments be in order; that upon the use or yielding back of time, the bill be read the third time, and the Senate proceed to a vote in relation to the measure, with no intervening action or debate.

The PRESIDENT pro tempore. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, this is obviously a very important matter, and we should address this in a very careful and appropriate way. I might say to Senators, this matter has not been referred to the Senate Finance Committee. The committee has jurisdiction on it. Rather, it is coming straight to the floor with a request that there be no amendments, which I think is a little bit bizarre.

I might also point out that in other sanctions areas, for example, China, we had a long, deep, involved debate a few years ago and agreed to how we should address sanctions, particularly trade sanctions against China.

I might also inform Senators, I have been in consultation with the chairman of the Finance Committee who agrees with me that it would be inappropriate to proceed at this time, certainly in the manner suggested by the Senator from Kentucky.

I might ask the Senator if he will agree to modify his request in a way I think is much more appropriate, particularly even stronger than the resolution suggested by the Senator. And that would be for similar, as was the case with China MFN, annual extensions or annual sanctions, but that the President would suggest that the sanctions be continued and that would be the case unless there is a motion of disapproval passed by both Houses of Congress. I believe the executive branch should be part of this. This is not just a legislative branch issue. When it comes to sanctions, clearly the executive branch should play a very important role.

I might ask the Senator if he would agree to modify his request in the nature of an annual request. If the President wants to continue, he certainly could make an annual request, and that would be subject to disapproval by both Houses of Congress.

Is the Senator agreeable to make that change?

Mr. MCCONNELL. I would say to my friend from Montana, there is already a sunset provision in the bill. It occurs as soon as democracy is restored in Burma. There was a legitimate election there in 1990. Aung San Suu Kyi and her party won 80 percent of the vote. She has been under house arrest now for 14 years. The sanctions would terminate under the bill that I hope we will pass just as soon as she is allowed to take power. Such a provision is already in the bill. I am happy to continue the discussions with my friend from Montana.

The reason the Finance Committee didn't get the bill is because the Parliamentarian sent it to the Foreign Relations Committee and both the chairman of the Foreign Relations Committee and the ranking member support the bill, as do the majority and minority leaders of the Senate.

I know the majority leader is waiting to speak on another issue. If I could, I will proceed to try to get this on the calendar. I understand S. 1215 is at the desk and is due for its second reading.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, I know the deepness of the feelings of the Senator from Kentucky. I want the record to reflect that this is bipartisan legislation. One of the chief cosponsors is the Senator from California. This was not an objection made on the other side; it was an objection made by the chairman and ranking member of the Finance Committee. I hope this most important issue can be resolved along the lines suggested by the ranking member and the chairman of the Finance Committee, that this resolution will be passed and that each year it would stay in effect until both Houses of Congress say it should stay in effect. I think that would be a reasonable resolution of this most important issue. I, therefore, object.

The PRESIDENT pro tempore. Objection is heard. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senator HARKIN be added as a cosponsor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 1215

Mr. MCCONNELL. Mr. President, I understand that S. 1215 is at the desk and due for its second reading; is that correct?

The PRESIDENT pro tempore. The Senator is correct.

Mr. MCCONNELL. I ask unanimous consent that it be in order to read the title of the measure.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will read the title of the bill for the second time.

A bill (S. 1215) to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

Mr. MCCONNELL. I ask that the Senate proceed to the measure and object to further proceeding.

The PRESIDENT pro tempore. Objection is heard. The item will be placed on the calendar under rule XIV.

Mr. MCCONNELL. Mr. President, this measure has broad bipartisan support. It was referred to the Foreign Relations Committee, not the Finance Committee. Both the chairman of the Foreign Relations Committee and the ranking member support this measure, as do the majority and minority leaders of the Senate.

It is time to act. Aung San Suu Kyi, we hope, is still alive. There is some urgency about this. This is an unusual situation. The U.S. needs to send a message about this now and lead the rest of the world into a policy of multilateral sanctions that truly squeeze this regime. I hope we can continue our discussion and get this bill up for a vote no later than sometime today.

I thank the majority leader.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. FRIST. Mr. President, I wish to make a few comments on Medicare and the importance of strengthening and improving Medicare. We are addressing this in the Finance Committee currently and will have it on the floor of the Senate. I want to take this opportunity first to comment on the exchange that we heard on the floor.

As my friend and distinguished colleague from Kentucky stated, both the majority leader and the minority leader are sponsors and strongly support the legislation on Burma. Burma's brutal military regime is perpetrating a wave of crackdowns, including incarcerating the Nobel Prize winner, Aung San Suu Kyi. That is why there is this sense of immediacy and why we feel very strongly that this bill should be addressed on the floor of the Senate. I am very hopeful, in spite of the reaction to the unanimous consent request we just heard on the floor, that over the course of the morning we can work out what is necessary to bring this legislation to the floor and have a vote on it today.

I do join my colleagues in supporting this and the Burmese Freedom and Democracy Act of 2003, introduced by Senator MCCONNELL and cosponsored by a bipartisan group of Senators, including Senators FEINSTEIN, MCCAIN, LEAHY, SPECTER, KENNEDY, MIKULSKI, KYL, DASCHLE, and many others who will be added over the course of the morning.

The legislation, importantly, among other things, would impose a U.S. import ban on goods manufactured in Burma and those made by what is called the State Peace and Development Council, SPDC, and companies that are owned by the SPDC. It would also freeze the assets of the regime itself that are held in the U.S. and require the U.S. to oppose and vote against loans or other assistance proposed for Burma by international financial institutions.

Why? Because the situation in Burma indeed is severe. After what apparently was an assassination attempt of Aung San Suu Kyi, who won a landslide victory in Burma's last election, authorities now hold, as we all know, this duly elected leader and numerous other activists—we don't know exactly how many—incommunicado. Reports indicate that Suu Kyi is being held in a military camp about 40 kilometers outside of Rangoon. It is believed that she does suffer from some injuries and lacerations of her face and an injured

shoulder. This is all current news. Again, there is a sense of urgency for us as a government to act and demonstrate our focus on this issue.

Meanwhile, it is reported that the military regime has raided the offices of Suu Kyi's political party, the National League for Democracy, tearing down party flags and padlocking doors all across the country. Reportedly, military intelligence agents are posted outside the offices, preventing any entry at the offices in Rangoon and Mandalay. The regime has placed numerous democracy movement leaders under house arrest, surrounding their homes and severing telephone lines. I mention this again to explain why we are attempting to bring this legislation directly to the floor.

I commend my colleagues for their efforts on behalf of the Burmese people. As the strongest and most free nation in the world, I do believe we have a profound duty to support that struggle for freedom. Again, I am hopeful that we can address it this morning and over the course of the day.

Mr. REID. Will the majority leader yield for a unanimous consent request?

Mr. FRIST. Yes.

Mr. REID. Mr. President, I ask unanimous consent that I be added as a cosponsor of this resolution on Burma with my friend from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE

Mr. FRIST. Mr. President, let me take a few minutes to comment on what is taking place today in the release of some initial working documents on Medicare modernization by members of the Finance Committee.

Prefacing that, I will say that we have a lot of work to do over the next 3 weeks in order to address an issue that is important to every single American, and that is giving our seniors and individuals with disabilities health care security.

Today there are about 35 million seniors on Medicare and about 5 million individuals with disabilities. We are also speaking to and acting for those soon-to-be seniors in future generations.

I commend my colleagues who have done yeoman's work—Senator BAUCUS and Senator GRASSLEY—and for their commitment to advancing Medicare modernization, strengthening and moving Medicare down the field so we can deliver that health care security to our seniors. The goal is twofold: to strengthen and improve Medicare and, at the same time, provide meaningful prescription drug benefits to seniors and Americans with disabilities.

I recognize it is a huge challenge to address this very complex program but it is one that I know this body is up to, one we have been working very hard on for years, and it is one that I believe we can accomplish in the next 3 weeks in the Senate.

There were a couple of concerns raised in the last several days that I briefly want to mention. First, where are we and why act now? Why can we not wait and put this off? It is driven very much by the demographics of the aging population, where, over the next 30 years, we will have a doubling in the number of seniors; but in terms of workers actually paying into the program itself, that will be falling off continually over time. Thus, we need to take this opportunity while we are adding this prescription drug benefit to modernize the program so seniors and individuals with disabilities will continue to get good care and hopefully improve that care in this environment where we have to address the issues of solvency and sustainability.

The Finance Committee has held over 30 hearings on Medicare over the past 4 years, at least 7 devoted to prescription drug coverage alone. Last Friday, now 4 days ago, the Finance Committee had another hearing to focus very specifically on the proposal put forth by Chairman GRASSLEY and Senator BAUCUS. That was the third committee hearing this year on Medicare.

On Thursday of this week, the day after tomorrow, the Finance Committee will meet in executive session to amend and vote on the Grassley-Baucus proposal. And then the following week, on that Monday, that bill will be brought to the floor of the Senate and will be debated and likely amended in some shape or form over a 2-week period.

We are approaching this issue in a systematic way, in an orderly way, in a way that is reasonable, and in a way that is thoughtful.

Some concerns people are talking about are that Medicare denies some seniors coverage. Let me be clear, we will make sure this coverage is available to every senior everywhere. We will specifically be working to ensure access in rural areas. We will be creating public-private partnerships that will offer choice—again, it is voluntary—but will be offering choice for all seniors in every corner of America.

Secondly, many seniors want the certainty of knowing nothing is going to be taken away from them. Seniors might ask: Do I have to give up what I have now? Are you forcing me into some new system? The answer is no. This is a voluntary program. All of us will be able to look every senior in their eyes and say: You can keep exactly what you have now if that is what you want, if that is what you desire. We will be able for the first time to say there are options that include choices you may not have today in Medicare, such as preventive care, such as chronic disease management.

The fact is the current program is fragmented. It does not provide adequate coverage. I know as a physician and I strongly believe as a policymaker it does not adequately cover preventive care. It does not cover disease management or chronic disease management. As we all know, it does not cover outpatient prescription drugs. I do believe good health depends on giving seniors good options, the opportunity to choose the plan that best meets their needs.

I have also heard about Medicare reform proposals relating to HMOs, forcing people into HMOs. This plan does not do that. Simply, this plan does not force anybody into an HMO. It is a voluntary proposal. Some HMOs have performed very well. But the better comparison, instead of looking at HMOs, is the Federal Employee Health Benefits Program. Seniors will have the option to get a plan similar to what we have as Senators, Members of the House, and other Federal employees have. I should add, this program has a longer history than Medicare. We have learned how to improve it, modify it, and make it a better program over the last 40 years.

I close by saying I believe seniors deserve the options that Federal employees have. We know Federal employees are very satisfied with the quality of care they receive. Seniors deserve this opportunity to choose. They deserve the opportunity to obtain care that is more flexible, that is less bureaucratic, and that has less paperwork.

Seniors deserve care that keeps them healthy by incorporating those preventive measures. Seniors deserve care that protects them from catastrophic out-of-pocket expenses. America's seniors should have the ability to see the doctor they choose, even if that doctor is outside the network. America's seniors deserve a system that focuses on their needs to keep them healthy and not just to respond to acute episodic illness.

Since 1965, Medicare has admirably served a generation of America's seniors. We owe tomorrow's seniors no less. That will take a response in this body to give seniors access to the care they truly deserve. I look forward to working with my colleagues to strengthen and improve Medicare over the next few weeks.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, we have conferred with floor staff. Senator MIKULSKI is in the Chamber, and she has a statement regarding prescription drugs. I ask unanimous consent that she have an opportunity to respond to the statement of the Senator from Tennessee and that she be given 7½ minutes to do that. Following that, it is my understanding the leader is looking to vote around 11 o'clock on the Dorgan amendment and that the time after the statement by Senator MIKULSKI will basically be evenly divided. I am not asking unanimous consent. The time will basically be divided between the Senator from North Dakota and whoever opposes his amendment.

My unanimous consent request at this time is that Senator MIKULSKI be recognized for 7½ minutes as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Maryland.

PRESCRIPTION DRUGS

Ms. MIKULSKI. I thank the Chair, and, Mr. President, I thank my colleagues for their courtesy, particularly Senator DORGAN. I am very appreciative.

Mr. President, seniors are facing a crisis, and it is caused by the high cost of prescription drugs. For so many years, Congress has talked about prescription drugs in Medicare.

Let me tell you what my seniors say: Talk, talk, talk. They are fed up with our talk, and they want us to take action. They tell me: You can't talk yourself out of high cholesterol; you need Lipitor. You can't talk your way out of diabetes; you need insulin.

The problem with the Senate, they say, is when all gets said and done, more gets said than gets done. The time for talking is over, and we need to listen to the seniors, to business, and we need to act.

I have been in communities all over Maryland, from diners to boardrooms, listening to seniors who are desperate, listening to their families who want to help their parents and listening to employers in boardrooms who really want to help their retirees but are wondering if they can afford to do so.

Here is what they tell me: Congress must do something about the prescription drug benefit, and they want us to do it now to help our seniors, our families, business, and our economy.

There are several different plans floating around, and a lot of them have wonderful new language: Medicare Choice, Medicare Advantage, et cetera. I am not sure what will happen, but what I know is, we must have a meaningful prescription drug benefit, not just slogans and sound bites, not just something out of the Heritage Foundation, not something out of a think tank, but something that enables seniors to afford the prescription drugs, which they paid for the research to develop.

I have five principles for a prescription drug benefit. These principles are the yardstick by which I am going to measure any proposal.

First, the cornerstone of any prescription drug benefit must be Medicare. It must be in Medicare. It must stay in Medicare. Medicare must be the cornerstone. I am absolutely opposed to the privatization of Medicare either overtly or covertly. Let me repeat, I am absolutely opposed to the privatization of Medicare.

Any prescription drug benefit that has a private insurance component to it must be in addition to a Medicare benefit, not in lieu of a Medicare benefit. It must keep a traditional Medicare component to it. Any private insurance program must be an option, and it must not be mandatory.

That goes to my second principle: voluntary. No one should be coerced or forced into a private program or forced to give up coverage if they already have it.

It must be affordable. Benefits must be affordable to business and affordable to seniors. That means a definite premium and a reasonable copayment.

It must be accessible, available to all seniors regardless of where they live, and it must be portable so they can take it with them if they visit their grandchildren in another State.

It must be meaningful and genuine. It must cover the drugs that doctors say they need, not what insurance executive gatekeepers say they are willing to give them.

Let's talk about the meaningful benefit. Congress cannot leave this up to the insurance companies.

We have been down that road in Maryland, and it was a rocky road, not only filled with potholes but with landmines. We had something called Medicare+Choice that turned out to be nothing more than a racket for seniors to be gouged and abandoned in my own State. I am not going to support any more rackets or gimmicks under the illusion of being able to help our seniors. Insurance companies came in. Seniors were going to have choice. They ended up with no choice and no coverage. The companies came in. They took the money from our seniors. Then they said, oh, it is too expensive to do this, and they left town. They left over 100,000 Maryland seniors without coverage. We are not going to go that way.

So I do not trust the insurance companies to be there for the seniors. Getting rid of Medicare by forcing them into this is not going to be the way we go. Medicare is the answer. Medicare is not the problem.

I believe honor thy mother and father is not just a good commandment to live by, it is good public policy to govern by. That is why I feel so strongly about Medicare. Congress created Medicare to provide a safety net for seniors. In 1965, seniors' biggest fear was the cost of hospital care. One heart attack could put a family into bankruptcy. That is what Medicare Part A is all about. Then Congress added Medicare Part B to help seniors pay for doctor visits, an important step to keep seniors healthy and financially secure.

New advances in medicine mean seniors are living longer. New treatments and therapies such as prescription drugs prolong life and maintain quality of life. These costs were not envisioned in 1965.

So as we look at this problem, we need to know that Medicare has served the Nation well. Now we know it is time to expand it to a prescription drug benefit. We have covered hospitalization. We have covered doctor visits. Yet because of the advances in medical science in this country, prescription drugs and medical devices save lives and help manage chronic conditions such as high blood pressure and diabetes. This is what we need to be focusing on. Let's focus on the American people for a change and not on the so-called hollow opportunities of structural reform. It is a problem for middle class families. Families worry about their jobs and the weak economy. They do not know how they are going to take care of their children and their elderly parents.

American businesses are wondering about things such as legacy costs, and small business is wondering how they can afford health insurance as well. A lot of companies want to do the right thing for their employees and retirees. They want to offer comprehensive health care benefits, but they are struggling under the cost. That is why I fought for tax incentives for small businesses to provide health coverage for their employees. But those who supported the tax bill care more about special breaks for Joe Billionaire than about basic health care for families.

Our businesses do not get any help, but their competitors sure do. The playing field is not level. When competitors in other countries do not have to pay for prescription drug coverage because they have a national health care system, in my own State of Maryland this means people are losing jobs in the automobile industry and the steel industry. That is why I fought for tax incentives for small businesses to provide health coverage for their employees, but those who supported the tax bill care more about special breaks for Joe Billionaire than about basic health care for families.

We have to get real, and the first place we have to get real is to have a real prescription drug benefit. The Nation cannot afford to do nothing. Prescription drugs are lifelines to millions of Americans. They enable seniors to prevent and manage disease. Without access to medication, seniors are going to end up with trips to the hospital, longer hospital stays, more visits to emergency rooms.

All the great research done at NIH is meaningless if people cannot afford the cures. It is time to make prescription drug coverage a national priority so we can help our seniors, families, American business, and our economy.

When we stand up for America, we stand up for what America stands for, which is a safety net for our seniors and really helping our families be able to help themselves.

By passing a real prescription drug benefit, Congress will deliver real security to America's seniors. Retirement security means more pension security. Seniors need healthcare security to be at ease in their retirements. In today's world, we cannot have healthcare security without prescription drug coverage. Congress must keep this promise to America's seniors.

I now yield the floor, but if they come in with some more gimmicks, I will not yield the floor in this debate.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Under the previous order, the leadership time is reserved.

ENERGY POLICY ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 14, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Campbell/Domenici amendment No. 864, to replace ''tribal consortia'' with ''tribal energy resource development organizations''.

Dorgan amendment No. 865, to require that the hydrogen commercialization plan of the Department of Energy include a description of activities to support certain hydrogen technology deployment goals.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes equally divided for debate in relationship to the Dorgan amendment No. 865.

The Senator from North Dakota.

AMENDMENT NO. 865

Mr. DORGAN. Mr. President, the amendment I have offered is an amendment we will vote on this morning. I was disappointed yesterday to discover that there was opposition to the amendment. This is an amendment that passed without opposition in the last Congress. So surprisingly now I am discovering that some have changed their mind.

I will describe why, if this Congress has any gumption at all to decide that we ought to change course and move in a new direction and be bold and big when we think about our energy future, they will support this amendment.

President Bush said the following about our dependence on foreign oil in his State of the Union Address: America's energy security is threatened by our dependence on foreign oil. He said: We import 55 percent of the oil we consume. That is expected to grow to 68 percent by 2025. Nearly all of our cars and trucks run on gasoline. They are the main reason America imports so much oil—that, from President Bush—two-thirds of the 20 million barrels of oil we use each day for transportation.

Fuel cell vehicles offer the best hope of reducing our dependence on foreign oil. The President said that because he was proposing a new direction for America's energy supply: Hydrogen and fuel cells.

Following his State of the Union Address in which he proposed that, he had a gathering at the Building Museum in Washington, DC. He invited all of the industry leaders throughout the country to come. He gave a great speech. I was there with my colleague Senator DOMENICI. We were invited to be a part of it. He talked again about striking out in this new direction and talked about developing hydrogen and fuel cells as part of our future. That made sense to me.

I have spoken often of the first old car I had when I was a young kid. I bought a Model T Ford and restored it as an old antique. The way you gas up this 1924 Model T Ford is you pull up to a pump, stick a hose in the tank, and pump it full of gas. And what do you do with a 2003 Ford? Exactly the same thing. Nothing has changed in almost a century. We are still running gasoline through those carburetors.

What the President says—and I agree with him—is let's decide to change that and reduce our dependence on foreign oil because that is where the growth in energy use is coming; that is, on America's roads and America's vehicles. Do we want to be at a point where we have over one-half of our oil coming from off our shores, much of it from very troubled parts of the world? Do we want to be at the point where we have 68 percent of it coming from other parts of the world, where if, God forbid, some morning we woke up and discovered terrorists had interrupted the supply of oil and this American economy would be flat on its back? Is that how what we want to be held hostage? I do not think so.

So the President says let's strike out in a new direction. He proposed $1.2 billion on a hydrogen program. It is exactly the right thing to do. I commend him for it. But $1.2 billion is timid; it is not enough. Nonetheless, it is moving in the right direction, and for this American President to put his administration on the line to move in that direction is not insignificant at all; it is very significant.

I have pushed and pushed, and now this Energy bill has almost tripled the amount the President recommended for a new hydrogen-based economy and fuel cell future.

I proposed $6.5 billion over 5 years, an Apollo-type program. President Kennedy said: Let's put a man on the Moon by the end of the decade. He set a goal. And we did. I said: Let's have an Apollo program, decide we are going to move toward a hydrogen fuel cell future for our vehicles.

Do my colleagues know that a vehicle is twice as efficient using a fuel cell as it is using gasoline through a carburetor? It is double the efficiency getting power to the wheel. And what do you get out the back end of a vehicle that uses hydrogen in a fuel cell? Water vapor. You are not driving around town belching black smoke. You get water vapor. It is good for the environment, good for this country's energy security, and good for this country's economy. The fact is, this is moving in exactly the right direction. So I commend President Bush.

We also made progress in the Energy Committee, saying let's increase that which the President recommended, but it is still short of where we ought to be, No. 1. No. 2, it does not include targets and timetables. I do not suggest they be mandatory, but I do say this: Let's decide where we are headed, and when we give the Department of Energy and others $3 billion plus, let's say here is where we would like to go, here is our destination, here is our map. I say let's aspire to have 100,000 vehicles on the road in the year 2010 that are hydrogen-powered fuel cell vehicles and 2½ million vehicles by 2020.

My colleague yesterday said, well, we think maybe it is a mandate. I said, no, it is not a mandate at all. Just ask the Department of Energy to develop a strategy that says here is what we would like to do. We cannot force that to happen, but at least a goal is established.

Japan has goals and strategies with respect to hydrogen and fuel cells. They are moving very quickly. Europe is moving very quickly. Japan wants 50,000 by 2010 and 5 million vehicles by 2020. General Motors has a goal of having 1 million vehicles by 2010—Ford, Nissan, DaimlerChrysler. The fact is, the industry is moving very quickly as well.

I just do not happen to think we ought to throw a bunch of money at Energy and say: Do what you can with it and report back. I guarantee, if $3 billion or $3.5 billion is put into a bureaucratic envelope and sent down to an agency and they are told to report to us when they have half a notion and tell us what they have done, we are not going to make much progress.

What I believe this Congress ought to do is say: Here is what we aspire to achieve. This is a big, bold plan, and we want to make progress. We would like by the year 2010 on the streets in this country 100,000 automobiles that are powered by hydrogen and use fuel cells. We would like 2½ million by the year 2020.

Why do I say we need some targets and timetables? Because this is not easy to do. This is not something that one company can do or one industry can do. This requires a combination of private sector investment and initiative, and it requires public policy that accommodates this conversion.

First of all, we have to deal in a whole range of areas. How do you produce hydrogen? Hydrogen is everywhere. It comes from everything. It can come from natural gas, from coal, you can take hydrogen from water. You can use a wind turbine and produce electricity from the air and use that electricity to separate oxygen and hydrogen in water, store the hydrogen, use it in a fuel cell, and double the efficiency of how you power an automobile and have water vapor coming out of the tail pipe of the automobile. How wonderful this country's future. But it will not happen unless the Congress and the President decide we are going to move to a different future.

The first antique car I bought and restored when I was a kid was 75 years old. I put gas in it the same way I put gas in a car today. It is never going to

change unless in public policy we accommodate the private sector's investment and the initiative that comes from both the private sector and public policy, to say here is where our country aspires to be. Here is where we want our country to move with respect to an energy bill.

There is a lot to this Energy Bill. Any energy bill worth anything, in my judgment, has to incentivize additional production. It has to provide for significant amounts of conservation because we are wasting a great deal of energy. It has to provide for new efficiencies with respect to all the appliances we use. Most importantly, in my judgment, the fourth title of an energy bill has to be limitless renewable sources of energy. Yes, that is ethanol, which we debated last week; it is biodiesel; but most importantly, it is trying to move toward a new energy future with respect to our vehicle fleet. That is hydrogen and fuel cells.

I am not talking during this conversation about stationary engines, although that is another application for fuel cells, and we have fuel cells that are deployed and being used in this country. We also have fuel cells and vehicles using hydrogen. I have driven one. We have had a fuel cell vehicle drive from California to New York. It is not as if this technology does not exist. It does. Like all other new technologies, it is originally very expensive. As the research and development into the new models and prototypes are done, it is very expensive. But those costs come down, down, way down, as our country embraces the notion that we want a different future for our vehicle fleet; we want a hydrogen fuel cell future that relieves this country of being held hostage by sources of oil that come from out of our country.

If we just think for a moment about that, this American economy is the strongest economic engine in the entire world by far. There is nothing close to it. Yet some catastrophic event could happen that could shut off this supply of oil to this country because over half of it comes from outside of our shores. Something could happen to shut off the supply and this economy would grind to a halt. It would be flat on its back. And everybody knows it. When it happens, if it happens, and God forbid it happens, but if it happens everyone will say, We told you so. That is why this President wants to move to a different path, go to a different place, to embrace hydrogen and fuel cells, and has stated so in a State of the Union Address. He is dead right. We have to do that.

I don't understand why establishing an aspired-to target and timetables engenders opposition. A year and a half ago when I offered this amendment it was accepted by voice vote. I have no idea why all of a sudden some people say, this is radical. What a bunch of nonsense. Radical? Yesterday, I was told, what we are talking about are wild guesses: 100,000 vehicles by 2010, 2.5 million by 2020. Do you think General Motors has an aspiration of putting 1 million cars on the road by producing 1 million fuel cell cars by 2010? Do you think they go to the board of directors and say, We have a wild guess to talk to you about. These are not wild guesses. This is public policy, from our standpoint, of stating our goals.

I find it fascinating; although this is not a mandate at all, it is trying to establish some benchmarks. Instead of just giving money to bureaucrats or a Federal agency and saying report back when you get half a notion and let us know how you are doing—the report will show not much is going on. Instead of mandates, I put some targets in and say, aspire to achieve these. We ask the Department of Energy to give us a strategy on how they will achieve these.

Some who would not want to put this kind of a strategy or this sort of a target in law will come to the Senate and say, on national missile defense, we are going to spend $9 billion this year on national missile defense and we demand you deploy a system. It does not matter whether it is not ready or whether the technology does not exist, and it does not matter if you cannot hit a bullet with another speeding bullet; we demand you deploy that system by 2004. So the mandated targets are fine with respect to a national missile defense system for which you want to spend $9 billion.

All of a sudden, when the President says, do a hydrogen fuel cell initiative for America's energy security and you put in a rather weak, in my judgment, set of targets, just so you have targets rather than no targets and timetables, they say, gosh, what on Earth are you doing here? Why would you suggest that?

I suggest this, because I think if we are going to spend money, we ought to spend it effectively. If you are going to go on a journey, you might want to get a map. If you want to take a trip to go to a different kind of energy future, you might want to have a spot in mind about your different nation. Those who want to take the taxpayers' money and throw it at a problem and send it to an agency and say, do the best you can, I say, God bless you, but I will show you how not to make progress. Just do that, keep doing that, and you will never, ever, make progress.

If we want a different energy future, then we have to be driving the train. We have to decide this is what we aspire to achieve; these are the goals we set for our country. If you do not want to set goals, do not tell me you support an energy future different from today. Don't tell me you want to withdraw and disconnect from 55 percent dependence on foreign energy—55 percent going to 68 percent. This is a habit that is destructive to this country. It is destructive to our future, and it is destructive to our security. It is a habit we must end. This President has supported an approach to do that.

I have worked on hydrogen for some while, as have others in the Congress, Republicans and Democrats. But working on hydrogen and fuel cells to try to move to a different energy future, while a worthwhile enterprise, is not going to move us down the road unless this Congress decides to be bold and decides to have big dreams and big goals. The fact is, we try to incrementalize everything. We talk big and think little. If we want to do something, this amendment should be attached to this Energy Bill. As I said before, this amendment was accepted by voice vote 2 years ago. I don't have the foggiest understanding of why someone would oppose this. It is not a mandate. It is not a wild guess. It is not radical. In fact, in many ways it is the most conservative of approaches to say, let's not spend money unless we know what we are going to do with it, unless we have a strategy, unless we aspire to achieve certain goals good for this country and that fit with what the President intends to have happen with respect to a hydrogen and fuel cell future.

I ask unanimous consent Senator FEINSTEIN be added as a cosponsor to my amendment No. 865 to Senate Bill S. 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I understand my time has expired.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. I ask unanimous consent for 5 additional minutes and the other side will be added 5 additional minutes to the closing side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me show a couple of photographs that might be helpful for people to understand what this issue is about. This is a DaimlerChrysler fuel cell bus introduced in Germany in 1997 that runs on fuel cells. I rode on a fuel cell bus in California. For anyone who thinks this technology does not exist, it does. We have fuel cells. We use hydrogen.

Let me give another example of what is happening in the private sector: The Ford Focus fuel cell vehicle, 2002.

This is a Nissan Xterra, fueled by compressed hydrogen that was tested on a California road beginning in 2001.

This General Motors Hy-Wire fuel cell concept car was unveiled in August of 2002.

Let me make a point about all of this. You can't convert a vehicle fleet in this country from a fleet that pulls up to the gas pump and you take the cap off and you stick a hose in and pump away—you can't convert a vehicle fleet from a gasoline-powered vehicle fleet to a hydrogen-powered fleet without substantial public policy initiatives that complement where the private sector wants to go. One cannot do it without the other.

That is why, even as all these companies are working very hard on these

issues, they need public sector and public policy support. This is a picture of a hydrogen fueling station at Power TechLabs. So if you had a car with a fuel cell that uses hydrogen, where would you go to fuel that car? Where would you go to power it? Where would you find a supply of hydrogen? So you have a whole series of questions.

As I mentioned earlier, you have to develop the question of how do you produce hydrogen in large quantities. It is not terribly difficult. You can produce it in many ways, but what would be the predominant method of production? How do you store it? Where do you store it? How do you transport it? All of those are important issues that the private sector and public policy will answer, in my judgment.

Then, what kind of infrastructure can develop and how do you incentivize its development so those who are purchasing the new fuel cell vehicles powered by hydrogen have a place to come where they can fuel those vehicles?

We have plans for many areas of public policy, whether it is Social Security or Medicare—a whole series of issues. We have all these studies and plans of where we aspire to be and what we aspire to do. The goals in this amendment, while not mandates, are very simple. In my judgment they are reasonable goals and ones that ought not frighten anyone in this Chamber into believing they are mandates.

We know California's Clean Air Act requirements will ensure there will be many fuel cell vehicles on the road in California in the future. By this year, 2003, 2 percent of California's vehicles have to be zero emission vehicles, and around 10 percent must be zero emission by 2018. California will have nearly 40,000 to 50,000 fuel cell vehicles on the road by the end of the next decade.

One of the other considerations in public policy is Federal fleet purchase. We can be the first purchaser of these technologies and put thousands, tens of thousands of vehicles on the road through the Federal fleet purchase. Those are the kinds of activities I think can make a big difference.

Let me finish as I started. I am very disappointed. I hope perhaps a good night's sleep will have persuaded those who came yesterday, who were a little cranky about this amendment and wanted to see if they shouldn't maybe oppose this amendment—I am hoping maybe a good night's sleep would have provided some sort of epiphany to those who would have otherwise opposed it and they will decide that they should support what the Senate unanimously supported 2 years ago. This is not anything other than a step in exactly the right direction.

If you want to be big, you want to be bold, you want to agree with President Bush that we ought to move to a new energy future, if you want to do all that and believe hydrogen and fuel cells, as the President says, are the future—and I do—if you believe all that, then let's do this the right way: Set timetables and targets and goals. If you want to spend money, then let's make those who are going to receive the money give us the strategies that relate to where we want our country to move. Or do we just want to throw money in the air and sort of mill around and thumb our suspenders and smoke our cigars and say we did a great job; we spent $3 billion on hydrogen, and boy, we hope something comes of that. That is not the way you do business. The way you do business is you have a plan. You decide where you want to go for the future of this country and what you want to do and how you want to achieve it. That is what this amendment does. It just sets out those goals. I am hoping when we have this vote it will have a very sizable victory here in the Senate later this morning.

Mr. President, I yield the floor, and I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside and the Senator from Louisiana be allowed to offer her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 871

Ms. LANDRIEU. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] for herself, Mr. SPECTER, Mr. BINGAMAN, and Ms. COLLINS, proposes an amendment numbered 871.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the dependence of the United States on imported petroleum)

On page 238, between lines 2 and 3, insert the following:

Subtitle E—Measures to Conserve Petroleum

SEC. ___. REDUCTION OF DEPENDENCE ON IMPORTED PETROLEUM.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2004, and annually thereafter, the President shall submit to Congress a report, based on the most recent edition of the Annual Energy Outlook published by the Energy Information Administration, assessing the progress made by the United States toward the goal of reducing dependence on imported petroleum sources by 2013.

(2) CONTENTS.—The report under subsection (a) shall—

(A) include a description of the implementation, during the previous fiscal year, of provisions under this Act relating to domestic crude petroleum production;

(B) assess the effectiveness of those provisions in meeting the goal described in paragraph (1); and

(C) describe the progress in developing and implementing measures under subsection (b).

(b) MEASURES TO REDUCE IMPORT DEPENDENCE THROUGH INCREASED DOMESTIC PETROLEUM CONSERVATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall develop and implement measures to conserve petroleum in end-uses throughout the economy of the United States sufficient to reduce total demand for petroleum in the United States by 1,000,000 barrels per day from the amount projected for calendar year 2013 in the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2003''.

(2) CONTENTS.—The measures under paragraph (1) shall be designed to ensure continued reliable and affordable energy for consumers.

(3) IMPLEMENTATION.—The measures under paragraph (1) shall be implemented under existing authorities of appropriate Federal executive agencies identified by the President.

Ms. LANDRIEU. Mr. President, we are today continuing a very important debate on fashioning an energy policy for our Nation. We will be voting on many key amendments as we attempt to move this very important bill off the Senate floor, to conference with the House, and to the President's desk for signature.

It is crucial that we increase domestic production of oil and gas.

It is crucial that we invest more money in research and technologies for alternate fuels that are more environmentally friendly. It is crucial that we reduce our consumption, particularly of oil, as well as have a revitalization, in my opinion, in the appropriate ways, of our nuclear industry—they are all important aspects of this bill—as well as have the deregulation components of electricity and the expanding of the electric grid, in the appropriate ways, which is quite difficult because there are regions of the country that come at that issue from a variety of different standpoints, and it has been very difficult to negotiate those particular aspects of the bill.

But I compliment the chairman from New Mexico and our ranking member from New Mexico who have worked beautifully together trying to fashion a bill that is balanced and is actually possible to pass and not get logjammed in ideological battles; it is something that will help our country move toward more energy efficiency and security; increasing our national security and improving efficiency in our economy, hopefully putting people to work in developing these new technologies. So I commend them for their patience and persistence and their guidance.

I believe the amendment I offer today will go a long way to minimizing the consumption of oil in this country. We are a nation that has only 3 percent of the world's known oil reserves. Yet we consume more oil than any country per capita or in any way you might

want to arrive at that conclusion. It is simply essential that we reduce our consumption of oil.

You might say to me, Mr. President: That is strange, Senator, since you are from a State that produces oil. We are a proud producer, as you know, of oil and gas. We believe we contribute to the wealth and security of this Nation. We believe and know that these oil and gas wells have brought jobs and wealth and opportunity and prosperity to our State. Yes, it has come at some environmental cost, particularly 40 and 50 years ago, where the science was not where it is today, the technology was not where it is today, the safety measures were not where they are today. We made mistakes, but we are quickly learning from our experience, as any smart individual or enterprise does. We are now engaged in new technologies that minimize the footprint. We are engaged in making tremendous improvements in environmental restoration projects.

So I hope people will not think it is strange that a Senator from Louisiana would be offering what I consider a very reasonable amendment to reduce oil consumption in this Nation because even our oil and gas producers themselves are willing, and know, in the long run it is in everyone's interests, including theirs, to diversify our source of supply, to minimize our consumption and our dependence on foreign oil by improving and increasing domestic production of oil and gas, which is a centerpiece of this bill which I am proud to support.

So, therefore, I offer this amendment which will save, if adopted—and I am pleased to offer this amendment with the Senator from Pennsylvania, Mr. SPECTER, as the lead cosponsor; Senator LAMAR ALEXANDER, from the great State of Tennessee; as well as Senator COLLINS from Maine—so we offer this as a bipartisan amendment to save the taxpayers and the businesses and the consumers in this Nation 1 million barrels of oil a day. That is the essence of this amendment.

Before I explain the details of the amendment, let me just talk a moment about the importance of reducing our dependence on fossil fuels. As I said, we need to develop alternative fuel sources. One of the reasons is because oil provides nearly 40 percent of U.S. energy consumption. Sixty percent of the oil we consume today is imported, and that number is set to rise. Unless this amendment and others like it are adopted, that trend will continue to go up, putting at risk our national security and putting at risk our international economic competitiveness.

Because oil is truly an international commodity, and the United States is the world's largest consumer of oil, it is particularly vulnerable to any event that would affect supply and demand. As I said earlier, our daily consumption of oil is almost four times the next two largest oil consumers, Japan and China. Let me repeat: Our daily consumption of oil is four times the next two largest oil consumers, Japan and China.

The price of oil in our country is at the mercy of world events, and not just in the Middle East, which we see played out on television every day, but in Venezuela, which might be off the front pages but, believe me, it is not off the front pages of the business journals in this country where they see their prices and their businesses jeopardized because of the turmoil in Venezuela and Nigeria.

We owe it to ourselves to try to minimize the volatility of oil prices. We do that in two ways: increasing domestic production, which obviously Louisiana would support; and also by reducing our consumption, which people in Louisiana—average families, businesses large and small—all would agree to.

I continue to advocate for responsible and robust domestic oil production, as I said, but we need to do more to reduce consumption. Oil is a critical component of nearly everything that affects our daily lives: from transportation, to food production, to heating. And rising oil prices actually act like a tax by foreign oil exporters on the average American. We have spent a great deal of time trying to reduce taxes on the floor of the Senate. We have done that sometimes in a bipartisan way. Sometimes the majority has pushed through tax relief. We can debate that issue at another time. But there is no disagreement that when we can reduce taxes in a responsible manner, we most certainly should do so.

This amendment, which asks the President to reduce the consumption of oil in this Nation by 1 million barrels a day—we are consuming about 19 million barrels a day, so this would require and basically meet his goals, as outlined in his State of the Union speech—gives him broad latitude as to how to do that. It would be like a tax reduction because currently middle-class families pay about 5 percent of aftertax income for energy needs. As the price of oil increases, family aftertax income continues to decline.

When businesses pay higher taxes, pay for higher oil prices and disruptions in oil supply, this increases inflation and reduces profits, production, investment, and employment. Let me repeat: It increases inflation, reduces profits, reduces production, reduces investment, and reduces employment. We need to be increasing production, investment, and employment. My amendment will help us to do just that.

Consumers are spending $50 billion more in annual energy bills than a year ago. If we could reduce our consumption by the amount that our amendment suggests, we would begin to save consumers money they could spend on other most needed and necessary things for themselves, their children, their grandchildren, or their businesses.

The amendment I offer today, as I said, would direct the President to develop and implement a plan to reduce oil consumption by 1 million barrels a day by the year 2013.

I show you a chart I have in the Chamber because this amendment would actually put into law—I am hoping we can get a broad bipartisan vote on this amendment—it would actually put into law the words the President himself spoke in his State of the Union speech when he said U.S. oil consumption would be about 1.8 million barrels per day lower in 2020.

So what my amendment says is, instead of saying there would be a 1.8 million reduction by 2020, let's try to shoot for a 1-million-barrel-per-day reduction by 2013, which is just about the equivalent—a little different goal but you could argue an equivalent goal. The benefit and beauty of this amendment is that it does not tie the President's hands, but it gives him great flexibility in how to achieve the goal he has outlined.

There are any number of reasonable and simple measures the President could adopt that would help us to consume a less significant amount of oil and reduce taxes on the American people, increase our national security, improve our environment, and create jobs. It almost sounds too good to be true, but it is true.

We are not mandating a specific approach, which is the beauty of it, because the approach some have argued for I have actually disagreed with and want to give the President great flexibility but hold to this important goal.

There are any number of ways we could do that. The President could consider renewable fuels standards. A different approach could save 175,000 barrels of oil per day by 2013. Weatherizing of homes under credit enhancements or encouragement or new techniques that some local and State governments have found very helpful could save 80,000 barrels per day. Air traffic improvements, just simple improvements in the way and timing of our airplanes taking off and landing, which can be increased effectively by additional technologies, could save 50,000 barrels of oil per day. As to reducing truck idling, there are several new technologies being developed, employing scientists and engineers and putting Americans to work developing these new kinds of technologies which make the engines more efficient. They don't have to idle or, at the idling stage, don't use as much oil. That could save 50,000 barrels of oil a day. Just replacing tires, using our tires and keeping them filled with air as opposed to flat, new technology regarding the tires could save money.

The point of this list—and I could go on because I could speak about 30, 40, or 50 known actions that could be taken by the President in this realm without dictating exactly how the savings would occur—is to illustrate the plethora of choices where he could go to achieve these savings.

The amendment I offer today with Senators ALEXANDER, BINGAMAN, SPECTER, and COLLINS is a clear and reasonable objective for oil savings. It will reduce our dependence on oil.

Let me show a couple of examples of the way the President could achieve these goals, some of which we have already passed on the Senate floor. Ethanol is now a part of this bill. There were some Members who disagreed with the ethanol fuels standard. I actually supported, along with Senator DASCHLE, Republicans and Democrats, that new standard. This will save oil consumption in the country. The President would have that option. In addition, I talked about the tire savings, replacement tires with the appropriate rules and regulations could save us 270,000 barrels of oil. And finally, the idling engines, this is a visual to show that with some new technologies to keep our airplanes flying and spending less time on the ground and more time in the air, which passengers would appreciate—believe me, as a frequent flier myself, if we could just keep our airplanes flying and keep them from idling; there are new technologies helping to do this—we could save oil.

In the past, we have focused the debate on just one way of saving oil which was directed at our transportation sector. My amendment does not direct these savings at the transportation sector, although I acknowledge that the transportation sector is the largest user of oil. This amendment provides flexibility. It sets a realistic goal that matches the President's, basically the equivalent of the President's own goals. And I think it would create, if adopted, a tremendous balance in the bill because again we have increased opportunities for production. We have given incentives for more domestic production. But that has to be coupled with Senator BINGAMAN's leadership on energy efficiency and savings to reduce our consumption of oil as we promote in the appropriate ways over the appropriate timeframe the use of other alternative sources of energy.

I offer the amendment in good faith. There will be Members who will speak hopefully for the amendment. Hopefully we can pass it by a good margin to show we are indeed serious about a balanced energy policy which promotes in the right ways domestic production but also oil savings.

I will ask unanimous consent to print in the RECORD a Business Week article that had a great impact with me as I read it, ''Taming the Oil Beast.'' It is time, since the business community realizes we can and should get smart about oil, that we do so. I think this is a very good amendment about getting smart about oil because it sets a goal of reduction, but it gives the President and his departments flexibility as to how this would work.

I would like to submit that for the RECORD because it would serve as a basis for the offering of the amendment today.

I would also like to reference an article by the Concerned Scientists Association, over 2,000 scientists who have written a paper, very illustrative, encouraging action on this subject. I say that because some of our brightest minds, some of the best scientists in the country are thinking along these lines and fully support this amendment to save 1 million barrels of oil. Perhaps we can save more. I would actually be open to saving more. If someone wants to offer an additional amendment, I would consider voting for it. But I am certain this is something we can accomplish. The President himself outlined this as a goal. The President's own budget that he laid down cited as a goal the equivalent, basic goal of what I am offering.

We have voted any number of times in the Senate and have come very close to reaching this goal. So while some may argue that we should try to save more, I think this is an amendment that can pass, that can get us moving in the right direction. I submit both of these from a business perspective, from an environmental perspective for the RECORD, to substantiate the value of the amendment.

I see my colleague from Tennessee on the floor who has probably come to add his good words as a cosponsor of the amendment.

I ask unanimous consent to print the document I referenced.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From BusinessWeek, Feb. 24, 2003]

TAMING THE OIL BEAST

A SENSIBLE, STEP-BY-STEP ENERGY POLICY IS WITHIN OUR REACH—HERE'S WHAT TO DO

American troops are massing outside of Iraq, preparing to strike against Saddam Hussein. And as war jitters rattle the world, there's one inevitable effect: a rise in the price of oil. Crude is up more than 33 percent over the past three months, climbing to $35 per barrel in the U.S. Economic models predict that if the price stays high for three months, it will cut U.S. gross domestic product by $50 billion for the quarter. If the war goes badly, with Saddam destroying oil fields in Iraq and elsewhere, or if disaster or unrest chokes off oil flowing from other countries, the whole world's economy is in for a major shock.

There's no escaping the consequences of our thirst for oil. It fuels a vast engine of commerce, carrying our goods around the nation, taking mom and dad to work, and carting the kids to soccer practice. As long as the U.S. imports more than 11 million barrels a day—55 percent of our total consumption—anything from a strike in Venezuela to unrest in the Persian Gulf hits us hard in the pocketbook. ''We are vulnerable to any event, anyplace, that affects the supply and demand of oil,'' says Robert E. Ebel, director of the energy program at the Center for Strategic & International Studies (CSIS). In a Feb 6. speech, President Bush put it bluntly: ''It jeopardizes our national security to be dependent on sources of energy from countries that don't care for America, what we stand for, what we love.''

It wasn't supposed to be this way. Remember how Richard Nixon insisted in 1973 that the nation's future ''will depend on maintaining and achieving self-sufficiency in energy''? Or how Jimmy Carter proclaimed in 1979 that ''beginning this moment, this nation will never again use more foreign oil than we did in 1977—never.'' Even Ronald Reagan said in 1982 that ''we will ensure that our people and our economy are never again held hostage by the whim of any country or cartel.''

How empty those vows seem now, when one nation, Saudi Arabia, is sitting one the world's largest proved reserves—265 billion barrels, or 25 percent of the known supplies—and can send global prices soaring or falling simply by opening or closing the spigot. For now, the Saudis are our friends. They are boosting production to keep prices from spiking too high. But what if Saudi Arabia's internal politics change? ''The entire world economy is built on a bet of how long the House of Saud can continue,'' says Philip E. Clapp, president of the National Environmental Trust.

The good news is that we can make a safer bet. And it doesn't entail a vain rush for energy independence or emancipation from Middle East oil. Based on interviews with dozens of economists, oil analysts, environmentalists, and other energy experts, BusinessWeek has crafted guidelines for a sensible and achievable energy policy. These measures build on the positive trends of the past. If implemented, they would reduce the world's vulnerability to wars in the Middle East, production snafus in Russia, turmoil around the Caspian Sea, and other potential disruptions. The plan has the added benefit of tackling global warming, which many scientists consider the greatest economic threat of this century.

The energy policy BusinessWeek advocates comes down to six essential steps. To deal with oil supplies, the U.S. should diversify purchases around the world and make better use of strategic petroleum reserves. It must also boost energy efficiency across the economy, including making dramatic improvements in the fuel efficiency of cars and trucks. How do we accomplish this? Nurture new technologies and alternative energy sources with research dollars and tax incentives, and consider higher taxes on energy to more accurately reflect the true costs of using fossil fuels. Projecting the precise effects of these policies is impossible, economists warn. But BusinessWeek estimates that, at a cost of $120 billion to $200 billion over 10 years—less than the cost to the economy of a major prolonged oil price rise—it should be possible to raise energy efficiency in the economy by up to 50 percent and reduce U.S. oil consumption by more than 3 million barrels a day.

These steps draw on the lessons of history and help highlight what not to do. Meaningful progress has long been held up by myths and misconceptions—and by the scores of bad ideas pushed in the name of energy independence. Remember ''synfuels'' in the 1970s? Today's misguided notions include trying to turn perfectly good corn into ethanol and rushing to drill in the Arctic National Wildlife refuge. Indeed, looking over the past couple of decades, ''my reaction is, thank God we didn't have an energy policy,'' says David G. Victor, director of Stanford University's Program on Energy Sustainable Development. ''The last one had quotas and rationing, causing lines at the gas pumps and incredible inefficiencies in the economy.''

One false notion is that making the U.S. self-sufficient—or doing without Middle Eastern oil—would protect us from supply cutoffs and price spikes. In fact, oil has become a fungible world commodity. Even if we cut the umbilical cord with the Persian Gulf by buying more oil from Canada, Mexico, or Russia, or by producing more at home, other nations will simply switch over

to buy the Middle eastern oil we're shunning. The world oil price, and the potential for spikes in that price, remains the same. As long as there are no real oil monopolies, it doesn't matter so much where we get oil. What really matters is how much we use. Reducing oil use brings two huge benefits: Individual countries have less leverage over us, and, since oil costs are a smaller percentage of the economy, any price shocks that do occur have a less dramatic effect.

Yet reducing oil use has to be done judiciously. A drastic or abrupt drop in demand could even be counterproductive. Why? Because even a very small change in capacity or demand ''can bring big swings in price,'' explains Rajeev Dhawan, director of the Economic Forecasting Center at Georgia State University's Robinson College of business. For instance, the slowdown in Asia in the mid-1990s reduced demand only by about 1.5 million barrels a day, but it caused oil prices to plunge to near $10 a barrel. So today, if the U.S. succeeded in abruptly curbing demand for oil, prices would plummet. Higher-cost producers such as Russia and the U.S. would either have to sell oil at a big loss or stand on the sidelines. The effect would be to concentrate power—you guessed it—in the hands of Middle Eastern nations, the lowest-cost producers and holders of two-thirds of the known oil reserves. That's why flawed energy policies, such as trying to override market forces by rushing to expand supplies or mandating big fuel efficiency gains, could do harm.

The truth is, the post-1970s de facto policy of just letting the markets work hasn't been all bad. painful oil shocks brought recessions. But they also touched off a remarkable increase in the energy efficiency of the U.S. economy. From the 1930s to the 1970s, America produced about $750 worth of output per barrel of oil. That number doubled, to $1,500, by the end of the 1980s. But the progress largely stopped in the past decade. Now we need policies to continue those fuel-efficiency gains, without the pain of sudden oil shocks.

The critical balancing act is reducing oil use without hurting the economy—or without allowing energy prices to fall so low that companies and individuals abandon all efforts to conserve. Successfully walking this tightrope can bring big gains. The next time we are hit with a spike in the price of oil, or even of natural gas or electricity, we may be able to avoid the billions in lost GDP that would otherwise result. Here are the details:

1. Diversify Oil Supplies

The answer to the supply question is a delicate combination of technology, market forces, and diplomacy. New tools for drilling in waters nearly two miles deep, for instance, are opening up untapped sources in the Atlantic Basin, Canada, the Caribbean, Brazil, and the entire western coast of Africa.

That's helping to tip the balance of power among oil producers. In 1973, the Middle East produced nearly 38 percent of the world's oil. Now, that percentage has dropped below 30 percent. ''Our policy has been to encourage oil companies to search for oil outside the U.S. but away from the Persian Gulf,'' explains CSIS's Ebel. ''It's been rather successful.''

There's plenty of oil to be tapped. While there are now about 1 trillion barrels of proved reserves, estimates of potential reserves keep rising, from 2 trillion barrels in the early 1980s to more than 3 trillion barrels today.

The Caspian Sea area, for instance, promises proved reserves of 20 billion barrels to 35 billion barrels—but could have more than 200 billion barrels. Skeptics argue that this Caspian resource, surrounded as it is by Iran, Kazakhstan, Russia, Azerbaijan, and Georgia, is a bastion of instability and could easily become the backdrop for a future war linked to oil. But history shows that even bad guys are eager to sell their oil.

If energy policy were only about economics, we might argue that the world should take advantage of the ample supplies and relatively cheap prices and just keep consuming at a rapid rate. But there are additional costs of oil not included now in the price (step 6). And we have other important goals, such as doing more to protect the environment and reducing the political leverage of the Middle East. Says ExxonMobil Corp. (XOM) Chairman and CEO Lee R. Raymond: ''The key to security will be found in diversity of supply.'' In other words, whimsical though it may seem, we should strive to maintain a Goldilocks price for oil: It should be high enough to keep companies and countries investing in oil fields but not so high that it sends the world into a recessionary tailspin.

2. Use Strategic Reserves

The nation now has 599.3 million barrels stored in underground salt caverns along the Texas and Louisiana Gulf Coast. That's enough to replace Iraq's oil production for at least six months. Yet this stockpile isn't being used correctly, and it never has been, many experts believe. In the 1991 Persian Gulf War, ''oil prices were back to the normal level by the time the U.S. got around to releasing the strategic petroleum reserve,'' says energy economist W. David Montgomery of Charles River Associates, Inc. We shouldn't make that mistake again. With oil prices already up, ''we should release the stockpile immediately,'' he says.

Other experts argue that the reserve should be used as a regular hedging tool rather than being saved for extreme emergencies, which so far have never materialized. One idea: Allow companies to contract with the government to take out barrels of oil when they want to—as long as they agree to replace it later, along with a bit extra. That way, this big store of oil would smooth out glitches in supply and demand while also taking away some of OPEC's power to manipulate the market. There are similar reserves in Europe, Japan, and South Korea—for a total of 4 billion barrels, including the U.S.—that should be used in this way as well. And by making the reserves bigger, we gain more leverage to dampen the shocks.

3. Boost Industrial Efficiency

After decades of concern over energy prices and the big improvement in the overall energy efficiency of America's economy, you would think that U.S. companies would be hard-pressed to find new gains. ''In my experience, the facts are otherwise,'' says Judith Bayer, director of environmental government affairs at United Technologies Corp. (UTX) UT discovered savings of $100,000 in just one facility by turning off computer monitors at night. ''People talk about low-hanging fruit—picking up a dollar on the floor in savings here and there,'' Bayer says. ''We picked up thousands off the ground. It's embarrassing that we didn't do it earlier.''

Just last year, Salisbury (N.C.)-based Food Lion cut its energy consumption by 5 percent by using sensors to turn off lights in bathrooms and loading-dock areas and by installing better-insulating freezer doors. ''The project saves millions a year,'' says Food Lion's energy-efficiency expert, Rick Heithold.

Even companies with strong efficiency track records are doing more. 3M Corp. (MMM) has cut use of energy per unit of output by 60 percent since the Arab oil embargo—but is still improving at about 4 percent a year. One recent innovation: adjustable-speed factory motors that don't require energy-sapping brakes. The efficiency gains ''help us reduce our operating costs and our emissions—and the impact that sudden price increases have on our businesses,'' says 3M energy manager Steven Schultz.

Last year, the New York Power Authority put in a digitally controlled power electronics system—essentially, a large garage packed with semiconductor switches and computers—in a substation that handles electric power coming in from Canada and northern and western New York. Along with conventional improvements, this vastly improved the system's ability to manage power. The state now has the capacity to transfer 192 more megawatts of available electricity, or enough to power about 192,000 homes.

The nation's entire antiquated electricity grid should be refashioned into a smart, responsive, flexible, and digitally controlled network. That would reduce the amount of energy required to produce $1 of GDP by 30 percent and save the country $100 billion a year, estimates Kurt E. Yeager, CEO of the Electric Power Research Institute (EPRI). It would eliminate the need to build dozens of power plants, cut carbon emissions, and slash the cost of power disruptions, which run about $120 billion a year. Such a network would also break down existing barriers to hooking up new sources of power to the grid, from solar roofs on thousands of houses to small, efficient heat and power generators at businesses. And soon, it will be possible to rack up big efficiency gains by switching to industrial and home lights made from light-emitting diodes (LEDs), which can use less than one-tenth the energy of incandescent bulbs.

These are exciting developments, but what do they have to do with oil? The answer lies in the idea of fungible energy: Eliminate the need for a power plant running on natural gas, and that fuel becomes available for everything from home heating to a source of hydrogen for fuel-cell vehicles. A subset of the nation's energy policy, therefore, should be doubling Federal R&D dollars over the next five years to explore technologies that can boost energy efficiency, provide new sources of power, and, at the same time, address the problem of global warming.

4. Raise Car and Truck MPG

To make a real dent in oil consumption, the U.S. must tackle transportation. The numbers here dwarf everything else, accounting for a full two-thirds of the 20 million barrels of oil of oil the U.S. uses each day. And after rising from 15 miles per gallon in 1975 to 25.9 mpg in 1988, the average fuel economy of our vehicles has slipped to 24 mpg, dragged down by gas-guzzling SUVs and pickup trucks. Boost that to 40 mpg, and oil savings will top 2 million barrels a day within 10 years.

Detroit says that's too high a goal. But the technology already exists to get there. In early January, General Motors Corp. (GM) rolled out ''hybrid'' SUVs that use a combination of gas-engine and electric motors to bump fuel economy by 15 percent to 50 percent. That same technology is already on the road. Honda Motor Co.'s (HMC) hybrid Civic and Toyota Motor Corp.'s (TM) Prius, both big enough to carry four adults and their cargo, each top 45 mpg in combined city and highway driving.

Adding batteries and an electric motor to vehicles is just one of many ways to increase gas mileage. Researchers can also improve the efficiency of combustion, squeezing more power out of a given amount of fuel. In an approach called variable valve timing, they can adjust the opening and closing of an engine's intake and exhaust valves. Such engines, made by Honda, BMW, and others, are

more efficient without sacrificing power. Researchers are now working on digitally controlled valves whose timing can be adjusted even more precisely. The gains? Well over 10 percent in many cases.

More improvement comes from reducing the power sapped by transmissions. So-called continuously variable transmissions eliminate individual gears so that engines can spend more time running at their most efficient speed. And auto makers can build clean-burning diesel engines, which are 20 percent to 40 percent more efficient than their gas counterparts.

Estimates vary widely on what it would cost to raise gas mileage to 40 mpg or higher for the entire U.S. fleet of cars. Assuming a combination of technologies, we figure the tab could be $1,000 to $2,000 per car, or $80 billion to $160 billion over 10 years. That's less than fuel savings alone over the life of the new vehicles. Carmakers already have the technology. What we need now are policies, ranging from higher gasoline prices to tougher fuel-economy standards, that will give manufacturers and consumers incentives to make and buy these vehicles.

The ultimate gas-saving technology would be a switch to a completely different fuel, such as hydrogen. Toyota, Honda, and GM already are testing cars that use fuel cells to power electric motors. Such vehicles are quiet, create no air pollution, and emit none of the carbon dioxide linked with global warming. They also are expensive, and 10 to 20 years away from the mass market.

There's one other problem: Where would the hydrogen come from? The element must now be extracted from gas, water, or other substances at relatively high cost. But there are intriguing ideas for lowering the tab, such as genetically engineering bacteria to make the gas or devising more efficient ways to get it from coal. We need a strong research program to explore these ideas, plus incentives to test fuel-cell technology in power plants and vehicles. President Bush's $1.2 billion hydrogen initiative is just a start.

5. Nurture Renewable Energy

Tim Grieves shares a vision with a growing number of energy giants: harnessing the wind to generate cheap, clean power. The superintendent of schools in Spirit Lake, Iowa, Grieves has overseen the installation of two wind turbines that hum away in a field not far from his office. They generate enough juice to allow Spirit Lake to proudly call itself the only electrically self-sufficient school district in the nation. ''We're not dependent on the Middle East,'' says Grieves. ''This is just smarter.''

Although less than 0.5 percent of our power now comes from wind, it's the cheapest and fastest-growing source of green energy. The American Wind Energy Assn. believes the U.S. could easily catch up with Northern Europe, where wind supplies up to 20 percent of power. In the U.S., that's the equivalent of 100,000 megawatts of capacity—or more than 100 large fossil-fueled plants. The Great Plains could become the Middle East of wind.

Without tax credits and other incentives, wind power couldn't flourish. but oil and other fossil fuels also have big subsidies. So we should either eliminate those or provide reasonable incentives for alternatives such as wind, solar, and hydrogen. Even if the new sources still cost more than today's power, continued innovation, spurred by the incentives, will lower the price. Moreover, having some electricity produced by wind turbines and solar panels helps insulate us from spikes in natural-gas prices. Some states now require that a percentage of power come from renewable sources. We should consider this nationwide, with a target of perhaps 15 percent, up from the current 6 percent.

6. Phase in Fuel Taxes

The main reason fuel-efficiency gains in the U.S. slowed in the 1990s is that the cost of oil—and energy in general—was so low. ''Yes, we are energy hogs, but we became energy hogs because the price is cheap,'' says Georgia State's Dhawan.

Even though it seems like the market is working in this regard, it really isn't. There's widespread agreement that the current price of oil doesn't reflect its true cost to the economy. ''What Americans need to know is that the cost of gasoline is much more than $1.50 a gallon,'' says Gal Luft of the Institute for the Analysis of Global Security. But the invisible hand could work its magic if we include costs of so-called externalities, such as pollution or the tab for fighting wars in the Middle East. That would raise the price, stimulating new energy-efficiency measures and the use of renewable fuels.

The tricky part is pricing these externalities. Some economists peg it at 5 cents to 10 cents a gallon of gas. Others see the true cost as double or triple the current price. Just by adding in the more than $100 billion cost of having troops and fighting wars in the Persian Gulf, California State University economist Darwin C. Hall figures that oil should cost at least $13 per barrel more. ''That is an absolutely rock-bottom, lowball estimate,'' he says. More dollars come from adding in numbers for the costs of air pollution, oil spills, and global warming.

Imagine, though, that in an ideal world, we could settle on the size of the externalities—maybe $10 per barrel. We obviously don't want to suddenly slap a $10 tax on oil. Doing so would slice more than $50 billion out of GDP and send the economy into a recession, forecasters calculate.

But phasing it in slowly, over 10 years, would give the economy time to adopt fuel-efficiency measures at the lowest costs. We should also consider additional taxes on gasoline, since a $10-per-barrel price rise amounts to only about 25 cents per gallon of gas—not enough to make a big change in buying habits. This approach works even better if the revenue from these taxes is returned to the economy in a way that stimulates growth and productivity—by lowering payroll taxes, for example. Plus, there are big environmental benefits from reduced pollution.

There's a fierce debate about whether the economy gains or loses from such tax-shifting. Many economists agree, however, that the bad effects would be relatively small. ''There may not be a free lunch, but there is almost certainly a lunch worth paying for,'' says Stanford economist Lawrence H. Goulder.

If energy taxes prove politically impossible, there's another way to achieve realistic fossil-fuel prices: through the back door of climate-change policy. Already, Europe is toying with carbon taxes to fight global warming and multinationals are experimenting with carbon-trading schemes to get a jump on any future restrictions. Even Republicans such as Senator John McCain (R–Ariz.) are pushing curbs on carbon dioxide. If the U.S. put its weight behind efforts to fight climate change, it could help push the entire world toward lower emissions—and moderately higher oil prices. The best approach: a combination of carbon taxes and a cap-and-trade system, wherein companies can trade the right to emit. That way, the market helps find the greatest reductions at the lowest cost. Economists figure that a $100-per-ton tax on carbon emissions, for example, would equal a rise of 30 cents in the cost of a gallon of gas.

Under the Bush Administration, this too, may be difficult to enact. What's left are regulations and mandates. There may be just enough political will to boost CAFE (corporate average fuel efficiency) standards for vehicles—and to remove the loopholes that hold SUVs to a lower standard. But we need a smarter rule than the current one.

One good idea: give companies whose cars and trucks do better than the fuel-economy target credits that they could sell to an auto maker whose fleet isn't efficient enough. That way, ''good'' companies such as Honda are strongly motivated to keep improving technology. By being smarter about regulations and mandates, ''we could do a lot better than what we are doing now,'' explains Stanford professor James L. Sweeney.

If we implement these policies, here's what we'll get: A reduction in projected levels of oil consumption equal to 3 million barrels a day or more within 10 years. That means we could choose not to import from unfriendly countries (although they will happily sell their oil to others). In addition, oil-price shocks should be fewer and smaller, allowing us to avoid some of those $50 billion (or more) hits to GDP. A more fuel-efficient economy will free up oil for countries such as China and India, notes Platts Global Director of Oil John Kingston. And the technologies we develop will help those economies become more efficient.

Economists will argue about the costs of these measures. But the benefits of greater energy efficiency and reduced vulnerability should, over the long run, outweigh the $120 billion (or more) cost of getting there. Painful though they were, the oil shocks of the 1970s sent the U.S. down the road toward a more energy-efficient—and less vulnerable—economy. Our task now is to find a smoother path to continue that journey.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. The Senator from Iowa has been waiting for a while. I would like to set the vote for the Dorgan amendment if I may, and then I would be glad to yield to the Senator from Iowa to let him make his remarks. Then I would like as a cosponsor to speak in support of the amendment of the Senator from Louisiana.

Mr. REID. I ask unanimous consent that that be the case, that Senator HARKIN be recognized followed by the Senator from Tennessee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, pursuant to the order of last night, I ask unanimous consent that the vote in relation to the Dorgan amendment No. 865 occur at 11:30 today with two minutes equally divided prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I will not object, I would hope that we could also line up the Senator from Louisiana to have her vote in a reasonably short period of time. She has indicated she thinks there may be a number of others who wish to speak in favor of the amendment. We would hope we could move on to that. We want to get to the Wyden amendment. There is an order in effect that would set up 2 hours on that amendment. Senator WYDEN will be ready immediately after the caucus. He would have

been ready this morning. He would be ready after the caucus to move on that. I hope we can get do that amendment right after the caucus and dispose of this even prior to that.

The PRESIDING OFFICER. Is there objection?

The PRESIDING OFFICER (Mr. ENZI). The Senator from Louisiana is recognized.

Ms. LANDRIEU. Reserving the right to object, I have a question. Does the Senator think it would be possible to do that before lunch? I think my colleague would probably only need 30 minutes for our debate, equally divided between the Senator from Tennessee and the Senator from Maine.

Mr. REID. I hope that will be the case. Until Senator DOMENICI gets here, we cannot agree to that.

Mr. HARKIN. Mr. President, will the Chair please state the unanimous consent now before us.

The PRESIDING OFFICER. The vote in relation to the Dorgan amendment will take place at 11:30, with 2 minutes of debate.

Is there objection?

Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, first, briefly, the Dorgan amendment to put 100,000 hydrogen-powered vehicles on the road by 2010 and 2.5 million by 2020, with the requisite fueling infrastructure, is one that is going to help grow our economy, make our economy stronger. The amendment by Senator LANDRIEU and others to cut down on the use of oil by a million barrels a day also is going to help improve our economy by making us focus on things such as ethanol, for example, alternative fuels, renewable energy and, of course, along with the Dorgan amendment, fuel cell vehicles. It all has to do with making us more energy independent, and that has to do with growing our economy. The more we continue to send our hard-earned dollars out of the country for the energy we need, the less dollars we are going to have to rebuild our economy here at home.

Yesterday, I attended a hearing Senator DORGAN had that was devoted to the question of our economy. The question was: Will the Bush economic plan create jobs?

Well, I think throughout the hearing what became clear was that the Bush economic plan will not create jobs, unfortunately. The plan advocated by the majority rewards their friends and supporters with large tax cuts but will do very little to create jobs. Many respected economists warned of this months ago, but Republicans and the administration paid them no heed.

Unfortunately, it is not only experts who believe this prediction; history gives the same warning. These trickle-down economic policies have been tried before, and they have failed before. In 1981, Congress passed massive tax cuts for the rich, just like we did here. Then Director of OMB David Stockman called it a ''riverboat gamble.''

Well, it was a gamble. Within 2 years, following the 1981 supply side, trickle-down tax bill, we lost 1.4 million jobs. In 2001, the Bush administration tried it again. They passed the first round of massive tax cuts. And guess what. We lost 2 million jobs. As all major newspapers reported this weekend, the national unemployment rate is now at 6.1 percent, its highest level in 9 years.

Despite these two previous losing gambles, the President and the majority party in Congress decided to give it a third try last month. I think we ought to call the tax bill that was passed and sent to the President the ''Bill Bennett betting bill'' because it is going to have the same effect on our country that Bill Bennett's gambling addiction had on him. It cost him, as I understand it, lost millions. It is going to cost our economy lost billions.

But in the midst of it all, the wealthiest Americans will have massive tax breaks. In fact, on average, those Americans making over $1 million a year are going to receive a tax cut of $93,000 a year. They are going to have a great time. Unfortunately, who is going to pay the bill? Well, it will be paid by the rest of us, especially the younger generation—those now going through college, going out to make their way in life. They will be saddled with a huge, new debt.

As pointed out on the editorial pages of the Des Moines Register this weekend, these irresponsible policies will create pressure for higher State and local taxes, tuition hikes at State colleges and universities, rising health care costs to those lucky enough to have insurance, and further cuts to important initiatives.

The wealthiest in America got more than their share under this tax bill, but the folks in the middle class pay the bills. By contrast, the United States took a fiscally responsible approach in the 1990s. In 1993, Congress passed a budget to grow the economy, create jobs. In the 2 years following that passage, 6.4 million jobs were created. That plan put us on a path not only toward the lowest levels of unemployment in memory, but also to balanced budgets, the largest projected budget surpluses ever.

I find it most remarkable and disheartening that at the very time when it is obvious that economic policies should seek to stimulate demand, stimulate new jobs, the majority party opposes those things that would stimulate the economy the most, such as increasing the child credit for working families making under $26,000 a year.

Well, the Democratic priority may yet prevail, as it did in the Senate last week. I hope it does. But further stimulus, such as putting people directly to work, building new schools, roads, and bridges, communications systems, upgrading our water and our waste water systems, making sure we weatherize homes all over America, will also save us on imported fuel. These are the things we can do now that will put people to work now. But the majority party says no.

I also fear that their policies will lead to exploding Government debt. On the same day we passed this ''Bill Bennett betting bill''—that is what I call the tax bill—the debt limit was increased by an amount equivalent to putting an additional $3,500 on the credit card of every man, woman, and child in America—$3,500 on the credit card of every man, woman, and child in America—to pay for this ''Bill Bennett betting bill.''

Most of us are aware that the real cost to the Treasury of this recent tax cut will be higher than advertised because the bill used gimmicks and tricks to stay within some nominal budget limit. The Speaker of the House was quoted as saying the real cost will be a trillion dollars, at a time when our exploding deficit is approaching $500 billion for this year alone. Well, with typical British clarity, the Financial Times wrote on May 23, the day the tax bill passed: On the management of fiscal policy, the lunatics are now in charge of the asylum.

The result, as this administration is well aware, is that it will put pressure on Social Security and Medicare. These programs are targeted by the administration for reforms, which means privatizing Medicare and Social Security. We are going to have a debate here, I assume, in the Senate in the coming weeks on how we are going to provide prescription drug benefits under Medicare. But as I see the Medicare bill progressing and developing, it is nothing more than a shell, a subterfuge to move toward the privatization of Medicare, which, of course, has been the Republican Party's dream for many years. Don't take my word for it. Former Speaker of the House Newt Gingrich said Medicare ought to wither on the vine. The third ranking Republican in the Senate, my friend from Pennsylvania, said the Medicare benefit should be phased out.

So make no mistake, when we are debating the Medicare bill coming up, we have to get out of the weeds. What they are really talking about is taking the first step toward privatizing Medicare. The President's own press secretary was quoted in the story:

> There is no question that Social Security and Medicare are going to present future generations with a crushing debt burden unless policymakers work seriously to reform those programs.

You pass a tax cut for the richest in the country that the Speaker says is going to cost us a trillion dollars, and then you say we are going to have a lot of pressure on Social Security and Medicare because the money will not be there for them, so now we have to reform them, which is their way of saying privatize them. I hope we now understand the picture: A tax cut for the wealthiest, huge debts for the rest, immense pressure on Social Security and Medicare; therefore, you have to privatize them; turn them over to Wall Street. That is where we are heading.

Exploding deficits and the debt will act like a cap on our economy. It will increase interest rates when the economy does begin to recover. It will undermine confidence. We need to create jobs in the short term, but we need to do it in a way that is fiscally responsible, to take care and protect the retirement security and health needs of seniors. We need to change course. The course set by this administration will only lead to further deficits, further debts piling up on our kids and grandkids, economic stagnation, importing more oil from abroad—which is why I am such a strong supporter of the Landrieu amendment and the Dorgan amendment.

I am afraid the administration may be opposed to these amendments, just as they are opposed to a sound rational means of getting our economy moving again. As I said, the Federal Government can be a great instrument, doing it in a fiscally responsible manner that actually provides the basis for further private sector growth in our country.

I was listening to former Congressman Jack Kemp, an old friend of mine of long standing, go on and on about how we need to make sure we have more money in the private sector for investments. I understand that, and that is a legitimate argument, but what about the need for societal investments? What about the need for investing in human capital? What about the need for investing in education? You can give all the tax breaks you want to the richest in this country and the corporations. Are they going to turn around and invest in higher teacher pay, better teacher training? Are they going to invest in rebuilding and modernizing schools all over America? There is no return on that capital, at least not in the short term and not in a way that would accrue to the bottom line of a company.

As we all know, that kind of an investment accrues to our national economy. Rebuilding our schools all over America—this is something that is estimated to be in the neighborhood of $180 billion. Think of the jobs it would create. When you give someone an extra dollar for consumption right now in our society, they may buy a new shirt, but that shirt may be made in Malaysia, Thailand, or India. They may buy a new TV set, but that TV set sure is not made in America, or a stereo not made in America. They may buy a new car. Maybe that car is not made in America. To be sure, some of that money does fall out in this country because we have people selling those items, storing them, and shipping them. But the bulk of it could go outside the country.

If, however, you make a societal investment in building a new school, all of the workers are in America. Almost all of the materials used from the lighting to the heating to the wallboard to the sheetrock—everything, building materials—almost all, I would not say all—almost all are made in America. Not only do you put people to work, you build something of a lasting nature that provides for a strong foundation for the private sector in America.

Take the issue of weatherization. We could save huge amounts of oil and natural gas each year simply by weatherizing homes, and I do not mean just in the North where it gets cold, but I mean in the South where it gets hot in the summertime. Guess what, these are not jobs that take a lot of training. These are jobs we could fill with unemployed people right now. We can put them to work weatherizing homes all over America.

What do we get? We get immediate job creation. We use materials basically that are made in this country. And we get something out of it that is going to help us: more fuel-efficient homes of low-income people who will not be using their money to pay high heating bills or cooling bills to pay for imported oil.

Yet, for some strange reason, we cannot seem to do that here. But, boy, we can sure give billions in tax breaks to the wealthiest in our society.

I will have more to say about this in the weeks ahead. There is another pathway—that is my point—there is another pathway to economic growth and jobs in our country, to which this administration has turned a blind eye, by investing in the veins and arteries—the roads and bridges, the highways, the sewer and water systems, the schools, the education, the scientific research, the mathematical research, the physics research, the chemistry research, the medical research—that will set the stage for future economic growth and prosperity in our country.

That will not come about by giving more tax breaks to the wealthy or business tax breaks. It comes about by us in the Congress of the United States fulfilling our responsibility to pass tax bills and energy bills that are responsible, that are commonsense, and that will lay this kind of secure foundation for the future. That is why I support the Landrieu amendment so strongly, because it will start to do that, and so will the Dorgan amendment that has been set aside. These are commonsense approaches. These are the programs we should be doing for our economy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. ALEXANDER. I thank the Chair. Mr. President, I stand to congratulate the Senator from Louisiana and join with her as a cosponsor of her amendment. She and I are members of the Energy and Natural Resources Committee. We are very proud of what our chairman and ranking member have done this year in taking a diverse array of opinions and coming up with a very good bill with a very good amount of bipartisan consensus.

There is consensus about supporting a diverse array of energy sources. The Energy bill, which the Senators from New Mexico have led us to fashion, encourages hydrogen fuel cell cars in the economy. It encourages renewable energy. It encourages clean coal. It encourages oil and gas. And it encourages nuclear power.

What I think it is important we also do is make sure we encourage conservation, and to do that in a way that puts conservation high on the list of priorities. It is a low-cost way to have more energy. It is a no-pollution way to have more energy.

In my way of thinking, the Senator from Louisiana has come up with a sensible approach. It also helps to have the President involved. When the President said, let's build a hydrogen fuel cell car, he was not the first to say that, but everybody heard it when he said it and it gave a lot of impetus to the work on hydrogen that had been going on in this body from both sides of the aisle.

So the Senator's idea is to reduce our petroleum import dependence by having the President come up with a plan to conserve oil throughout our economy, not just in transportation but throughout the economy; to reduce our total demand by a million barrels per day by 2013. By my computation, that would cause us to reduce that by about 5 percent by 2013.

We ought to be able to do that. We ought to be able to go ahead with nuclear powerplants, with all the gas explorations. We ought to be able to go ahead with renewable energies and coal gasification. We ought to conserve at the same time.

Just one example. The Senator from Iowa was mentioning weatherizing homes. That is one good way, if we paid more attention to it. Another good way is idling trucks. Truckers who are so frequent on our highways often idle their trucks in order to keep their air-conditioner and all the other services going that they have in the truck. There are companies that permit the truckers now to turn off their truck and to plug in a device and by doing that enabling operation of the appliances they have but they do not pollute the air at the same time. It is such a simple idea that we would hope any one of us could have thought of that but, in fact, having the President develop a plan that will focus on reducing our consumption of oil by 2013 would include such ideas as weatherizing homes, as encouraging truckers not to idle, keeping tires properly inflated. These may seem to be small ideas but they can add up, we suggest, to a million barrels per day by the year 2013.

I congratulate the Senator from Louisiana on what I think is a commonsense, reasonable approach to add conservation to our arsenal of activities, to give it a higher profile in this bill, and I am glad to join in cosponsoring her amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I, too, am pleased to join my colleagues, Senators LANDRIEU, SPECTER, BINGAMAN, and ALEXANDER, in offering this amendment to reduce our consumption of oil by a million barrels a day by the year 2013. This is a very reasonable and achievable goal, and I congratulate the Senator from Louisiana for coming up with this initiative and reaching out to those of us who share her concern that our Nation is too dependent on foreign oil.

Increasing energy efficiency is the single most effective way to reduce our reliance on foreign oil. Without a greater focus on energy-efficiency measures, the Energy legislation before us, which has many valuable provisions, will not be effective in reducing our dependence on foreign oil. As long as we continue to guzzle foreign oil, we will be at the mercy of those nations that control that oil. We are already nearly 60-percent reliant on foreign sources, and the Energy Information Administration projects that our dependence will increase to 70 percent by the year 2010 if we do not act. If we do not do more to improve the energy efficiency standards, America will only grow more dependent on foreign oil and the price of gas and home heating oil will only rise accordingly.

Our amendment would help to reduce oil consumption by a million barrels a day by the year 2013. It would do so by giving the President the flexibility to decide among any number of simple energy saving measures to achieve these savings. For example, simply weatherizing homes which use home heating oil could save 80,000 barrels of oil per day. Using energy-efficient engine oil could save another 100,000 barrels per day. Just keeping our tires on our automobiles properly inflated could save 200,000 barrels per day. In short, by taking a few easily adopted measures, we could reduce our consumption of oil by a million barrels a day.

We currently use about 19 million barrels a day. So this would make a real difference. It would result in a reduction of consumption of imported oil. Reducing our consumption by 1 million barrels per day will also help to keep energy prices down and will keep billions of American dollars at home where they belong. In fact, this proposal we have advanced could save American consumers upwards of $20 billion each year.

I call upon my colleagues to join us today in supporting our commonsense measure to reduce our reliance on foreign oil by reducing our consumption of oil by a million barrels a day. It is right for our environment. It is right for our economy. It is right for the American consumer.

I yield the floor.

AMENDMENT NO. 865

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry: Am I correct that there will be a vote on the Dorgan amendment at 11:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I ask to speak to that amendment until 11:30.

The PRESIDING OFFICER. We have already agreed to 2 minutes of debate equally divided at 11:28 so we can vote, but the time until 11:28 is available so the Senator has the floor.

Mr. DOMENICI. Mr. President, I have already spoken, as have Senator ALEXANDER and others, against this amendment. By being against the amendment, it does not mean we are in any way in derogation of the efforts by the distinguished Senator, Mr. DORGAN, in his efforts to pursue a hydrogen economy for the United States, in his efforts to move forward with the hydrogen cell and with the hydrogen car. I compliment him for that.

His amendment, which says we should move ahead with certain quotas, with specific amounts, with goals, with mandatory achievements, should not be done. It would not be of any benefit.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of time equally divided on the Dorgan amendment.

Who yields time? The Senator from North Dakota.

Mr. DORGAN. This amendment is very simple. It establishes timelines and targets: 100,000 vehicles on the road by 2010, 2½ million by the year 2020. It is not a mandate, it is not enforceable, but at least it sets targets that we aspire to achieve. The opposition would say, well, let's just throw money at the Department of Energy and hope something good comes of it. That is not the way to address this issue, in my judgment.

I know my colleague complimented me but the greatest compliment, of course, would be voting for my amendment. What is disappointing is that this amendment passed the Senate by unanimous voice vote a year and a half ago. This amendment has already been embraced by the Senate. I am disappointed that it will not be passed by a voice vote today because if we are, in fact, going to move toward a hydrogen fuel cell future, we need to think big and bold. Then we ought to set some targets and have some aspirations and say to the Department of Energy, here is three-plus billion dollars and, by the way, this is what we would like to see achieved with that money. We would really like to see these goals achieved—not mandates, just strategic goals.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I compliment the Senator but I cannot vote for his amendment. This committee has added to the $1.3 billion proposal by the President for the hydrogen car, $1.6 billion suggested by the Senator from North Dakota and others on that side.

The issue is whether we want to add to the bill a target that we have 100,000 hydrogen fuel cell vehicles in the United States by 2010. I respectfully suggest that is a wild guess. I drove a $2 million Ford hydrogen car around the block in Washington. I did that, I believe the Senator and several others did, and it costs $2 million to make the car. It actually works. We drove around and got so excited we came up on the Senate floor and put into law that we ought to have 100,000 of them by the year 2010. It is not mandatory.

It reminded me, as I mentioned yesterday, my friends were guessing wrong about the facts technology. I respectfully will vote no.

The PRESIDING OFFICER. All time is expired. The question is on agreeing to the amendment of the Senator from North Dakota.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. 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 amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) is necessarily absent.

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 32, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—67

Akaka	Dorgan	Lugar
Baucus	Durbin	McCain
Bayh	Ensign	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Graham (FL)	Nelson (NE)
Breaux	Graham (SC)	Pryor
Brownback	Grassley	Reed
Burns	Harkin	Reid
Byrd	Hollings	Roberts
Campbell	Hutchison	Rockefeller
Cantwell	Inouye	Santorum
Carper	Jeffords	Sarbanes
Chafee	Johnson	Schumer
Clinton	Kennedy	Sessions
Coleman	Kerry	Smith
Collins	Kohl	Snowe
Conrad	Landrieu	Specter
Corzine	Lautenberg	Stabenow
Daschle	Leahy	Warner
Dayton	Levin	Wyden
DeWine	Lieberman	
Dodd	Lincoln	

NAYS—32

Alexander	Cochran	Fitzgerald
Allard	Cornyn	Frist
Allen	Craig	Gregg
Bennett	Crapo	Hagel
Bond	Dole	Hatch
Bunning	Domenici	Inhofe
Chambliss	Enzi	Kyl

Lott	Nickles	Talent
McConnell	Shelby	Thomas
Miller	Stevens	Voinovich
Murkowski	Sununu	

NOT VOTING—1

Edwards

The amendment (No. 865) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 871

Mr. DOMENICI. Mr. President, I ask unanimous consent that the time until 12:15 be equally divided in the usual form for debate in relation to the Landrieu-Domenici amendment; provided, further, that at 12:15 the Senate proceed to a vote in relation to that amendment, with no second degrees in order to the amendment prior to the vote; and, finally, that following the vote the Senate stand in recess under the previous order.

Mr. SPECTER. Mr. President, reserving the right to object, I would like incorporated in the unanimous consent request 5 minutes. This amendment was offered as the Landrieu-Specter amendment.

Mr. REID. No objection.

Mr. DOMENICI. We have no objection.

Mr. President, I add 5 minutes to the time in the request, with the Senator from Pennsylvania having that 5 minutes. The vote would occur at 12:20.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I am sorry, we did not know that, I say to the Senator. We would have asked you.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the chairman and the ranking member.

Mr. President, the amendment is at the desk. We will be voting shortly on the Landrieu-Domenici-Specter-Alexander-Bingaman-Collins-Schumer-Feingold oil savings amendment. It is a very reasonable approach to an extremely serious problem. That problem is, unless we make some adjustments—and the time to make those adjustments is now—to our policy regarding the consumption of oil, we will be seriously increasing, as opposed to decreasing, our dependence on foreign oil and hurting the American economy and taxing American citizens and businesses unnecessarily.

The amendment has been developed by many of us—Democrats and Republicans—and it is based on lots of good work. Two issues I pointed out earlier this morning in the debate are in a lengthy article recently published by Business Week—not a liberal magazine by any stretch, a middle-of-the-road business organization that argues that we need to get smart about oil.

As a Senator from an oil-producing State, let me say I agree 100 percent. We like to produce oil. We are proud to produce oil. But we know it is in the interest of our State in the short, intermediate, and long run to have greater supply, a diversity of supply of fuels, and not be overreliant. Why? Because it puts our economy, our industrial base at risk.

I also mentioned earlier today the statement by the Union of Concerned Scientists, over 60,000 scientists and citizens working together to come up with some proposals for reducing our dependence on oil, and they are clearly outlined in these articles and these papers.

What this amendment simply does—submitted on behalf of those I mentioned—is give the President all the flexibility he needs in his administration but to reach very specific goals. This amendment, when adopted, will save 1 million barrels of oil a day by the year 2013, which is equivalent to the President's own goals, but it will put this in law in the underlying Energy bill.

I propose this amendment to the Senate for its careful consideration and hope we will get a broad vote.

Mr. President, the Senator from Pennsylvania would like to add some remarks, as well as other cosponsors who may be in the Chamber.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am pleased to be the original, principal cosponsor, along with Senator LANDRIEU, on the Landrieu-Specter-Bingaman-Collins amendment. I am pleased to see that now the Senate is on the verge of taking a significant step, albeit a modest one, on petroleum conservation, a step long overdue in this country.

Last year, I cosponsored, along with Senator CARPER, an amendment which would have targeted reduction in oil consumption, and it was defeated on a tabling motion 57 to 42. A few days ago, I introduced S. 1169, which was a repeat of the Carper-Specter amendment. And today I am pleased to join with Senator LANDRIEU on a broader amendment which goes for reduction of oil dependency beyond transportation but calls on the President to set a standard for reduction of oil by 1 million barrels a day from a projected use of some 24 million barrels.

This is a significant step, albeit a modest one. It is a first step. But it is very important for the United States that we reduce our dependence on foreign oil for many reasons. First of all, simply stated, we use too much foreign oil. Secondly, we are dependent upon the OPEC countries, especially upon Saudi Arabia, and it has an effect on influencing our foreign policies in ways which may well be undesirable. There have been very serious charges as to the Saudis on sponsoring al-Qaida and sponsoring terrorism. There is much yet that has to be proved on that subject, but we should not be tied to or dependent upon any nation, especially Saudi Arabia.

The dependence on foreign oil results in a tremendous amount of our imbalance on foreign trade, with oil imports now accounting for one-third of the Nation's trade deficit which exceeded $400 billion in the year 2001.

There is much we could do to reduce our dependence upon foreign oil. I am pleased to report on a $100 million grant by the Department of Energy to a plant in Pottsville, PA; a $612 million plant which will turn sludge into high-octane fuel is now moving forward. We have tremendous coal resources in this country, some 20 billion tons of bituminous coal alone in Pennsylvania, 7 billion tons of anthracite, and coal across this country which can be turned, with clean coal technology, into reducing our dependence on foreign oil.

I am pleased to see the distinguished Senator from New Mexico, chairman of the Energy Committee, is now cosponsoring this amendment so that what you have, although slightly different than last year on a tabling at 57 to 42, is an amendment gaining very substantial momentum. That is a very good sign for conservation, a very good sign for the future of the American economy, and a very good sign for environmental protection.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am pleased to join as an original cosponsor of what we are going to call the Landrieu-Domenici amendment. I note the presence of Senator ALEXANDER who was one of the original Senators who spoke to this matter on the floor. I hope in the remaining time he gets a chance to speak. Let me say there are a lot of people who come up with new formulas, attempt to set new formulas on automobiles, on the mileage that cars will have, and the like. None of them seem to work, and none of them seem to get through this body. This is an ingenious idea of my friend from Louisiana who has been extremely helpful in getting an Energy bill passed. I think when we pass it in a few weeks, and we will, she can take a great deal of pleasure in knowing that much of it was due to her interest, enthusiasm, and support.

I hope we will vote for it unanimously, saying to our President, find ways to do this. I believe it is the best way for the Senate to handle it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. Mr. President, I am happy to yield to the Senator from Kentucky.

Ms. BUNNING. Mr. President, I ask unanimous consent to be listed as a cosponsor of the Landrieu amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. How much more time remains under the unanimous consent?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Ms. LANDRIEU. I would like to have 1 minute to close and then turn to one of the original cosponsors, the Senator from Tennessee, who may want to add. Let me again thank the chairman and ranking member for their able help because without their support, this amendment would not have been possible. We worked on many different approaches, several different drafts. Finally, we did come upon a way that sets a very clear goal.

I would agree with Senator SPECTER, it is somewhat modest, but it is a compromise. It is a clear goal. It is an attainable goal. It is a reachable goal. It gives the President and the administration the flexibility they need to do it in a way that is most helpful to this economy. It will create jobs, reduce taxes that people pay because of the price of oil and energy, and it gives the flexibility necessary to come up with a smart approach to this very serious problem.

I yield to my friend from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Louisiana. We should not pass an Energy bill that does not put conservation up on the platform along with our encouragement of nuclear power, oil exploration, and hydrogen fuel cell; all of that is important. And this amendment by the Senator and various cosponsors makes it clear to the country that commonsense ways to conserve oil are equally important in our arsenal of having an economy that is less dependent on foreign oil and in a better position to produce clean air.

I am proud to join as a cosponsor. I congratulate the Senator and congratulate our chairman for being able to move this bill forward with such a bipartisan consensus.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico has 3 minutes remaining.

Mr. DOMENICI. Mr. President, I yield back the time I have. I might say to Senators, we tried very hard to get the vote within 15 minutes last time. I was asked by a number of Senators to please try to do that on the votes. I have no authority to say that will be the rule, but as the floor manager, we have a 15-minute rollcall vote on this amendment. It is a simple one. It is not too hard to find your way to the floor. I trust that in 15 minutes we will have disposed of this.

In the meantime, before that occurs, I ask unanimous consent that when the Senate convenes at 2:15, the pending amendment be set aside and that Senator WYDEN be recognized to offer the nuclear commercial plant amendment under the debate limitation which was agreed to last week.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is agreeing to amendment No. 871.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—99

Akaka	Dodd	Lincoln
Alexander	Dole	Lott
Allard	Domenici	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	McConnell
Bayh	Edwards	Mikulski
Bennett	Ensign	Miller
Biden	Enzi	Murkowski
Bingaman	Feingold	Murray
Bond	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nelson (NE)
Breaux	Frist	Nickles
Brownback	Graham (FL)	Pryor
Bunning	Graham (SC)	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carper	Hatch	Sarbanes
Chafee	Hollings	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith
Coleman	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kerry	Stevens
Corzine	Kohl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wyden

NAYS—1

Kyl

The amendment (No. 871) was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived and passed, the Senate will stand in recess until 2:15.

Thereupon, the Senate, at 12:56 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. THOMAS).

The PRESIDING OFFICER. The Senator from Alabama.

CHANGE OF VOTE

Mr. SHELBY. Mr. President, on Thursday, June 5, on rollcall vote No. 209, I voted yea. It was my intention then to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon is recognized.

AMENDMENT NO. 875

(Purpose: To strike the provision relating to deployment of new nuclear power plants)

Mr. WYDEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself, Mr. SUNUNU, Mr. BINGAMAN, Mr. ENSIGN, Mr. REID, Mr. FEINGOLD, Mr. JEFFORDS, and Ms. SNOWE, proposes an amendment numbered 875.

Strike subtitle B of title IV.

Mr. WYDEN. Mr. President and colleagues, this amendment is sponsored by three Democrats, three Republicans, and one Independent. I hope this afternoon that it will have the support of Senators with varying degrees of views about the advisability of nuclear power. I am particularly pleased that the lead cosponsor, Senator SUNUNU, is with us today.

I will make a few brief remarks to begin the debate and then I am anxious to have plenty of time for colleagues.

The reason three Democrats and three Republicans and one Independent are sponsoring this amendment is that I think many of us in the Senate are neither pronuclear nor antinuclear but we are definitely protaxpayer. That is why we are on the floor this afternoon, because the loan guarantees that are in this legislation to construct nuclear power facilities are unprecedented and represent, in my view, particularly onerous and troublesome risks to the taxpayers of this country.

Frankly, people in my part of the country know a bit about this. It is not an abstraction for the people of the Pacific Northwest where we had the WPPSS debacle and 4 out of 5 facilities were never built. It was the biggest municipal bond failure in history, and it has certainly colored my thinking with respect to why we are on the floor today.

The loan guarantees—we did some research into this—are unprecedented with respect even to nuclear power. As far as I can tell, in the early days of nuclear power, there were subsidies for nuclear power but never before were the taxpayers on the hook from the get-go. That is what the Senate is confronted with now.

When it comes to the question of risk, I hope the Senate will focus on what the nonpartisan Congressional Budget Office has said on this topic. I will quote. It is at page 9 of the Congressional Budget Office analysis that we have made available to Senators. The Congressional Budget Office considered:

The risks of default on such loan guarantees to be very high, well above 50 percent.

Colleagues, first, when we are talking about risk—because nothing in life is foolproof and there are no guarantees of anything—I hope in looking at these guarantees you will first focus on the fact that the Congressional Budget Office has specifically said in their analysis that the risk of default on the

guarantees is very high. If those plants default, the exposure to taxpayers is enormous.

I will quote from the Congressional Research Service report they did with respect to these subsidies. They said:

> . . . the potential cost to the federal government of the nuclear power plant subsidies that would be provided by [this title] would be in the range of $14–$16 billion in 2002 dollars.

I think it is worth noting that the Senate spent a great deal of time on the child tax credit last week. There we were focusing on something involving $3 billion. If one or two of these plants go down, taxpayers are on the hook for a sum greater than that child tax credit.

Now, in the course of today's discussion, we will hear a number of arguments against the Wyden-Sununu amendment. One of the first will be: There are tax credits for a variety of energy sources in this legislation, for wind and solar and a variety of energy alternatives. That is correct. But those tax incentives are fundamentally different than the loan guarantees because in those instances the producer faces substantial risk.

With respect to, say, a wind facility, if the producer takes the initial risk and later on produces some wind power, they would get a credit in order to defray some of their costs. With respect to the loan guarantees for nuclear power, the producer faces no such risk. The producer has the Government, in effect, guaranteeing, right at the outset, much of the risk.

So with respect to these nuclear loan guarantees, unlike the incentives for wind or solar, what we are talking about is that the Government will socialize the losses but will let private investors pick up the gains. The losses will be socialized; the gains will be privatized. And that is unique in this legislation.

I also say to my colleagues in the Senate, the White House has never asked for these loan guarantees. These loan guarantees are not in the House bill. Senators' phones are not ringing off the hook from the Secretary of Energy or others clamoring that this must be done. This is something that, in my view, is far out of the mainstream in terms of energy policy, not because I am antinuclear—and I don't intend to talk about safety issues—but because it is such a large exposure to taxpayers.

For example, a number of reports have come out already with respect to how nuclear power stands up with respect to other costs such as natural gas or coal. One of the reasons, in my view, the Congressional Budget Office believes there is such a high risk of default is that the objective analyses show that nuclear has not been competitive with other sources such as coal.

I hope Senators will look at those two reports: a report done by the Congressional Budget Office documenting a high likelihood of default, and a report done by the Congressional Research Service talking about exposure to taxpayers.

I would finally say to the Senate, it did not have to be this way. I know the distinguished chairman of the Energy Committee feels very strongly about this subject. He is a longtime family friend. I was very willing, and I think other Senators were as well, to have had a modest program. We had been talking, for example, about one experimental initiative to look at advanced technologies of one sort or another. I think that would have been acceptable. But here we are talking about guarantees for up to seven plants.

I will make reference to the legislation. The bill authorizes DOE to provide loan guarantees for up to 50 percent of the construction costs of new nuclear plants and, on top of that, would authorize the Department of Energy to enter into long-term contracts for the purchase of power from those plants. The Secretary could provide loan guarantees for up to seven plants.

That is not a modest experiment that would have been acceptable to this Member of the Senate, but it is a very significant exposure to the taxpayers of this country at a time when every Senator is concerned about deficits.

Mr. President, I intend to allow time for my colleagues. I see Senator SUNUNU is on the floor. Senator REID has strong views on this.

I also express my appreciation to the distinguished ranking minority member of the Energy Committee. He has worked very closely with me. He embodies the philosophy of a lot of our colleagues in that he has been supportive of nuclear power in the past but believes these subsidies are too rich.

I am hopeful that today Senators with varying degrees of views on the nuclear power issue will agree with the Congressional Budget Office, will agree with the Congressional Research Service on these issues with respect to the taxpayers, and support the Wyden-Sununu amendment.

Mr. President, I yield at this time so other colleagues who have time constraints may speak. I will have the opportunity to speak later in the debate.

The PRESIDING OFFICER. Who yields time?

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I begin by thanking my colleague from Oregon for his work on this amendment. I am pleased to join as a cosponsor. As he pointed out, this is ultimately about what kind of an energy policy we want, what kind of an economic policy makes sense, and whether we can do the right thing and protect taxpayers from being exposed to the potential liability and cost that Senator WYDEN described.

This provision we are trying to strike in this bill guarantees 50 percent of the construction costs of up to six nuclear powerplants. Those plants could cost anywhere from $2 to $4 billion. And any taxpayer out there can simply do the math as to what kind of exposure this would provide.

It has been a pleasure to work with the Senator from Oregon. We are going to get into the substance of this debate and the details of this debate over the next couple of hours, but at this time I yield the floor to the Senator from Nevada, who has been a very strong voice on this and other matters having to do with energy.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Nevada.

Mr. REID. Mr. President, I express my appreciation to the Senator from New Hampshire for allowing me to speak. I have to speak at a memorial service in just a short time, and but for his kindness and generosity I would have had to either miss the ability to debate this matter or be late to debate this matter. So I appreciate very much the comity of my friend from New Hampshire.

I express my appreciation to my longtime friend and colleague, Senator WYDEN, for this legislation. I also say the way this legislation has been approached is the way to approach legislation. This is a bipartisan amendment. This is a good debate we are having on the Senate floor.

My friend from New Mexico, the manager of this bill, believes very deeply in the renewal of nuclear power. I understand how he feels about this.

As I say, this is the way legislation should be handled. This is a good, fair, open debate. I approach this more from an environmental perspective than my friend from New Hampshire does. Even though he has been here just a short period of time, the Senator from New Hampshire is always focused on numbers, taxpayer dollars.

I rise in support of this amendment offered by my colleagues, the Senator from Oregon and the Senator from New Hampshire. I really do appreciate their efforts to bring to light the tremendous financial risks this Energy bill places on the backs of American working men and women and their families.

Let me underline and underscore, my opposition to this amendment has nothing to do with the longstanding, seemingly never-ending debate on nuclear waste. This has nothing to do with nuclear waste.

This Energy bill contains a provision, which this amendment would strike, that would make the Federal Government the guarantor of the costs of building new nuclear powerplants.

The Energy bill would allow the Secretary of Energy to enter into agreements with nuclear powerplant owners to give Federal loan guarantees for loans to construct new reactors or to enter into new contracts for guaranteed purchases of power from these reactors.

According to the Congressional Budget Office, what we refer to as CBO, this is an extremely risky financial endeavor. In fact, the CBO considers ''the risk of default on such a loan guarantee to be very high—well above 50 percent.''

That means the American taxpayer will be footing the bill for construction of these nuclear powerplants, the way the Senator from Oregon indicated we would have really a socialization of the costs and the nonbenefits of this legislation. If this provision remains in the bill, the Federal Government will be entering into loan guarantees and power purchase agreements that could cost at least $14 billion.

CBO is not alone in its assessment of the financial risk of backing the new reactor construction.

We have from Standard & Poor's a document I ask unanimous consent to print in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TIME FOR A NEW START FOR U.S. NUCLEAR ENERGY?

(By Peter Rigby)

Since its beginnings, commercial nuclear energy has offered the tantalizing promise of clean, reliable, secure, safe, and cheap energy for a modern world dependent upon electricity. No one did more than Lewis Strauss, chairman of the U.S. Atomic Energy Commission, to define expectations for the industry when he declared in 1954 that nuclear energy would one day be ''too cheap to meter.'' But the record proved far different. Nuclear energy became the most expensive form of generating electricity and the most controversial following accidents at Three Mile Island and Chernobyl. And today's electricity industry's credit problems of too much debt and too many power plants will do little to invite new interest in an advanced design nuclear power plant. Yet energy bills circulating through the U.S. Senate and House of Representatives hope to change that perception and perhaps lower the credit risk sufficient enough to attract new capital. Will Washington, D.C.'s new energy initiatives lower the barriers to new nuclear construction? Many would like to think so, but it will be an uphill battle.

The House version of the Energy Bill modestly ''. . . sets the stage for building new nuclear reactors by reauthorizing Price-Anderson. . . .'' Since 1957, the Price-Anderson Act has indemnified the private sector's liability if a major nuclear accident happens on the premise that no private insurance carriers could provide such coverage on commercial terms. Without Price-Anderson, it is difficult to envision how nuclear plants could operate commercially, now or in the future. The more ambitious Senate version of the Energy Bill seeks to jump-start new nuclear plants in the U.S. by providing measurable financial resources for new projects. According to the latest version of the Senate Energy Bill, the Secretary of Energy could provide financial assistance to supplement private sector financing if the proposed new nuclear plant contributes to energy security, fuel, or technology diversity or clean air attainment goals. The bill would limit financial assistance to 50% of the project costs with financial assistance being defined as a line of credit, secured loan, loan guarantee, purchase agreement, or some combination of these assistance plans.

In light of how well U.S. nuclear plants have generally been operating recently and with promising new technology on the horizon, nuclear energy would seem to have a future. Currently, about 20% of the nation's electricity comes from nuclear power plants. The introduction of competition and deregulation in the U.S. has helped drive the nuclear fleet into achieving record availabilities and load factors, as independent owners have taken ownership from utilities that divested generation. Even utilities that did not divest their nuclear plants have experienced greatly improved performance across the board. Today's nuclear power plant operation and maintenance and fuel costs are remarkably low compared with many fossil fuel plants—as low as 1.68 cents per kWh according to the Nuclear Energy Institute. Although the high-profile accidents at Three Mile Island and Chernobyl greatly raised the threshold for safer operations, operating success stories may overstate what may be achievable with new designs. Nuclear operators in the U.S. have had a few decades to work out operationsl problems, and with original debt paid off, more cash resources have been dedicated to improving performance. Providers of new capital for advanced, nuclear energy will want some comfort that credit and operating risks are covered. But the industry's legacy of cost growth, technolgy problems, cumbersome political and regulatory oversight, and the newer risks brought about by competition and terrorism concerns may keep credit risk too high for even the Senate bill to overcome.

HISTORIC RISKS WILL PERSIST

A nuclear power plant's life cycle exposes capital providers to four distinct periods of credit risk that history has shown will persist. These periods are pre-construction, construction, operations, and decommissioning. The risks tend to be asymmetrical with an enormous downside bias against credit providers and little or no upside benefits. To attrack new capital, future developers will have to demonstrate that the risks no longer exist or that the provisions of the Energy Bill can effectively mitigate the risks.

During a nuclear plant's pre-construction, phase, lenders, as they do with other projects, face the risks of cost growth and delay. When nuclear engineers encountered technology problems during the planning stages in the 1960s and 1970s, solutions inevitably resulted in scope changes or re-designs, or both. A 1979 Rand Corp. study for the U.S. Dept. of Energy still serves as a warning to investors in new, untested nuclear technology. The study found that cost budget estimates grew on average 114% over first estimates and that final actual costs exceeded those estimates by 141%. Half of the plants in the study never reached commercial operations. An extreme example of delays and cost overruns, which remains fresh in investors' minds, is Long Island Lighting Co.'s Shoreham nuclear power station. Begun in 1965 at an initial cost estimate of $65 million–$75 million, Shoreham endured 20 years of construction delays and design changes due to legal battles, local opposition, regulatory and political intervention, and technical problems that pushed the final cost to almost $6 billion. In the end, a complete and fully licensed power plant never went operational, and ratepayers, investors, and taxpayers are still footing the bill. Another example is TXU Corp.'s 2,300 MW Comanche Peak Units 1 and 2, which took longer than any nuclear plant to build and saw costs mushroom to nearly $12 billion by the time full operations began in 1993.

That no new nuclear plant construction has begun in the U.S. for over 2 years suggests that a new one would be susceptible to cost growth risk as engineers incorporate advances in control and power systems, fuel systems, safety and regulatory requirements (which could become more onerous during the years of design and construction), material sciences and information technology. Even promising new designs, such as the pebble bed reactor (PBR) design that Eskom Holdings Ltd. of South Africa plans to build soon, would likely risk design changes and attendant cost growth if built in the U.S. Cost growth and delay can also arise from design and scope changes due to the efforts of effective interveners, such as the anti-nuclear citizen activist groups that successfully delayed Shoreham and ultimately prevented it from going commercial.

History also suggests that the construction and start-up phases of new nuclear power will likely encounter problems that will result in increased costs and delays. Licensing delays, construction management problem procurement holdups, troubles with new technologies and construction defects, among other problems extended construction beyond 10 years for some U.S. nuclear power plants. It would be overly heroic to assume that the first nuclear plant to be built in more than two decades would escape the industry's legacy of construction problems. For a debt-financed construction endeavor, likely to cost hundreds of millions of dollars (possibly into the billion dollar plus range), these problems, or even the possibility of such problems, will likely drive risk-averse lender to demand a significant risk premium unless a third party assumes completion and delay risks. In the world of cost-of-service, rate-of-return environments, utilities could, and did, pass these costs onto ratepayers to a certain extent. The bankruptcies of El Paso Electric Co. and Public Service Company of New Hampshire in the 1980s, however, attest to the limits of ratepayers' capacity to absorb construction risk.

Today, no utility or independent power producer or their capital provide will want to take unmitigated construction risk, particularly if it is difficult to quantify. In addition, given the possibility that much of the construction risk of a new nuclear plant may lay outside of the engineering, procurement, and construction contractor's control, no contractor will want to risk its balance sheet to provide the fixed-price, date-certain, turnkey construction contracts that have given great certainty to the cost of today's new fossil-fueled power plants. Because of the long lead-time historically associated with nuclear power, securing 100% financing upfront, as the industry has become accustomed to, may be difficult. That could introduce financing risks if projects encounter problems during construction; delays in securing final financing would, among other problems, drive up capitalized interest costs during construction and ultimately the project's cost.

While U.S. nuclear power plants have operated without major mishap for over 20 years, unexpected costs during the operational phase of a nuclear plant can be substantial. And it is unclear whether and if proposed government programs will be able, or willing, to offset the risk of these costs. Still, today's operators have demonstrated that they can safely operate older nuclear power plants. Yet the potential that incidents,such as last year's wholly unanticipated corrosion problem at FirstEnergy Corp's Davis Besse 900 MW plant, are not unique, one-time affairs will keep credit risk high for nuclear plant owners. In addition, investors will remember that the Davis Besse repair costs of about $400 million, not including replacement power, are unrecoverable from ratepayers, leaving investors to shoulder the costs, incidentally, had the outage occurred during a period of high power prices and tight supply, as was the case two years ago, the cost to investors would have been much higher.

Decommissioning costs, which entail the considerable expense of tearing down a plant and safely disposing or storing the radioactive waste, remain uncertain at best given

how few U.S. nuclear plants have undergone decommissioning. Progress toward creating a permanent disposal site for nuclear waste at the government's Yucca Mountain site in Nevada will help mitigate decommissioning risk, as well as spent fuel disposal costs. Again, it is not clear who will bear decommissioning costs, but if lenders foresee any lender liability risk, they will steer clear of new nuclear investments or require steep compensation. That, as a point aside, may be one of the reasons so many plants have been granted license extensions. Refurbishing a depreciated nuclear power plant costs far less than decommissioning one.

Finally, for many of the reasons described above and all else being equal, Standard & Poor's Ratings Services has found that an electric utility with a nuclear exposure has weaker credit than one without and can expect to pay more on the margin for credit. Federal support of construction costs will do little to change that reality. Therefore, were a utility to embark on a new or expanded nuclear endeavor, Standard & Poor's would likely revisit its rating on the utility.

COMPETITION INTRODUCES NEW RISKS FOR NUCLEAR ENERGY

As electricity deregulation and industry reform have progressed, capital providers to the nuclear power sector face some of the same risks as capital providers to other power generation technologies. Again, if policymakers want to attract capital to the industry, lenders in particular will likely have to be convinced that at least some of the risks are covered or mitigated. The sheer size of most new nuclear investments suggests that downside risk for lenders could be considerable indeed.

Clearly, buying and selling electricity in a competitive environment comes with its risks, both market and political. The wake of California's electricity reform problems forced one utility into bankruptcy and brought another to the brink of bankruptcy. Independent power producers are resisting efforts by California and its Department of Water Resources to abrogate or renegotiate recently executed power sales agreements. These events, combined with the credit crunch that has hit many other utilities and energy merchants, have understandably moved public utility commissioners and capital providers into more risk-averse postures. Absent these problems, nuclear power would still be challenged to attract new capital; in this environment, however, the task is all the more difficult. Competition has dramatically shifted risks from ratepayers to lenders and other investors; that is not likely to change.

In a competitive wholesale power environment, nuclear plants would likely sell power as a base load generator behind hydroelectric and ahead of coal and gas. Capital costs would be higher than coal plants and much higher than natural gas plants, but marginal operating costs would be very low, as they are now. Nonetheless, an owner of a new nuclear plant would likely want a long-term—20 years or more—power contract with a creditworthy utility to ensure that fixed and variable cost are covered in order to attract the massive amount of capital needed for construction. Alternatively, a utility that wants to add a new nuclear plant to its portfolio would need regulatory assurances from its public utility commission that the entire cost of the plant would be recoverable from its rate base. In the first instance, few utilities, or their regulators, want such long-term contract obligations, especially in an environment of excess generation that can be purchased on the cheap. That gas costs and clean-air compliance costs could be on the rise might offset some of those concerns. For some of the same reasons, public utility commissioners may not be so forthcoming with their authority to grant rate-based treatment of a new nuclear plant, especially in the preconstruction period if cost growth risk remains uncovered. For many commissioners, the all-in costs of alternative generation will likely seem more predictable and cheaper than a new nuclear plant.

The current backlash against regulatory reform and open markets in parts of the country could also put a new nuclear plant at risk. A large, new nuclear plant will typically need access to a large electrical network with a geographically dispersed customer group—the network that a structured regional transmission organization, as envisioned by FERC, could provide. However, if transmission access is limited or if states have chosen to maintain barriers to electricity trading and marketing, physical or otherwise, as many have, a new nuclear power plant may find itself operating within a much smaller system, a situation that could raise its credit risk, all else being equal. One obvious mitigant to this rise would be to build much smaller nuclear plants, such as the 100–MW modular PBR designs.

Whether a new nuclear plant is financed directly from the wallets of captive ratepayers or with long-term contracts, a large nuclear plant's size relative to its market raises outage-cost risk. A nuclear plant with a long-term power contract will likely contain provisions to provide replacement power, or the financial equivalent, if the plant becomes temporarily unavailable. Given nuclear power's vulnerability to rare, but extended forced outages, replacement power costs for 1,000–2,000 MW of base load power could be considerable, which would factor into credit risk. Similarly, a utility that owns a large nuclear station could find itself spending hundreds of millions of dollars to cover its short position while its station was down without assurances of recovery from ratepayers. Again, smaller PBRs would mitigate this risk.

Some the preliminary provisions of the Senate Energy Bill contemplate some of these risks. A long-term power contract, for example, with the federal government that covers 50% of the plant's costs might mitigate some of concerns of operating in a competitive environment. Similarly, loan guarantees or lines of credit could also offset the costs. However, if gas- and coal-fired plants can be built for much less (e.g., 50% less) and the operational risk of extended nuclear plant outages remains uncovered, a government program could fall short of relieving investors' credit concerns. Moreover, as with any government subsidy program, offenders would invariably factor U.S. government counterparty risk in the form of subsidy reauthorization uncertainty. Would the programs envisioned by the Senate bill last through the capital recovery period? Maybe. Maybe not.

A new risk for nuclear energy that has caught everyone's attention is terrorism. Because of the dangers that nuclear energy brings, security and insurance costs for nuclear facilities—new and old—are much higher than for fossil or renewable power plants. Therefore, in a competitive power environment, stakeholders in power generation may be reluctant to assume new risks that cost more to mitigate. Again, if a government subsidy can put security costs for new nuclear plants on an even playing field with conventional power generation, the industry could attract new capital. However, most new programs envisioned by Washington only address the construction risk.

As a note aside, some power generators and utilities may oppose efforts to support new U.S. nuclear generation capacity beyond existing subsidies, such as Price-Andersen, if they are heavily invested in coal and gas. New nuclear energy's low variable operating costs would likely displace existing coal-fired and gas-fired generation units in today's environment. It will do little, however, to displace oil-fired generation or lower U.S. oil imports because so little electricity, about 2% of the U.S. load, is actually generated by oil and much of that is for peak load, which nuclear energy would not serve anyway. But for stakeholders—investors, state politicians and regulators, lenders, customers—the risk that new nuclear generation could strand investment in conventional fossil-fuel-fired generation may be unacceptable unless the government provides financial compensation. And for a government trying to contain federal spending, those costs could be prohibitively expensive.

AN ENERGY BILL COULD MITIGATE THE RISKS

To attract new capital to build the next generation of nuclear power plants in the U.S., developers will need to convince capital providers that the following risks are not materially greater than for fossil fuel power plants:

The expense of cost growth, scope change, technology risk and start-up delay.

The costs of unforeseen design problems that manifest themselves well after commercial operations begin.

The costs resulting from the activities of effective interveners.

The costs resulting from regulatory changes, including growth in oversight and compliance costs.

The cost arising from forced outages in a competitive wholesale environment.

The costs of replacing credit counterparties who are unwilling or unable to honor obligations or commitments upon which a nuclear plant's financing decisions were made.

The added and uncertain expense of providing insurance and terrorism protection that nuclear plants need and that would disadvantage a nuclear plant operating in a competitive wholesale market.

The versions of the Energy Bill circulating around Capital Hill may indeed mitigate enough of the risks that would otherwise dissuade investors from financing new nuclear capacity. The key drivers will be not so much in the broad generalities of the authorizing legislation, but the details of the enabling regulations promulgated by the Department of Energy. That could take some time to draft. However, the Senate markup of the bill appears to recognize the issues. Absent an affordable alternative, if Price-Anderson is not re-authorized, existing nuclear power plants could be forced to close because of the potential liability of an accident that could run into the billions of dollars. Beyond Price-Anderson, however, considerable government financial support will like be needed to attract capital, given the perceived credit risks.

The proposed Energy Act's subtitle section, the ''Nuclear Energy Finance Act of 2003.'' provides support for ''advanced reactor designs'' that covers reactors that enhance safety, efficiency, proliferation resistance, or waste reduction compared with existing commercial nuclear reactors in the U.S. In addition, financial support would consider ''eligible costs'' that would cover costs incurred by a project developer to develop and construct a nuclear plant, including costs arising from regulatory and licensing delays. Financial assistance may take the form of a loan guarantee of principal and interest, a power purchase agreement, or some combination of both.

The government's proposed support of new nuclear construction will come with limits.

The objective is to cover the risks of new nuclear general technology and construction until capital providers gain confidence that a new generation of nuclear power plants is commercially sustainable. The act would limit support to 50% of eligible project costs and to the first 8,400 MW of new nuclear generation. The 50% limit would certainly control the government's exposure, as well as mitigate the risks of moral hazard that a complete guarantee would invite. However, as the industry has learned, some of the costs that could undermine new nuclear power are not those of construction and design, but are the operational ones that could arise after government assistance has ended. In addition, given the risk of cost growth and the likely high capital costs of a new nuclear plant, a 50% level of financial assistance may not be enough to entice a developer comparing uncertain estimates of $1,500–$2,000 per kW capital cost of a new generation nuclear plant with more certain $500 per kW combined-cycle gas turbine or $1,000 per kW coal capital costs.

Whether or not the nuclear energy provisions of the Senate's version of the Energy Bill are good ecomonic or energy policy is beyond the scope or intent of this article. New nuclear energy has compelling attributes, such as supporting energy diversity, replacing an aging U.S. nuclear fleet, offsetting rising natural gas prices, and reducing greenhouse gases and NO_X, SO_X, and particulate airborne pollutants. Once the capital costs are sunk, the variable operating cost can indeed be quite low. However, nuclear power tends to raise credit risk concerns during construction and well after construction. Investors, particularly lenders who rarely see any upside potential in cutting-edge technology investments, including energy, will likely find the potential downside credit risk of an advanced, nuclear power plan too much to bear unless a third party can cover some of the risks. An Energy Bill that covers advanced design nuclear plant construction risk may go a long way toward allaying those concerns, but if operational and decommissioning risks remain uncovered, look for lenders to sit this opportunity out.

Mr. REID. I will only read one sentence:

But the industry's legacy of cost growth, technology problems, cumbersome political and regulatory oversight, and the newer risks brought about by competition and terrorism concerns may keep credit risk too high for even the Senate to overcome.

In addition, we have the Economist magazine of May 19 which says, among other things:

That is why the real argument over nuclear's future should rest on economics. Given the industry's history of cost overruns and wasted billions, the claim of dramatically improved economics would, if true, support a revival. Alas, as our special report makes clear . . . the claim is dubious.

Why in the world should a mature, well-capitalized industry receive subsidies, such as government liability insurance or help the costs of waste disposal and decommissioning?

The article closes by saying:

If the private sector wishes to build new nuclear plants in an open and competitive energy market, more power to it. As subsidies are withdrawn, however, that possibility will become ever less likely. Nuclear power, which early advocates thought would be ''too cheap to meter'', is more likely to be remembered as too costly to matter.

These statements hardly sound like a sound investment for the Federal Government to make at this time. The simple truth is if investors on Wall Street won't invest in new nuclear powerplants, we should not force the families on Main Street to back them with their hard-earned income. We have an obligation to protect the American taxpayer from having his or her money guarantee investments by the Federal Government in these risky programs. This amendment is not about whether you support or oppose nuclear power; it is about keeping the Federal Government from making risky investments.

A wide range of national taxpayer, environmental, and public interest groups understand these risks. That is why more than a dozen of these groups signed a letter supporting the Wyden-Sununu amendment. The groups include the National Taxpayers Union, Taxpayers for Common Sense, Council for Citizens Against Government Waste, the U.S. Public Interest Research Group, and the National Resources Defense Counsel.

I ask unanimous consent that a letter from these organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT WYDEN-SUNUNU-BINGAMAN-ENSIGN AMENDMENT TO STRIKE TAXPAYER FINANCING FOR NEW NUCLEAR REACTORS

June 5, 2003.

DEAR SENATOR: As national taxpayer, public interest, and environmental organizations, we are writing in support of the Wyden-Sununu-Bingaman-Ensign amendment to strike Title IV, Subtitle B from S. 14, the ''Energy Policy Act of 2003.'' This irresponsible provision makes taxpayers liable for up to half the cost of constructing new reactors, a new and unprecedented extreme in the long history of subsidizing the mature nuclear industry. We urge you to support the Wyden-Sununu-Bingaman-Ensign amendment to strike Title IV, Subtitle B of S. 14.

Subtitle B authorizes the Department of Energy to provide federal loan guarantees to finance half the cost of bringing on line an additional 8,400 megawatts of nuclear energy) amounting to an estimated taxpayer subsidy of $14 to $16 billion. There are no guidelines regarding interest rates and repayment for the loan guarantees, and the Congressional Budget Office considers the risk of default on such a loan guarantee to be ''very high—well above 50 percent.''

Additionally, this provision authorizes the federal government to enter into purchase agreements to buy power back from these new reactors. The legislation does not state how much energy the federal government will purchase and at what rate, but Department of Energy documents recommend that the federal government contract to purchase nuclear power at above market rates. Offering these subsidies to a mature industry would further distort electricity markets by granting nuclear power an unfair and undesirable advantage over other energy alternatives.

Even the first nuclear reactors did not require this level of taxpayer financing. Since then, federal taxpayers have already provided $66 billion in research and development subsidies to the nuclear power industry. Nearly five decades and more than 100 reactors later, it is time for the industry to support itself. If proposed new reactors are as economical as the industry claims, they should be able to finance them privately.

There is no justification for providing the mature nuclear industry with these massive subsidies. Again, we strongly urge you to vote for the Wyden-Sununu-Bingaman-Ensign amendment to strike Title IV Subtitle B of S. 14.

Sincerely,

Anna Aurillio, Legislative Director, U.S. Public Interest Research Group.

Alden Meyer, Director of Government Relations, Union of Concerned Scientists.

Jill Lancelot, President, Taxpayers for Common Sense.

Debbie Boger, Senior Washington DC Representative, Sierra Club.

Wenonah Hauter, Director, Public Citizen's Critical Mass.

Michael Mariotte, Executive Director, Nuclear Information and Resource Service.

Alyssondra Campaigne, Legislative Director, Natural Resources Defense Council.

Pete Sepp, Vice President of Communications, National Taxpayers Union.

Betsy Loyless, Political director, League of Conservation Voters.

Leslie Seff, Esq., Project Director, Sustainable Energy, GRACE Public Fund.

Erich Pica, Green Scissors Director, Friends of the Earth.

Tom Schatz, President, Council for Citizens Against Government Waste.

Susan Gordon, Director, Alliance for Nuclear Accountability.

Mr. REID. Mr. President, I also have a letter signed by the League of Conservation Voters indicating they will consider including the vote on this amendment in their yearly environmental scorecard. I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEAGUE OF CONSERVATION VOTERS,

June 10, 2003.

Re Wyden-Sununu-Bingaman-Engsign Amendment To Strike Taxpayer Financing For New Nuclear Reactors.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: In response to an inquiry from your staff, this letter will confirm that the League of Conservation Voters (LCV) supports an amendment that will be offered by Senators WYDEN (D-OR), SUNUNU (R-NH), BINGAMAN (D-NM) and ENSIGN (R-NV) to the Senate Energy bill (S. 14) striking a provision that would make taxpayers liable for up to half the costs of constructing new reactors, a new and unprecedented extreme in the long history of subsidizing the mature nuclear industry.

S. 14 would provide federal loan guarantees to finance half the cost of bringing on line an additional 8,400 megawatts of nuclear energy, and estimated taxpayer subsidy of $14 to $16 billion. There are no guidelines regarding interest rates and repayment for the loan guarantees. In addition, this provision authorizes the federal government to enter into purchase agreements to buy power back from these new reactors. The legislation does not state how much energy the federal government will purchase and at what rate, but Department of Energy documents recommend that the federal government contract to purchase nuclear power at above market rates. Offering these subsidies to a mature industry would further distort electricity markets by granting nuclear power an unfair and undesirable advantage over other energy alternatives.

Even the first nuclear reactors did not require this level of taxpayer financing. Since then, federal taxpayers have already provided $66 billion in research and development subsidies to the nuclear power industry. Nearly five decades and more than 100 reactors later, it is time for the industry to support itself. If proposed new reactors are as economical as the industry claims, they should be able to finance them privately.

There is no justification for providing the mature nuclear industry with these massive subsidies. For this reason, we strongly support the Wyden-Sununu-Bingaman-Ensign amendment to strike the nuclear construction subsidy from S. 14. LCV's Political Advisory Committee will strongly consider including votes on this issue in compiling LVC's 2003 Scorecard. If you need more information, please call me or Mary Minette, LVC's legislative director, at (202) 785–8683.

Sincerely,

BETSY LOYLESS,
Vice President, Policy & Lobbying.

Mr. REID. The nuclear power industry is a mature, developed industry. It has had more than 30 years to convince the wizards on Wall Street of its financial merit. The truth is Wall Street is not convinced, and until Wall Street is convinced, Congress should stay out of the risky financial deals.

The New York Times today had an article about the empty energy bill. One of the paragraphs from the New York Times article reads:

The biggest addition to this dreary lineup [of matters in this bill] is a huge $30 billion subsidy for nuclear power.

It goes on to say that this is simply bad. Even pronuclear allies regard this package as being excessive.

The Washington Post today says:

. . . taxpayers should not be asked to provide subsidies for new nuclear power plants either. As it stands, Senate legislation would provide loan guarantees for up to half of the construction costs of new nuclear plants.

If the Senate wants to encourage nuclear power plant construction, it should find means to do so that don't risk such a high price to the [American] taxpayer.

I don't believe my colleagues should guarantee these loans, and that is what we are doing. They wouldn't do it with their own money, so we should not allow the Federal Government to do it with taxpayer money.

I commend and applaud the sponsors of the amendment, the Senator from Oregon and the Senator from New Hampshire. I hope their amendment will pass.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak briefly also in support of the amendment by Senator WYDEN and Senator SUNUNU. This is an amendment I offered in the committee markup with Senator WYDEN. We were not successful at that time, obviously. I congratulate both sponsors of the amendment for offering it again here.

Clearly, I am not opposed to the building of new nuclear powerplants. I believe nuclear power makes a very major contribution to our energy needs. It supplies about 20 percent of our Nation's electricity today. It does so safely. It does so reliably. It does not generate greenhouse gases. And it does so at prices that are competitive with coal and natural gas.

I hope in the future we will see additional nuclear power production in this country and worldwide. I think it is a technology that provides many benefits to us.

There are provisions in the bill that are strongly in support of the nuclear power industry and its future: The renewal of the Price-Anderson Act, for example, that protects the nuclear industry against liability from accidents. There are provisions in there to carry out research and development to help with the training of a workforce. There are many provisions in this bill that are very strongly in support of the nuclear power industry.

The provision this amendment goes to would authorize the Secretary of Energy to guarantee up to half the cost of 8,400 megawatts of nuclear capacity. That translates into at least six large nuclear powerplants. We do not know with any precision how much these loan guarantees would wind up costing taxpayers. That depends on many variables, such as how many plants are actually built under the program, how much they cost, whether in fact there is a default, what the interest rates might be on the defaulted loans, whether the plants would still be able to operate if there were default.

There is a lot of uncertainty in the provision that is the subject of this debate. The Congressional Budget Office has made a number of assumptions that are favorable to the industry in coming up with its estimate. It assumes, for example, that the Government would only guarantee one, not six, plants during the next 10 years. It also assumes that it would cost about half as much as Seabrook and Shoreham did two decades ago and that it would still be able to operate after a default. Under these assumptions, CBO has concluded that the loan guarantees would cost in the range of $275 million for the one plant.

The Nuclear Energy Institute takes strong exception to these Congressional Budget Office conclusions. NEI doubts the industry will default on its loans. It believes CBO's estimate is based on noncredible, illogical assumptions and that the CBO estimate is unrealistically high.

So we have experts on all sides of this issue. The debate is important, but I do think it glosses over some of the fundamental questions: Does this nuclear power industry need these loan guarantees at this point? Is guaranteeing the nuclear power industry's loans sound public policy? On both of those issues, I believe the preponderance of the argument is on the side of the Wyden-Sununu amendment. I do not believe loan guarantees are necessary in this magnitude at this time.

This is a mature industry. We have been building nuclear powerplants in this country for nearly half a century. We have over 100 nuclear powerplants now operating. The nuclear industry did not need loan guarantees to get off the ground 50 years ago, and I do not believe those guarantees are required at this point.

Moreover, the companies that are most likely to build these new nuclear powerplants are the ones that have built them before and the ones that are operating them now. These are not small businesses.

As a result of the recent wave of mergers and acquisitions, there are a dozen utilities that now own 75 percent of the Nation's nuclear capacity and two-thirds of its nuclear reactors. Each of these utilities generates billions of dollars in revenues each year. Many generate tens of billions of dollars in revenue each year. Collectively, these 12 utilities had nearly $12 billion in revenues in 2001.

There is no evidence of which I am aware in the record before us that the nuclear industry needs loan guarantees of this magnitude to build new nuclear powerplants. The Energy and Natural Resources Committee held hearings on the state of the nuclear industry in the past Congress. We heard from both the utility industry and the financial community, and neither one suggested that loan guarantees were appropriate or required.

The utility representative said that the state of the nuclear industry is ''very sound'' and that new plants would be ''economically competitive'' and acceptable to investors. The Wall Street representative at our committee hearing testified that a large successful utility could finance the construction of a new nuclear powerplant, and nobody mentioned the need for a Federal loan program of this type or a loan guarantee program of this type.

Second, I do not believe that shifting the financial risk of constructing these plants from industry to the Federal Government or to the taxpayers is sound public policy.

For most of the last century, utilities built powerplants in this country, whether nuclear or non-nuclear plants, under what is called the regulatory compact. Utilities were State-regulated monopolies. They accepted an obligation to serve everyone in their service territories at State-set rates. In return, they were shielded from competition. They were guaranteed recovery of their prudently incurred costs plus a reasonable profit.

The regulatory compact has largely been abandoned in this country during the last couple of decades. It has been replaced by deregulated, competitive, wholesale electricity markets. So instead of wholesale electricity prices being set based on the utility's cost of production, they are now being set more by the market, and title XI of the bill before us is intended to further these developments.

Giving Government loan guarantees of this magnitude to one segment of the utility industry—indeed one of the better financed segments of the industry—I think unduly interferes with the

free market. It runs counter to efforts to establish competitive electricity markets in this country.

In a competitive market, utilities are supposed to decide whether to build new powerplants by weighing the economic risk involved against the economic reward they might receive. Loan guarantees skew the market by shifting the risk to the taxpayers while keeping the rewards for the utility shareholders.

We have had this debate before, 50 years ago, at the dawn of the nuclear era. The House and Senate debated whether nuclear powerplants should be built and operated by the private sector or by the Government. The decision was made to leave the construction and operation of nuclear powerplants to the utilities, to the private sector.

The Federal Government encouraged support of the utilities through nuclear research programs, through fuel subsidies, and through indemnification against accidents. It did not use loans or grants or loan guarantees.

The Federal Government's faith in the utilities 50 years ago was justified as the more than 100 nuclear powerplants operating today attest, and we should continue to have faith in the free market today and not subsidize the next generation of nuclear powerplants to this extent by shifting economic risks from utility shareholders to the taxpayers.

I urge colleagues to support the amendment. I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). Who yields time? The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I thank my colleague, the Senator from New Mexico, Mr. BINGAMAN, for his comments and his very well-reasoned argument on behalf of our amendment.

As I indicated in my earlier comments, this is part and parcel of a debate as to what an energy policy really should be in our country. I support a number of initiatives that I think would help ensure access to stable, reliable sources of energy for our country's economy so it can continue to grow. That means conservation, and we just had an amendment that sets a target of conserving some 1 billion gallons of gasoline in our automotive industries over the next decade.

We also need to make sure we have good, sound infrastructure for transporting electricity or natural gas across State lines and around the country. We want a good strong electricity title. That has been the effort and the work of the Energy Committee. We need to make sure we streamline and reduce unnecessary regulations. I will come back to this point shortly, but that is one of the real problems the nuclear industry faces right now: uncertainty due to complexity in the regulatory environment where the process of building or licensing a plant can be halted multiple times throughout the licensing process.

Of course, I believe, as I hope most Americans do, that we need access to new energy sources and new energy reserves, and that is why I supported exploration in the northern slope of Alaska.

At the same time, we need to be careful that our energy policy is not about trying to pick winners and losers in the energy markets; that we not digress toward a subsidy ''arms race.'' We heard people argue if we give a subsidy to this industry, we should give it to another, tax credits there or how about a subsidy here. We should not have a subsidy ''arms race'' where we burden the taxpayers because that is who is paying for all of this policy, giving out subsidies to industries that are favored at a particular point in time. And we certainly should not single out an industry, as unfortunately a portion of this bill does, for an unprecedented loan guarantee, unprecedented taxpayer guarantees for the construction of new powerplants. Whether this is targeted at the coal-fired electricity industry or natural gas-fired plants or, as in this case, nuclear plants, I think it is questionable public policy to provide such loan guarantees.

We are putting the taxpayer at risk, and we can call five different economists to try to estimate the size and scope of that risk, but the provision of the bill we seek to strike allows the Secretary of Energy to provide loan guarantees for up to half the cost of up to six plants. That is 50 percent of the cost for six plants, each perhaps costing between $2 billion and $4 billion. That is a $10 billion to $15 billion subsidy.

The Congressional Research Service, which is about as nonpartisan as you can get, states that the maximum Federal cost will be in the range of $14 billion to $16 billion in 2002 dollars. The Congressional Budget Office states that the risk of default on these guarantees would be quite high, well above 50 percent.

It is difficult to forecast risk. It is difficult to forecast cost. Whether these were guarantees for 25 percent of the cost or 50 or 100 percent or for one plant or for 71 plants, my concerns and I think the concerns of the Senator from Oregon would still be the same: this sets a bad precedent in singling out one industry for this type of a construction loan guarantee. It sets a bad precedent because in all likelihood other areas of private industry would, in the long run, seek to be treated in the same way. Of course, it sets a bad precedent in that it is an unprecedented sum, an unprecedented guarantee.

I would very much like to see a strong and revitalized nuclear industry, and I credit the chairman of the Energy Committee for focusing on this issue in his bill, extending Price-Anderson, investing in basic research, physics and nuclear technologies, and pushing forward scientific and research initiatives that he has included in the bill.

I disagree on some of the slight nuances of those provisions, whether they are exactly the right size or targeted to the right areas, but I give him a lot of credit for focusing on strengthening our nuclear power industry. I simply do not believe this kind of a guarantee is right for any industry. Equally important, perhaps more important, I do not believe this kind of a taxpayer subsidy is right for the men and women of our nation who are working long and hard, sending their taxes to Washington, and expecting them to be used fairly and equitably.

There is a lot of uncertainty in the energy markets and in the nuclear power industry in particular, and we can ask the question why are not more plants being built, why have we not had a new plant licensed in over 20 years? I think the answer can be found in the uncertainty and the risk created by the regulatory markets, created by the litigious society that we live in and the fact that the licensing process can be brought to a dead halt time and again. Whether or not we have the technology that would allow us to build a nuclear powerplant for $100 million or $500 million versus $2 billion, this uncertainty is enough to discourage capital markets from lending to the large private companies that are engaged in the nuclear power industry.

I think we will not find private resources being attracted to the nuclear industry, and we should not find taxpayer resources subsidizing the industry, until something is done about that uncertainty and that regulatory complexity.

We have an interest rate environment right now that benefits anyone building anything just about anywhere in our country, the lowest interest rates in 40 years. That is about as big as an incentive as one could possibly have for undertaking new construction projects. I certainly do not believe we need to put the taxpayers on the hook in order to provide even more incentive.

We are reaching out trying to protect the taxpayers, trying to do the right thing, I think trying to make this bill better and trying to set a good precedent. Again, I thank RON WYDEN, the Senator from Oregon, for his work. We have bipartisan support for this amendment, three Republican and three Democrat cosponsors. As we move toward a vote, I think we will see bipartisan support for the amendment.

Again, I thank the chairman of the committee for being thoughtful enough to work with us so we could get a consent agreement to bring this amendment up today, to have a fair and thoughtful debate, and to be able to have a straight up-or-down vote on the amendment at the conclusion of the debate. I reserve the remainder of our time.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if I might speak with the distinguished Senator from Oregon about the

final vote. We are wondering, from our side, for no reasons other than time—the more time we have left, the more we might get done—whether we might be able to vote at 3:45 instead of 4:15, saving half an hour. We would be delighted to not ask the Senator to give up very much of that time but I wonder if he would consider a consent agreement for 3:45, which will give us, instead of our hour, 40 minutes, and what is left would belong to the Senator, or 35 minutes. Would that be fair enough for the Senator?

Mr. WYDEN. I want to be accommodating to the distinguished chairman of the committee. Let me spend a couple of minutes looking into it.

Mr. DOMENICI. Sure.

Mr. WYDEN. I will try to ascertain how many Senators on our side of the proposition would like to speak, but the Senator has always been fair.

Mr. DOMENICI. Let's not agree. Let's put that before them as a possibility. Right now we are exploring the notion of voting at 3:45 instead of 4:15. If we did that, we would allocate the time away from each hour in order to get there. In the meantime, we will both ask our cloakrooms if there is any problems with any Senators. The Senator from Oregon will do it on his side and I will do it on mine.

Mr. President, I assume I can speak at this point; I have the floor?

The PRESIDING OFFICER. That is correct.

Mr. WYDEN. Would the distinguished Senator yield?

Mr. DOMENICI. I would be pleased to yield.

Mr. WYDEN. I think we may need to go to 4 rather than 3:45, but I will try to accommodate the distinguished chairman. We will spend some time checking his desire to move the legislation, which has transcended any particular amendment, and we are anxious to accommodate.

Mr. DOMENICI. For the benefit of the Senators who would like to speak, Senator ALEXANDER has indicated a desire to speak for a few moments. He is here. Senator VOINOVICH, who occupies the chair, desires to speak; Senator LANDRIEU, from the other side of the aisle, desires to speak. Senator INHOFE and Senator LARRY CRAIG.

I say to all of them, if they would let us know through the cloakroom, we will try to put some times opposite their names. We will be using 4 as kind of our scheduling time to see what we can do about setting up a time.

Would the Senator from Tennessee like to speak at this time or would he rather that the Senator from New Mexico speak for a few moments?

Mr. ALEXANDER. I will listen to the Senator from New Mexico.

Mr. DOMENICI. I thank the Senator. I will try to be brief.

My colleagues know I have been in the Senate 31 years and that for the better part of that time I spent my time on energy matters but principally, from the standpoint of the floor of the Senate, I was known as the person who handled the budget for the Senate. That is where I had the luxury and privilege of meeting the distinguished Senator, who opposes me on the floor, Mr. WYDEN, and many others who serve with me. In fact, that is where I became a very good friend of the distinguished majority leader of the Senate, who served, as the Senator might recall, on that Budget Committee way down at the end of the Republican side. One of the Senators who served for most of that time, that the Senator from Oregon will recognize and remember, was probably one of the most astute and knowledgeable Senators who we have both had the luxury of knowing. We might both put some other attributes along with those but he was that, and that was Senator Gramm of Texas.

One day I was exploring a matter with the Senator from Texas. I said: Senator, you know I have been on this Budget Committee for so long, and I am thinking about moving over to the Energy Committee where I have been in the second position for all of these years. You are from Texas and I noticed you never did bother to even get on the Energy Committee.

He said: Yes, that is right.

I said: Why is that?

Listen carefully. He said: Senator PETE, energy is one of the most difficult things to do anything about, nigh on impossible to effect by law any real policy regarding energy, if you are talking about advanced policy that has any impact.

I said: Well, Senator Gramm, I might agree with you but—and before I could finish he said: However, I would like to correct that and say one thing to you.

Now, this was 5 years ago.

Senator DOMENICI, there is indeed a probability that you can do something if you take over the Energy Committee, and I tell you for sure there is only one thing and that is to reestablish nuclear power as an option for these United States and the world.

I wish he were here. I am not quoting him exactly so do not put it in quotes, but he would remember that.

When I decided to take this job and give up the Budget Committee, I remembered that and I even told my wife, when discussing at home my next few years in the Senate, that some pretty good people think I am taking on a committee that does not have a lot of potential because energy is too tough to legislate and make policy about. It just sort of happens, except for that rascal nuclear power.

Well, he said it. He may not be right but I am trying to prove him right in this debate today and in this Energy bill that we are going to try to finish this week, perhaps with 1 additional week.

On May 21 of this year, Alan Greenspan, speaking to the House Energy Committee, said: If we're going to continue to expand our energy base, we're going to have to be starting to look at nuclear power as a potential reservoir of new sources of energy which are not available by other means.

He continues: I think that we ought to be spending more money and more time looking and contemplating the issue of nuclear power since natural gas is a serious problem.

This morning I happened to hear a talk show with typical Americans calling talking about energy. It was rather nice to hear people from Oklahoma City, from somewhere in Tennessee, California, Oregon, obviously average citizens who were calling in on a radio show asking questions. Most questions had to do with, why don't we have more natural gas? Finally someone asked, aren't there other things we can use? What about nuclear power? Of course, as one might suspect, the answers were rather muddled.

The real question now before this institution is, can nuclear power, held in abeyance for about 14 to 16 years in the United States while Japan built new facilities, the country of France is 80 percent dependent upon nuclear power, a little country like Taiwan, which is booming, is currently constructing two facilities with General Electric engineering and design—I cannot recall the name of the contractor. And the United States sits with everybody saying it is almost impossible. With the exponential growth in electricity needs, where we all expect to use natural gas in the burners, to create the heat and electricity, it is nearly impossible that we will have enough natural gas. It is not a question of whether we have a lot of it. It is a question that we do not use anything else because we are frightened to death of using anything else.

Some in this country, a small group, have scared us to death about nuclear power. When we add up all the energy produced by nuclear power in the world, including the terrible accident in Russia, which was attributable to a very old-fashioned nuclear powerplant that we would not dare license in America, add these together and nuclear power has been safer than any of the other power sources combined—be it coal or any other—save and except for energy produced by dams. I am speaking of large quantities. Certainly, if we speak of windmills, we speak of solar, we can produce clean energy.

Having said that, the issue before the Senate today is, do we want to support a committee that put together a bill that said, fellow Americans, the time has come to quit playing around with energy and do something about a myriad of sources. And to say, wherever you can, we are going to produce more energy.

We have tried to produce or cause to be produced every natural gas source we know of that had impediments. If it was too deep, we gave it a benefit of some sort so it could get taken out, anyway. If it was too far away in the ice lands of Alaska, we gave those companies something so they could get it down here. If it is coal, we said subsidize.

They are talking that we should not be granting a loan guarantee, presumably at market value, to a first-class company that might want to take a risk at building a powerplant. They are saying we should not do that. But when it comes to coal, we are going to spend over $2 billion on pure research to try to get to that miracle place of clean coal.

We did not say, my, you just should not put your tax dollars in a big waste.

Last but not least, while our opponents will find this is not relevant, we already have a subsidy for wind energy, those 50-foot-tall windmills. Without the new one contemplated to be added to this bill, that has the potential of producing 245,000 windmills, equivalent source of energy. The powerplants we contemplate lending money to, or offering a loan guarantee, the same amount. Guess how much the taxpayer will have given if that occurs. Thirty-one billion is the direct source for those windmills.

Now, the opposition to ours might say, but you are going to get windmills. When you say to the American power industry, if you want to come along and try to build a new nuclear powerplant, modern type, you have to go get your money, you have to take all the risks, and we will underwrite half of it with a loan, they would have us say that is a terrible risk even if it is only $2 billion to $5 billion. But that $31 billion that might occur for windmills is not? Of course, the windmill is not a risk, but it certainly is throwing your money at something that most Americans would wonder seriously about.

Having said that, this Senator is not against any of the sources. I think we will win today. When we win, we will go to conference eventually and come out with a major new impetus for nuclear power in this country. For the first time somebody is going to say, let us build one or two new nuclear powerplants. And the greenhouse gas issue that has been raised will not be there because there is no pollution from those two plants that I have just described, if they come into being—none. Zero. Absolutely clean.

We are going to have to find some way to take care of the waste someday. If we want to have a debate here today, or next week, on the waste, suffice it to say that the United States has scared herself silly about waste. Waste is nothing but a technical problem. If you want to go see all the waste in France, get a ticket and go to a city, ask them where it is, and they will take you to a building, and you can go see it all.

You might say: Who would want to see it?

They will just take you to a building that looks like a schoolhouse. You walk in and say: Can I see the waste? And they will say: You are walking on it. They will say: Just take a look down.

You look down. It looks like glass, and there sits the waste, encapsulated, and it will be there for as long as 50 years, if that is what is needed by the French scientists to find out how to put it away or how to reuse it.

Here we sit fooling around because somebody convinced us we ought to become immobilized, when it comes to an alternative, until we have a hole in the ground so deep, so big, in such hard rock that we can figure out, way in advance, a way to put the waste in it and monitor it with calculators and say to America and the world: We just monitored it, and we can tell you there will be no radiation for 10,000 years.

That is the test because we want to be so careful we don't hurt anybody ever. The test of the technology that is going to have to monitor that—and you can hardly draw the plans, it is such an absurdity—is 10,000 years.

Having said all that, we are back to a simple proposition: Do you or do you not want to let the Energy Committee go to a conference with the House and to take with it a bill that says: All the rest of these energies get their help: Biomass gets its assistance, coal gets its help, the renewables are helped immeasurably with tax assistance, every single thing we know how to do to produce more oil and gas is done—right?

Ms. LANDRIEU. Right.

Mr. DOMENICI. I could go on and on. That is all going to be there. But also in the event—and I am looking for the language in the statute as to when the Secretary can issue these—we have statutory language that says, very simply—and I will read it and close:

> Subject to the requirements of the Federal Credit Reform Act [et cetera, et cetera, et cetera], the Secretary may, subject to appropriations, make available to project developers for eligible project costs such financial assistance as the Secretary determines is necessary to supplement private-sector financing for projects if he determines that such projects are needed to contribute to energy security, fuel or technology diversity, or clean air attainment goals. The Secretary shall prescribe such terms or conditions for financial assistance as the Secretary deems necessary. . . .

That then is provided as up to 50 percent of the cost, by way of a loan.

Frankly, it is all a question of risks. It is not a question of philosophy. It is not a question of whose party wants to get on what slope, a slope of entrepreneurship or a slope of guaranteeship. All of that is meaningless. What this is about is: Is it worth this little risk we are speaking of—to get what I just described going again for America?

I say, overwhelmingly, absolutely, positively, yes. I do hope, come that vote time, there will not be 50 Senators, or half of those who vote today, who will say we want to strike this and kill this opportunity for America.

With that, I will yield the floor to Senator ALEXANDER for his time.

Senator LANDRIEU, are you on some time frame that is urgent?

Ms. LANDRIEU. I can yield to the Senator from Tennessee. He was here, of course, prior to my arrival. How much time would he like?

Mr. DOMENICI. I yield to him and then to the Senator from Louisiana.

Mr. ALEXANDER. I would like about 5 minutes.

Ms. LANDRIEU. Fine.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I rise in support of the chairman in opposition to the amendment.

In 1987 our family, which included three teenagers and a 7-year-old, visited the Peace Park in Hiroshima, Japan. We thought twice before we took our children there because it is such a staggering experience to see what happened on that August day in World War II when the atomic bomb was dropped.

I marvel even more that today Japan, because it knows of the importance of energy, now relies on nuclear energy—the same process that wiped out half the lives in Hiroshima—for peace, for the peaceful production of electricity for homes and jobs for about 80 percent of their electric needs. They are producing about one new reactor a year.

In France, as the chairman said, about 80 percent of the electricity, I believe, is produced by nuclear power. We have about 100 ships in our Navy that operate with little nuclear reactors. Yet, for some reason, over the last 30 years we became afraid to start a new nuclear powerplant. I guess we became so accustomed to abundant supplies of coal and oil and relatively cheap gasoline that we thought it would last forever. But I think we have gotten over that. At least it is time for us to get over that and to break away from this national attitude that, since the 1970s, has kept us from starting a new nuclear powerplant.

Why not nuclear? That is the question we should be asking. We have heard the testimony of the terrible price increases in natural gas and the projections that we have a really serious problem with continuing natural gas prices.

This Senate voted not to go explore for more oil in Alaska.

Windmills are promising, but the promise of 245,000 of them to produce 2 percent of our energy and to see them all over our deserts and ridgetops—there is some limit to what windmills will be able to do for us. Coal produces half of our electricity, but it produces carbon and it produces pollution and we have not yet quite developed the clean coal technology we all want.

Nuclear power more and more seems to be imperative. So what are we doing about it in this bill? We are basically adding nuclear to the arsenal of weapons we want to use to make ourselves less dependent on foreign oil and more likely to have clean air and a cheap and abundant supply of electricity.

It is said that we are subsidizing the idea of nuclear power. In a way we are: A new type of advanced nuclear powerplant that has the promise of building plants for $1.5 billion—much cheaper,

much more efficient, safer, to start up that industry, to stimulate it. But we are doing exactly the same thing as the chairman said with wind power. We are doing exactly the same kind of thing with clean coal technology to the tune of $2.2 billion. We are doing exactly the same thing with oil and gas, and $2.5 billion is in the bill for that.

This morning, we talked about putting a Presidential emphasis, thanks to the Senator from Louisiana, on conservation. We need to add nuclear to our list. The larger question would be, Why would we keep it out? Why would we encourage every other form of energy and not nuclear energy?

I strongly urge that we keep in this bill nuclear power as an option for our future. There will be great discussions in this body about carbon and the concern of greenhouse gases. Nuclear power is carbon free. It is carbon free. There will be a lot of talk about our dependence on oil. The most reliable and largest opportunity to replace oil in the next 20 years is nuclear power.

There is a lot of talk about the worry of natural gas prices. The best way to keep natural gas prices under control is to have an alternative. That would be nuclear power. I strongly urge my colleagues to vote no on the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the vote in relation to the pending amendment occur at 3:50 with the remaining time to be divided with 20 minutes for the proponents and 10 minutes under the control of the opponents.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senator from New Mexico. I will take 3 or 4 minutes. I understand that the Senator from Alabama would like to speak in opposition to the amendment as well.

In all due respect to my colleagues who are offering this amendment to strike this very important provision from the bill, I wanted to come to the floor to strongly disagree and to add my voice at the outset of the debate and on the points which the chairman of the committee brought to the fore on this very important part of the Energy bill.

I wish to begin by saying that our Nation has 103 nuclear powerplants. The nuclear industry provides 20 percent of our electricity. I don't believe we will strip the Energy bill of this provision, but if we did, we would jeopardize the reliable and affordable source of electricity that this Nation needs to stay competitive in this world economy.

It will cost jobs and cause hardship. People would lose their jobs with this amendment.

I am not sure my colleagues are aware that over the next 20 years the United States doesn't need to move backwards as this amendment would suggest. We need to move very quickly in the other direction. We need to build 1,300 new powerplants in this Nation, which is the equivalent of 60 to 90 new powerplants per year to keep up with the increased demand of electricity. Why? Because our economy is more productive; because technology is demanding it; because good, old Yankee know-how makes it crucial that we provide our businesses with electricity and with power. If we don't give them power, they can't operate. If we don't give them power that is reliable and affordable, then we will lose jobs to our international competitors. It is as simple as that. We need everything and more, everything we thought of and more than we thought of.

Nuclear is a very important component of that. The amendment's authors argue that this is a subsidy. It is not a subsidy. It is a loan guarantee. It is our intention that these loans be fully paid with interest. We do this. There are 100 examples in the Federal rule book where we do this. We want to encourage the development and movement in a certain way. We can give loan guarantees, and we have done it time and again. It is time we do it for the nuclear industry to keep them moving in the right direction.

Let me say to the chairman that I went down to Louisiana. We have two nuclear powerplants. Seventeen percent of Louisiana's fuel is nuclear. As the chairman knows, one out of five has the clean benefit of nuclear power.

My producers of natural gas said to me, Senator, please go and fight for nuclear energy. If we don't get more energy into the marketplace, the demands on natural gas will become so high that we cannot pay our gas bills, and it is driving our industry to its knees. They said, Senator, please go and fight for an increase in all sources, including nuclear.

Nuclear energy currently generates electricity for one in every five homes and businesses.

It is important not only in Louisiana, where two nuclear plants produce nearly 17 percent of my State's electricity, but also in States such as Connecticut, Illinois, New Hampshire, New Jersey, South Carolina, and Vermont where nuclear generates more electricity than any other source.

Nationwide, 103 reactors provide 20 percent of our electricity—the largest source of U.S. emission-free power provided 24–7.

Nuclear energy is one of the most competitive sources of energy on an operational cost basis.

While I strongly support the use of natural gas for our energy needs, we cannot rely, as we have in recent years, on any one source of energy to meet our Nation's increasing electricity demand.

Over the next 20 years, U.S. natural gas consumption is projected to grow by over 50 percent while U.S. natural gas production will grow by only 14 percent.

The CEO of Dow Chemical recently wrote that the chemical industry—the Nation's largest industrial user of natural gas—is particularly vulnerable to high natural gas prices.

To remain an economic leader we must promote a diversified and robust energy mix, including the full range of traditional and alternative energy sources.

Nuclear energy is also vitally important for our environment and our Nation's clean air goals.

Nuclear energy is the Nation's largest clean air source of electricity, generating three-fourths of all emission-free electricity.

Nuclear energy will be an essential partner for future generations of Americans, whose reliance on electricity will increase and who rightfully will demand a cleaner environment.

Just this past Sunday, the Washington Post highlighted the problems that the Shenandoah National Forest now faces with pollution. Think how much worse our Nation's air pollution would be if nuclear energy did not generate one fifth of our electricity.

To preserve our current levels of emission-free electricity generation, we must build 50,000 megawatts of new nuclear energy production by 2020.

In addition to providing the largest source of emission-free electricity, nuclear energy possesses the most viable solution to our over reliance on foreign oil, i.e., the potential to someday cogenerate hydrogen as a clean transportation substitute to oil.

The Wyden amendment will hurt our Nation's long-term economic, environmental and security goals if passed.

Building a windmill that has a generating capacity of 2 megawatts should not be compared to building a nuclear power plant that produces 1,000 megawatts or more.

I agree with my ranking member that the nuclear industry is mature in the sense that it has been safely, efficiently, and effectively producing electricity for several decades. But we have not brought a new nuclear plant on line in this country for over a decade and a new project will face some uncertainties.

The costs of the first few plants will be higher than those that are built later. Because the business risks will be greater for the initial few projects, financing will be more difficult to obtain. That is why the Federal Government needs to step in and provide an incentive to allow the industry to get over that hurdle.

Some rather large numbers have been thrown around as to the costs of this provision. Were theses numbers accurate, I would share the concerns voiced by my colleagues.

The construction costs as derived by CBO would be $2,300 per kilowatt of capacity is inconsistent with current cost incurred by other nations building similar types of advanced nuclear reactors.

According to a detailed cost analysis developed by industry the first few plants will cost less than $1,400 per kilowatt hour and will later fall to less than $1,000 per kilowatt hour, making nuclear plants very competitive with the costs of other technologies.

My colleagues who are opposed to these loan guarantees are assuming that a new nuclear plant could rise to costs over $3,800 per killowatt, based on questionable CBO projections.

In addition my colleagues also fail to mention that the Secretary of Energy will be required to use stringent criteria to provide loan guarantees.

I concede that we probably don't know what the exact cost will be, but the economic, environmental, and security benefits of investing in new nuclear plants for our future generations are many and great while the financial risk to the public sector is by comparison rather small. Let's give this idea a chance.

In conclusion, I urge my colleagues to vote against the Wyden amendment. And I thank the chairman for all his efforts in helping to promote a vital source of energy and for helping to pave the way towards improving our Nation's energy security.

I strongly oppose the amendment on the floor to strip the provision in this bill, and I support the chairman's mark.

Mr. DOMENICI. Mr. President, how much time does the Senator from New Mexico have?

The PRESIDING OFFICER. Six minutes.

Mr. DOMENICI. I yield 3 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 3 minutes.

Mr. SESSIONS. Mr. President, I wish to express my deep appreciation to Senator DOMENICI. He, more than any other person in this body, understands what role nuclear power must play in America and in the world if we are to maintain a clean environment and a healthy energy source. In nations that have readily available electricity in the world, compared to those that do not, the lifespan is twice as long.

This is a matter of extreme importance. We are trying to simultaneously increase our power sources in America and improve the cleanliness of our air and protect our environment. The only way that can be done is with nuclear power.

I feel very strongly about this. It is important for America's economy. Alan Greenspan testified at the Joint Economic Committee last week and raised again the crisis that we are facing in natural gas. Natural gas is a source for all new electric plants in America today. We are driving up this tremendous demand on natural gas. If we drive up the cost for natural gas, as we certainly will at the rate we are going, homeowners are going to pay so much more for their heating. Businesses that use natural gas are going to have to pay twice as much. We can meet that demand without any air pollution by expanding nuclear power.

There are 29 nuclear plants being built around the world. France gets 80 percent of its power from nuclear power. Nearly 50 percent of Japan's power comes from nuclear power.

We have not built a nuclear plant in America in 20 years. It is time for that to change. Twenty percent of our electricity comes from nuclear power producing no adverse environmental impacts to the atmosphere.

I would like to read what we save for the atmosphere by having nuclear power. A recent study showed that nuclear energy has prevented the release of 219 million tons of sulfur dioxide, 98 million tons of nitrogen oxide polluted in the atmosphere, and prevented the emission into the air of 2 billion tons of carbon dioxide. That is considered by some to be a global-warming gas. We can stop that. We may have offset the effects of carbon dioxide already by producing 20 percent of our energy with nuclear power.

We have to include a provision like this in the bill. Last year, I introduced a bill that would provide a tax credit, similar to that for renewable energy, for the production of nuclear energy. The tax credit would have cost only one-fifth the amount of tax credits that other forms of clean energy receive, and it would have encouraged the production of a steady, reliable source of energy. The provision in this bill likewise encourages nuclear energy, and I support it. I reject the notion that there would be a high rate of default on these loans. I have studied nuclear energy and I have visited plants. These loans are needed to provide the nuclear industry a small incentive to take a big step towards constructing a plant. We need to go to conference with it. If we do, I would be willing to work with Senators who oppose this. But I think we have to have something in this bill that will allow us to encourage nuclear power. Not to do so would be a failure of incredible proportions.

I thank the chairman. I feel very strongly about it. I thank Senator DOMENICI again for his historic leadership that can lead us into a new way to produce large sources of energy without pollution costs to the environment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SUNUNU. Mr. President, I ask if the Senator from Oregon would yield 2 minutes to the distinguished Senator from Arizona.

Mr. WYDEN. Yes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, first, I agree with the comments of the Senator from Alabama that we ought to be promoting nuclear power. I am a strong advocate of that. I compliment the chairman of committee, Senator DOMENICI, for being very strong in his support for nuclear energy and for being totally consistent in the positions he has taken.

I want to argue against hypocrisy. An environmental group handed me a sheet of paper a while ago. They are very much against subsidies. As it turns out, a subsidy for nuclear energy would be very bad. They are right about arguing against subsidies. That is why I am going to support this amendment.

But all of the environmental arguments I have seen have been for subsidies when it comes to ethanol, solar power, biomass, wind energy, and you name it. The point here is that we ought to be consistent. If you think subsidies are a wonderful idea for these other things, then maybe you ought to support the loan guarantee for this additional method of producing power. But if you think subsidies are wrong, then you shouldn't support them for anything.

As the chairman of the committee knows, I opposed all of these subsidies in the Finance Committee. I will offer amendments again to try to strip them out of the finance part of the bill when it is added to the Energy bill on the floor.

I wish to make the point that if you want to be hypocritical—I am talking about these organizations and not Members of the Senate—then fine. Oppose this subsidy for nuclear and continue to support it for all of the rest. But if you want to be honest about it, like the chairman and I, though we have come to a different conclusion, but at least the chairman has been consistent and I hope I have been consistent.

I oppose these subsidies, even for those sources of energy which I think are critical for this country to continue to develop, and that includes nuclear energy.

I support the amendment in order to remain consistent in opposing subsidies.

The PRESIDING OFFICER. Who yields time?

Mr. SUNUNU. Mr. President, I thank the Senator from Arizona for his support for our amendment. I will pick up a little bit where he left off talking about the issue of subsidies across a range of areas.

The distinguished chairman of the committee spoke earlier about the clean coal subsidy, the $2 billion in clean coal subsidy. He suggested that supporters of this amendment also supported that subsidy.

I just want to be clear. I do not support $2 billion for clean coal. I have, in my service in the House of Representatives, opposed the clean coal technology program. In addition to that, I oppose the fossil fuel research and development fund that is in this bill because they effectively provide a subsidy for research and development in the areas of fossil fuel, areas where private companies operate in a very profitable and successful way.

It is not to hold anything against those fossil fuel firms or those coal firms, but it is to stand up for some of the concerns expressed by the Senator from Arizona that we should try to be as consistent as possible in striking these unnecessary subsidies.

The suggestion was made earlier on the floor—in fact, the statement was made specifically—that this loan guarantee program is ''not a subsidy.'' I reject that out of hand. If this was not a subsidy, then it would convey no benefit to those who sought the loan guarantee. And if there were no benefit, then people should have no objection to removing it from the bill. But, of course, there is a lot of objection to removing this from the bill because there is a big benefit to be gained by having a federally subsidized loan guarantee for the construction of new nuclear plants.

It was also suggested that perhaps this is an attack on nuclear power. Let me close by reemphasizing that is simply not the case. I support the Price-Anderson provisions in the bill. I supported the effort to establish a long-term storage facility for nuclear waste at Yucca Mountain that could be operated for the long-term, safely for our utilities and energy industries.

In an effort to suggest this is an attack on nuclear power, the big guns have also been rolled out: there's been a suggestion that Alan Greenspan, of all people, might somehow harbor some support for this loan guarantee program. Let me say, clearly, like Alan Greenspan, I am a proponent and supporter of the concept of using nuclear power to help meet our energy needs, but I do not believe, for a moment, that means Alan Greenspan is a supporter of federally guaranteed loans to private industry. And if someone can produce testimony from Alan Greenspan supporting a Federal loan guarantee program for private industry to build nuclear powerplants, I will quite literally eat my hat. I simply do not believe that to be the case.

I join with the Senator from Oregon in support of this amendment to strike one provision from this very large Energy bill; and that will protect taxpayers by preventing them from being exposed to $14 or $16 billion in loan guarantees to private industry. I do not think we need it.

I look forward to a vote on this amendment. I certainly ask my colleagues to support the amendment.

I yield the floor.

Mr. INHOFE. Mr. President, I rise to oppose this amendment. Nuclear power is a clean, reliable, stable, affordable, and domestic source of energy. It is an essential part of this Nation's energy mix. And if we care about energy stability and the environment, then nuclear power must play an important role in our energy future.

I am a strong supporter of nuclear power and I want to commend Senator DOMENICI for his commitment to nuclear energy in this bill. His legislation provides incentives to enhance and expand our energy base and usher new advanced-design nuclear power technologies. It has been nearly 20 years since a new nuclear plant has been built. The safety and efficiency record of the industry over that time has been astounding. Through increased efficiency, nuclear plants have increased their clean generation of energy. The increased electricity generation from nuclear powerplants in the past 10 years was the equivalent of adding 22 new 1,000-megawatt plants in our Nation's electricity grid. But with energy demand increasing by at least 30 percent over the next 15 years, more generation will be necessary to meet our needs. As we look to the future, if we are to meet those needs, provide stability in the marketplace, and ensure clean air, then we will have to continue to expand our nuclear base load. Nuclear energy is America's only expandable large-scale source of emission-free electricity.

The Environment & Public Works Committee—the committee of which I have the honor to serve as chairman—has jurisdiction over the Nuclear Regulatory Agency and I have been active in overseeing that agency, both as the nuclear subcommittee chairman, and now as chairman of the full committee. In 1998 I began a series of NRC oversight hearings. I did so with the goal of changing the bureaucratic atmosphere that had infected the NRC. By 1998, the NRC had become an agency of process, not results. I knew that if we were to have a robust nuclear energy sector, we needed a regulatory body that was both efficient and effective—and one in which the public could be sure that safety is the top priority. If the agency was to improve it had to employ a more results-oriented approach—one that was risk-based and science-based, not one mired in unnecessary process and paperwork. I am pleased that in the last 5 years, we have seen tremendous strides at the NRC. It has become a lean and more effective regulatory agency. I have the utmost confidence in the NRC ability to ensure that nuclear energy in this country is safe and reliable.

We have all of the pieces in place to move to the next generation of nuclear power. If we are to meet the energy demands of the future and we are serious about reducing utility emissions, then we should get serious about the zero emissions energy production that nuclear power provides. And that means that we should not be discouraging the development of new, safe nuclear technologies. Quite the opposite, we should provide the incentives and the assurances in order to meet the energy needs of this country.

The bill before us provides a sensible incentive for future nuclear power projects. Unfortunately, the Wyden/Sununu amendment will remove those incentives—it is a step backward—away from long-term stable and clean energy supplies.

Mr. FEINGOLD. Mr. President, I am pleased to be a cosponsor of this amendment and want to detail the reasons for my support. The amendment strikes subtitle B of title IV of the bill, the section on deployment of new nuclear plants. This section would provide new loan guarantees for the construction of new nuclear plants. In addition to providing the nuclear industry loan guarantees, the Senate Energy Bill appears to also authorize the Federal Government to enter into power purchase agreements to buy power back from new reactors—potentially at rates above market prices.

I think subtitle B goes too far and the amendment to strike is necessary for several reasons. First, the bill places no ceiling on these loans, making the Federal Government liable, according to the Congressional Research Service, for between $14–$16 billion in loan guarantees.

Second, I feel strongly that if private investors are not willing to put their own money on the line to support new nuclear plants, then the Federal Government should not put taxpayers' money at risk either. Yet, under the provisions currently included in the Senate bill, taxpayers would be required to subsidize up to 50 percent of the cost of constructing and operating 8,400 megawatts of power. The Congressional Budget Office has estimated the risk of default would be ''well above 50 percent.'' I feel that $14–$16 billion is a lot of money to gamble on an investment that has a 50/50 risk of failure.

Finally, as I have expressed in the past, I am concerned that our current nuclear waste storage program is of insufficient size to handle our current nuclear waste problem. I do not think it is wise to build more plants, when we do not have enough storage for our current waste. Yucca Mountain is not authorized at a size that is big enough to take all of the current nuclear waste. Among the reasons that I opposed the Yucca Mountain resolution was its insufficient size. I was concerned that my home state of Wisconsin would go back on the list as a possible site for a large-scale nuclear repository. Constructing new nuclear plants does nothing to relieve those concerns, and instead makes it more likely that we will have a growing nuclear waste problem for which we will need a permanent storage solution, putting Wisconsin back at risk.

I think this amendment makes fiscal and policy sense, and deserves the support of the Senate.

Mr. VOINOVICH. Mr. President, I rise in support of nuclear energy and in support of the provisions in S. 14 that promote the use of this vital component of our energy portfolio.

Nuclear energy accounts for 20 percent of our electricity generation—one in five American homes and businesses are powered by nuclear energy. It is an important energy source now, and will

become even more important in the future—as we strive to meet growing energy demands while protecting our environment.

As many of my colleagues know, nuclear energy provides emissions-free electricity—no emission of airborne pollutants, no emission of carbon dioxide or other greenhouse gases. In fact, nuclear energy provides three-fourths of the emissions-free electricity generated in the United States—more than hydro, wind, solar and geothermal energy combined.

President Bush has said many times that energy security is a cornerstone of national security. He is right—and nuclear energy is a vital component of our energy supply.

Uranium—the fuel for our nuclear fleet—is mined domestically and by many of our allies.

Unlike oil, nuclear energy is not subject to foreign manipulation.

Unlike natural gas, nuclear energy does not have domestic shortages and importation problems.

Unlike wind, solar and geothermal energy, nuclear energy provides highly affordable and reliable power.

Production costs of nuclear energy were 1.76 cents per kilowatt-hour versus 1.79 cents for coal and 5.69 cents for natural gas in 2000.

Plant capacity utilization exceeded 90 percent in 2002—the fourth year in a row that the industry set a record for output without building any new plants.

Nuclear energy is safe. Our nuclear plants are the most hardened of any commercial structures in the country and have a superb safety record and few, if any, industries have oversight comparable to that provided by the NRC for nuclear plants.

Our nuclear Navy is a great example of the safety of nuclear energy—

The U.S. Navy has safely traveled over 126 million miles without a single reactor incident and with no measurable impact on the world's environment.

Sailors on a nuclear submarine, working within yards of a reactor, receive less radiation while on active duty than they would at home from natural radiation background.

However, we must act now if we want to preserve the benefits of nuclear energy.

The last license for a domestic reactor was issued in 1978—and the technologies used to power our nuclear plants are over 30 years old.

Our industry has developed advanced nuclear technologies—and the NRC has licensed them—but new plants have only been built overseas, not in America.

Our nuclear plants were built in a highly regulated market—where returns on these investments were guaranteed—not in today's highly competitive energy markets.

Nuclear plants present unusual risks to the financial community due to the significant up-front capital investments that are required years before they generate any returns—as opposed to natural gas generators that are relatively inexpensive and easy to build.

Without new interest in nuclear power, our pool of qualified nuclear workers is drying up.

From 1990–95, the number of students in nuclear engineering dropped by 30 percent.

In 1975, there were 76 research reactors on American college campuses—today there are 32.

Current estimates project that domestic energy demand will increase by almost 50 percent by 2030. Without a significant effort to increase our nuclear capacity—which must include construction of new nuclear facilities—we will have no other choice than reliance on natural gas to meet that demand, which will drive up the costs for both electricity and natural gas through the roof.

The nuclear energy provisions in S. 14 are essential to assure that nuclear energy continues to thrive and provide its benefits to our Nation:

Price-Anderson reauthorization: The bill permanently reauthorizes the Price-Anderson liability protection that is so crucial to all nuclear facilities.

Advanced reactor construction: The bill will authorize construction of a new advanced reactor as a research test-bed using the very latest ideas developed in the Generation IV reactor program.

Advanced fuel cycle initiative: Authorizes funding for development of technologies to reduce the volume and toxicity of final waste projects, simplify siting for future repositories and recover fuel from spent fuel.

Federal loan guarantees: The bill provides loan guarantees for new plant construction in order to offset the problems with new development that I mentioned earlier.

I want to spend just a minute on the Federal loan guarantees that are the subject of an amendment by Senator WYDEN and Senator SUNUNU.

These loan guarantees are necessary to jumpstart construction on new nuclear plants. In order to begin construction of a new facility, the nuclear industry needs to move into uncharted waters—they need to go to investment bankers and say ''I know that this is a huge capital outlay, and that we haven't built one of these facilities in 30 years, but we need to do this.'' These loan guarantees will ensure that private-sector financing will be available for utilities that make the decision to move forward.

My distinguished colleague from Oregon has stated that we are throwing away good money on these ''subsidies.'' I must respectfully disagree. As Chairman DOMENICI pointed out earlier, this is not a handout program.

These are loan guarantees—for up to 50 percent of the construction costs for a new facility—which means that the utilities will have to make payments on the loans, and that there will likely be no expenses to the Government.

I applaud the work that Chairman DOMENICI has done on these provisions—all of these provisions—and I will oppose any efforts to strip them from the energy bill.

I urge my colleagues to oppose the Wyden-Sununu amendment.

Mrs. FEINSTEIN. Mr. President, I rise to support the amendment offered by Senators WYDEN, BINGAMAN, SUNUNU, and ENZI to strike the section of the energy bill providing Federal subsidies for the construction of new nuclear plants.

Title IV of the energy bill includes loans, loan guarantees, and other forms of financial assistance to subsidize the construction of new nuclear powerplants.

In the past 50 years, California has built 5 commercial nuclear powerplants and one experimental reactor. Today, just two of these nuclear powerplants are still operating in the State. The plants at San Onofre and Diablo Canyon are running at diminished capacity but still provide 4,400 megawatts of power in California—close to a fifth of California's energy supply.

Impressive as these numbers may be in terms of the power-generating capacity of nuclear energy, they tell only part of the story of California's experiment with nuclear power. Of six nuclear powerplants built in California, four have been decommissioned due to high operating costs and excessive risk.

In the late 1950s, an experimental reactor at the Rocketdyne site in Ventura County was shut down after a severe meltdown.

In 1967, the Vallecitos plant closed its doors after 20 years of operating because its owner, General Electric, was unable to obtain accident insurance due to the high risk of operating a nuclear power plant.

In 1976, the Plant at Humboldt Bay shut its doors after 13 years of operation as a result of the discovery of a fault line near the plant that would have required millions of dollars in seismic retrofits.

And in 1989, the Rancho Seco plant near Sacramento was closed by public referendum after 14 years of operation plagued by mismanagement that resulted in cost overruns.

Nuclear power is expensive and risky. Yet I believe that if private investors are not willing to put their own money on the line to support new nuclear plants, then the Federal Government should not put taxpayers' money at risk either. However, under the nuclear subsidy provision in this energy bill, taxpayers would be required to subsidize up to 50 percent of construction costs of new nuclear plants—costs that CRS estimates to be in the range of $14–16 billion. CRS also estimates the risk of default on these loan guarantees to be ''very high—well above 50 percent.''

I strongly believe it is not in the public interest for our Nation to subsidize

costly nuclear plants. Instead we should devote more resources to the development of renewable energy.

I strongly believe we should be doing more to encourage the development of renewable power such as, wind, geothermal, and biomass, instead of providing subsidies to an industry that has not built a new powerplant since the 1970s.

Unfortunately, this Energy bill currently has an over-reliance on promoting traditional energy resources, such as nuclear power.

The U.S. nuclear power industry, while currently generating about 20 percent of the Nation's electricity, faces an uncertain long-term future. No nuclear plants have been ordered since 1978 and more than 100 reactors have been canceled, including all those ordered after 1973. No units are currently under construction.

The nuclear power industry's troubles include high nuclear powerplant construction costs, public concern about nuclear safety and waste disposal, and regulatory compliance costs.

Controversies over safety have dogged nuclear power throughout its development, particularly following the March 1979 Three Mile Island accident in Pennsylvania and the April 1986 Chernobyl disaster in the former Soviet Union. These events shaped much of our opinions about nuclear power.

Safety continues to raise concerns today. In a recent example, it was discovered in March 2002 that leaking boric acid had eaten a large cavity in the top of the reactor vessel in Ohio's Davis-Besse nuclear plant. The corrosion left only the vessel's quarter-inch-thick stainless steel inner liner to prevent a potentially catastrophic release of reactor cooling water.

Furthermore, nuclear powerplants have long been recognized as potential targets of terrorist attacks, and I remain skeptical that there are enough safeguards in place to defend against potential terrorist attacks on our nuclear plants.

Concern about nuclear safety and waste disposal makes Californians apprehensive about nuclear power. California has shifted away from nuclear power over the years and activists in the communities surrounding the Diablo Canyon and San Onofre plants continue to express concerns about the safety of the remaining reactors in California.

The construction of new nuclear reactors would also exacerbate the nuclear waste problem. Since the volume of nuclear waste in the United States is expected to exceed capacity at the controversial Yucca Mountain repository by 2010, any new plants will create even more waste storage problems.

I voted with Senator BINGAMAN to strike these nuclear subsidies in committee and today I will vote with Senator WYDEN to do the same.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, how much time remains for each side?

The PRESIDING OFFICER. The proponents of the amendment have 14 minutes 18 seconds; the opponents of the amendment have 2 minutes 35 seconds.

Mr. WYDEN. Mr. President, if I could engage the distinguished chairman of the committee, I would like to close the debate. At this point, I believe the Presiding Officer said I have in the vicinity of 14 minutes. I say to the Senator, you have in the vicinity of 2 minutes. Would you like to speak now?

Mr. DOMENICI. No, I would not.

Mr. WYDEN. Then I will take 5 minutes of our time at this point.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, at that point we have 9 minutes remaining?

The PRESIDING OFFICER. About 8½.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, a couple of arguments need to be addressed at this point. The Senator from Louisiana, Ms. LANDRIEU, just recently said the Wyden-Sununu provision would, in some way, jeopardize the reliability of power and cost jobs today. That is simply not correct. No plant that is operating today—not one—would be affected by this amendment, and not a single job in America would be lost. Now, with respect to jobs of the future—and I think this is important to note—if you look at the official figures of the Federal Government—these are supplied by the Energy Information Agency—the fact is, you can build four or five gas-fired plants for the cost of one nuclear facility. That is, again, not something just made up. Those are the official figures of the Federal Government with respect to the comparative costs of this amendment.

I think we ought to note, for example, just how unprecedented this is. When people began to debate nuclear power decades ago—50 years ago—when the commercial nuclear industry was first getting started, there were not any loan guarantees. In fact, even during the early days, there was no subsidy along these lines. People would say, let's support research, let's support various opportunities to assist with the nuclear reactors but not even in the early days was there a construction subsidy. In fact, in the Atomic Energy Act of 1954 there was an explicit prohibition on subsidizing any of these facilities.

So what we are talking about is something where a nonpartisan analysis from the Congressional Budget Office has made it clear it is risky. They said there is upwards of a 50-percent likelihood of default. The Congressional Research Service has said it is going to be costly. Mr. President, $14 to $16 billion is the appraisal of the Congressional Research Service.

I have made it clear it is unprecedented both with respect to this bill and the history. Finally, it is simply unfair when you compare it to other sources of power.

I wrap up this part of the discussion by making sure Senators are clear on the distinction between nuclear power and various other sources of power under this proposal.

Under the way the Domenici legislation is written, if you do not produce any wind, you get no direct subsidy. But under the legislation as it stands today, if you do not produce any nuclear power, you get a subsidy. That is as clear a distinction as we could possibly make. For all the other sources of power, if you produce nothing, no subsidy; for nuclear, if you produce nothing, you get a big subsidy. The difference—what it all comes down to—is whether Senators believe that one particular source of power deserves cash up front and, in effect, putting taxpayers on the hook at the outset before anything is produced.

On a bipartisan basis—three Democratic Senators, three Republican Senators, and an Independent—we think that is unwise.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I have been asked because of other people—not me—that we commence this vote at 3:45. I ask unanimous consent that be the case.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The unanimous consent request has been made. Is there objection?

Mr. WYDEN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, if we could just take a second to make sure we are fair, I note that the Senator from Nevada would like to have several minutes, and we would like the opportunity to close. So if we can work out the opportunity——

Mr. DOMENICI. I say to the Senator, they want a vote at 3:45, so we don't need any time. He can have 3 minutes and you can close.

Mr. WYDEN. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized for 3 minutes.

Mr. ENSIGN. Mr. President, I just want to make a couple points and keep it fairly brief.

The nuclear power industry has been around for a long time. We hear about other new sources of energy that this country is trying to develop, and it seems to make sense we would subsidize some of that new research. It is basic research that the Government is involved in. Whether it is health care, whether it is energy, that seems to be an appropriate role for the Federal Government.

But nuclear energy has been around for a long time, and it is commercially viable in many other countries in the

world. To this Senator, it does not seem to be the right thing to do to be subsidizing nuclear power because it should have already proven its merit in the marketplace and been able to stand on its own.

Unfortunately, we have a situation where we had a vote last year on the Yucca Mountain project, which is the Nation's nuclear waste repository, and this Senate decided to continue to build Yucca Mountain. What that indicates is that the Senate is already subsidizing nuclear power. People say, no, Yucca Mountain is being built by the ratepayers, the people who receive the benefits of nuclear energy. They pay a tax on that or a rate on that and, therefore, they pay into the nuclear fund that will build on Yucca Mountain.

According to the General Accounting Office, that is not going to be enough. So we are going to be subsidizing nuclear power as it is. To add another subsidy would be wrong at this time. Whether you look at Japan or Germany, these other countries, they are building them commercially; they are operating them viably.

If nuclear power is so good commercially, then it should stand on its own. We have several other provisions in the bill that Senators SUNUNU and WYDEN have not touched on nuclear power. But to actually have Federal loan guarantees that will leave the taxpayer holding the bill would be wrong at this time. If nuclear power is going to stand, let it stand on its own.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. DOMENICI. Mr. President, I wonder if the Senator could do me one favor. Let Senator GRAHAM have 1 minute. Then you wind up with the time you have, the same time you have.

Mr. WYDEN. I am happy to accommodate the Senator from South Carolina. How much additional time do I have?

The PRESIDING OFFICER. Under the unanimous consent agreement, the vote was to occur at a quarter to 4. You have the time between now and then.

Mr. DOMENICI. We don't need to have the Senator speak. Go ahead.

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senator from South Carolina have 2 additional minutes and if I could have 3 additional minutes after he is done speaking.

Mr. DOMENICI. We cannot do that.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. It is not me. I have just been told, after instructions from the leadership.

Mr. WYDEN. Mr. President, then I would like to accommodate the Senator from South Carolina. I have a couple of minutes to go.

Mr. DOMENICI. You don't have a couple minutes.

The PRESIDING OFFICER. You have 2 minutes at this point. The Senator from Oregon.

Mr. WYDEN. Mr. President, as we move to the vote, basically all the arguments made against the Wyden-Sununu-Snowe-Ensign-Bingaman amendment, all of the arguments made against us were made for the WPPSS facilities which resulted in the biggest municipal bond failure in history. Back then they said it wouldn't be unduly risky. They said there wouldn't be any questions with respect to exposure to those who were financing it. Look at what happened. Four out of those five facilities did not get built.

I say to my colleagues, those who are pronuclear, those who are antinuclear, this is not about your position with respect to nuclear power pro or con. It is about whether or not you are going to be protaxpayer. The Congressional Research Service says the taxpayers are on the hook for $14 to $16 billion. The Congressional Budget Office says there is upwards of a 50-percent likelihood of default. Under this provision, the loan guarantees provide opportunities to construct nuclear facilities that no one else is getting. Other people don't get the break unless they produce something. Here you get the break even if you produce no nuclear power whatsoever and you get it directly out of the taxpayer's pocket.

It is unwise. I hope my colleagues will vote with three Democratic Senators, three Republican Senators, and an Independent for this amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 875.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ALLEN (when his name was called). Present.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—49

Akaka	Dodd	Lautenberg
Baucus	Dorgan	Leahy
Bayh	Durbin	Levin
Biden	Edwards	McCain
Bingaman	Ensign	Mikulski
Boxer	Feingold	Murray
Byrd	Feinstein	Reed
Campbell	Graham (FL)	Reid
Cantwell	Gregg	Rockefeller
Chafee	Harkin	Sarbanes
Clinton	Jeffords	Schumer
Collins	Johnson	Smith
Conrad	Kennedy	Snowe
Corzine	Kerry	Stabenow
Daschle	Kohl	Sununu
Dayton	Kyl	Wyden

NAYS—50

Alexander	Bennett	Breaux
Allard	Bond	Brownback
Bunning	Graham (SC)	Nelson (FL)
Burns	Grassley	Nelson (NE)
Carper	Hagel	Nickles
Chambliss	Hatch	Pryor
Cochran	Hollings	Roberts
Coleman	Hutchison	Santorum
Cornyn	Inhofe	Sessions
Craig	Inouye	Shelby
Crapo	Landrieu	Specter
DeWine	Lincoln	Stevens
Dole	Lott	Talent
Domenici	Lugar	Thomas
Enzi	McConnell	Voinovich
Fitzgerald	Miller	Warner
Frist	Murkowski	

ANSWERED ''Present''—1

Allen

NOT VOTING—1

Lieberman

The amendment (No. 875) was rejected.

Mr. CARPER. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank all Members for debate and votes.

I believe the Indian amendment of the Senator from Colorado is next.

AMENDMENT NO. 864 WITHDRAWN

Mr. CAMPBELL. Mr. President, as the author of amendment No. 864, the Indian provision to the Energy Bill, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I inquire as to what the order is.

The PRESIDING OFFICER. There is no unanimous consent agreement at this time.

AMENDMENT NO. 876

(Purpose: To Tighten Oversight of Energy Markets)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk on behalf of Senators FITZGERALD, HARKIN, LUGAR, CANTWELL, WYDEN, BOXER, and LEAHY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. FITZGERALD, Mr. HARKIN, Mr. LUGAR, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, and Mr. LEAHY, proposes an amendment numbered 876.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mrs. FEINSTEIN. Mr. President, I heard the comments of the distinguished ranking member that they had not had an opportunity to see the amendment. Of course, we will allow that opportunity to take place. This amendment closes a major loophole which allows energy trades to take place electronically, in private, with no transparency, no record, no audit trail, or any oversight to guard against fraud and manipulation.

This amendment will close a loophole created in 2000 when Congress passed the Commodity Futures Modernization Act which exempted energy and metals trading from regulatory oversight and excluded them completely if the trade was done electronically.

This amendment was presented by me before. Senator FITZGERALD spoke, Senator WYDEN spoke, Senator CANTWELL spoke. We got just about a majority. Senator Gramm of Texas argued against it. It did go back to the Agriculture Committee. The Agriculture Committee held hearings and both Senators HARKIN and LUGAR participated in making changes, which I think has made this a better amendment.

We were hoping for a markup, but the Congress ended without that markup having taken place. Now the Energy bill is before us, and it seems to me this is the time to present this.

This bill has had floor discussion. It has had a committee hearing. It has been modified by the chairman and the ranking member of the Agriculture Committee and is now before us.

Today, if there is no delivery of physical energy, there is no price transparency. By that I mean, if I buy natural gas from you and you deliver it to me, the Federal Energy Regulatory Commission has the authority to ensure that the transaction is transparent—meaning it is available to look at—and that it is reasonably priced. However, many energy transactions no longer result in delivery. In other words, if I sell to you and you sell to Senator CRAIG who sells to Senator DOMENICI who sells to somebody else who then delivers it, none of these trades is covered if done electronically. That means there is no record; there is no audit trail; there are no capital requirements; there is no transparency; there is no antifraud or antimanipulation oversight today. It is a huge loophole permitted in the Commodity Futures Modernization Act of 2000.

This lack of transparency and oversight applies to energy and metals trading. It does not apply if you are selling wheat or pork bellies or any other tangible commodity. Why do we include metals? Fraud and manipulation have not been confined to the energy trading sector. For example, in 1996 U.S. consumers were overcharged $2.5 billion from Sumitomo's manipulation of the copper markets.

Furthermore, in 1999 the President's Working Group on Financial Markets recommended excluding only financial derivatives, not energy and metals derivatives, from the CFTC's jurisdiction.

After intense lobbying by, of all people, Enron, a change was made to the Commodity Futures Modernization Act to exempt energy and metals trading from CFTC oversight in 2000. It did not take long for EnronOnline and others in the energy sector to take advantage of this new freedom by trading energy derivatives absent any transparency and regulatory oversight. In other words, a whole new niche was found where you could avoid any scrutiny and do this trading.

After the 2000 legislation was enacted, EnronOnline began to trade energy derivatives bilaterally, without being subject to proper regulatory oversight. It should not surprise anyone that without the transparency, prices soared and games were played.

Three years ago this summer, California's energy market began to spiral out of control. In May of 2000, families and businesses in San Diego saw their energy bills soar. The western energy crisis forced every family and business in California and many of the other States to pay more for energy. The crisis forced the State of California into a severe budget shortfall. It forced the State's largest utility into bankruptcy and nearly bankrupted the second largest publicly owned utility.

Now, 3 years and $45 billion in costs later, we have learned how the energy markets in California were gamed and abused. Originally everyone around here said: Oh, it's the problem of the 1996 deregulation law. I will admit that law is a faulty law. However, you cannot have the price of energy 1 year being $7 billion throughout the whole State and the next year it is $28 billion and say that is supply and demand. You cannot have a 400 percent increase just based on supply and demand. Clearly, you do not have a 400 percent increase in demand in a 1-year period of time. Nor did that happen in a 1-year period of time.

In March of this year, the Federal Energy Regulatory Commission issued a report titled ''Price Manipulation In Western Markets,'' which confirmed that there was widespread and pervasive fraud and manipulation during the western energy crisis. According to the FERC report, the abuse in our energy markets was pervasive and unlawful. Yet this Energy bill does not prevent another energy crisis from occurring nor does it curb illegal Enron-type manipulation.

Just last week, the FBI arrested former Enron trader John M. Forney, saying he was a key architect of Enron's well-known trading schemes blamed for worsening California's energy crisis in 2000 and 2001.

Mr. Forney was charged with a single count each of wire fraud and conspiracy. He is the third Enron trader accused by the Justice Department of criminal manipulation of western energy markets but the first who did not reach a plea agreement, leading to his arrest last Tuesday. According to the criminal complaint, Forney is allegedly the architect of the Enron trading strategies with the now infamous names of Ricochet, Death Star, Get Shorty, Fat Boy, and others.

These Enron strategies were first revealed on Monday, May 6, 2002, when the Federal Energy Regulatory Commission posted a series of documents on their Web site that revealed Enron manipulated the western energy market by engaging in these suspect trading strategies.

Under one such trading strategy called Death Star, which was also called Forney's Perpetual Loop, for John Forney, Enron would ''get paid for moving energy to relieve congestion without actually moving energy or relieving any congestion,'' according to an internal memo. It was a fraud.

It was a fraud. A was a trading strategy which was clearly and simply fraudulent and manipulative.

In another strategy detailed in these memos, Enron would ''create the appearance of congestion through the deliberate overstatement of loads'' to drive up prices.

The above-mentioned strategies reveal an intentional and coordinated attempt to manipulate the Western energy market for profit.

This is an important piece of the puzzle that has been uncovered. Some former Enron traders helped fill in the blanks.

CBS News reported in May 2002 that former Enron traders admitted the company was directly responsible for local blackouts in California. Yet, interestingly enough, no one has followed up on this report.

According to CBS News reporter Jason Leopold, the traders said Enron's former president Jeff Skilling pushed them to trade aggressively in California and told them, ''If you can't do that, then you need to find a job at another company or go trade pork bellies.''

The CBS article mentions that Enron traders played a disturbing role in blackouts that hit California. The report mentions specific manipulative behavior by Enron on June 14 and 15 in the summer of 2000 when traders said they intentionally clogged Path 26—a key transmission path connecting Northern and Central California.

Here is what one trader said about the event:

> What we did was overbook the line we had the rights on during a shortage or in a heat wave. We did this in June 2000 when the Bay Area was going through a heat wave and the ISO couldn't send power to the North. The ISO has to pay Enron to free up the line in order to send power to San Francisco to keep the lights on. But by the time they agreed to pay us, rolling blackouts had already hit California and the price for electricity went through the roof.

In other words, they waited for the weather. They calculatedly overbooked the line to clog the lines so that power could not be transmitted to the north. Therefore, what power was transmitted went sky high in terms of price. Second, a blackout resulted.

California lost billions. Yet according to the traders, Enron made millions of dollars by employing this strategy alone.

On top of all this, traders disclosed that Enron's manipulative trading strategies helped force California to sign expensive long-term contracts. It is no surprise that Enron and others were able to profit so handsomely during the crisis.

Now, after 3 years, the FBI and the Justice Department are beginning to

bring these traders to justice. In February, Jeffrey Richter, the former head of Enron's Short-Term California energy trading desk, pled guilty to conspiracy to commit fraud as part of Enron's well known schemes to manipulate Western energy markets.

Richter's plea followed that of head Enron trader Tim Belden in the fall of 2002. Belden admitted that he schemed to defraud California during the Western energy crisis and also plead guilty to conspiracy to commit wire fraud.

Nobody can believe this didn't happen, because it did. Two people have pled guilty, and a third was just arrested for doing just what we hope to prevent happening with this amendment.

The plea by Jeff Richter came on the heels of FERC's release of transcripts from Reliant Energy in January of this year that reveal how their traders intentionally withheld power from the California market in an attempt to increase prices. This is one of the most egregious examples of manipulation and it is clear and convincing evidence of coordinated schemes to defraud consumers.

Let me read just one part of the transcript to demonstrate the greed behind the market abuse by Reliant and its traders.

On June 20, 2000 two Reliant employees had the following conversation that reveals the company withheld power from the California market to drive prices up:

RELIANT OPERATIONS MANAGER 1. I don't necessarily foresee those units being run the remainder of this week. In fact you will probably see, in fact I know, tomorrow we have all the units at Coolwater off.

The Coolwater plant is a 526 Megawatt plant.

RELIANT PLANT OPERATOR 2. Really?

RELIANT OPERATIONS MANAGER 1. Potentially. Even number four. More due to some market manipulation attempts on our part. And so, on number four it probably wouldn't last long. It would probably be back on the next day, if not the day after that. Trying to uh . . .

RELIANT PLANT OPERATOR 2. Trying to shorten supply, uh? That way the price on demand goes up.

RELIANT OPERATIONS MANAGER 1. Well, we'll see.

RELIANT PLANT OPERATOR 2. I can understand. That's cool.

RELIANT OPERATIONS MANAGER 1. ''We've got some term positions that, you know, that would benefit.

That is what existed. That is the kind of thing that went on, and it has to stop. It has to be made illegal and it has to have heavy penalties.

Let's turn to some other examples.

On January 27, 2003, Michelle Marie Valencia, a 32-year-old former senior energy trader for Dynegy, was arrested on charges that she reported fictitious natural gas transactions to an industry publication.

On December 5, 2002, Todd Geiger, a former vice president on the Canadian natural gas trading desk for El Paso Merchant Energy, was charged with wire fraud and filing a false report after allegedly telling a trade publication about the prices for 48 natural gas trades that he never made in an effort to boost prices and company profit.

In other words, he is telling an energy trade publication about 48 gas trades that were never made. It was bogus information which was given out. Why? Simply to boost the market.

These indictments are just a few examples of how energy firms reported inaccurate prices to trade publications to drive energy prices higher.

Industry publications claimed they could not be fooled by false prices because deviant prices are rejected, but this claim was predicated on the fact that everyone was reporting honestly which we now know they weren't doing.

CMS Energy, Williams, American Electric Power Company, and Dynegy have each acknowledged that its employees gave inaccurate price data to industry participants. On December 19 Dynegy agreed to pay a $5 million fine for its actions.

Let us turn to other types of fraudulent trades that many energy firms have admitted to.

Dynegy, Duke Energy, El Paso, Reliant Resources Inc., CMS Energy Corp., and Williams Cos. all admitted engaging in false ''round-trip'' or ''wash trades.''

What is a ''round-trip'' trade, one might ask?

''Round-trip'' trades occur when one firm sells energy to another and then the second firm simultaneously sells the same amount of energy back to the first company at exactly the same price. No commodity ever actually changes hands, but when done on an exchange, these transactions send a price signal to the market and they artificially boost revenue for the company.

How widespread are ''round-trip'' trades? Well, the Congressional Research Service looked at trading patterns in the energy sector over the last few years and reported, ''this pattern of trading suggests a market environment in which a significant volume of fictitious trading could have taken place.''

Yet since most of the energy trading market is unregulated by the government, we have only a slim idea of the illusions being perpetrated in the energy sector.

Consider the following confessions from energy firms about ''round-trip'' trades:

Reliant admitted 10 percent of its trading revenues came from ''round-trip'' trades. The announcement forced the company's President and head of wholesale trading to both step down.

These are bogus traders.

CMS Energy announced 80 percent of its trades in 2001 were ''round-trip'' trades.

Eighty percent of all of the trading this company did was bogus.

Remember, these trades are sham deals where nothing was exchanged, yet the company booked revenues from the trades. This is exactly what our legislation aims to stop.

Duke Energy disclosed that $1.1 billion worth of trades were ''round-trip'' since 1999. Roughly two-thirds of these were done on the InterContinental Exchange owned by banks that oppose this legislation.

Let me repeat that. Duke Energy disclosed that $1.1 billion worth of trades were bogus ''round-trip'' trades since 1991. And two-thirds of those were done on the InterContinental Exchange, which is an electronic exchange. That means that thousands of subscribers would have seen false price signals.

A lawyer for J.P. Morgan Chase admitted the bank engineered a series of ''round-trip'' trades with Enron. Dynegy and Williams have also admitted to this ''round-trip'' trading. And although those trades mostly occurred with electricity, there is evidence to suggest that ''round-trip'' trades were made in natural gas and even broadband.

By exchanging the same amount of a commodity at the same price, these companies have not engaged in meaningful transactions but in deceptive practices to fool investors and drive up energy prices for consumers. It is, therefore, imperative that the Department of Justice, the Federal Energy Regulatory Commission, the Securities and Exchange Commission, the Commodity Futures Trading Commission, and every other oversight agency conduct an aggressive and vigorous investigation into all of the energy companies that may have committed fraud and abuse in the western energy market.

Beyond that, I believe strongly that Congress must reexamine what tools the Government needs to keep a better watch over these volatile markets that, frankly, are little understood. In the absence of vigilant Government oversight of the energy sector, firms have the incentive to create the appearance of a mature liquid and well functioning market, but it is unclear whether such a market exists. And I don't believe, for a minute, that such a market exists.

The ''round-trip'' trades, the Enron memos, the FERC report on ''Price Manipulation in the Western Markets'' raise questions about the energy markets of our country. To this end, I believe it is critical for the Senate to approve this amendment, which would provide more regulatory oversight of online energy trading.

When the Senate Energy Committee marked up the Energy bill in April, there was a consensus to include some provisions of the Energy Market Oversight Act, S. 509, I introduced earlier this year. The Energy bill, S. 14, does include higher criminal and civil penalties for violations of the Federal Power Act and the Natural Gas Act.

Under section 1173 of the bill now on the floor, fines will be $1 million instead of the current $5,000 for a one-time violation of the statutes. I thank

the chairman of the committee for this. Jail time will be raised to 5 years instead of the current 2 years. And I thank the chairman of the committee for this. Fines will be $50,000 per violation per day instead of the current $500 per violation per day for violations of the statutes. And I thank the chairman of the committee for this.

Furthermore, section 1174 of the Energy bill will eliminate the unnecessary 60-day waiting period for FERC to grant refunds. I thank both Senator DOMENICI and Senator BINGAMAN, the chairman and the ranking member of the Energy Committee, for their efforts to include provisions of S. 509, the Energy Market Oversight Act, in this Energy bill.

Now let me turn to the specifics of the amendment.

I am offering this amendment—and I am hopeful that Senator FITZGERALD will come to the floor; I know he intends to speak on this amendment, and I hope he does—I am offering this amendment to subject electronic exchanges, such as EnronOnline, the InterContinental Exchange, and any other electronic exchange, to the same oversight, reporting, and capital requirements of other commodity exchanges, such as the Chicago Mercantile Exchange, the New York Mercantile Exchange, and the Chicago Board of Trade.

Why should there be one secret trading venue where fraud and manipulation can take place abbondanza? I do not think there should be. I do not think it is in the interests of our citizens to have that happen. And the western energy market should be a major case in point.

I am very pleased that Senators FITZGERALD, HARKIN, LUGAR, CANTWELL, WYDEN, LEAHY, DURBIN, and BOXER have again signed on to this amendment. I was very proud of the work we did in the 107th Congress, and I hope we can adopt this amendment on this Energy bill because without this type of legislation, there is insufficient authority to investigate and prevent fraud and price manipulation since parties making the trades are not required to keep a record. That is the problem.

The CFTC will say: Oh, we are already doing that. But in the law there is no requirement to keep a record. There is a specific exemption in the law. So I do not see how the CFTC has the adequate tools to do what they need to do without this amendment because this amendment closes that loophole which exists just for energy and just for metals and, because of its existence, has allowed EnronOnline and a number of other exchanges—Dynegy had one; InterContinental Exchange had one as well—to do all these things in secret with no audit trail, no record, no capital requirements. Nobody has a responsibility to set any capital requirements. There is no audit trail and no antifraud and antimanipulation oversight. Clear and simple, it is a travesty.

Right now, energy transactions are regulated by FERC. When there is actual delivery, that is taken care of. If Senator REID sells me energy and I deliver it, that is covered by FERC. But interim trades are not covered by anybody. They are on their own in secret.

Many energy transactions no longer result in delivery, so this giant loophole where there is no government oversight—when these transactions are done on electronic exchanges—is major. I think it is mega. I think a number of companies have jumped into this void simply because they thought they could make a quick buck by gaming the system, and in fact they have done just that.

As I mentioned, in 2000 Congress passed the Commodity Futures Modernization Act, which exempted energy and metals from regulatory oversight, and excluded it completely if the trade was done electronically. So today, as long as there is no delivery, there is no price transparency, there is no record, there is no audit trail, there is no capital requirement, there is no antifraud, antimanipulation oversight.

This lack of transparency and oversight only applies to energy. It does not apply if you are selling wheat or pork bellies or any other tangible commodity. And financial derivatives are not included in this amendment.

It did not take long for Enron and others to take advantage of this new freedom by trading derivatives absent any regulatory oversight. Thus, after the 2000 legislation was enacted, EnronOnline, as I said, began to trade energy derivatives bilaterally without being subject to regulatory oversight. It should not be a surprise to anyone that prices soared.

In March, Warren Buffett published a warning in Fortune magazine saying:

> Derivatives are financial weapons of mass destruction.

In his annual warning letter to shareholders about what worries him about the financial markets, Warren Buffett called derivatives and the trading activities that go with them ''time bombs.''

In the letter, Mr. Buffett states:

> In recent years some huge-scale frauds and near-frauds have been facilitated by derivatives trades. In the energy and electric utility sectors, for example, companies used derivatives and trading activities to report great ''earnings''—until the roof fell in when they actually tried to convert the derivatives-related receivables on their balance sheets into cash.

We clearly saw this with Enron. Was Enron and its energy derivative trading arm, Enron Online, the sole reason California and the West had an energy crisis? No. Was it a contributing factor to the crisis? I believe it was.

Unfortunately, because of the energy exemptions in the 2000 Commodities Futures Modernization Act, which took away the CFTC's authority to investigate, we may never know for sure. In the 107th Congress, this legislation was debated during consideration of the Senate Energy bill, and it was a subject of a hearing in the Senate Agriculture Committee. As I said, time ran out before it could be marked up and passed. Since that time, both Senators LUGAR and HARKIN have made significant improvements to the legislation.

So today I am pleased to note that the following companies and organizations are supporting this legislation: the National Rural Electric Cooperative Association; the Derivatives Study Center; the American Public Gas Association; the American Public Power Association; the California Municipal Utilities Association; Southern California Public Power Authority; the Transmission Access Policy Study Group; U.S. Public Interest Research Group; the Consumers Union; the Consumers Federation of America; Calpine; Southern California Edison; Pacific Gas and Electric; and the FERC Chairman Pat Wood.

Here is a quick explanation of what this amendment does. It applies antifraud and antimanipulation authority to all exempt commodity transactions. An exempt commodity is a commodity which is not financial and not agricultural and mainly includes energy and metals. The bill sets up two classes of swaps for those made between sophisticated persons, basically institutions and wealthy individuals, that are not entered into on a trading facility, for example, an exchange. Antifraud and antimanipulation provisions apply and wash trades are prohibited. The following regulations would apply to all swaps made on an electronic trading facility and a ''dealer market'' which includes dealers who buy and sell swaps in exempt commodities and the entity on which the swap takes place. Antifraud and antimanipulation provisions and the prohibition of wash trades apply.

If the entity on which the swap takes place serves a pricing or price discovery function, increased notice, reporting, bookkeeping, and other transparency requirements are provided. The requirement to maintain sufficient capital is commensurate with the risk associated with the swap. We don't determine that in this legislation. The Commodities Futures Trading Commission would determine that. In other words, they would determine what kind of net capital requirement there will be, and that would be commensurate with the degree of risk involved in the transaction.

Except for the antifraud and antimanipulation provisions, the CFTC has the discretion to tailor the above requirements to fit the character and financial risk involved with the swap or entity. While the CFTC could require daily public disclosure of trading data, such as opening and closing prices, similar to the requirement of futures exchanges, it could not require real-time publication of proprietary trading information or prohibit an entity from selling their data. So proprietary information is protected.

The CFTC may allow entities to meet certain self-regulatory responsibilities as provided in a list of core principles. If an entity chooses to become a self regulator, these core principles would obligate the entity to monitor trading to prevent fraud and manipulation, as well as assure that its other regulatory obligations are met.

The penalties for manipulation are greatly increased. The civil monetary penalty for manipulation is increased from $100,000 to $1 million. Wash trades are subject to the monetary civil penalty for each violation and imprisonment of up to 10 years.

The FERC is required to improve communications with other Federal regulatory agencies. A shortcoming in the main antifraud provision of the CEA is also corrected by allowing CFTC enforcement of fraud to apply to instances of either defrauding a person for oneself or on behalf of others.

This would also require the FERC and the CFTC to meet quarterly and discuss how energy derivative markets are functioning and affecting energy deliveries. So they are required to look at this, to monitor it closely, and to sit quarterly and see how these markets are, in fact, functioning.

This would grant the FERC the authority to use monetary penalties on companies that don't comply with requests for information. This is essentially the same authority the SEC has today.

It would make it easier for FERC to hire the necessary outside help they need, including accountants, lawyers, and investigators for investigative purposes. And it would eliminate the requirement that FERC receive approval from the Office of Management and Budget before launching an investigation or price discovery of electricity or natural gas markets involving more than 10 companies.

This amendment is not going to do anything to change what happened in California and the West. But it does provide the necessary authority for the CFTC and the FERC which will help protect against another energy crisis. No one is immune from this kind of thing. The gaming, the fraud, the manipulation has been extraordinary.

Just the chutzpah to do Death Star, Get Shorty, Ricochet, just the chutzpah to do these kinds of trades in secret, it is a bunco operation. It is nothing else but. And who is buncoed? The consumer is buncoed. That is why consumer organizations feel strongly about this.

When regulatory agencies have the will but not the authority to regulate, Congress must step in and ensure that our regulators have the necessary tools. Unfortunately, sometimes an agency has neither. In this case, I am glad to have the support of FERC, and I hope the CFTC will reconsider its position and support this amendment.

I note that Senator FITZGERALD is on the floor. I would like to yield to him. But before I do, may I just say one quick thing.

Mr. REID. You are not yielding to Senator FITZGERALD.

Mrs. FEINSTEIN. Pardon me?

Mr. REID. You are not yielding to Senator FITZGERALD.

Mrs. FEINSTEIN. I am not?

The PRESIDING OFFICER (Mrs. DOLE). Senators are not permitted to yield the floor to one another.

Mrs. FEINSTEIN. I thank the Chair for the clarification.

I wish to make one comment about this amendment. This amendment has been in the Agriculture Committee. It has had a hearing. It has been reviewed by both staffs, Republican and Democratic. The Democratic chairman of the committee, Senator HARKIN, worked on this. The ranking member at the time, Senator LUGAR, worked on this. They have both concurred. They are supporting this legislation. The staffs have reviewed it.

We believe it is bona fide, that it is solid, and that it will stand the test of time.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 877 TO AMENDMENT NO. 876

Mr. REID. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 877 to amendment No. 876.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exclude metals from regulatory oversight by the Commodity Futures Trading Commission)

On page 17 after line 25:

''(10) APPLICABILITY.—This subsection does not apply to any agreement, contract, or transaction in metals.''

Mr. REID. Madam President, first, I commend the senior Senator from California and her cosponsor, the junior Senator from Illinois, for their amendment and their work on this very difficult issue dealing with derivatives and how to regulate them.

To critics of the amendment, I suggest you put yourself in Senator FEINSTEIN's shoes. She represents the largest State in the United States and one of the largest governments in the world. The State of California's GDP is larger than most countries' of the world.

In the West, we are still feeling shock waves from the energy crisis that threatened California's and Nevada's prosperity and brought home to all of us that we are in uncharted territory with energy deregulation.

Senator FEINSTEIN inadvertently included metal derivatives with the energy derivatives that are the intended target of her amendment. Unlike energy derivatives which raise questions because of the recent energy crisis, metal derivatives have been sold over the counter for decades. The amendments in 2000 to the Commodities Exchange Act did not change this, and that was proper. They only clarified and confirmed the legality of these markets.

Lumping metal derivatives together with energy derivatives would impose regulatory burdens that never existed even before the 2000 amendments and, of course, without justification; therefore, I offer this second-degree amendment to restore metal derivatives trading to exempt commodity status. Metals would be treated as if they were under the Commodity Futures Modernization Act of 2000.

Like other derivatives, metal derivatives markets help companies manage the risk of sudden and large price changes.

In recent years, derivatives and so-called hedging transactions helped the mining companies in the State of Nevada, which is the third largest producer of gold in the world, second only to Australia and South Africa, with a steadily declining gold price by selling mining production forward.

A large mining company in Nevada, Barrick Gold, had no layoffs during this period of time as a result of these forward selling programs. The last couple of years illustrate the function and value in the marketplace of such transactions. Some companies decided not to hedge, betting the gold price would rise and hedging contracts would lock them into below-market prices. Most of those companies are no longer around because the gold price has stayed relatively low.

In contrast, other companies hedged some or most of their production. These companies have survived or even thrived, for the most part. By choosing to manage their risk, they accepted the risk that the gold price could rise, but they stabilized company performance, continued to provide jobs and contribute to communities in rural Nevada where they are so important.

The gold mining business in America is so important. It is important because it is one of the few areas where we are a net exporter, and that is the way it has always been. The Feinstein amendment includes metal derivatives citing fraud in the metals markets, but there is no example of fraud on any occasion regarding the metals markets in the past decade.

Examples of such fraud that did take place a long time ago are cases such as the Hunt brothers in silver and Sumitomo in copper. These were regulated markets and over the counter trades did not exist at that time. The Hunt brothers just went out and bought silver on the free market. Neither of these fraud cases are addressed by the Feinstein amendment.

The attempt, as I indicated, by the Hunt brothers in 1979 to ''corner the silver market'' involved manipulation of the physical silver market. The

Hunt silver scandal involved trading on regulated exchanges, not in the over-the-counter derivatives markets. The trading abuses involved the physical accumulation of 200 million ounces of silver. It did not involve over-the-counter derivatives.

I say in passing, I had a great friend. His name was Forrest Mars, one of the richest men in the world. He lived in Las Vegas in a very small apartment above his candy store. But as you know, this giant of commerce was a multi-multibillionaire. After the Hunt brothers had manipulated the market, he told me: These guys are so dumb. They should have come to me. I could have told them you cannot have monopolies. They do not work. I tried it a couple times.

He said: For example, once I went out and tried to corner the market on black pepper. Black pepper has been part of commerce for so many centuries, and he figured he could corner the market on all black pepper, and he did. He owned every producing facility, farm, and manufacturing facilities related to black pepper in the world. But he said: They outfoxed me because all they did was dye white pepper and ruined my monopoly.

I say this because the Hunt brothers fiasco in 1979 was an effort to have a monopoly, and it did not work for a lot of reasons.

The Sumitomo situation involved the alleged manipulation of the copper market by a Japanese company acting through a rogue trader acting in London and Tokyo. The trading abuses occurred on a fully regulated exchange, not in the over-the-counter derivatives market. The trading abuses involved manipulation of the price of copper on the London Metal Exchange, a futures exchange which is fully regulated by the UK's Financial Services Authority. Further, the manipulation took place overseas, not in United States markets.

I repeat, we owe Senator FEINSTEIN and Senator FITZGERALD a debt of gratitude for their interest in this issue and their work in proposing changes to the Commodity Exchange Act that will ensure trading in energy derivatives when it is done over the counter with transparency, in a way that inspires public confidence in the markets.

I urge my colleagues to eliminate metals from this amendment. I think it would help the adoption of their amendment. If they decide not to do that, I urge my colleagues to support my amendment which strikes metal derivatives from the Feinstein amendment. My amendment would not allow metal derivatives markets and participants to trade derivatives without accountability and transparency. Adequate recordkeeping needs to be in place. The Commodity Exchange Act already requires some recordkeeping for these otherwise ''exempt'' transactions.

Derivatives are essential to the health of the metals market, and fraud in metals markets did not involve over-the-counter derivatives.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FITZGERALD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. Madam President, I rise today to support my colleague from California, Senator FEINSTEIN, and her amendment, which I have cosponsored, which would very simply close the so-called Enron loophole in the commodity futures trading laws of this country.

This really is not that complex an issue. A few years ago, we passed a reauthorization of the Commodity Futures Trading Commission. I am very familiar with the commodities industry because we are the heart of it in my State of Illinois, particularly the city of Chicago, where they have the largest derivative exchanges in the country in the Board of Trade, in the Mercantile Exchange in Chicago. Those exchanges trade all sorts of commodities from pork bellies to Treasury bonds. They trade financial commodities as well as agricultural commodities, corn and soybeans.

The Board of Trade and the Mercantile Exchange, like the NYMEX, the New York Mercantile Exchange in New York, or the New York Board of Trade, are fully regulated exchanges. The reauthorization of the Commodity Futures Trading Commission, which we passed a few years ago, continued that regulation that we have had in this country over our boards of trades and our other derivatives or futures transaction trading facilities in this country.

Somehow, when we were working on that legislation in the House and the Senate—it is funny how little codicils, little paragraphs and sentences get added when the bills go to conference committees between the House and the Senate. I believe what happened is when that bill was over in the House, a couple of congressmen added some language that exempted from all regulation by the CFTC—and there is no regulation by the SEC in this area—online facilities that trade energy, metals, and broadband derivatives contracts or futures contracts. Online exchanges that trade those kinds of contracts are completely exempt from regulation. This is the so-called Enron loophole.

At the time, Enron owned EnronOnline and they had an online platform for trading energy contracts, which when Enron went bankrupt later they sold.

Now that EnronOnline was totally exempted from regulation—as Senator FEINSTEIN very eloquently and very thoroughly described for us all of the bogus trades that were done on online derivative exchanges that trade metals and energy contracts, and she described the wash trades that were discovered when Enron fell apart. In fact, many energy companies were simply engaging in round trip trades with trading partners. A round trip trade, as Senator FEINSTEIN noted, is when one party sells a commodity to another party at a certain price, and the other party sells that same commodity back at the very same price. Nothing really transpired in that transaction except that the other party books revenue from a sale and this party books revenue from a sale, but nothing really happened from an economic point of view.

If party A sells a barrel of oil to party B for $30, and party B simultaneously sells a barrel of oil back to party A for $30, nothing has really happened. Everybody is still the same. What we saw in the energy industry with a whole bunch of energy companies, not just Enron, is they were artificially boosting their revenues by engaging in wash trades, round trip trades with other energy partners.

I recall one energy company after this came to light had to restate its revenues downward by $7 billion when new auditors came in and made them cancel out all these wash trades.

Senator FEINSTEIN's amendment simply closes this Enron loophole. It says the CFTC will be able to ban wash trades on these online derivatives transaction facilities. That is all we are trying to do. She does not impose full-scale regulation by the CFTC like we have at the Board of Trade or Mercantile Exchange in Illinois or the New York Mercantile Exchange in New York. They have far more regulation. However, we will put a light level of regulation on online derivative transactions facilities that trade energy, metals, and broadband online. Do not forget, Enron was a big trader of broadband, as well. In fact, that is why the Enron loophole as it got written in the House created a special carve-out for energy, metals, broadband, and also weather contracts.

The question is—why are we picking out energy, metal, broadband, and weather contracts and saying these contracts when traded online cannot be regulated by anyone? What is the public policy rationale for this special carve-out? Why didn't they also include corn and soybeans in this carve-out? Or other commodities? The fact is, this was a special interest carve-out for a hand full of companies.

Now, there is a company owned by a number of banks and energy companies called the InterContinental Exchange. I believe it is opposed to our amendment. Why they are opposed—I gather some of their owners are, in fact, for this—but the majority of the owners of this exchange are opposed. They do not want to be regulated. Our obligation is not to those banks that own the InterContinental Exchange or to the energy companies that own the InterContinental Exchange. Our obligations here

are to investors around the country and to consumers around the country.

We saw what kind of wool can be pulled over people's eyes when online exchanges are allowed to go on without any regulation. Not only were a bunch of energy companies such as Enron doing round-trip trades to artificially boost their own revenues but they were also doing fictitious round-trip trades to set artificial prices.

Indeed, although I was very skeptical at first whether that was happening in California but, in fact, it was. The online exchanges would tell California that this is the price that has been trading on our online exchange, so that is the price you have to pay for the energy. But, in fact, it was a fictitious market and most of the trades were fictitious and no one could regulate it.

All we are trying to do is have a light level of regulation to ban wash trades, round-trip trades, ban fraud and abuse, and protect consumers and investors, have some price discovery so people can know what the prices are for the commodities that are traded on these online exchanges, a very light level of regulation to protect the integrity of our derivatives market.

My good friend and colleague from the State of Nevada, the senior Senator from Nevada, Mr. REID, has proposed exempting metals contracts from the amendment Senator FEINSTEIN and I have put together. In other words, he would go along with closing the Enron loophole with respect to energy and broadband but he wants to keep a carve-out for metals. I don't think that is a good idea. We should not have to wait until we have fraudulent transactions involving a metals contract, say, of gold, silver, or platinum, before we act. We have already had fraudulent transactions in energy markets on the online exchanges and we need to stop that. But certainly we can foresee the same problem could occur in an online contract of metals that is traded on one of these online exchanges. All commodities of which there is a finite supply should be treated equally. We should not have a special carve-out either for energy or for metals or for broadband.

In 1999, a working group was put together on the financial markets and the working group was put together ahead of our rewrite of the Commodity Futures Modernization Act. The panel comprised in the working group was made up of Federal Reserve Chairman Alan Greenspan, the Treasury Secretary, the Chairman of the SEC, and the Chairman of the CFTC at the time. In their report, the President's Working Group on Financial Markets, as it was called, that group concluded:

> Due to the characteristics of markets for nonfinancial commodities with finite supplies [energy, metals broadband all fit that category; they are nonfinancial commodities and there are finite supplies of energy and of metals] the working group is unanimously recommending that the exclusion not be extended to agreements involving such commodities. The exclusion should not extend to any swap agreement that involves a nonfinancial commodity with a finite supply.

In other words, the President's working group was saying there should be oversight, there should be regulation of swap agreements, of futures contracts, of derivatives contracts, involving nonfinancial commodities with finite supplies. They separated that category of commodities from financial commodities that have an infinite supply, say, interest rates futures, or futures contracts or derivative contracts based on currencies. With those types of financial commodities, it is very difficult for someone to corner the market in interest rates, for example. I don't think it is possible. There is not a finite supply of interest rates. No one could corner the market there. So they wanted to provide legal certainty for derivatives involving financial commodities with infinite supplies and they have done that. We did not touch financial derivatives. We allow that legal certainty to remain for the financial commodities. We do not upset that. Instead, we simply treat energy, metals, and broadband, as the other finite commodities such as corn and soybeans and other agricultural commodities are treated.

The President's working group made this recommendation that all nonfinancial commodities with finite supplies be treated the same. I have to ask my colleagues, what possible public policy rationale could explain the carve-out in the commodity futures reauthorization bill for energy and metals transactions? If it is proper to exempt these finite physical commodities from CFTC regulation, why not exempt agricultural commodities such as corn, soybeans, and pork bellies? It does not make any sense and we should close this loophole.

Some have argued that we shouldn't have regulation in this area. I know, particularly on my side of the aisle, there are a lot of conservative Republicans, and I am certainly a conservative Republican, and very pro-free markets. I am always reluctant to see Government regulation and I always question the need for it. However, I point out that a light level of Government regulation can actually be healthy in promoting markets.

There is no finer example than our security markets in the United States. Prior to the adoption of the Securities and Exchange Commission Act in the early 1930s, average people remained very leery of ever investing in the stock market. They thought it was a fool's game that was rigged for the insiders on Wall Street and it was very risky. In fact, by regulating the securities markets and making it safe for average people to invest in the markets by having some laws against the insider dealing and so forth, and requiring a thorough dissemination of information so it could be widely shared, we have gotten to the point where over 50 percent of Americans in this country invest in the stock market.

I point to that example as an area where we have pretty light regulations in our security laws. They are simply disclosure laws. Publicly traded companies have to file disclosure and there is not much more regulation than that, but that disclosure is very important in maintaining the integrity of our markets.

I believe Senator FEINSTEIN and I have an amendment that is very light regulation, that simply will help restore the faith of people who may want to trade, of institutions that may want to trade in an online derivatives facility. It will restore their faith in that market, give them more trust in that market and make them more likely to use that market.

Since we have had this scandal in the energy industry, the InterContinental Exchange's volume has just plummeted and people who wanted to hedge their positions in energy and metals have been flocking back to the fully regulated exchange in New York, the New York Mercantile Exchange.

So the point here, the moral of this story, I think, is by opposing this regulation, the InterContinental Exchange has, in fact, hurt their own cause because people are staying away from their market. They do not trust it, they know there is no price discovery, they know there is no regulator there who is going to prevent them from being defrauded. There is no cop there so nobody wants to trade there.

So if the InterContinental Exchange and the banks that own it want to encourage all the Senators here to vote against this, I think they are actually working against their own self-interest in the long run, just as Wall Street would have been working against its own self-interest back in the 1930s if they had come to Washington and tried to block the implementation of the Securities Exchange Commission Act.

All the bill does, and Senator FEINSTEIN has gone through it very thoroughly—but specifically it requires reporting, notification, and recordkeeping. In addition, it requires these energy and metal trading venues to keep books and records and maintain sufficient capital to operate soundly. Those are just commonsense requirements. Why anybody would be against this, I don't know.

Finally, on a somewhat more parochial basis, as someone who represents the exchanges in Chicago, the Board of Trade and the Mercantile Exchange, they have a much heavier degree of regulation than we are asking of these online exchanges that trade in energy and metals. I, frankly, think it is unfair to impose super-regulations on one type of trading facility and then no regulation at all on another type of facility. I think that unfairness in the disparate treatment between different derivatives transaction facilities is a disparity and disparate treatment that should be eliminated in the name of fairness.

The bottom line is, while there has been a lot of hype surrounding this

issue, I think those who study it closely will realize, will recognize it is good public policy. It is in the public's interest.

I urge my colleagues to support this amendment. It is very well drafted. Senator LUGAR and Senator HARKIN have both signed on as cosponsors. It was the subject of a hearing in the Agriculture Committee, as Senator FEINSTEIN pointed out, and the Agriculture Committee, of course, is where legislation dealing with the Commodity Futures Trading Commission goes. The Agriculture Committee has worked on this, and they produced very good legislation that will prevent, if we adopt it, the kind of abuses we have seen in online derivatives transactions in the last couple of years. It is a commonsense amendment. It simply will make it easier to act against fraudulent or bogus energy or metals or broadband trades. It is common sense. I urge my colleagues to adopt it.

Unless anyone further wishes to talk, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I rise to thank the Senator from Illinois. We have worked on this now through two Congresses. It was very clear to me that he has a great deal of knowledge in this area. His advice, his support, his efforts have been very helpful. I think he has very clearly stated the facts of this legislation.

There are those who, for purposes I do not understand, want to make this legislation out to be much more than it is, some heavy requirement of Government. Really, all we are saying is, if you are going to trade online, energy and metals and broadband, those trades are subject to recordkeeping, to an audit trail, and to antifraud and antimanipulation oversight.

That is the same as any other finite commodity. Anywhere else does this same thing. But this loophole, at the request, as the Senator from Illinois said, of Enron—by the House, and then in a conference in 2000 they dropped the requirement for coverage from the Commodity Futures Modernization Act. Therefore, this loophole was created into which these companies jumped and began to set up these online trading exchanges.

I couldn't believe my eyes when I saw that one company announced that 80 percent of the trades they did in 2001 were round trip or wash trades.

Senator FITZGERALD just explained that very clearly, what a round trip or a wash trade is.

Mr. FITZGERALD. Will the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mr. FITZGERALD. I ask Senator FEINSTEIN, I was wondering, you said one company said 80 percent of its trades had been wash trades, just round trip trades. Was that an energy firm?

Mrs. FEINSTEIN. Yes, it was CMS Energy. The year was 2001. They announced that.

Additionally, Duke Energy disclosed that $1.1 billion worth of trades were round trip, wash trades, since 1999; roughly two-thirds of these were done on the InterContinental Exchange, which means that thousands of subscribers would have seen these false price signals.

I could finish this, if you like? A class action suit accused the El Paso Corporation of engaging in dozens of round trip energy wash trades that artificially bolstered its revenues and trading volumes over the last 2 years.

CMS Energy Corp. has admitted conducting wash energy trades that artificially inflated its revenue by more than $4.4 billion.

So this is important. I have a hard time, I think, as you do, that if I sell something to you and you just sell it back to me and we both boost sales and yet nothing is really sold, that that is a legitimate way of doing business.

Mr. FITZGERALD. Madam President, I ask Senator FEINSTEIN if it is true that under the current law no one can do anything about these wash trades because of this Enron loophole that is in the law. We are trying to take that out, so somebody could actually ban this kind of fraudulent trading practice. Isn't that correct?

Mrs. FEINSTEIN. That is absolutely correct. That is what we are trying to do. For the life of me, I don't understand why people are against it.

Mr. FITZGERALD. Does the Senator know why people would oppose the authority of regulators to ban wash trades? Has anybody explained that to the Senator?

Mrs. FEINSTEIN. The only thing I can figure is they want to do it. They want the unabashed ability to conduct the bogus trades. That would be the only reason they would want this little, dark, hidden place through electronic trading because there is no oversight for fraud or manipulation. There is no record kept. There is no audit trail.

Mr. FITZGERALD. And no one can find out what prices they were trading at, either. There is no price discovered.

Mrs. FEINSTEIN. That is right.

Mr. FITZGERALD. They do not do these wash trades at the exchange in New York because all of that would be transparent to the public.

Mrs. FEINSTEIN. That is exactly right. That is why we suspect it. It is hard to prove.

Again, there have been three arrests of Enron traders who devised these schemes. Actually two were plea-bargained. There was a recent arrest last week of this fellow who apparently set these trading schemes up for Enron.

To have a transparent marketplace, I think, gives confidence to the 50 percent of the people who are small investors who would want to participate in the market. You have to show there is oversight. You have to show it is up and up, that it is a legitimate bona fide marketplace with trades that mean something.

In my heart of hearts, I believe that a lot of this kind of activity is what amounted to a 400-percent increase in the cost of power in 1 year in California alone.

Mr. FITZGERALD. Because they were simply trading back and forth amongst themselves at a price that really was not determined on an arms' length basis. They were just engaging in bogus trades back and forth to artificially set a price or to artificially increase revenues for the companies on both sides of the trade. Some of these transactions were done on the InterContinental Exchange.

As I recall, when we had the hearing before the Senate Agriculture Committee, either early this winter or maybe even last fall, some shareholder on the InterContinental Exchange came before the committee and testified that notwithstanding the official position of the exchange they, as an owner of the exchange, disagreed with the policy of the InterContinental Exchange on this, and they favored our elimination of this Enron online loophole in the commodities laws; they thought that the company in which they were a shareholder would be better off if there were some regulation of their business.

Does the Senator recall that?

Mrs. FEINSTEIN. I was not at the hearing. I do not recall that. But I think whomever that was, they are certainly correct because that would give confidence to their company and to people to invest in that company which is on the up and up, which is regulated and which has transparency.

I think particularly now after what we know has transpired over the past that this is one of the reasons why our economy has had problems in that people have lost confidence. They have seen these companies go down.

The Senator mentioned some of the big companies that have gone down that have done just this kind of thing. At some point, Peter has to pay Paul. If they don't have the capital to handle it, there is a problem.

Mr. FITZGERALD. If we had the same problem somewhere in the stock market and people couldn't figure out the price of a stock by looking in the newspaper or looking on the Internet to see what the published price of a stock was on the exchange, if instead you had a similar situation with a stock as you have with these online energy derivatives exchanges, and a customer had to call the exchange and ask what the price of oil is trading at, but you just had somebody telling you the price of oil is such and such but you had no way of verifying that, I think no one would want to invest in the stock market if you couldn't discover the price, or if there was no price discovery.

Why does the Senator think anybody would even want to trade on an online exchange in which there is no price discovery, or where there is no regulator protecting the customers from fraud, manipulation, or abuse? Why is it that someone would even want to trade on such an exchange? Isn't it true that, in fact, the InterContinental Exchange volume, the last I heard, was dropping and their legitimate customers were going back to trading on a fully regulated exchange in New York, the NYNEX?

Mrs. FEINSTEIN. The Senator is asking me to hypothesize. I sure wouldn't do it. I can only assume that some sophisticated trader has worked out some scheme and was utilizing it in this venue and knew that he or she was safe because there was no way to pin it on them. There were no records kept.

Mr. FITZGERALD. If someone is operating a corrupt exchange and there is no price discovery and no regulation, isn't it true that a customer could call into that exchange and say, I want to trade oil at $30 a barrel, and the broker could tell them he could get some oil at $35 a barrel and just require the customer to pay more than that customer really should have had to pay because the market wasn't that high, there is no way for the customer to know what the real market price is? The broker could make up a price and then keep the difference for himself or for the exchange. Isn't that correct, if there is no price discovery?

Mrs. FEINSTEIN. That is correct.

Mr. FITZGERALD. It seems to me that this is an absolute no-brainer to close this indefensible loophole. I can't imagine that anybody is going to want to defend the concept that we can have an online exchange that is open for business with the public, although not retail customers, I gather, but institutional customers, where it is just a black hole which no one can regulate and can't ban wash trades where there is no price discovery. What in the world would be the objection to closing this loophole and having some modicum of oversight to protect the people who may want to use this exchange and to protect the integrity of the market?

Mrs. FEINSTEIN. The Senator is absolutely correct. When we had this vote in the last Congress, if I recall correctly, we got 48 votes. It wasn't really crystal clear what the excesses were at that time. Now we have documentation of the excesses. We have literally billions of dollars of fraudulent trades, wash trades, round-trip trades, whatever you call them, but fraudulent trades. So we know. We also know that Mr. Fortney was arrested and two others have plead guilty to creating these schemes. To continue to allow that kind of thing to exist would be a real dereliction of this Congress.

Mr. FITZGERALD. There really is a difference between this year's vote and last year's. Last year when the Senator and I had this amendment on the floor, it was in the immediate aftermath of all those energy companies collapsing. There were some initial reports out there about possibly bogus trades but we didn't have that proof yet. We had 48 votes, 2 votes shy of passing it.

Since that time, and in the intervening year, we have had all the hard evidence come out proving everything the Senator and I were saying last year on the floor of this body—that there were, in fact, bogus wash trades not only in the millions of dollars but in the billions of dollars. How big were some of those?

Mrs. FEINSTEIN. CMS Energy admitted to conducting wash energy trades that artificially inflated its revenue by $4.4 billion.

Mr. FITZGERALD. That was probably a huge percentage of their revenues—all fictitious—from doing wash trades on an online exchange with no economic purpose. But that fictitious revenue was fooling the investing public, making people think that company had more revenue than it actually did. They were all just ''wash'' trades.

Mrs. FEINSTEIN. Right. May I ask the Senator a question? Some, I understand, may come to the floor and want a study. The study has already been done, and it is the ''Final Report On Price Manipulation in Western Energy Markets, Fact-Finding Investigation of Potential Manipulation of Electric and Natural Gas Prices.'' It was prepared by the staff of the Federal Energy Regulatory Commission. It was put out in March of this year.

I would like to read one section of it to the Senator and see if he is aware of this. It reads:

> Recommend that Congress consider giving direct authority to a Federal agency to ensure that electronic trading platforms for wholesale sales of electric energy and natural gas in interstate commerce are monitored and provide market information that is necessary for price discovery in competitive energy markets.

Mr. FITZGERALD. So you are saying the FERC has done a study in which they have already concluded that we basically need to close this loophole so there can be some price discovery and some monitoring of these energy markets?

Mrs. FEINSTEIN. That is correct. This is the report. It is a final report. It was done in March 2003, so it has been circulated for a few months.

Additionally, our legislation has the support of the chairman of the Federal Energy Regulatory Commission. We have kept in touch with him so he is aware of what is in the report, and, of course, the former chairman of the Agriculture Committee, Senator HARKIN, and former ranking member of the Agriculture Committee, Senator LUGAR.

Mr. FITZGERALD. Madam President, and my dear colleague from California, I think this is simply commonsense legislation and long overdue. I think it is unfortunate that we made the mistake when passing the Commodity Futures Modernization Act back a few years ago, which created that special carve-out for energy and metals and broadband contracts that were traded in an online exchange, that they could be exempt from regulation by anybody. Because had we not made that mistake, had Congress not made that mistake, it might have prevented the manipulation and fraud and abuse that was done at the hands of a whole bunch of energy companies. We might have prevented that, if we had not allowed this loophole to be included in that Commodity Futures Modernization Act. And I think it is high time we simply close that loophole.

Madam President, I will be interested to see who comes to the floor to make an argument that we should still have this loophole so that energy and metals contracts can be traded without any oversight by any regulator, so no one can discover the price, so that there is no protection for the customers of these exchanges.

I will be interested to see who comes to the floor and what their argument is in favor of this because, I have to tell you, on most pieces of legislation that come before this body, it is pretty easy to see what the arguments will be on the other side. There is normally at least a plausible public policy rationale on both sides of the issue. But in this case, I have to say that, looked at very objectively, it is hard to understand how anybody could oppose this commonsense measure to protect the integrity of our energy and metals trading markets in this country. It seems like a very commonsense piece of legislation.

I compliment Senator FEINSTEIN. She has been tenacious in bringing this up, and she has been persistent to make sure that we had the opportunity to offer the amendment on the floor.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I would also like to point out another study that has been done in a CRS report for Congress, and that was dated January 28 of this year, pointing out that this bill was presented in the last Congress and probably would be presented in this Congress. One of the points it makes is that if over-the-counter derivatives dealers were required to keep and make available for inspection records of all trades and to disclose information about trading volume and prices, abuses like the ones we have been talking about would be easier to detect and, thus, presumably less likely to occur.

That is really the purpose of this: not to allow sort of a secret niche in the trading arena where people could go to hide and trade, but to bring the sunshine into that niche and to provide—and it is very conservative—regulation of what they must do.

I know my friend and senior Senator from Nevada has proposed an amendment. Regrettably, I have to vote against the amendment. This bill had been worked out with Senator HARKIN

and Senator LUGAR. My understanding is they believe we should close the loophole entirely, not leave one area sort of in the dark, so to speak.

I am troubled by the amendment because our reading of the amendment indicates that it effectively exempts metals entirely without any oversight or regulation by the CFTC, even less than under current law. In good conscience, I cannot do that.

So I think we made the arguments, Madam President. And with what has happened—and now that we know the extent of the fraud that has taken place online—not to close that loophole, I think, would be a terrible blot on this Congress.

So I am hopeful we will have a positive vote.

I thank the Chair for your indulgence and yield the floor.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. REID. Mr. President, I have been working with the two sponsors of this legislation. They have agreed to take my amendment. I have spoken with the majority and they say, no, they didn't want it to be done tonight, maybe tomorrow. I would simply say that we in good faith have worked, as I told the majority leader I would do, to try to move this bill along. Moving this bill along does not mean they are only going to be happy if we offer amendments that they like. The Senator from California in good faith offered this amendment. Whether people like it or not, if we are going to move this Energy bill along, we have to vote on it in some way. But it is my understanding that tonight nothing is going to happen.

It is pretty obvious nothing is going to happen. There has been nobody here. There has been nobody here to oppose her amendment. Of course, no other amendments can be offered until this one is set aside.

I just want the record to so reflect at a later time, when people come and say, we should try to move this bill along, and there have been statements on the floor made by the manager and the majority leader that they wanted to finish this bill this week.

I was asked at lunchtime, how did I feel about finishing the bill this week. I said to the reporters asking me: When you step back a little bit, there is about as much chance of our finishing this bill this week as my turning a back flip here in front of the two of you.

The record should reflect, I can't turn a back flip and never have been able to.

My point, I repeat, is that I am doing my very best to cooperate as I have been advised by the Democratic leader we should do everything we can to help with this bill. But help is a two-way street. When an amendment is offered that people don't like, you just can't have them leave rather than a single word being spoken against the amendment of the Senator from California other than my amendment which they have agreed to accept.

Having said that, wanting to continue to move this important piece of legislation, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EDWARDS. Mr. President, I was unavoidably absent for rollcall vote No. 212 on the Dorgan amendment. Were I present for that vote, I would have voted in favor of the amendment.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

IRAN

Mr. BROWNBACK. Mr. President, I don't want to overly belabor the point but there is a very important thing happening on the other side of the world, in Iran, at this very time. My office has been receiving, now, numerous reports of a growing protest in Iran taking place right now. This is within the past couple of hours. It is dawn in Tehran, as I speak. It is estimated that this past evening between 5,000 to 8,000 students are joining protests against the Government's crackdown on student democracy dissidents.

Recently, five student leaders were arrested in advance of the July 9 anniversary of the original mass student protest in 1999. Even though it is now almost dawn in Tehran, the protest has continued.

I understand during the night there was a dissipation of the protest. A number of the student protesters—this was outside Tehran University—who were protesting dissipated. Rather than going back to their dorm rooms, they have gone and dispersed to other places because, after the 1999 protest, a number of the Iranian military guard went to the dormitories and arrested en masse a number of students and they were roundly punished.

We have also received reports that Iranian Government forces are beating up on the protesters, firing warning shots at them. I do not have that verified but we have received these reports.

I call this to the attention of Members of this body because there has been a lot of discussion going on at the present time of U.S. policy towards Iran. I think it is clear the United States should clearly stand with those who stand for democracy.

We don't know if the student protest is going to go ahead and mature further or not, or if it is going to further brutally be put down.

This is in a buildup to a July 9 protest that had been planned for a number of months, to recognize the July 9, 1999, student protest that was brutally put down by the regime. This has been building. In anticipation of that, the regime in Tehran—and this is a dictatorial regime that has never been elected, the rulers have never been selected by the people in Iran—arrested these student leaders in advance of July 9 in an effort to put it down before it gets started.

This is deplorable. This is not democracy. The United States should stand with those who stand for democracy. We should have a clear official policy that our position toward Iran is to support those who support democracy and we support democracy in Iran. We stand for that with the Iranian people.

There has been a growing, burgeoning movement in Iran of young people who do not want anything to do with this dictatorial regime. They have lived, now, some 25 years, over 25 years under this militant, dictatorial regime that supposedly has put Islamic law in place and they are tired of it and they want no more of it. They want no more of it and they are willing to put forward their lives in this gallant effort, this brave push for democracy. That is their desire.

I call on the Iranian Government to stop beating and harassing their own people. The students are shouting: Khatami, Khatami, go away.

These are the same students who gave President Khatami his start 7 years ago. He was elected as a reformer, which he has not produced on. Instead, he has continued with the same totalitarian way.

I believe he was one of seven candidates at the time selected by the ruling mullahs to be able to run in front of the people, and the people selected the most reformist, most hope minded.

He has not produced. But they didn't get a free selection. Nor does Khatami—I want to identify this as well—have free control. The ruling mullahs continue to control the military secret police, foreign policy, and the treasury.

They control, not President Khatami. So it is a system where unelected, unselected dictators brutalize a country, an elected reformer is not allowed to reform, and he isn't even selected by the people. He has to go through a selection process by the ruling mullahs, so only appropriate candidates can run for office. And the students are tired of it. They are fed up with it, they are protesting, and they are being brutalized in the process.

We should support the student movement for the July 9 nationwide protest in Iran. We should state that it is U.S. policy to stand for true democracy in Iran.

This is a great nation of great people. It is going to make a wonderful open democracy when it is liberated and opened up. These students are trying to pave the way for that to occur.

This is how history is made. It is made one brave act at a time. The world is watching how the regime treats the students, the protesters, and it will hold this regime accountable.

In Iran they have a saying that they yell frequently: ''Free Iran.'' As these protesters are yelling ''Free Iran,'' that should be our call as well: Free Iran.

Mr. President, I yield the floor.

VOTE EXPLANATION

Mr. BIDEN. Mr. President, yesterday evening the Senate confirmed the nomination of Michael Chertoff to the United States Court of Appeals for the Third Circuit. I was in Delaware attending a funeral last evening and, accordingly, was unable to attend yesterday's vote on Mr. Chertoff's nomination. I wish to note for the record, however, that I would have voted for Mr. Chertoff's confirmation yesterday, having voted to report favorably his nomination from the Judiciary Committee last month.

THE COAL ACT

Mr. GRASSLEY. Mr. President, I rise today to call attention to an issue whose time for reform and resolution has come. I am speaking of the so-called ''reachback'' and ''superreachback'' issues enacted in the Coal Act in the 1992 Energy bill. This insidious tax has caused numerous businesses to fail over the past 10 years as a result of its inequitable taking from those that should not have been included in this effort in the first place.

The Coal Act obligated companies to pay an annual tax to cover premiums of coal miner retirees' health care benefits. Not only did the Coal Act require companies then active in the coal mining business to pay but it also retroactively required companies—referred to as the reachback companies—that were no longer in the coal mining business to participate and assessed them liability to pay in to the Coal Act's combined benefit fund, CBF. This retroactive tax has been so crippling for a number of companies that many have been driven into bankruptcy. The very existence of many other companies that are subject to this tax is in danger due to the heavy obligation this tax imposes on them.

Needless to say, the provisions of the Coal Act that created the CBF were hastily crafted and rushed into law without the benefit of hearings in the Senate Finance Committee or serious examination by the Senate.

The combined benefit fund is not only financed by the taxes on these reachback and superreachback companies. At its inception, the coal miners' pension funds were used for part of the startup money for the fund. It is additionally funded through current transfers of the surplus interest income of the abandoned mine lands reclamation fund, or the AML. As of 2003, those transfers have been in the hundreds of millions of dollars.

Since the beginning, the solvency of the CBF has been in question. Even now, the possibility exists that, without reform in the near future, this fund could fail putting in jeopardy the coal miner retirees' health care benefits. To temporarily stabilize the CBF, Congress appropriated $68 million for fiscal year 2000 and another $96 million for fiscal year 2001 and $35 million for fiscal year 2003. These ad hoc appropriations are not a permanent solution and do nothing to guarantee that retirees will continue to receive health benefits in future years. For some younger retirees, the benefits from the CBF is their only source of health care until they are eligible for Medicare. For older retirees, it serves as a kind of Medigap policy.

In addition to reachback companies, the current law imposed crippling taxes on companies such as Plumb Supply in my home State of Iowa. Plumb Supply has been designated as a superreachback company. The superreachback companies were relieved of their prospective liability by the U.S. Supreme Court since 1998. They were not, however, afforded refunds of those improperly assessed taxes they had been required to pay into the CBF. This hurts Plumb Supply and all other similarly situated companies. The superreachback companies have been waiting patiently for the return of their money for nearly 7 years.

Many of us in the Senate, along with our colleagues in the House of Representatives, pursued legislation aimed at solving the reachback issue in a comprehensive manner during the 106th and 107th Congresses. We took on these efforts in order to create stability and fairness in the combined benefit fund, and to thereby provide a solution that would address the needs of all interested parties.

I sincerely hope that the Ways and Means Committee will take up legislation during this session of Congress to continue this program for coal mine retirees and their beneficiaries in a responsible fashion, while ending the unfair taxation imposed on businesses no longer active in the coal mining business.

Such legislation should do four things. First, it should provide for permanent solvency for the combined benefit fund. Second, it should relieve all reachback companies of prospective liability. Third, the long-overdue refunds to the superreachback companies should be satisfied immediately. Finally companies with an ongoing reachback liability should be given an opportunity to prefund their obligations on an actuarially sound basis.

If the Ways and Means Committee can send us this legislation, the Finance Committee will be most happy to receive and examine it so this issue can finally be resolved.

BURMESE FREEDOM AND DEMOCRACY ACT

Mr. LEAHY. Mr. President, I strongly support the Burmese Freedom and Democracy Act of 2002, introduced by Senator MCCONNELL and Senator FEINSTEIN. This legislation seeks to pressure the military junta in Burma to release Aung San Suu Kyi and help bring democracy and human rights to Burma.

Several days last week, Senator MCCONNELL came to the floor to speak on this issue. I want to commend him for his steadfast leadership, and associate myself with his remarks. I have also joined as an original cosponsor of this legislation.

The message that we are sending to the ruling junta in Burma is clear: Its behavior is outrageous. Aung San Suu Kyi is the rightful, democratically elected leader of Burma. She and her fellow opposition leaders must be immediately released. This legislation also sends a clear signal to the administration, ASEAN members, and the international community that we need to turn up the heat on this illegitimate regime.

The efforts of Senators MCCONNELL and FEINSTEIN are already having an impact. On June 5, 2003, the State Department issued a strong statement on this matter, which reads:

> The continued detention in isolation of Aung San Suu Kyi and other members of her political party is outrageous and unacceptable. We call on the SPDC to release them immediately, and to provide all necessary medical attention to those who have been injured, including assistance from international specialists. The offices of the National League for Democracy closed by the SPDC should be reopened without delay and their activities no longer proscribed.

But we all know that U.S. actions can only go so far. Bringing democracy and human rights to Burma will require active pressure from its neighbors in Southeast Asia, particularly

Thailand, Japan, and China. It will require these and other nations to disavow the failed policies of engagement. these policies simply have not worked.

I am pleased to see that the McConnell-Feinstein legislation attempts to trigger a process that will ratchet up the regional pressure on the Burmese Government. I am also glad to see that the United States has demarched every government in Southeast Asia on this issue.

In closing, I want to highlight the fact that the U.N. Envoy, Razali Ismail, was finally able to see Aung San Suu Kyi. According to CNN, Mr. Ismail said that she shows no signs of injury following clashes with a pro-government group. His exact words were ''she did not have a scratch on her and was feisty as usual.'' That is indeed good.

I was also glad to see Mr. Ismail call on the members of ASEAN to drop the organization's policy of nonintervention. He stated: ''ASEAN has to break through the straitjacket and start dealing with this issue. . . . The situation in Burma can only be changed if regional actors take their positions to act on it.''

I agree. The international community has a responsibility to act together to pressure the SPDC. The time for appeasement is over.

Mr. ALLEN. Mr. President, I rise today to condemn the ongoing repression of the democracy movement in Burma. This latest crackdown has included the rearrest and injury of Daw Aung San Suu Kyi and brutal attacks on her supporters. Burma's regime has ignored the basic human rights of its citizens and is intent only on preserving its own brutal grip on power.

Since last May, the international community has significantly decreased pressure on Burma's regime. During that time, we have seen only increased abuses. The numbers are staggering: Burma's regime has forcibly conscripted 70,000 child soldiers, far more than any other country in the world. The regime has tortured and locked up 1,400 political prisoners. Even worse, the regime has borrowed a tactic from the Bosnian war by using rape as a weapon of war, heaping misery on countless women and girls.

Clearly, the United States and the international community must more actively address the situation and Burma and take available steps to prevent further violence against those seeking desired democratic reform.

As my colleague from Kentucky Senator MCCONNELL has stated forcefully and eloquently over the last two weeks, the United States must provide international leadership. Next week, Thailand's Prime Minister Thaksin Shinawatra will be visiting Washington, DC to meet with the President and other senior government officials. This meeting would provide an ideal opportunity to urge the Prime Minister to make every effort to formulate a policy to help bring about positive change in Burma.

I say to the people of Burma that the people of the United States support you and share your values. We admire your courage, and commend your bravery. We will continue to support your struggle, as long as this oppressive regime remains in power.

The United States has a long history of supporting democratic change and condemning regimes that repress and disregard the will of the people. This most recent attack on democratic reformers in Burma only underscores the need for the U.S. to be vigilant in voicing strong disapproval with the actions of the current regime, and assist the legitimately elected leaders of Burma to bring much needed democratic reform and respect for universally recognized human rights to the people of Burma.

HONORING OUR ARMED FORCES

Mr. CRAPO. Mr. President, today I rise to pay tribute to those members of the Armed Forces who have served and continue to serve in Operation Iraqi Freedom. Countless women and men have answered the call of our country to preserve and protect our freedom against those individuals and regimes that would seek to compromise or destroy our way of life. Reservists have left civilian lives behind, parting with wives, husbands, parents, children, and friends in order to fulfill their commitment to our country's defense. Active Duty military members have gone from merely conducting exercises mimicking war, to leaving their homes and families to engage in the real thing, on foreign soil, thousands of emotional and physical miles from familiarity and comfort. These brave soldiers, airman, marines, and sailors do their jobs in a place where injury and death lie in wait at every turn. The next rise in the gritty, windblown landscape may hide 160 pounds of profound desperation peering from behind the barrel of a gun. The building around the corner needing to be secured might be rigged with enough explosives to make a small child's father or mother nothing but a memory. floating just beneath the roiling surface of the water, there might be a mine, with deadly patience waiting for the next ship to pass overhead so that it can accomplish its gruesome mission. These are some of the hazards our military members face in their jobs. Frankly, it makes our job in these marble halls seem significantly less perilous.

I speak today to recognize in particular those faithful men and women from my State—Idaho. We have had approximately 450 reservists and active-duty members called to serve in the war. That may not seem like a large number compared to those from some other States, but proportionately it represents a significant percentage of Idahoans. We also have countless other soldiers who have family and friends who call Idaho home. This number does not include the over 160 who were activated to fill positions vacated at installations here by deployed personnel. We also have Idahoans continuing to serve in Operation Enduring Freedom, and in the fight against terrorism. I have spoken before of MAJ Gregory Stone and CPL Richard P. Carl, both soldiers from Idaho who lost their lives in Operation Iraqi Freedom. I now ask for a moment of silent prayer and reflection from my fellow Senators as we consider what their dying, as well as over 150 other men and women who have met the same fate in this conflict, has accomplished for our personal freedom.

Thankfully, many of those who were called to military service from Idaho have just recently returned safely home. Yet their experiences overseas will remain with them for the rest of their lives.

Some may remember lines of tanks rolling ominously forward under a dusty sky, marred by waves of heat emanating from the desert floor. That memory may be infused with the pungent odor of layers of sweat and grime under desert camies, mingled with the acrid odor of burning gasoline and oil. Others may remember pulling the trigger on their weapon and seeing death for the first time in their young life. They may remember being close enough to smell it and feel it, or feel as if their own was but a whisper away. Still more may remember the sight of crowds, pushing against one another, some greeting the American soldiers with cheers of gratitude, some screaming epithets, some shamelessly begging for food and water to feed themselves or their starving families, and others simply greeting this modern army in grim, expressionless silence brought on by years of brutal repression and loss. The smell of desperate, poverty-stricken humanity, and the sounds of raw emotion cascading forth in an uninhibited tidal wave after a lifetime of unchecked tyranny, may remain forever embedded in the memories of many of those soldiers. Finally, and very tragically, some will never forget a life that slipped away while they clutched a friend's bleeding body to their chest in shared agony.

I give account of these images to remind us of the grim reality of war, and the tremendous sacrifice that these noble women and men have made so that we can continue to live in glorious freedom. We tend to take for granted, at times, the price that is paid for this amazing gift. The cost comes not only in the loss of life, but the loss of innocence. The cost is borne by family members as well, and by those, whom never having set foot outside this country, bear the scars of a father, mother, husband, wife, son or daughter forever gone from this life.

This body voted to support a decision to send these men and women into harm's way. Lest the proud soldiers from Idaho, and their persevering families, think that I came to that decision lightly, I stand now before you and recognize their tremendous bravery in the

face of danger, their courage in the face of death, and their unequivocal commitment to preserving the ideals of liberty and democracy. I want to convey no doubt that their decision to become a member of the most well-trained, professional military in the world places them in my highest esteem. With gravity and sincerity, I thank them and I honor them. They have given me, my wife, and most importantly, my children, and yours as well, the priceless gift of freedom.

FEDERAL EMPLOYEE PROTECTION OF DISCLOSURES ACT

Mr. LEAHY. Mr. President, I am proud to be an original cosponsor of the Federal Employees Protection of Disclosures Act, a bill to ensure that Federal employees can report fraud, waste, and abuse within their employer Federal agencies without fear of retaliation. I cosponsored this much needed reform in the last Congress and commend the junior Senator from Hawaii for reintroducing it today. Congress must encourage Federal employees with reasonable beliefs about governmental misconduct to report such fraud or abuse, but it must also protect those who blow the whistle rather than leave them vulnerable to reprisals.

Unfortunately, whistleblower protections under current law have been weakened by the Federal circuit, the court that now possesses exclusive appellate jurisdiction over such claims. The Federal circuit has issued a number of rulings that erode whistleblower rights in direct contradiction to the plain language of the law and the congressional intent of established whistleblower protections. The potential chilling effect of these decisions threatens to undermine the fundamental purpose underlying whistleblower laws. The Federal Employees Protection of Disclosures Act will address this problem by expanding judicial review of such cases to all Federal circuit courts of competent jurisdiction. Jurisdiction will then include the place where the whistleblower lives or where the Government misconduct occurred.

The bill also updates the current law. For example, it clarifies that whistleblower disclosures can come in many forms—such as oral or written, or formal or informal disclosures. It also broadens current law to reflect that reporting occurs in many different areas, such as over policy matters or individual misconduct. The law expands the current list of prohibited personnel actions against a whistleblower in two ways: One, the opening of an investigation of the employee, and two, the revocation of a security clearance. The bill also ensures that appropriate disciplinary actions are taken against managers who negative actions toward employees were motivated in any way by the employee's whistleblowing. More practical reforms are also included, such as making the collecting of attorney's fees available to whistleblowers who prevail in court. In addition, under the bill, consequential damages may be suffered by the employee if they are the result of a prohibited personnel practice.

Whistleblower information is one tool in helping the Government and private sector find ways to prevent future terrorist attacks as well. Though certain safeguards remain for intelligence-related or policy-making functions, the Federal Employees Protection of Disclosures Act maintains existing whistleblower rights for independently obtained critical infrastructure information without fear of criminal prosecution. These protections are needed to encourage individuals to submit information to the Government about cyberattacks or other threats that might affect the Nation's critical infrastructures.

Whistleblowers have proven to be important catalysts for much needed Government change over the years. From corporate fraud to governmental misconduct to media integrity, the importance of whistleblowers in galvanizing positive change cannot be questioned. I urge my fellow Senators to support this important bill.

IN MEMORY OF FORMER CONGRESSMAN TOM GETTYS

Mr. HOLLINGS. Mr. President, tomorrow I will be attending the funeral of a former colleague from the South Carolina congressional delegation, Tom Gettys, and I rise to recognize this legend from Rock Hill.

I have known Congressman Gettys for many years. He came to Washington 2 years before I did, having already been an officer in the Navy, a school principal, a postmaster, and so he came in with a reputation of a person's person. It did not matter who you were in the world, he was your buddy; and since he was in a position to help people as a Member of Congress, he would and he did.

He stayed just 10 years, but he made an impression for the next 30. I never heard a single bad thing said about him, and I don't know very many politicians I can say that about. He has been out of office since 1974, but everybody in my State still always refers to him as Congressman because he was just one great guy who cared about people. This Senator will miss this gentleman, always the statesman, always the one with a good story.

Tomorrow, I will extend the Senate's sympathy to his wife Mary, and his daughters Julia and Sara. And to share just how much Tom meant to his community, I ask unanimous consent that this article from the Herald in Rock Hill be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rock Hill (SC) Herald, June 9, 2003]

FORMER CONGRESSMAN LEAVES LEGACY OF DEDICATION

(By Andrew Dys)

He voted to create Medicaid and was proud the rest of his life—but he was just as proud to know the doormen and elevator operators in the U.S. Capitol by first name. Tom Gettys, a working-class man from Rock Hill's Hampton Street who went on to become a Congressman from South Carolina's 5th District from 1964 to 1974, died Sunday at Westminster Towers in Rock Hill. Gettys was 90.

Gettys' legacy of grace, dedication and constituent service is one that current 5th District Congressman John Spratt, D-York, has tried to emulate during his own 20 years in Congress. Gettys' record is not in the laws he passed, but the people he helped.

''His life exemplified what living in a democracy is all about,'' Spratt said Sunday night. ''Everybody in this district not only respected Tom Gettys, but they loved him as well. Tom had a natural, easygoing affinity for people and the problems they had to live through. Tom Gettys will be missed by all of us.''

Gettys was born on June 19, 1912, and was educated at the public schools in Rock Hill and later at Clemson and Erskine College. He was principal at the now-defunct Central Elementary School in Rock Hill from 1933 to 1941.

Gettys volunteered for the Navy in World War II after the bombing of Pearl Harbor, and Spratt remembers Gettys was fond of saying ''Admiral Nimitz and I did all right over there in the Pacific.''

5th District Congressman Dick Richards called on Gettys to run his staff in Washington for seven years. A political future hatched in Washington, but Gettys did more than politick the back hallways of Capitol Hill—he studied law at night and passed the bar exam, and even was Rock Hill's postmaster upon his return from Washington from 1951 to 1954.

Before Gettys won his spot in Congress in 1964 against a crowded four-man field, he was a lion of Rock Hill civic life, serving as president of Rotary, the Chamber of Commerce, the YMCA and even as chairman of the Rock Hill School Board. After his return, he became a part of the civic fabric of Rock Hill.

The city honored Gettys by naming the old federal courthouse on East Main Street in his honor in 1997, a building now called the Tom S. Gettys Center.

Gettys had a stroke several years ago and months ago moved from his longtime Myrtle Drive home into Westminster Towers. He maintained contact with old friends, however, and regularly attended bi-weekly meetings of the Rock Hill Rotary Club when his health would allow.

John Hardin, former Rock Hill mayor and lifelong friend, said Gettys and he were part of a weekly golfing outing with A.W. Huckle, publisher of The Evening Herald, and banker George Dunlap.

''I had known him since childhood,'' Hardin said, ''but we became intimate friends after World War II.''

Gettys, a Navy officer, was assigned to Iowa but requested overseas service and jumped at duty in the Pacific.

Hardin, who ran First Federal Savings and Loan, saw Gettys frequently when he traveled to Washington to lobby as president of the Savings and Loan League.

''The thing he liked best was trying to help people,'' Hardin said. ''He was great at what they call constituent service. He was more interested in helping people than in passing legislation.''

Gettys was a great teaser, and he often would catch people by surprise by asking if they enjoyed the casserole he sent. When told that, no, they hadn't gotten a casserole, Gettys would respond, ''Well, I left it on the porch. The dogs must have gotten it.''

The former congressman cultivated stories about being tightfisted, but in reality, he was a gentle, caring person, Hardin said.

''He had the best sense of humor,'' Hardin said. ''I don't know anyone who had a better one.''

Another former Rock Hill Mayor, Betty Jo Rhea, called Gettys, ''One of my favorite people.''

Gettys' reputation as the hometown guy turned legislator is deep in the memories of Rock Hill residents. People knew Gettys had many jobs before he ran for Congress and that he came home when he was finished his work in Washington.

''Tom was my husband Jimmy's principal when he was at Central School on Black Street in the early 30s,'' Rhea said.

Gettys is survived by daughters Julia and Sara and his wife of 55 years, Mary Phillips Gettys. Funeral arrangements will be announced later.

His sister Sara, who still lives in Rock Hill, said the Tom Gettys people knew from public life was the same guy the family loved. Even after 10 years in Congress, Tom Gettys was a Rock Hill boy deep in his bones.

''He was a great person who looked after all of us,'' Sara Gettys said. ''The man who went to Washington was the same man when he came home.''

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 Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Lincoln Park, MI, on September 19, 2001. Mr. Ali Almansoop, a 45-year-old U.S. citizen originally from Yemen, was shot to death by a man who confessed the attack was in retaliation for the September 11 tragedy. The attacker broke into the apartment where Mr. Almansoop was asleep, dragged him out of bed, and shot him in the back as he attempted to flee. The Department of Justice investigated the slaying as a hate crime murder.

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.

ARMED FORCES DAY

Mr. ALEXANDER. Mr. President, on May 17, Armed Forces Day, I drove down to Madisonville, TN to participate in the raising of the largest American flag in our State. The people of Madisonville and Monroe County had been working on this for months.

The community joined together to make the Veterans Flag Memorial something to be proud of. Along with the impressive flag, a brick wall was erected.

Businesses donated bricks, mortar, concrete and a variety of services from architectural to brick masonry. Citizens donated approximately $70,000 to the project, including contributions and brick sales. The brick sales were reserved for veterans and active duty military. The memorial has been a labor of love for the community. The dedication ceremony to celebrate this hard work was an important event.

As I drove up to Haven Hill Memorial Gardens, where the ceremony was to be held, it started to rain; then it poured. Thunderstorms arrived, and lightning began to dance in the sky. Not many of us wanted to get too close to the 150 foot flagpole.

But through it all, the ceremony went forward. There must have been 500 people who sat there in the rain, absolutely drenched. And then, the sun came out as the program began.

The most impressive moment came with the raising of the flag. Twenty men marched forward carrying the flag. It was soaking wet and very heavy. This is what the organizer of the event, City Alderman Irad Lee, wrote to me:

> I was told by the commander of the Tennessee State Guard that had we waited another five minutes, the flag would have been too heavy for their twenty men to carry. I am unsure how much a saturated 1,800 square foot flag weighs, yet one young man named Dwight Taylor of 312 Atkins Road in Madisonville, a city maintenance crew worker, auxiliary policeman and patriot, endured while cranking the flag to the top of flagpole.

I watched Dwight Taylor crank that flag to the top of the pole. I was astonished to see one man do that. It was a tribute to his patriotism and strength. It seemed at the time an impossible feat.

But so does the history of this country that our flag represents.

When Americans want to see the grandest flag in Tennessee, they will travel to Madisonville. And it is appropriate that they do so.

Congressman JIMMY DUNCAN told the crowd that Monroe County sent more volunteers to Desert Storm in the Gulf War for its population size than any other county in America. This is yet another example in our history of Tennessee living up to its nickname, ''The Volunteer State.''

I felt privileged to be a part of the Armed Forces Day event, and I wanted the nation to know about the patriotic citizens of Madisonville and Monroe County, TN.

HEALTH CARE HERO

Mr. SMITH. Mr. President, 5 years ago, the State of Oregon witnessed one of the greatest tragedies in its 150 year history—a senseless school shooting at Thurston High School in Springfield. The shock waves from that awful event still reverberate in our State and in our schools. But as so often happens in the face of great evil, good people stand together in grief to create hope for a better future.

In the case of the Thurston shooting, that beacon of hope is the Ribbon of Promise campaign. Five years after the shooting, the campaign is continuing its work to prevent school violence. Because of the impact the campaign has made and the lives it has saved, I rise today to recognize this program and its volunteers as a Health Care Hero for Oregon.

The Ribbon of Promise National Campaign to Prevent School Violence was founded on May 22, 1998, the day after the Thurston shooting. Thurston was one of several school attacks occurring across the Nation, from Pearl, MS, to Jonesboro, AR. While still in the throes of grief, the Springfield community decided enough was enough and began the work of preventing future attacks.

Overnight, the Springfield area bloomed with miles of blue plastic ribbons decorating cars, mailboxes, lampposts, trees and lapels, signaling the community's support for the victims and their families. The ribbons promised to end the specter of school violence, a promise repeated at candlelight vigils, community gatherings, and funerals.

But the promise didn't end when the media attention subsided. The ribbons were woven together into a grassroots organization dedicated to making a national impact on the problem of school violence. The resulting campaign, the Ribbon of Promise, identified its mission as bringing communities together with schools, law enforcement, and the juvenile justice system to prevent school violence. Today, the organization continues to fill its role by acting as resource for communication, education, and action against future attacks.

Since the campaign's inception, the ribbons have appeared in many important places. President Clinton wore one when he traveled to Eugene for a Thurston memorial service. NASA crewmember Wendy Lawrence took the ribbon on the shuttle Discovery in 1998. Since that time, over 250,000 lapel ribbons have been distributed across the world.

Results of the campaign have been tremendous. The group's web site has become a primary resource for violence prevention information. Springfield High School's DECA class developed a video called By Kids 4 Kids, launching the student arm of the campaign. This important program, also known as BK4K is teaching students to speak out when they hear threats of violence. This information, spread from student to student, is often the only way schools, parents, and law enforcement have the opportunity to prevent violent attacks. The BK4K campaign is

changing the student culture of our Nation, teaching kids to break their code of silence in order to save lives.

Scores of other campaign accomplishments include a parent information program, a network of 24-hour report hotlines across the country, and continued research on the problem of school violence. While there remains much work to be done, the accomplishments of the Ribbon of Promise campaign are very real. But the best result of their work is the safe return of students at the end of each schoolday.

Oregon continues to mourn for the victims of the Thurston shooting. But we also have hope that through the efforts of this outstanding organization, further violence in our State has been prevented. I thank all the volunteers and staff of this great campaign and designate the Ribbon of Promise as a Health Care Hero for Oregon.

IN MEMORY OF AL DAVIS

Mr. CONRAD. Mr. President, today I wanted to honor the memory of a member of the congressional family whose life was tragically cut short last month. Albert James Davis, who was the Democratic chief economist at the House Ways and Means Committee, died on May 30.

Mr. Davis had served the Congress with distinction since 1984, first as a senior economist with the Democratic staff of the House Budget Committee, then as chief economist for that committee, and finally as chief economist for the Ways and Means Committee.

Although Mr. Davis never worked in the U.S. Senate, his death is a profound personal and professional loss for many Members and staff of the Senate. Mr. Davis was a highly respected and much loved member of the group of policy experts who work largely behind the scenes to provide Members of Congress with information about the policies they are considering. Many Senate staff—and many members of my Budget Committee staff—had worked with Mr. Davis, either directly in the House or through bicameral staff meetings and frequent phone conversations. And although few knew it, many Senators benefitted from Mr. Davis's knowledge and wisdom because of the frequent use made by Senate staff of insightful memos and analyses of important issues that Mr. Davis graciously shared with them.

He was one of the leading experts in the country on issues involving taxes and entitlement programs. Just as important as his deep understanding of these complex issues was his ability to express his thoughts about them in a simple, straightforward way that others—congressional staff, the press, and Members of Congress—could understand. And he could do it in a gracious and humorous way that did not betray any impatience with a listener who might be a little slow to grasp what was being explained.

Mr. Davis was a committed Democrat, but he was more committed to honest and intelligent analyses of the issues. You could count on him to give you the straight scoop about any issue. He would not fudge the facts just to fit his personal policy preferences. When my staff gave me information from Al Davis, I knew I could rely on it.

The combination of respect and affection that many members of the Senate family had for Al Davis is a testament to his intelligence, his ability, and his huge and warm heart. The Senate was considering the conference report on the reconciliation tax bill when it became known that Mr. Davis was not likely to recover. The sense of sorrow and loss felt by Senate staff on the floor that day was immense. For many of those staff, it was hard to imagine not being able to pick up the phone to ask Al about an issue. They understood the quality of reporting on tax and entitlement issues would be diminished because Al would not be around to explain a complicated issue in a way that the average reader or listener could understand. And they keenly felt the loss of a unique and wonderful person. Many people in the Senate family were touched by Al—benefitted from his knowledge and wisdom and were lucky enough to consider him a friend. He will be greatly missed.

APPOINTMENT OF TIMOTHY A. EICHORN TO THE UNITED STATES AIR FORCE

Mr. LUGAR. Mr. President, I rise today to share with my colleagues my congratulations to Timothy A. Eichhorn, who on February 25, 2003, was named by the Senate to receive an appointment as a grade of lieutenant colonel to the U.S. Air Force.

I have known the Eichhorn family for many years, and I am pleased to join his family and friends in congratulating Timothy on this momentous occasion. This appointment is clearly a testament to his hard work, dedication, and enthusiasm for military service.

In a time when U.S. Armed Forces are deployed around the world, I am pleased to know that outstanding individuals, such as Timothy Eichhorn, have been called to public service.

ADDITIONAL STATEMENTS

WIND CAVE NATIONAL PARK CENTENNIAL COMMEMORATION

• Mr. JOHNSON. Mr. President, I rise today in tribute to Wind Cave National Park on the occasion of the park's centennial anniversary.

Nestled in the southeast corner of the Black Hills of South Dakota and adjacent to Custer State Park, Wind Cave has a rich and colorful history that has informed and educated generations of people from around the world.

Wind Cave was established as a national park by President Theodore Roosevelt on January 3, 1903, as the Nation's seventh national park and the first one created to protect a cave. It was designated as a National Game Preserve on August 10, 1912.

But Wind Cave's history is recorded as part of Black Hills history from the time Native Americans told stories of holes in the ground that blow wind. The first recorded discovery of Wind Cave dates to 1881 when Jesse and Tom Bingham were first attracted to the cave by a whistling noise. As the story goes, wind was blowing out of the cave entrance with such force it blew off Tom's hat. A few days later, when Jesse returned to show the phenomena to some friends, he was astonished to find the wind had changed directions and his hat was sucked into the cave.

Since that time, notable visitors have included Charlie Crary, the first person reported to enter the cave; J.D. McDonald, whose family gave the first cave tours and sold cave formations to J.D.'s son, Alvin; Alvin McDonald, who was the first explorer of the cave and who kept a diary and map of his findings; and ''Honest John'' Stabler who formed a partnership with the McDonalds to develop the first passages and staircases into Wind Cave. Indeed, the early history of the cave was plentiful and colorful.

William Jennings Bryan and Governor Lee visited the cave in 1892. That same year, one of the first attractions was put on display. For a quarter, visitors could come to the cave and view a 'petrified man' that had been found north of the cave. Over the years, visitors would come to view the natural attractions Wind Cave would have to offer.

Captain Seth Bullock became the cave's first supervisor in 1902, with George Boland serving as the area ranger. South Dakota Congressman Eben W. Martin was instrumental in the designation of Wind Cave as a national park. General John J. Pershing visited in 1910 and took important cave room readings with his pocket aneroid barometer. In 1914, Ester Cleveland Brazell was a ranger guide at the Cave, possibly making her the first woman to hold the title of ranger in the National Park Service. Walt Disney and other film and video companies have produced films in the park and countless rolls of film have been shot by amateur photographers for display in home movies and scrapbooks.

Today, Wind Cave has more than 108 miles of explored and mapped passages, making it the fourth-longest cave in the United States and sixth longest in the world. Well over 5.5 million people have visited Wind Cave over the past 100 years.

The first major improvements in the park were accomplished by the Civilian Conservation Corps in the 1930s. Wind Cave was one of many important projects CCC workers developed in South Dakota. Many of the projects can still be seen today, including roads, the entrance to the cave, concrete stairs in the cave and the elevator building and shaft.

By 1935, the game preserve became an integral part of Wind Cave National Park. Bison, elk, and pronghorn became staples of the visitor experience, and the park's boundaries were expanded in 1946 to over 28,000 acres.

Wildlife management was a main priority and key challenge in the 1950s and 1960s as herds grew and restoration and management of native grasses, exotic plant species, and animal herds became a main focus.

The unique blend of wildlife and aesthetic beauty on the park's surface, combined with the beautiful cave formations, extensive passageways, and informative guided tours beneath the surface provide the general public with a wonderful Black Hills experience and one that provides young people with a unique learning opportunity. Visitors can take in such attractions as Lincoln's Fireplace, Petrified Clouds, Devil's Lookout, Roe's Misery, Sampson's Palace, Queen's Drawing Room, the Bridge of Sighs, Dante's Inferno, and the Garden of Eden.

I want to commend the 18 superintendents who have served Wind Cave National Park, including current superintendent Linda Stoll, for their leadership and excellent stewardship of the park over the past 100 years. I also want to applaud the dedication and commitment of the park's staff over the years, from rangers and administrative staff to tour guides and custodians. All of them have partnered to ensure the visiting public's experience at Wind Cave is a memorable one. Wind Cave National Park is one of the jewels in the Black Hills crown of tourism destinations. Over the years, it has been a privilege for me to work on infrastructure needs and issues of importance involving Wind Cave National Park.

From earthquakes, floods and fires to the occasional lost spelunker, Wind Cave has come a long way since the 'Petrified Man' displays and 25-cent tours. Wind Cave today offers a complete visiting and educational experience for people of all ages. The ever-expanding cave continues to excite and astonish scientists, cave surveyors, spelunkers, and the general public. I wish to congratulate Wind Cave National Park on its centennial anniversary and encourage everyone to visit the beautiful Black Hills of South Dakota and Wind Wave National Park.●

RECOGNIZING KAREN McCANN ON HER RETIREMENT

● Mr. LEVIN. Mr. President, it is with great pride that I pay tribute to an exceptional educator from my home State of Michigan. On June 12, Karen McCann will retire after 24 years in public education. Karen's creativity and dedication to her students has deeply enriched the lives of thousands of young people throughout Michigan.

Karen has been an innovative and enthusiastic teacher throughout her 24-year career as an educator in the Michigan public school system. While working in the Farmington schools and Troy schools with students from 4th through 9th grades, she has prided herself on developing new methods of engaging and motivating her students. She truly cares about her students' overall well-being and strives to create an environment that fosters curiosity and challenges students to apply what they have learned to life outside the classroom.

Karen's commitment to Michigan's children has been demonstrated in many ways throughout her long and distinguished career. She has received numerous awards including the Detroit News' My Favorite Teacher Award and has been nominated for several others, including the Disney American Teacher Award, the Newsweek/WDIV Outstanding Teacher Award, and is currently under consideration for the JASON Foundation for Education's Hilda E. Taylor Award. She has earned such distinguished honors because of the heartfelt respect and admiration of her peers, students, and parents.

During the past 7 years, Karen McCann has served as a Michigan JASON Teacher Mentor. The JASON Project is a program designed to foster interest in natural sciences through imaginative hands-on experiences. She has carefully created new and exciting opportunities for students to expand their knowledge beyond the classroom by integrating a variety of activities with the general curriculum established by the Troy School District. For example, she has designed field trips and coordinated guest speakers to enhance her students' learning experiences and also created a series of after-school programs entitled ''JASON U'' to enrich her students' lives beyond the normal schoolday. In addition, Karen has arranged exciting new opportunities for continuing professional development in the form of seminars for teachers throughout the State of Michigan.

Michigan's children have been touched by Mrs. McCann's genuine interest and unwavering desire to provide a meaningful learning experience. I have no doubt that Karen's contributions to Michigan's public schools will continue to foster innovation in the future. I am confident my colleagues will join me in offering our heartfelt thanks and appreciation to Karen McCann and in wishing her well in her retirement.●

TRIBUTE TO BURKE MARSHALL

● Mr. LIEBERMAN. Mr. President, I rise to pay tribute to a life spent in pursuit of the highest American ideals. Burke Marshall, a wonderful man, a frontline soldier in the battle for civil rights, and a deeply respected resident of Connecticut, died Monday, June 2 at the age of 80. I am honored to have known him and occasionally benefited from his wise counsel.

Burke became assistant attorney general for civil rights in the Kennedy Administration in 1961, just 7 years after the Brown v. Board of Education decision had declared ''separate but equal'' schools to be unconstitutional. On paper, in the annals of the law, things were changing. But in practice, on the streets and in the schools, those who suffered under Jim Crow knew that America was still defaulting on its promissory note. Segregation was still fierce. America was still failing to live up to its founding principles.

During his tenure, Burke worked tirelessly to desegregate public facilities in the South. In 1961, he helped craft the Government's ban on segregation in interstate travel. In 1962, he played a central role in the maneuvering that led to the admission of James Meredith to the University of Mississippi, the first black student to pass through the gates of that school. In Birmingham in 1963, he negotiated a settlement between civil rights activists and the city's business community that helped bring the city back from the brink of violence. And in 1964, he helped shape the landmark Civil Rights Act, which would outlaw discrimination in public accommodations nationwide.

During his tenure, Burke Marshall traveled throughout the South, persuading local authorities to desegregate bus stations, train stations, airports. This wasn't glamorous work. It took patience and persistence, clarity and courage. But without that patience, persistence, clarity, and courage, America would have stalled. America would have regressed. America would not have grown into the great Nation, full of hope and opportunity for people of all races and backgrounds, that it increasingly is today.

Looking back, reading history books, some might think the civil rights movement was inexorable or its outcome inevitable. After all, the justice of the cause now seems so obvious. But in those days, nothing was for granted. Advancing civil rights was a struggle. Young people were being beaten by mobs; fire hoses and dogs were being turned on peaceful protestors. Many defenders of segregation would stop at nothing to stop the march of social progress.

The only reason we were able to build a better country was because of the extraordinary heroism of ordinary people, and because of the difficult decisions made every day by people like Burke Marshall. He chipped away at the evil of Jim Crow and helped open the floodgates so that, as the Bible said, justice could begin to flow like water, and righteousness, like a mighty stream.

Justice isn't yet flowing like a mighty river in America, nor is righteousness flowing like a mighty stream. We still have hills to climb, as Dr. King might say, before we reach the mountaintop. But thanks to the foothold that people like Burke Marshall have given us, we have the ability to keep climbing. We can see the summit. And

we have the strength and the inspiration to never give up until we reach it.

I got to know Burke Marshall because, in 1970, he moved to Connecticut and joined the faculty of Yale Law School, my alma mater, where he served as deputy dean and professor. I unfortunately had already graduated, but I was lucky to befriend Professor Marshall around New Haven. He was a warm, kind, decent man, who believed that the fight for justice was never-ending.

The dean of Yale's Law School, Tony Kronman, put it well. He said, ''His goodness was so large that I half believed and fully wished he would live forever. Burke's generosity brought out the best in others. His love of justice helped change a nation.''

Burke Marshall was a quiet man. In fact, his wife Violet once said that, because he said so few words, she wasn't sure whether he liked her or not until he proposed. But he wasn't quiet when it counted. On matters of principle, on questions of justice, he heeded the wisdom of Dr. Martin Luther King, Jr., who said: ''Our lives begin to end the day we become silent about things that matter.''

Burke Marshall always spoke when it mattered, and that is why his legacy will live on forever in the hearts he touched and in the country he helped change for the better.

My condolences to his wife Violet, his daughters Katie, Josie, and Jane, and his grandchildren. May God bless them and the memory of Burke Marshall.●

TRIBUTE TO KELSEY LADT

● Mr. BUNNING. Mr. President, I rise to honor and pay tribute to Kelsey Ladt of Paducah, KY, for her inimitable sense of giving and community service. Kelsey, age 8, led an art tour fundraiser for the Community Foundation of Western Kentucky, with proceeds benefitting the Lourdes' Foundation patient care fund and the St. Nicholas Free Family Clinic.

Kelsey Curd Ladt, daughter of Vicki and Ric Ladt, is a gifted and precocious young lady with an exceptional sense of selflessness and charity. She single-handedly led a tour of the artwork inside her parents' home for 35 people. Kelsey paused by each painting to share historical insight and anecdote, a remarkable feat for someone so young.

Kelsey researched art at Murray State University under the tutelage of Dr. Joy Navan. With the encouragement from Navan and family friend Bill Ford, Kelsey planned the fundraiser and interviewed directors of various beneficiaries before selecting the Lourdes' Foundation and the St. Nicholas Free Family Clinic.

Kelsey, who is herself an accomplished artist and pianist, plans on expanding the art tour to four homes in the coming years, in order to better serve her community. Later this summer she will participate in a forensic anthropology course at Murray State University and a gifted and talented camp at Western Kentucky University.

It is my pleasure to honor such an exceptional and altruistic young lady for her extraordinary charitable contributions to her community. I thank the Senate for allowing me to laud her praises. She is one of Kentucky's finest.●

TRIBUTE TO DR. HARRY BEGIAN

● Mr. LEVIN. Mr. President, today I have the honor of recognizing a great musician and educator from my home State of Michigan. During a career that has spanned more than 50 years, Dr. Harry Begian has made numerous contributions to the music and education communities across the country and around the world. He has greatly influenced both high school and collegiate bands throughout the Midwest and the Nation. On June 21, 2003, a reunion and banquet will be held at Cass Technical High School in Detroit to honor not only Dr. Begian's 17 prolific years as Director of Bands at Cass Technical High School but also his lifetime of musical contributions that have touched so many.

Dr. Begian's early involvement with music included studying trumpet and flute with famed musicians Leonard Smith and Larry Teal. Dr. Begian completed his undergraduate and master's degrees at Wayne State University. He also earned a doctorate in music at the University of Michigan.

Dr. Begian became Director of Bands at Cass Technical High School in 1947, where he built one of the preeminent high school bands in the country. During the following 20 years, he served as Director of Bands at Wayne State University, Michigan State University, and the University of Illinois. In addition to his work as a band director, Dr. Begian has served as a guest conductor and lecturer throughout the United States, Canada, and Australia. In 1987, the Detroit Symphony Orchestra invited him to conduct a formal concert in Detroit's Orchestra Hall.

The Music Division of the Library of Congress created the Harry Begian Collection in tribute to his accomplishments. The permanent collection currently contains 26 reel-to-reel recordings of Dr. Begian's performances at Cass Tech. In addition, the collection also includes 50 records and 15 compact discs from Dr. Begian's time with the University of Illinois Symphonic Band.

Dr. Begian is a charter member of the American School Band Directors Association and a past president of the American Bandmasters Association. He has won the National Band Association's Citation of Excellence, the Edwin Franko Goldman Award, and the Norte Dame St. Cecelia Award. I know that my Senate colleagues will be pleased to join me in saluting Dr. Harry Begian's lifetime full of contributions to the world of music.●

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 10, 2003.*

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION BEYOND JUNE 21, 2003—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on June 20, 2002 (67 FR 42181).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to

various arms control and disarmanent agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have decided that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usuable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to response to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 10, 2003.*

MESSAGE FROM THE HOUSE

At 2:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, each without amendment:

S. 763. An act to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse.''

S.J. Res. 8. A joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1610. An act to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building.''

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 162. A concurrent resolution honoring the city of Dayton, Ohio, and its many partners, for hosting ''Inventing Flight: The Centennial Celebration,'' a celebration of the centennial of Wilbur and Orville Wright's first flight.

The message also announced that pursuant to 22 U.S.C. 276th and the order of the House of January 8, 2003, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, Chairman, appointed on March 13, 2003: Mr. BALLENGER of North Carolina, Vice Chairman; Mr. DREIER of California; Mr. BARTON of Texas; Mr. MANZULLO of Illinois; Mr. WELLER of Illinois; Ms. HARRIS of Florida; Mr. STENHOLM of Texas; Mr. FALEOMAVAEGA of American Samoa; Mr. PASTOR of Arizona; Mr. FILNER of California; Mr. REYES of Texas.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 222. An act to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.

S. 273. An act to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1954. An act to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and for other purposes; to the Committee on the Judiciary.

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1610. An act to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building''; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 162. Concurrent resolution honoring the city of Dayton, Ohio, and its many partners, for hosting ''Inventing Flight: The Centennial Celebration'', a celebration of the centennial of Wilbur and Orville Wright's first flight; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1215. A bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, 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–2652. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, the report relative to the funding of the State of New York as a result of record/near record snowstorms on December 25–26, 2002, and January 3–4, 2003, has exceeded $5,000,000; to the Committee on Environment and Public Works.

EC–2653. A communication from the Director, Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Chief Financial Officer for the Office of Management, Budget and Evaluation; to the Committee on Energy and Natural Resources.

EC–2654. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report for the Strategic Petroleum Reserve, covering calendar year 2002; to the Committee on Energy and Natural Resources.

EC–2655. A communication from the President, The Foundation of the Federal Bar Association, transmitting, pursuant to law, the report Audit Report of the Foundation of the Federal Bar Association for the Fiscal Year ending September 30, 2002; to the Committee on the Judiciary.

EC–2656. A communication from the President of the United States to the President Pro Tempore of the United States Senate, transmitting, consistent with the War Powers Resolution, the report on recent developments in Liberia and Mauritania and the activities to insure the safety of The United States Embassy and Embassy Staff located in those countries; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–127. A resolution adopted by the House of the State of Hawaii relative to improving benefits for Filipino Veterans of World War II; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 75

Whereas, on January 7, 2003, Senator Daniel K. Inouye introduced S. 68 in the United States Senate, which bill was read twice and then referred to the Committee on Veterans' Affairs; and

Whereas, S. 68 proposes to amend title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, S. 68 would increase the rate of payment of compensation benefits to certain Filipino veterans, designated in title 38 United States Code section 107(b) and referred to as New Philippine Scouts, who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, S. 68 would further make eligible for full disability pensions certain Filipino veterans who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, S. 68 would further require the Secretary of Veterans Affairs to furnish care and services to all Filipino World War II veterans for service-connected disabilities and nonservice-connected disabilities residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic; now, therefore,

Be it resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii. Regular Session of 2003, That the United States Congress is respectfully urged to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; and

Be it further resolved, That certified copies of this Resolution be transmitted to the

President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii congressional delegation and the Secretary of Veterans Affairs.

POM–128. A joint resolution adopted by the Legislature of the State of Washington relative to restoring the deduction of retail sales tax under the federal income tax; to the Committee on Finance.

SENATE JOINT MEMORIAL 8003

Whereas, The federal tax reform act of 1986 put additional financial stress on the taxpayers of the state of Washington by eliminating the retail sales tax deduction; and

Whereas, Taxpayers in other states may deduct major state taxes in determining federal income tax; and

Whereas, Taxpayers of the state of Washington would realize substantial reductions in federal tax burdens if they could deduct retail sales taxes; and

Whereas, Congress is in the process of consideration tax reduction proposals; and

Whereas, Congress could easily relieve the burden on taxpayers of the state of Washington by restoring the full retail sales tax deduction;

Now, therefore, Your Memorialists respectfully pray that the United States restore the deduction of retail sales tax under the federal income tax.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–129. A concurrent resolution adopted by the legislature of the State of Louisiana relative to provisions of the Internal Revenue Code which provide for the taxation of Social Security income; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, current provisions of the Internal Revenue Code provide for the taxation of up to eighty-five percent of income derived from Social Security benefits; and

Whereas, Social Security payments are often the primary income of retirees; and

Whereas, retired persons are citizens who can least afford a reduction in income; and

Whereas, retired persons are currently facing increased costs of living, including increased costs of prescription drugs; and

Whereas, other measures currently being reviewed by congress to stimulate the economy do not address the needs of low- and middle-income retired persons.

Therefore, be it resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to repeal the provisions of the Internal Revenue Code which provide for the taxation of Social Security income.

Be it further resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–130. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to reviewing and consider eliminating the provisions of law which reduce or totally eliminate social security benefits for those persons who also receive a state or local government retirement benefit; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 39

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), which reduces the spousal and widow(er)s social security benefit, and the Windfall Elimination Provision (WEP), which reduces the earned social security benefit for persons who also receive a state or local government retirement; and

Whereas, the intent of Congress in enacting the GPO and WEP provisions was to address concerns that public employees who had worked primarily in state and local government employment receive the same benefit as workers who had worked in social security employment throughout their careers, thereby providing a disincentive to ''double-dipping''; and

Whereas, the GPO affects a spouse or widow(er) receiving a state or local government retirement benefit who would also be entitled to a social security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or widow(er)s social security benefit by two-thirds of the amount of the state or local government retirement benefit received by the spouse or widow(er), in many cases completely eliminating the social security benefit; and

Whereas, the WEP applies to those persons who have earned a state or local government retirement benefit in addition to having the necessary credits earned in social security employment; and

Whereas, the WEP reduces the earned social security benefit by using a modified formula of the averaged indexed monthly earnings, which may reduce the earned social security benefits by as much as fifty percent; and

Whereas, the GPO and WEP have a disproportionately negative effect on employees working in lower-wage government jobs, such as policemen, firefighter, teachers, and municipal, parochial, and state employees; and

Whereas, these provisions also affect more women than men because of the gender differences in salary that continue to exist across of nation; and

Whereas, Louisiana is making every effort to improve the quality of life of her citizens, to encourage them to remain here lifelong, and to provide for them in their retirement years.

Therefore, be it resolved, that the Legislature of Louisiana does hereby memorialize the Congress of the United States to review and consider eliminating the GPO and WEP social security benefit reductions.

Be it further resolved, That a copy of the Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of American and to each member of the Louisiana congressional delegation.

POM–131. A concurrent House resolution adopted by the Legislature of the State of Louisiana relative to the Pledge of Allegiance; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 121

Whereas, Louisiana is one of numerous states in which students recite the Pledge of Allegiance in public schools; and

Whereas, the practice of including ''under God'' in the Pledge was established by federal law decades ago and reaffirmed by a new federal law just last year; and

Whereas, recent polls indicate that up to ninety percent of the public is overwhelmingly in favor of allowing students to recite the Pledge of Allegiance; and

Whereas, Constitution signer George Washington declared, ''the fundamental principle of our Constitution . . . enjoins [requires] that the will of the majority shall prevail,'' and Thomas Jefferson pronounced, ''the will of the majority [is] the natural law of every society [and] is the only sure guardian of the rights of man''; and

Whereas, Thomas Jefferson also stated, ''A judiciary independent . . . of the will of the nation is a solecism—at least in a republican government''; and

Whereas, the United States Court of Appeals for the Ninth Circuit has violated these fundamental principles and abrogated the ''consent of the governed'' as set forth in our governing documents; and

Whereas, the will of the people can be protected against further judicial usurpation by the federal courts on this issue through congressional action to limit the jurisdiction of the federal courts as explicitly set forth in the Constitution in Article III, Section 2, Paragraph 2 (federal courts ''shall have appellate jurisdiction both as to law and fact with such exceptions and under such regulations as Congress shall make''); and

Whereas, the intent of the Framers regarding this power of Congress to limit judicial overreach was clear, such that Samuel Chase, a signer of the Declaration of Independence and a United States Supreme Court Justice appointed by President George Washington, declared, ''The notion has frequently been entertained that the federal courts derive their judicial power immediately from the Constitution; but the political truth is that the disposal of the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this court, we possess it, not otherwise''; and

Whereas, Justice Joseph Story, in his authoritative Commentaries on the Constitution, similarly declared, ''In all cases where the judicial power of the United States is to be exercised, it is for Congress alone to furnish the rules of proceeding, to direct the process, to declare the nature and effect of the process, and the mode, in which the judgments, consequent thereon, shall be executed . . . And if Congress may confer power, they may repeal it . . . The power of Congress [is] complete to make exceptions''; and

Whereas, this position is confirmed not only by signers of the Constitution such as George Washington and James Madison but also by other leading constitutional experts and jurists of the day, including Chief Justice Oliver Ellsworth, Chief Justice John Marshall, Richard Henry Lee, Robert Yates, George Mason, and John Randolph; and

Whereas, the United States Supreme Court has long recognized and affirmed this power of Congress to limit the appellate jurisdiction of the federal courts, as in 1847 when the court declared that the ''court possesses no appellate power in any case unless conferred upon it by act of Congress'' and in 1865 when it declared ''it is for Congress to determine how far . . . appellate jurisdiction shall be given; and when conferred, it can be exercised only to the extent and in the manner prescribed by law''; and

Whereas, congress has on numerous occasions exercised this power to limit the jurisdiction of federal courts, and the Supreme Court has consistently upheld this power of congress in rulings over the last two centuries, including cases in 1847, 1866, 1868, 1878, 1882, 1893, 1898, 1901, 1904, 1906, 1908, 1910, 1922, 1926, 1948, 1952, 1966, 1973, 1977, and others; and

Whereas, it is Congress alone that can remedy this current crisis and return to the states the power to make their own decisions on recitation of the Pledge of Allegiance in public schools.

Therefore, be it resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to limit the appellate jurisdiction of the federal courts regarding the recitation of the Pledge of Allegiance in public schools.

Be it further resolved, That a copy of this Resolution be transmitted to the presiding

and chief clerical officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–132. A concurrent resolution adopted by the Legislative of the State of Texas relative to Federal income tax; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 6

Whereas, Current federal tax provisions place an arbitrary state cap on the volume of private activity bonds, which hinders the ability of Texas to meet its rapidly growing water infrastructure needs; and

Whereas, Private activity bonds afford a cost-effectiveness, nonrecourse means of financing the development of adequate wastewater and drinking water facilities for the future and minimize and drinking facilities for the future and minimize the risk to the ratepayer; and

Whereas, Other sources of municipal infrastructure financing, such as general obligation bonds, revenue bonds, enterprise bonds, and loans under the federal Environmental Protection Agency's state revolving loan fund program, are insufficient to allow Texas to comply with new federal environmental and public health mandates; and

Whereas, The cap on the volume of private activity bonds forces water and wastewater projects to compete with other projects in Texas without regard to the urgent priority of protecting public health and the environment; and

Whereas, Private activity bonds foster innovative public-private partnerships and help them develop cost-effective projects for the construction of sewage and drinking water facilities and the rehabilitation and upgrade of existing water infrastructure; and

Whereas, Removing the financing cap would give public officials the maximum number of tools for meeting the growing public demand for water services while ensuring compliance with federal environmental and public health laws; now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds not apply to bonds for water and wastewater facilities; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the Speaker of the house of representatives and the president of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–133. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the establishment of State-Province relations between the State of Hawaii of the United States and the Province of Ilocos Norte of the Republic of the Philippines; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 17

Whereas, the State of Hawaii is actively seeking to expand its international ties and has an abiding interest in developing goodwill, friendship, and economic relations between the people of Hawaii and the people of Asian and Pacific countries; and

Whereas, as part of its effort to achieve this goal, Hawaii has established a number of sister-state agreements with provinces on the Pacific region; and

Whereas, because of the historical relationship between the United States of America and the Republic of the Philippines, there continue to exist valid reasons to promote international friendship and understanding for the mutual benefit of both countries to achieve lasting peace and prosperity as it serves the common interests of both countries; and

Whereas, there are historical precedents exemplifying the common desire to maintain a close cultural, commercial, and financial bridge between ethnic Filipinos living in Hawaii with their relatives, friends, and business counterparts in the Philippines, such as the previously established sister-city relationship between the City and County of Honolulu and the City of Cebu in the Province of Cebu; and

Whereas, similar state-province relationship exist between the State of Hawaii and the Provinces of Cebu and Ilocos Sur, whereby cooperation and communication have served to establish exchanges in the areas of business, trade, agriculture and industry, tourism, sports, health care, social welfare, and other fields of human endeavor; and

Whereas, a similar sister-state relationship would reinforce and cement this common bridge for understanding and mutual assistance between ethnic Filipinos of both the State of Hawaii and the Province of Ilocos Norte; and

Whereas, there is an existing relationship between the Province of Ilocos Norte and the State of Hawaii because several notable citizens of Hawaii can trace their roots or have immigrated from the Province of Ilocos Norte, including the city of Laoag; now, therefore,

Be it resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, the Senate concurring, That Governor Linda Lingle of the State of Hawaii, or her designee, be authorized and is requested to take all necessary actions to establish a state-province affiliation with the Province of Ilocos Norte in the Republic of the Philippines; and

Be it further resolved, That the Governor or her designee is requested to keep the Legislature of the State of Hawaii fully informed of the process in establishing the relationship, and involved in its formalization to the extent practicable; and

Be it further resolved, That the Province of Ilocos Norte be afforded the privileges and honors that Hawaii extends to its sister-states and provinces;

Be it further resolved, That this state-province relationship shall continue until July 1, 2008; and

Be it further resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Governor of the State of Hawaii, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's Congressional delegation, the President of the Republic of the Philippines through its Honolulu Consulate General, and the Governor and Provincial Board of the Province of Ilocos Norte, Republic of the Philippines.

POM–134. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to fully funding the Millennium Challenge Account; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 28

Whereas, in September 2000, the United Nations General Assembly adopted the United Nations Millennium Declaration, a resolution establishing international development goals to reduce poverty and improve lives, now known as the Millennium Development Goals; and

Whereas, members of the United Nations, including the United States, pledged to meet established benchmark for the Millennium Development Goals by 2015 to:

(1) Reduce by fifty per cent the proportion of people living in extreme poverty and suffering from hunger;

(2) Achieve universal primary education by ensuring that all boys and girls complete primary school;

(3) Promote gender equality and empower women by eliminating disparities in primary and secondary education at all levels;

(4) Reduce child mortality by two-thirds among children under five years old;

(5) Improve maternal health by reducing the ratio of women's death during childbirth by seventy-five per cent;

(6) Combat HIV/AIDS, malaria, and other diseases by reversing the spread of HIV/AIDS, malaria, and other major diseases;

Whereas, it is critical that initiatives and programs funding through the Millennium Challenge Account include activities that enable women to play active roles in the economic and civic activities of their countries; now, therefore,

Be it resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, the Senate concurring, That the United States Congress is urged to fully fund the Millennium Challenge Account to enable poor and hungry people around the globe become self-reliant; and

Be it further resolved, That as the Millennium Challenge Account is implemented, it is crucial that our leaders understand and require that women be involved in all phases of establishment and implementation of programs funded to achieve the Millennium Development goals; and

Be it further resolved, That adequate funding and meaningful participation of women and girls are essential for successful development assistance programs in poor nations; and

Be it further resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.

POM–135. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the establishment of State-Province relations between the State of Hawaii of the United States and the Province of Thua Thien-Hue of the Socialist Republic of Vietnam; to the Committee on Foreign Relations.

HOUSE RESOLUTION

Whereas, the State of Hawaii is actively seeking to expand its international ties and has an abiding interest in developing goodwill, friendship, and economic relations between the people of Hawaii and the people of Asian and Pacific countries; and

Whereas, as part of its effort to achieve this goal, the State has established a number of sister-state agreements with provinces in the Pacific region; and

Whereas, because of the historical relationship between the United States of America and the Socialist Republic of Vietnam, there are compelling reasons to promote international friendship and understanding for the mutual benefit of both countries to achieve lasting peace and prosperity, as it serves the common interests of both countries; and

Whereas, there are historical precedents exemplifying the common desire to maintain

a close cultural, commercial, and financial bridge between ethnic Vietnamese living in Hawaii with their relatives, friends, and business counterparts in Vietnam, such as the previously established sister-city relationship between the City and County of Honolulu and the city of Hue, which is the capital of the Province of Thua Thien-Hue; and

Whereas, a similar state-province relationship between the State and the Province of Thua Thien-Hue, whereby exchanges and cooperation could be established in the areas of business, trade, agriculture, environmentally and culturally sensitive tourism, sports, public health, education, economic development and humanitarian assistance would reinforce and cement this common bridge of understanding and mutual assistance between the ethnic Vietnamese of both the State and the Province of Thua Thien-Hue; and

Whereas, the Province of Thua Thien-Hue, like Hawaii, has an agricultural economy that is based upon sugar cane, fruits, and flowers, and aquaculture crops, such as shrimp; and

Whereas, the city of Hue, capital of the Province of Thua Thien-Hue has been designated as a World Heritage Site by the United Nations Educational, Scientific, and Cultural Organization because its cultural and natural properties are considered to be of outstanding universal value and must be protected; and

Whereas, the Province of Thua Thien-Hue's unique cultural and historical significance and natural beauty are important resources on which to base an environmentally and culturally sensitive tourism industry; and

Whereas, Hawaii's long experience and expertise in tourism, agriculture, and aquaculture could be shared with the Province of Thua Thien-Hue; now, therefore,

Be it resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, That the Governor of the State of Hawaii or her designee is requested to take all necessary actions to establish a sister-state affiliation with the Province of Thua Thien-Hue in the Socialist Republic of Vietnam; and

Be it further resolved, That the Governor is requested to keep the Legislature fully apprised of any progress made in establishing the relationship in order that the Legislature may be involved in its formalization to the extent practicable; and

Be it further resolved, That the Province of Thua Thien-Hue be afforded the privileges and honors to which Hawaii extends to its other sister-states and provinces; and

Be it further resolved, That certified copies of this Resolution be transmitted to the President of the United States through the Secretary of State, the Governor of the State of Hawaii, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's congressional delegation, the President of the Socialist Republic of Vietnam through its San Francisco Consulate General, the Governor of the Province of Thua Thien-Hue, Socialist Republic of Vietnam, and the Director of Business, Economic Development, and Tourism.

POM–136. A resolution adopted by the House of the Legislature of the State of Hawaii relative to fully funding the Millennium Challenge Account; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 33

Whereas, in September 2000, the United Nations General Assembly adopted the United Nations Millennium Declaration, a resolution establishing international development goals to reduce poverty and improve lives, now known as the Millennium Development Goals; and

Whereas, members of the United Nations, including the United States, pledged to meet established benchmarks for the Millennium Development Goals by 2015 to:

(1) Reduce by fifty percent the proportion of people living in extreme poverty and suffering from hunger;

(2) Achieve universal primary education by ensuring that all boys and girls complete primary school;

(3) Promote gender equality and empower women by eliminating disparities in primary and secondary education at all levels;

(4) Reduce child mortality by two-thirds among children under five years old;

(5) Improve maternal health by reducing the ratio of women's death during childbirth by seventy-five per cent;

(6) Combat HIV/AIDS, malaria, and other diseases by reversing the spread of HIV/AIDS, malaria, and other major diseases;

(7) Ensure environmental sustainability by introducing sustainable development principles to: reverse the loss of environmental resources; increase access to safe drinking water; and achieve significant improvements in the lives of at least one hundred million slum dwellers; and

(8) Develop a global partnership for development through reform of the trading system and financial system to allow poor nations to sell goods at fair prices to obtain financial resources to create stable economies and eliminate poverty; aiding to the special needs of least developed countries; addressing debt problems of developing countries; creating productive work for youth; increase access to affordable drugs; and make benefits of new technologies available; and

Whereas, in March 2002, President George W. Bush unveiled the Millennium Challenge Account, a plan to increase significantly development assistance to poor, developing countries by an additional $10,000,000,000 in foreign assistance over fiscal years 2004–2006, ultimately doubling United States poverty-focused assistance when fully implemented; and

Whereas, initiatives to be funded through the Millennium Challenge Account have the potential to improve the nutrition, health care, education, and drinking water for millions of people in poor nations only if the Millennium Challenge Account is fully funded by Congress; and

Whereas, although studies uniformly report that the most effective use of international aid is the investment in women, the reports also indicate that women do not benefit from international development efforts unless they are included in all aspects of a development initiative from its beginning; and

Whereas, the involvement of women in any economic growth plan is critical because women and girls are more than half of the world's population and represent significantly more than half of the population in areas particularly devastated by prolonged conflict like Afghanistan; and

Whereas, it is critical that initiatives and programs funded through the Millennium Challenge Account include activities that enable women to play active roles in the economic and civic activities of their countries; now, therefore,

Be it resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, That the United States Congress is urged to fully fund the Millennium Challenge Account to enable poor and hungry people around the globe become self-reliant; and

Be it further resolved, That as the Millennium Challenge Account is implemented, it is crucial that our leaders understand and require that women be involved in all phases of establishment and implementation of programs funded to achieve the Millennium Development goals; and

Be it further resolved, That adequate funding and meaningful participation of women and girls are essential for successful development assistance programs in poor nations; and

Be it further resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.

POM—137. A resolution adopted by the House of the Legislature of the State of Hawaii relative to International Women's Day; to the Committee on Foreign Relations.

Whereas, International Women's Day, celebrated throughout the world on March 8, is a time to: reflect on the status of women in the United States and around the world; assess progress made and remaining challenges; and recommit to women's human rights and the full empowerment of the world's women as the basis for truly sustainable social, economic, and political development of nations and communities; and

Whereas, 228,000,000 women are in need of effective contraceptive methods; and

Whereas, a woman dies every minute as a result of pregnancy and childbirth-related causes (approximately five hundred thousand women a year) and for every woman who dies, thirty other women are injured or disabled; and

Whereas, between seven hundred thousand and four million people—mainly women and children—are trafficked annually across international borders for sexual exploitation and forced labor; and

Whereas, fifty thousand to one hundred thousand women and girls are trafficked annually for sexual exploitation into the United States; and

Whereas, HIV/AIDS is a women's epidemic worldwide—with 19,200,000 women worldwide currently living with HIV/AIDS and 1,200,000 women dying of AIDS in 2002; and

Whereas, for the last several years, HIV/AIDS has been the fifth leading cause of death for women ages twenty-five to forty-four in the United States and the third leading cause of death for African American women in this same age group; and

Whereas, gender-based violence against women—including prenatal sex selection, female infanticide, sexual abuse, female genital mutilation, school and workplace sexual harassment, sexual trafficking and exploitation, prostitution, dowry-killings, domestic violence, battering, and marital rape—causes more death and disability among women in the fifteen to forty-four age group than cancer, malaria, traffic accidents, and even war; and

Whereas, approximately 4,800,000 rapes and physical assaults are perpetrated annually against women in the United States; and

Whereas, women in many countries lack rights to own land and inherit property, obtain credit, attend and stay in school, earn income, work free from job discrimination, and have access to services that meet their sexual and reproductive health needs; and

Whereas, 2,100,000,000 women around the globe live on less than two dollars a day, and women in the United States earn seventy-three cents on average for every dollar earned by men; and

Whereas, two-thirds of the 960,000,000 illiterate adults in the world are women and two-thirds of the 130,000,000 children not enrolled in primary school are girls; now, therefore,

Be it resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, That this body urges the United States Senate to demonstrate our nation's commitment to human rights by ratifying the Convention on the Elimination of All Forms of Discrimination Against Women, joining one hundred seventy other nations in endorsing the most comprehensive treaty ensuring the fundamental human rights and equality of women; and

Be it further resolved, That the United States Congress is urged to affirm women's fundamental right to reproductive health, including the ability to choose the number of children they will have and the timing of their births, by funding high quality, voluntary family planning and reproductive health services that enable women to exercise this right; and

Be it further resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and members of Hawaii's congressional delegation.

POM–138. A resolution adopted by the House of the Legislature of the State of Hawaii relative to the Global Gag Rule imposed on International Family Planning Organizations; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 34

Whereas, approximately 120 million couples in the third world lack access to modern contraception; and

Whereas, the United States provides family planning assistance funds to non-governmental organizations in fifty-nine countries; and

Whereas, these nations have a right to inform their own people about legal family planning options and to discuss changes in their family planning laws, in order to form their own policy and development, without interference by the United States; and

Whereas, the United States has interfered with these non-governmental organizations through the ''global gag rule,'' by which the United States refuses to fund non-governmental organizations that provide legal abortion services, lobby their own governments for abortion law reform, or even provide accurate medical counseling or referrals regarding abortion, even if no United States money is used for those purposes; and

Whereas, in almost sixty per cent of these countries, abortion in some form is legal, yet the global gag rule prevents their non-governmental organizations from discussing the option of performing abortions, even if this is done with the non-governmental organizations' own funds and not with any United States funds; and

Whereas, in the countries where abortion is not legal, the global gag rule prevents the non-governmental organizations from speaking publicly about these issues to foster informed debate on abortion, even if this free speech is done with the non-governmental organizations' own funds; and

Whereas, in rural areas, often these non-governmental organizations are the only health care providers, so restricting their funding affects the health of all people in the community and forces the non-governmental organizations to make an immoral choice: either give up desperately needed funds for family planning services, or give up their right to free speech and to provide their patients with full and accurate medical information; and

Whereas, the ''global gag rule'' process hurts good family-planning work that has little to do with the rights of an unborn child, as these family planning services address other health problems such as sexually transmitted diseases, which indirectly helps with economic stability in developing countries; and

Whereas, through the global gag rule, the United States government not only stifles free speech, but affirmatively discriminates against viewpoints it does not like, something that would be unconstitutional in its own country; and

Whereas, this gag rule was created by execution order of President Reagan in 1984; and

Whereas, President Clinton canceled the gag order in 1993, but reluctantly restored it for one year in 1999 in exchange for the Republicans in Congress agreeing to pay the United States' back dues to the United Nations; and

Whereas, President Bush reimposed the global gag rule by executive order in January 2001 and reaffirmed his opposition to reproductive rights in his state of the union address; and

Whereas, the gag order is consistent with the United States administration's recent announcement at an international conference that they support the ''rhythm method'' of contraception; and

Whereas, the global gag rule: undermines the human right to free speech, a right so vigorously championed by our government that it is part of our constitution; undercuts our foreign policy; and damages women's reproductive health; and

Whereas, this misguided policy would be illegal were it to be imposed in our own country, and it is unconscionable for the United States to force it on other countries; jeopardizing the health of millions of women and children; and

Whereas, the Legislature has already demonstrated its support for women's rights in the family context when it adopted House Resolution No. 15 during the 1999 Regular Session entitled ''Urging the United States Senate to Ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women''; and

Whereas, legislation is pending in Congress to remove the global gag rule and permit the non-governmental organizations to provide appropriate and legal family planning service and information in their home countries; now, therefore,

Be it resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, That the United States Congress is hereby urged to support a ban on the global gag rule; and

Be it further resolved, That certified copies of this Resolution be transmitted to the President of the United States, Speaker of the United States House of Representatives, the President of the United States Senate, and the members of Hawaii's congressional delegation.

POM–139. A joint resolution adopted by the Legislature of the State of Washington relative to the Federal Energy Regulatory Commission; to the Committee on Energy and Natural Resources.

Whereas, The Federal Energy Regulatory Commission proposal establishing a standard market design (SMD) for electricity proceeds from the premise that a single market model will work for the entire nation, as a result it would fundamentally change the way the transmission system is operated, expand the Commission's authority in state decisions regarding resource adequacy and demand response, and dismantle the regional benefits derived from public power; and

Whereas, Washington state has a comprehensive electricity policy, which encourages efficiency while reflecting our unique resource base; and

Whereas, The Northwest electricity system is different from most of the rest of the nation, including substantial differences in the transmission ownership, a hydro-based system where the amount of energy generated is limited by the amount of water in the rivers and behind the dams, complex legal arrangements for multiple uses of the water to meet diverse goals (power, irrigation, fisheries, recreation, and treaty obligations), and a hydro-based system that requires substantial coordination among plant owners and utilities, rather than the competitive market-based structure the SMD promotes; and

Whereas, The Northwest electricity system has produced affordable, cost-based rates and reliable service for our region; and

Whereas, Deregulation broke up traditional regulated utilities in order to create trading markets with the promise of lower costs, more consumer choice, more reliability, and fewer government bailouts. It in fact produced higher prices, more manipulation of consumers, volatility, brownouts, and bailouts running into the tens of billions; and

Whereas, The SMD would harm consumers in our region through increased costs and decreased reliability;

Now, therefore, Your Memorialists respectfully pray that the Federal Energy Regulatory Commission leave the Northwest electricity system in place and withdraw the Notice of Proposed Rulemaking establishing a Standard Market Design (SMD) for electricity; and

Your Memorialists further pray that in the event that the Federal Energy Regulatory Commission does not withdraw its proposal, the President and Congress take action to prevent the Federal Energy Regulatory Commission from proceeding with their proposal.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Honorable Spencer Abraham, the Secretary of the United States Department of Energy, the Members of the Federal Energy Regulatory Commission, Chairman Patrick Wood, III, Commissioner Nora M. Brownell, and Commissioner William L. Massey, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–140. A resolution adopted by the Legislature of the State of Washington relative to the Federal Energy Regulatory Commission; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL 8012

Whereas, The Federal Energy Regulatory Commission recently proposed a new pricing policy for the rates of transmission owners that transfer operational control of their transmission facilities to a Regional Transmission Organization. (RTO), form independent transmission companies within RTOs, or pursue additional measures that promote efficient operation and expansion of the transmission grid; and

Whereas, The proposed policy would create rate incentives based on an unproven theory that it will improve grid performance, reduce wholesale transmission and transactions costs, improve electric reliability, and make electric wholesale competition more effective; and

Whereas, The proposal offers a single model for the entire nation and fails to recognize regional differences in electricity generation and transmission or the benefits derived from public power; and

Whereas, Washington state has a comprehensive electricity policy, which encourages efficiency while reflecting our unique resource base; and

Whereas, The Northwest electricity system is different from most of the rest of the nation and has produced affordable, cost-based rates and reliable service for our region; and

Whereas, We believe the proposed pricing incentives would harm consumers in our region through increased costs without any positive cost-benefit analysis; and

Whereas, We believe the proposed pricing incentives will harm the investment climate for new electricity infrastructure in the region due to the Commission's inability to ensure delivery of the promised incentives, and because the incentives first apply to existing transmission and second to new investment, but only if a utility is a member of an RTO; and

Whereas, We believe the proposed pricing incentives will make more difficult the formation of any new regional transmission organization that is, in fact, well-designed to fit Northwest regional circumstances because the generic incentive is a new cost that outweigh any benefits of such an organization;

Now, therefore, Your Memorialists respectfully pray that the Federal Energy Regulatory Commission leave the Northwest electricity system in place and withdraw its proposed new pricing policy for the rates of transmission owners until such time as a cost-benefit analysis is completed that indicates a positive benefit from Northwest consumers, and the region expresses its desire to form a new transmission organizations; and

Your Memorialists further pray that in the event that the Federal Energy Regulatory Commission does not withdraw its proposal, the President and Congress take action to prevent the Federal Energy Regulatory Commission from proceeding with their proposal.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Honorable Spencer Abraham, the Secretary of the United States Department of Energy, the Members of the Federal Energy Regulatory Commission, Chairman Patrick Wood, III, Commissioner Nora M. Brownell, and Commissioner William L. Massey, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–141. A concurrent resolution adopted by the Legislature of the State of Michigan relative to fuel cell research projects; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 14

Whereas, In his State of the Union address, President Bush identified fuel cell research as a national priority. While this move holds great significance for our entire country, the urgency for developing a new energy source is most acutely understood in Michigan; and

Whereas, Through the resources of the automotive industry, smaller companies across our state, and university research being conducted at numerous locales, the drive to develop the fuel cell as the next generation energy source has been in high gear in Michigan for many years. The human and technological resources Michigan has as the home of the auto industry indicates both our state's capacity for fuel cell research and its stake in advancing the next generation of energy. Michigan's efforts include innovative approaches to virtually all aspects of the infrastructure necessary to develop fuel cells, including work on the storage and transportation of hydrogen; and

Whereas, In addition to well-known efforts within the auto industry, Michigan is also the site of research seeking to develop fuel cell applications for homes and businesses. Michigan businesses are working closely with university researchers on these projects; and

Whereas, Michigan has made a significant commitment to encouraging enterprise in the field of emerging energy development. The Ninety-first Legislature enacted the ''NextEnergy'' package of legislation to promote energy research, especially fuel cell technology. These acts created a series of tax credits, exemptions, and deductions for businesses working on alternative energy technologies, in addition to providing for alternative energy zones to spur investment. The Next Energy Authority created in the Department of Management and Budget reflects the depth of the state's commitment. Clearly, Michigan is uniquely suited for research devoted to establishing a hydrogen-based means of generating energy for our cars, homes, and businesses; now, therefore, be it

Resolved by the Senate (the House of Representative concurring), That we memorialize the President and Congress of the United States to pursue and support fuel cell research projects in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United states, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–142. A joint resolution adopted by the Senate of the Legislature of the State of Montana relative to Arctic National Wildlife Refuge; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 22

Whereas, stable, affordable energy is vital to the economy and security of the people of the State of Montana and the United States of America; and

Whereas, the United States has become increasingly dependent on foreign supplies of crude oil to meet our energy needs and is now importing more than 55% of the nation's crude oil needs; and

Whereas, dependence on imports is rising and could exceed 65% by the year 2020 due to growth in demand and falling production; and

Whereas, the recent events in Venezuela and other international problems have caused uncertainty in the commodities markets about the future supply of oil; and

Whereas, these among other factors have resulted in an increase in the price of crude oil to over $33 per barrel and, with crude oil costs being the largest component of the retail price of petroleum products, has resulted in a significant increase in the national average price of gasoline and has similarly increased the price of other petroleum products vital to the economy of the United States and the lives of its citizens; and

Whereas, the U.S. Department of Energy estimates the Coastal Plain of the Arctic National Wildlife Refuge (ANWR) contains between 5.7 and 16 billion barrels of recoverable oil; and

Whereas, production from the Coastal Plain of ANWR could produce up to 1.5 million barrels of oil per day for at least 25 years, which is comparable to the volumes the United States is expected to import from Iraq for the next 25 years and which represents nearly 25% of current daily U.S. production, and could save $14 billion dollars per year in oil imports; and

Whereas, ANWR consists of 19 million acres, of which 8 million are classified as wilderness, 9.5 million are designated as national refuge lands, and 8% or 1.5 million acres comprise the Coastal Plain for which the potential for oil and gas production was acknowledged by Congress in the Alaska National Interest Lands Conservation Act of 1980; and

Whereas, oil and natural gas development and wildlife are successfully coexisting and advanced technology has greatly reduced the ''footprint'' of Arctic oil development; and

Whereas, the Alaska State AFL–CIO and the Alaska Federation of Natives support responsible oil and gas development on the Coastal Plain of ANWR; and

Whereas, environmentally responsible exploration, development, and production of oil on the Coastal Plain of ANWR will provide incomes to federal and state governments and general jobs and business opportunities for residents in all 50 states; and

Whereas, the people of Montana, while in general and qualified support of continued development of fossil fuels, recognize that further development of fossil fuels addresses the short-term needs of our nation's energy independence; and

Whereas, the people of Montana agree with the comments of President Bush during the 2003 State of the Union Address that the development of alternative energy sources, which would make America truly independent, is the preferred path for our country; and

Whereas, the people of Montana recognize that development of alternative energy sources, including solar, hydrogen, wind, fuel cell, ethanol, and biodiesel fuels, constitutes a preferred alternative to long-term energy development; and

Whereas, people of Montana understand that development of certain alternative energy sources, such as ethanol and biodiesel fuel, would enhance the economic and agricultural base of our great state; and

Whereas, people of Montana further acknowledge that the efficient use of our existing energy resources in a critical and strategic priority in order to ensure our energy independence; and

Whereas, America has demonstrated the ability to dramatically reduce the energy consumption in past times of national crisis through fuel efficiency standards for automobiles, installation of industrial efficiency measures, and a conservation ethic among consumers.

Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:

(1) That the Congress of the United States be urged to take action to stabilize domestic crude oil supplies through facilitating additional production, to decrease our nation's need for foreign oil from undependable sources, to increase federal and state revenue from oil and gas leasing, and, subject to prioritizing those efforts described in subsection (2), to support the economy through addition of good paying jobs by opening the Coastal Plain of the Arctic National Wildlife Refuge to oil and gas leasing and environmentally responsible exploration, development, and production of the petroleum reserved.

(2) That the Congress of the United States be urged to:

(a) increase support for development of new sources of renewable energy, such as biofuels (including biodiesel and ethanol), wind, and solar:

(b) pursue development and use of fuel efficient vehicles and development of new technologies such as fuel cells and other potential applications of emerging hydrogen technology; and

(c) develop programs and standards to encourage efficient use of existing resources in transportation, industrial and commercial processes, and consumer end uses.

Be it further resolved, That the Secretary of State send copies of this resolution to the Governor, the Montana Congressional Delegation, the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, and the U.S. Secretary of the Interior.

POM—143. A resolution adopted by the Legislature of the State of Alaska relative to the Arctic National Wildlife Refuge; to the Committee on Energy and Natural Resources.

LEGISLATIVE RESOLVE NO. 4

Whereas, in sec. 1002 of the Alaska National Interest Lands Conservation Act (ANILCA) the United States Congress reserved the right to permit further oil and gas exploration, development, and production within the coastal plain of the Arctic National Wildlife Refuge, Alaska; and

Whereas the oil industry, the state, the United States Department of the Interior consider the coastal plain to have the highest potential for discovery of very large oil and gas accumulations on the continent of North America, estimated to be as much as 10,000,000,000 barrels of recoverable oil; and

Whereas the ''1002 study area'' is part of the coastal plain located within the North Slope Borough, and residents of the North Slope Borough, who are predominantly Inupiat Eskimo, are supportive of development in the ''1002 study area''; and

Whereas oil and gas exploration and development of the coastal plain of the refuge and adjacent land could result in major discoveries that would reduce our nation's future need for imported oil, help balance the nation's trade deficit, and significantly increase the nation's security; and

Whereas domestic demand for oil continues to rise while domestic crude production continues to fall with the result that the United States imports additional oil from foreign sources; and

Whereas development of oil at Prudhoe Bay, Kuparuk, Endicott, Lisburne, and Milne Point has resulted in thousands of jobs throughout the United States, and projected job creation as a result of coastal plain oil development will have a positive effect in all 50 states; and

Whereas Prudhoe Bay production is declining by approximately 10 percent a year; and

Whereas, while new oil field developments on the North Slope of Alaska, such as Alpine, Badami, and West Sak, may slow or temporarily stop the decline in production, only giant coastal plain fields have the theoretical capability of increasing the production volume of Alaska oil to a significant degree; and

Whereas opening the coastal plain of the Arctic National Wildlife Refuge now allows sufficient time for planning environmental safeguards, development, and national security review; and

Whereas the 1,500,000-acre coastal plain of the refuge makes up only eight percent of the 19,000,000-acre refuge, and the development of the oil and gas reserves in the refuge's coastal plain would affect an area of 2,000 to 7,000 acres, which is less than one-half of one percent of the area of the coastal plain; and

Whereas 8,000,000 of the 19,000,000 acres of the refuge have already been set aside as wilderness; and

Whereas the oil industry has shown at Prudhoe Bay, as well as at other locations along the Arctic coastal plain, that it can safely conduct oil and gas activity without adversely affecting the environment or wildlife populations; and

Whereas the state will ensure the continued health and productivity of the Porcupine Caribou herd and the protection of land, water, and wildlife resources during the exploration and development of the coastal plain of the Arctic National Wildlife Refuge, Alaska; and

Whereas the oil industry is using innovative technology and environmental practices in the new field developments at Alpine and Northstar, and those techniques are directly applicable to operating on the coastal plain and would enhance environmental protection beyond traditionally high standards;

Be it resolved by the Alaska State Legislature, That the Congress of the United States is urged to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production, and that the Alaska State Legislature is adamantly opposed to further wilderness or other restrictive designation in the areas of the coastal plain of the Arctic National Wildlife Refuge, Alaska; and be it

Further resolved, That that activity be conducted in a manner that protects the environment and the naturally occurring population levels of the Porcupine Caribou herd, and that uses the state's work force to the maximum extent possible; and be it

Further resolved, That the Alaska State Legislature opposes any unilateral reduction in royalty revenue from exploration and development of the coastal plain of the Arctic National Wildlife Refuge, Alaska, and any attempt to coerce the State of Alaska into accepting less than the 90 percent of the oil, gas, and mineral royalties from the federal lands in Alaska that was promised to the state at statehood.

Copies of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Gale Norton, United States Secretary of the Interior; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Bill Frist, Majority Leader of the U.S. Senate; the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to all other members the U.S. Senate and the U.S. House of Representatives serving in the 108th United States Congress.

POM–144. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the fuel cell research; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 17

Whereas, In his State of the Union address, President Bush identified fuel cell research as a national priority. While this move holds great significance for our entire country, the urgency for developing a new energy source is most acutely understood in Michigan; and

Whereas, Through the resources of the automotive industry, smaller companies across our state, and university research being conducted at numerous locales, the drive to develop the fuel cell as the next generation energy source has been in high gear in Michigan for many years. The human and technological resources Michigan has as the home of the auto industry indicates both our state's capacity for fuel cell research and its stake in advancing the next generation of energy. Michigan's efforts include innovative approaches to virtually all aspects of the infrastructure necessary to develop fuel cells, including work on the storage and transportation of hydrogen; and

Whereas, In addition to well-known efforts within the auto industry, Michigan is also the site of research seeking to develop fuel cell applications for homes and businesses. Michigan businesses are working closely with university researchers on these projects; and

Whereas, Michigan has made a significant commitment to encouraging enterprise in the field of emerging energy development. The Ninety-first Legislature enacted the ''NextEnergy'' package of legislation to promote energy research, especially fuel cell technology. These acts created a series of tax credits, exemptions, and deductions for businesses working on alternative energy technologies, in addition to providing for alternative energy zones to spur investment. The Next Energy Authority created in the Department of Management and Budget reflects the depth of the state's commitment. Clearly, Michigan is uniquely suited for research devoted to establishing a hydrogen-based means of generating energy for our cars, homes, and businesses; now, therefore, be it

Resolved by the Senate, That we memorialize the President and Congress of the United States to pursue and support fuel cell research projects in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–145. A resolution adopted by the Senate of the Legislature of the State of Kansas relative to the F/A–22 Raptor; to the Committee on Armed Services.

SENATE RESOLUTION NO. 1871

Whereas, The Kansas Senate is pleased to join citizens across our great state, our nation, and the world in congratulating our troops on their recent victory in Iraq, as well as the hard working men and women across our state who design and assemble essential equipment and weaponry for our military; and

Whereas, Air dominance has become a signature of our armed forces and a determining factor when our military is drawn into combat throughout the world; and

Whereas, Kansas's defense and aerospace industry invests millions of dollars and employs thousands of highly skilled workers in Kansas; and

Whereas, Defense and aerospace companies in Kansas provide our military with cutting edge technological components that are used to assemble vital military products, like the United States Air Force's new generation fighter, the Lockheed Martin F/A–22 Raptor; and

Whereas, Projects like the F/A–22 Raptor will bring more than $32 million dollars to the Kansas economy while providing thousands of Kansans with high quality jobs, thus stimulating the aerospace industry in the state; and

Whereas, The State of Kansas has a tradition of constructing both commercial and military aviation products and is the home of important components of our military's air capabilities, such as the 22nd Air Refueling Wing, as well as dedicated soldiers, sailors, marines and airmen flying and maintaining those aircraft at bases across the country: Now, therefore, be it

Resolved by the Senate of the State of Kansas, That the members of this body recognize that the F/A–22 Raptor is critical to the Kansas economy and that the members of this body implore the Congress of the United States to fully fund the F/A–22 program, thus providing our military heroes with the vital resources they need and invigorating our economy; and be it further

Resolved, That the Secretary of the Senate be directed to send enrolled copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas legislative delegation.

POM–146. A resolution by the Legislature of the State of Arizona relative to weapons of mass destruction; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION 1021

Whereas, the people of the State of Arizona view with growing concern the proliferation of nuclear, chemical and biological weapons of mass destruction and the missile delivery capabilities of these weapons in the hands of unstable foreign regimes; and

Whereas, the tragedy of September 11, 2001 shows that America is vulnerable to attack by foreign enemies; and

Whereas, the people of the State of Arizona wish to affirm their support of the United States government in taking all actions necessary to protect the people of America and future generations from attacks by missiles capable of causing mass destruction and loss of American lives: therefore, be it *resolved by the senate of the State of Arizona,* the house of representatives concurring:

1. That the Members of the Legislature support the President of the United States in directing the considerable scientific and technological capabilities of this nation and in taking all actions necessary to protect the states and their citizens, our allies and our armed forces abroad from the threat of missile attack.

2. That the Members of the Legislature convey to the President and Congress of the United States that a coast-to-coast, effective missile defense system will require the deployment of a robust, multi-layered architecture consisting of integrated land-based, sea-based and space-based capabilities to deter evolving future threats from missiles as weapons of mass destruction and to meet and destroy them when necessary.

3. That the Members of the Legislature appeal to the President and Congress of the United States to plan and fund a missile defense system beyond 2005 that would consolidate technological advancement and expansion from current limited applications.

4. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the State of Arizona.

POM–147. A resolution adopted by the House of the Legislature of the State of Kansas relative to the F/A–22 Raptor; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 6027

Whereas, The Kansas House of Representatives is pleased to join citizens across our great state, our nation, and the world in congratulating our troops on their recent victory in Iraq, as well as the hard working men and women across our state who design and assemble essential equipment and weaponry for our military; and

Whereas, Air dominance has become a signature of our armed forces and a determining factor when our military is drawn into combat throughout the world; and

Whereas, Kansas' defense and aerospace industry invest millions of dollars and employs thousands of highly skilled workers in Kansas; and

Whereas, Defense and aerospace companies in Kansas provide our military with cutting edge technological components that are used to assemble vital military products, like the United States Air Force's new generation fighter, the Lockheed Martin F/A–22 Raptor; and

Whereas, Projects like the F/A–22 Raptor will bring more than $32 million dollars to the Kansas economy while providing thousands of Kansans with high quality jobs, thus stimulating the aerospace industry in the state; and

Whereas, The State of Kansas has a tradition of constructing both commercial and military aviation products and is the home of important components of our military's air capabilities, such as the 22nd Air Refueling Wing, as well as dedicated soldiers, sailors, marines and airmen flying and maintaining those aircraft at bases across the country: Now, therefore,

Be it resolved by the house of representatives of the State of Kansas, That the members of this body recognize that the F/A–22 Raptor is critical to the Kansas economy and that the members of this body implore the Congress of the United States to fully fund the F/A–22 program, thus providing our military heroes with the vital resources they need and invigorating our economy; and

Be it further resolved, That the Chief Clerk of the house of representatives be directed to send enrolled copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas legislative delegation.

POM–148. A resolution adopted by the House of the Legislature of the Commonwealth of Virginia relative to missile defense programs; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 40

Whereas, Virginia, the Old Dominion, located in the upper South region of the United States and populated by more than 7,000,000 persons, is noted for its contribution to the founding of the United States through leadership and political thought, maintains distinguished centers of higher education and research, is the site of advanced information and defense technology, is the center of national naval force concentration, and is the foremost shipbuilder on its coast, while possessing natural endowments of mountains and forests on its western limits and agriculture on its southern tier; and

Whereas, the people of Virginia are conscious of these assets of the Old Dominion and desire a favorable future for their children and future generations; and

Whereas, Virginia provided leadership in the Revolutionary War, was the location of the surrender of Great Britain that ended it, and has contributed notably to national defense through its citizenry both in the military and industry ever since; and

Whereas, the people of Virginia are aware of the global proliferation of short-range, medium-range, and long-range ballistic missiles as weapons of mass destruction and their threat to our nation, our allies, and our armed forces abroad; and

Whereas, the United States does not possess an effective defense against such missiles launched by hostile states, by terrorist organizations within the borders of such states, or from ships anywhere on the world's seas and oceans, including near the coastal cities of America; and

Whereas, the President of the United States has withdrawn from the treaty with the now-extinct Soviet Union that prohibited effective American self-defense against ballistic missile attack and has announced the deployment of a ground-based and sea-based limited missile defense system by the year 2005 as a beginning toward a robust system that will be multilayered, meaning land, sea, air, and space interception components; and

Whereas, short-range and medium-range ballistic missiles launched from ships off the East Coast of the United States would be outside the protective reach of the Pacific Ocean-based and Alaska-based system, and the population of Virginia's Tidewater, as well as the preponderant national naval presence located there, are now vulnerable and will be still vulnerable to such a missile attack with warheads of mass destruction after planned deployment in 2005 of missile defenses in Alaska and California; and

Whereas, missile defense interceptors based in Alaska and California may not be able to protect the population of Virginia's Tidewater and other East Coast areas from long-range ballistic missiles launched from threatening states in the Middle East and North Africa; and

Whereas, the United States Navy has demonstrated its capability to use ships that can be based in Virginia's Tidewater area to intercept short-range and medium-range ballistic missiles while they are rising from their launchers, which could be on nearby ships, and this capability can be improved to intercept long-range ballistic missiles; now, therefore, be it

Resolved, That the Virginia House of Delegates hereby urge the President of the United States to continue to take all actions necessary, directing the considerable scientific and technological capability of this great Union, to protect all 50 states and their people, our allies, and our armed forces abroad from the threat of missile attack; and, be it

Resolved further, That the Virginia House of Delegates hereby convey to the President of the United States and the United States Congress that an ocean-to-ocean, effective missile defense system will require the deployment of a robust, multilayered architecture consisting of integrated land-based, sea-based, air-based, and space-based capabilities to deter evolving future threats and to meet and destroy them when necessary; and

Resolved further, That the Virginia House of Delegates urge the President of the United States and the United States Congress to plan and provide funding for a Tidewater Virginia and East * * *

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POM–149. A concurrent resolution adopted by the Senate of the Legislature of the State of Michigan relative to homeland security; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 20

Whereas, As our country continues to put in place stronger defenses against terrorism through homeland security measures, a key component will be the establishment of regional headquarters for the United States Department of Homeland Security. The President has called for regional centers in his 2004 budget proposal; and

Whereas, In the Midwest, an excellent site for a regional headquarters is the Selfridge Air National Guard Base in Macomb County. The advantages this location offers range from low costs, unsurpassed strategic significance, and facilities that can provide for a swift and smooth transition to the responsibilities of homeland security work; and

Whereas, Located at the heart of the nation's freshwater network and near several of the busiest international points of entry along our northern border, Selfridge is well positioned to handle quickly any type of task to protect America's people, resources, and infrastructure. Clearly, this location offers opportunities for enhanced responsiveness to the challenges before us in safeguarding our nation in the years ahead; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Department of Homeland Security to locate its Midwestern headquarters at the Selfridge Air National Guard Base in Macomb County; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the United States Department of Homeland Security, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–150. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to Medicare; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 52

Whereas, Mental health and emotional stability are key components of every person's overall health and well-being. The correlation between mental health and physical health is well established. However, there are numerous situations in which mental health and mental health services are considered far differently than physical maladies; and

Whereas, Under the current practices of our Medicare system, several types of mental health and counseling services are not covered. This omission is especially inappropriate in view of the fact that senior citizens often face more challenges to their emotional and mental well-being than other age groups. Senior citizens suffer from depression at higher rates than other age groups, for example; and

Whereas, Congress has before it a measure that would address this gap in Medicare coverage. The Seniors Mental Health Access Improvement Act, S. 310, would amend the Medicare system to provide for the coverage of marriage and family therapist services and mental health counselor services under Part B of Medicare. The impact of adding this coverage would be beneficial not only to countless individuals and families, but also to the Medicare system through the improved overall health it would encourage: Now, therefore, be it.

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to include the services of licensed professional counselors and marriage and family therapists among services covered under Medicare; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delations.

POM–151. A resolution adopted by the town of New Castle of the State of New York relative to the Indian Point Nuclear Power Plants; to the Committee on Environment and Public Works

Whereas, the Town of New Castle seeks to ensure the public health and safety of those who live and/or work within the town, and

Whereas, the Town of New Castle has been coordinating efforts with the Westchester County Board of Legislators for the past three years to monitor the County's Emergency Evacuation Plan that would be put into effect in the event of a radiological incident at the Indian Point Nuclear Power Plants, and

Whereas, the Town of New Castle has supported the Westchester County Board of Legislator's efforts to obtain an independent, non-governmental assessment of the ability of the County's Emergency Evacuation Plan to achieve its goals to ensure public health and safety, and

Whereas, as a result of serious questions raised regarding the Westchester County's Emergency Evacuation Plan at the Indian Point Nuclear Power Plants, an independent, non-governmental assessment was made of the ability of Plan to achieve its goals of protecting public health and ensuring public safety, and

Whereas, under contract with the State of New York such as assessment has been made by James Lee Witt associates, LLC and their finding included: (1) The plans are built on compliance with regulations, rather than a strategy that leads to structures and systems to protect from radiation exposure; (2) The plans appear based on the premise that people will comply with official government directions rather than acting in accordance with what they perceive to be their best interest; (3) The plans do not consider the possible additional ramifications of a terrorist caused release; (4) The plans do not consider the reality and impacts of spontaneous evacuation; and (5) Response exercises designed to test the plans are of limited use in identifying inadequacies and improving subsequent responses; and

Whereas, these deficiencies have, in turn, called into question the ability of the Plan to achieve the goals of protecting public health and ensuring public safety: Now therefore be it

Resolved, That security at the Indian Point Nuclear Power Plants needs to be placed under the control of the United States military and that this be done without further delay, and be it further

Resolved, That the New Castle Town Board calls upon the County, State and Federal Governments to immediately begin to implement those recommendations of the Witt Report relevant to their respective responsibilities in and for the Emergency Evacuation Plan, and be it further

Resolved, That the New Castle Town Board calls upon the County Executive or any other official and/or employee of the County of Westchester to not issue a radiological emergency preparedness activities form or any other official communication that would in any way state or imply that the Emergency Evacuation Plan as it currently exists is capable of achieving its goals of protecting public health and ensuring public safety in the event of a radiological incident, and be it further

Resolved, That the New Castle Town Board calls upon the Governor of the State of New York, in recognition of the refusal of the County Executives of all four affected Counties to issue letters of certification (also known as checklists) concerning the efficiacy of the Emergency Evacuation Plan, to refuse to certify said Plan to the Federal Emergency Management Agency, and be it further

Resolved, That the New Castle Town Board calls upon the Federal Emergency Management Agency to decertify the Emergency Evacuation Plan as inadequate to protect the public health and to ensure public safety, and be it further

Resolved, That the New Castle Town Board calls upon the Nuclear Regulatory Commission, in recognition of the inadequacies of the Emergency Evacuation Plan to protect the public health and to ensure public safety, to order an immediate shutdown of the Indian Point Nuclear Power Plants until such time as it can be demonstrated that a revised emergency evacuation plan, which addresses all the inadequacies of the current Emergency Evacuation Plan as described in the James Lee Witt Associates, LLC Report, can achieve its goals of protecting the public health and ensuring public safety. Such revised emergency evacuation plan should pay particular attention to the recommendation that the emergency evacuation plan of ''any plant adjacent to high population areas should have different requirements than plants otherwise situated, because protective actions are more difficult and the consequences of failure or delay are higher,'' and be it further

Resolved, That the New Castle Town Board calls upon the Nuclear Regulatory Commission to begin the decommissioning process to reduce the vulnerability of the Indian Point Nuclear Power Plants at the earliest possible date, and be it further

Resolved, That the New Castle Town Board hereby directs that its will and its desire as expressed through this Resolution be transmitted to all appropriate parties within the County, State and Federal governments empowered to act upon and effect the provisions as stated herein.

POM–152. A resolution adopted by the House of the Legislature of the State of Michigan relative to the transportation funds; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 9

Whereas, For several decades, Michigan has sent much more federal highway tax money to Washington than it has received in return. This imbalance has helped our nation build the country's highway infrastructure. With the national infrastructure largely completed, the continuation of the imbalance has created a serious challenge for Michigan and other ''donor states''; and

Whereas, Michigan, which typically loses between $150 million and $400 million each year by sending more to Washington than it receives, is severely hampered. The unfair practice of contributing hundreds of millions of dollars beyond the amount we receive to fund projects in other parts of the country makes it far more difficult for Michigan to maintain the quality of its highways. The loss of funding also represents a serious loss of economic activity; and

Whereas, The chairman of the House Transportation and Infrastructure Committee and the chairman of the Senate Environment and Public Works Committee in Congress have proposed a major change in how federal highway funds are distributed. They have called for a funding formula that would guarantee that all states receive a minimum of 95 percent of what they each contribute to the federal highway program; and

Whereas, The potential impact for Michigan of a guarantee of at least 95 percent of this funding would be very significant. Even as the economy calls for more careful public expenditures, this proposed policy change would help Michigan and bring greater fairness to the issue of transportation spending. Citizens, visitors, and businesses of this state would benefit enormously from this long overdue policy: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government and to urge Congress to make the return of transportation money to the states a higher priority within existing federal revenues; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–153. A resolution adopted by the House of the Legislature of the State of Michigan relative to the Solid Waste; to the

Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 10

Whereas, In 1992, the United States Supreme Court, in Fort Gratiot Sanitary Landfill v. Michigan Department of Natural Resources, ruled that states could not ban the importation of solid waste because Congress has the ultimate authority to regulate interstate commerce. Since that time, Michigan has become the dumping ground for increasing amounts of solid waste from out of our state and our country; and

Whereas, Michigan is the third-largest importer of solid waste in the country. Approximately 20 percent of all trash in Michigan landfills now originate outside of Michigan. The amounts have increased significantly in the past several years, and recent reports of a major contract with Ontario and of the closing of the nation's largest landfill in New York seem to indicate this issue will loom larger in the future; and

Whereas, An agreement between the city of Vaughan, Ontario, and Carleton Farms in Wayne County's Sumpter Township will thrust Michigan into being the second-largest importer of solid waste in the country next year, as Michigan will be accepting a large majority of the city of Toronto's municipal solid waste; and

Whereas, Accepting unlimited volumes of trash from outside our state has serious long-term consequences. Long after the money from the contracts has been spent, a potential environmental threat continues, as does an obligation to monitor disposal sites to protect water and public health from toxic releases. Clearly, any state accepting these long-term risks should be able to regulate the creation of that risk, regardless of where it originate; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to give states the authority to ban importation of out-of-state solid waste; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–154. A resolution adopted by the Legislature of the Commonwealth of Virginia relative to funding nitrogen reduction technology (NRT); to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 38

Whereas, the Chesapeake Bay and its tributaries are national treasures that play a vital role in many sectors of Virginia's economy including the commercial seafood, recreational fishing, and tourism industries; and

Whereas, while significant progress has been made in restoring the Chesapeake Bay and its tributaries, they remain in a significantly degraded condition; and

Whereas, nitrogen pollution, the most serious problem facing water quality in the Bay today, results in excessive algae growth that clouds water, depletes oxygen, and severely impacts vital bay grasses, young fish, and crabs; and

Whereas, the Commonwealth Is a signatory to the Chesapeake 2000 Agreement, in which Virginia pledged to significantly reduce pollution sufficient to remove the Chesapeake Bay from the United States Environmental Protection Agency's impaired waters list by 2010; and

Whereas, upgrading sewage treatment plants, which currently contribute 61 million pounds of nitrogen annually to the Bay, is one of the most cost-effective steps that can be taken to significantly reduce nitrogen pollution; and

Whereas, sewage treatment plants in Virginia discharge up to 25 milligrams of nitrogen per liter of wastewater, while current technology allows the nitrogen content of treated wastewater to be reduced to only 3 milligrams per liter; and

Whereas, United States Senators of Virginia and the United States House of Representatives from the 1st, 3rd, 4th, 6th, 8th, 10th, and 11th Virginia Congressional Districts have introduced legislation to provide cost-share grant funding to allow Bay watershed sewage treatment plants to substantially reduce their nitrogen pollution by installing NRT; now, therefore, be it

Resolved by the House of Delegates, That the Congress of the United States be urged to adopt legislation in support of funding for nitrogen reduction technology (NRT) in the 108th Congress; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the House of Delegates of Virginia in this matter.

POM–155. A joint resolution adopted by the Legislature of the State of Washington relative to the Forest Service; to the Committee on Agriculture, Nutrition, and Forestry.

SUBSTITUTE SENATE JOINT MEMORIAL 8002

Whereas, Wildfires in forest areas are increasing at an alarming rate with the 2002 fire season one of the most severe since the 1940s; and

Whereas, There are over 180 million acres of public land near communities with a high risk of fire; and

Whereas, Forest health both in Washington state and throughout the nation has been on a steady decline in many forests over the last thirty years; and

Whereas, Forest insect infestations, disease, overly dense forests, weeds, and brush and shrub build-up are increasing problems; and address all forest health issues in order to stem the tide of forest and grazing land wildfire, insect infestations, disease, and environmental degradation; and

Be it further resolved, That federal and state agencies work with all stakeholders to promote efforts that provide policy solutions and to conduct field operations so that our nation's public forests' health issues can be addressed; and

Be it further resolved, That Congress provide adequate funding levels for the United States Forest Service and continually assess the progress towards a healthy forest environment;

Be it further resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Honorable Ann M. Veneman, Secretary of the Department of Agriculture, Dale Bosworth, Chief of the Forest Service, and the Honorable Gail A. Norton, Secretary of the Department of the Interior, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–156. A joint resolution adopted by the Legislature of the State of Washington relative to the government involvement in the wheat market; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE JOINT MEMORIAL 8015

Whereas, Wheat farming is the major industry in many rural regions of Washington State and thus the health of the industry is inextricably linked to the economic health of the populations in these rural regions; and

Whereas, Approximately one hundred fifty million bushels of wheat is produced annually on two and one-half million acres by five thousand farms and generates four hundred fifty million dollars in gross crop value, placing Washington State third in the nation among wheat producing states; and

Whereas, Washington is one of the largest and most heavily reliant of the wheat exporting states with up to ninety percent of the state's production being exported each year; and

Whereas, The wheat production in Washington State is predominantly by family farm operations that are as efficient and productive as any growers in the world and that produce the highest quality product possible; and

Whereas, Despite being the most efficient producers of the highest quality product, low prices received by farmers in recent years, especially for those farmers with loan obligations, have resulted in the continual erosion in many farmers' net worths and a loss of farming operations; and

Whereas, Because prices for wheat in recent years, including funds from government programs, have frequently been at or below the cost of production, the wheat farming community is very sensitive to significant government actions that affect supply and demand and depress wheat prices; and

Whereas, The price of the soft white wheat predominately grown in Washington reached a high in early fall of four dollars and eighty cents per bushel at the Portland grain terminal but has fallen dramatically by over one dollar per bushel due to a combination of factors, including large sales over a short period of time from federally held grain reserves and the labor dispute causing the cessation in the shipment of grain at export facilities; and

Whereas, A bushel of wheat makes forty-two pounds of flour, which makes sixty-six loaves of bread, and comprises only six cents of the one dollar and thirty cents average retail price per loaf;

Now, therefore, Your Memorialists respectfully pray that new federal procedures be established to assure that future sales of wheat stocks from federally held grain reserves be conducted in a manner that such sales will not unduly disrupt the market while also fulfilling the original intent of providing for emergency humanitarian food needs in developing countries.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Honorable Ann M. Veneman, Secretary of the United States Department of Agriculture, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–157. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the cotton production insurance; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 90

Whereas, the majority of cotton producers in the state of Louisiana are in support of crop insurance based on the cost of production; and

Whereas, Louisiana has experienced several consecutive years with natural disasters that have reduced actual production history; and

Whereas, many producers have found that their level of coverage is either too high, eroded, or unavailable as a result of consecutive years with natural disasters; and

Whereas, cost of production insurance will provide producers and lending institutions more coverage and reliability and reduce the need for ad hoc disaster spending to cover production costs in the event of catastrophic natural disasters; and

Whereas, the taxpayers of this state and country deserve a more fiscally responsible plan than off-budget emergency spending to deal with catastrophic agricultural losses; and

Whereas, cost of production insurance is a concept that allows producers of cotton to insure between seventy and ninety percent of their documented variable costs of production; and

Whereas, cost of production insurance would greatly enhance each producer's ability to survive natural disasters and economic crises; and

Whereas, the United States Department of Agriculture's Risk Management Agency has received a proposal for implementation of a cost of production insurance pilot program from AgriLogic, Inc., and the Coalition of American Agriculture Producers, but has not yet implemented such a program, although the United States Congress has requested them to do so.

Therefore, be it resolved, That the Legislature of Louisiana does hereby urge and request the United States Secretary of Agriculture to expeditiously implement and expand cost of production insurance for cotton that is based on a producer's actual production cost history and to implement a cost of production insurance pilot program.

Be it further resolved, That a copy of this Resolution be transmitted to the President of the United States, the Secretary of the United States Department of Agriculture, the Speaker of the United States House of Representatives, the President of the United States Senate and to each member of the Louisiana Congressional Delegation.

POM–158. A resolution adopted by the House of the Legislature of the State of Michigan relative to Emerald Ash Borer; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE RESOLUTION NO. 36

Whereas, In an amazingly short period of time, an important species of tree in Michigan faces a devastating infestation from an insect known as the emerald ash borer. This beetle, which has also been found in Ontario and Ohio, is thought to have entered Michigan in 1997. Already, this insect has killed 5 million trees in the six-county area of southeastern Michigan. In response, the state has quarantined the six counties, where approximately 28 million ash trees are at risk; and

Whereas, The potential economic and ecosystem impact of this invading species would be dramatic across our state and potentially the entire country. In addition to what the loss of all ash trees would mean to the appearance of our homes, communities, and the entire state, ash trees constitute an important and versatile lumber resource that may be lost without swift and certain actions. As with any type of plant so widespread, the loss of Michigan's estimated one billion ash trees clearly could have unforeseen effects on our forest ecology; and

Whereas, The United States Department of Agriculture (USDA) must establish a federal quarantine for the emerald ash borer. Such action would provide uniform rules for slowing or containing the northern advance of the insect; guarantee sufficient protections for international commerce with Canada, which is also experiencing infestation; and allow for the compensation of a number of growers, distributors, retailers, and contractors within the quarantine area who have lost crops and sales without warning; and

Whereas, In an effort to save this species of tree, Michigan has asked Congress to provide financial assistance to state and municipal officials. In addition, these officials need technical assistance to develop a sound strategy of combating this destructive vermin, which clearly has the potential to cause great damage not only in Michigan, but across the country; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to establish a quarantine for the emerald ash borer and provide assistance to help Michigan combat the infestation; and be it further

Resolved That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Department of Agriculture, and the members of the Michigan congressional delegation.

POM–159. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to Emerald Ash Borer; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION NO. 49

Whereas, With alarming swiftness, the emerald ash borer, an aggressive Asian insect, is threatening virtually all of the ash trees in this state and region. In spite of a quarantine in 6 southeastern Michigan counties, this beetle has killed 5 million of the 28 million ash trees in the quarantined area. Overall, the emerald ash borer, an invasive species that is causing similar devastation in Ontario and Ohio, threatens as many as 700 million trees in our state; and

Whereas, Ash trees are very important to the ecology of our state. They are also used for many products in several sectors of the economy. Beyond these factors, the ash trees that grace our communities and neighborhoods are beloved shade trees that contribute enormously to the character and beauty of Michigan; and

Whereas, The Governor is working to secure quick help from the federal government to deal with this swiftly escalating problem. Michigan badly needs technical and financial assistance in the face of this emergency. The state has taken decisive actions to deal with this invasive species, but the magnitude of the problem and the immediacy of the issue make it clear that we need the swift assistance of Congress and the United States Department of Agriculture; now therefore, be it

Resolved by the senate, That we memorialize the Congress of the United States and the United States Department of Agriculture to provide assistance, including financial assistance, in the effort to deal with the infestation of the emerald ash borer; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–160. A resolution adopted by the House of the Legislature of the Commonwealth of the Northern Marianas relative to a constitutional amendment to prohibit Federal Judges from Ordering states, or local units of government, to increase or levy taxes; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 12–109

Whereas, several State legislatures in the United States are adopting resolutions addressing a clear violation of the United States Constitution and the legislative process; and

Whereas, in 1990 the U.S. Supreme Court issued an opinion in the case of Missouri v. Jenkins declaring that federal judges have a constitutionally based authority and power to levy or increase taxes; and

Whereas, many believe that this opinion is contrary to the intent and beliefs of our Forefathers, wherein, the three branches of the United States government are to be separate in power and responsibilities; and

Whereas, Alexander Hamilton, Federalist No. 78, states, ''(T)here is no liberty, if the power of judging be not separated from the legislative and executive powers''; and

Whereas, the CNMI Legislature is in accord with these several states who are looking to the U.S. Congress to put an end to this dangerous practice of exercising legislative authority by the Supreme Court; and

Whereas, this is an effort to maintain our Forefathers intent of establishing a democratic body with principles that ensure our freedom and liberty, moreover, to protect the integrity of the U.S. Constitution and its intent to separate, and not duplicate, the powers of the Executive Branch, Legislative Branch, and Judicial Branch; now, therefore

Be it resolved, by the House of Representatives, Twelfth Northern Marianas Commonwealth Legislature, That the House is requested the U.S. Congress to pass a resolution calling for the adoption of an amendment to the United States Constitution which shall read: ''Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision, thereof, or any official of such state or political subdivision, to levy or increase taxes.''; and

Be it further resolved, That the Speaker of the House shall certify and the House Clerk shall attest to the adoption of this resolution and thereafter transmit copies to the Honorable Richard B. ''Dick'' Cheney, Vice-President of the United States and Presiding Officer of the U.S. Senate; to the Honorable Denny Hastert, Speaker of the U.S. House of Representatives; and the Honorable Walt Mueller, Senator, 15th District, State of Missouri.

POM–161. A resolution adopted by the House of the Legislature of the State of Michigan relative to Bovine Tuberculosis; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 58

Whereas, Bovine tuberculosis is an infectious disease that poses a significant risk to domestic livestock, wildlife, companion animals, and humans throughout the world; and

Whereas, Bovine tuberculosis has many severe impacts beyond the disease itself. It increases costs, limits markets for livestock producers nationally and internationally, depresses interest in the state's hunting and tourism industries, and requires state resources for its eradication. These factors have impacted the families of northeastern Lower Michigan significantly; and

Whereas, Since the discovery of bovine tuberculosis in wild white-tailed deer in Michigan in 1995, and in cattle in 1998, the state of Michigan, in a partnership with Michigan State University, the livestock industry, the hunting and outdoors community, and local and federal officials, has worked diligently to control, contain, and eradicate the disease; and

Whereas, Through an aggressive testing plan for livestock and wildlife, Michigan is able to demonstrate to other states and the world that this disease is not present throughout the entire state of Michigan and that the tremendous efforts undertaken with both livestock and wildlife are moving the state toward eradication; and

Whereas, Federal assistance on technical, financial, and staff levels has been critical to

Michigan's efforts to eradicate bovine tuberculosis; and

Whereas, With many other current and emerging plant and animal diseases, resources are challenged at both the federal and state levels to address these diseases adequately; now, therefore, be it

Resolved by the House of Representatives, That we memoralize the Congress of the United States to continue providing assistance to Michigan to help eradicate bovine tuberculosis; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United Stated Department of Agriculture.

POM–162. A resolution adopted by the Senate of the Legislature of the State of Iowa relative to Best Buddies program; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 22

Whereas, there are more than 7.5 million people with intellectual disabilities in the United States and as many as 250 million worldwide; and

Whereas, individuals with intellectual disabilities often experience isolation and exclusion from community activities because of limited opportunties to associate with persons other than their immediate family and paid workers; and

Whereas, Best Buddies is a nonprofit organization dedicated to enhancing the lives of people with intellectual disabilities by providing opportunities for one-to-one friendships and integrated employment; and

Whereas, Best Buddies has grown from one chapter on one college campus to a vibrant, international organization involving participants annually on more than 750 middle school, high school, and college campuses in the United States, Canada, Cuba, Egypt, Greece, Ireland, and Sweden; and

Whereas, Best Buddies has touched the lives of over 175,000 individuals in its 13-year existence; and

Whereas, Best Buddies Iowa currently serves nine college chapters and nine high school chapters within our state and has a long-term goal of involving all schools within Iowa in its mission to bring friendship to individuals with intellectual disabilities; now therefore,

Be it resolved by the Senate, That the Iowa Senate appreciates the work that Best Buddies Iowa performs and urges the federal government to continue to fund this program; and

Be it further resolved, That the Iowa Senate encourages state agencies, county central points of coordination, education providers, and area education agencies to work with Best Buddies Iowa to find additional funding for a middle school program and to further expand its current programs into additionmal communities; and

Be it futher resolved, That copies of this Resolution be sent by the Secretary of the Senate to the President of the United States, the President of the Senate of the United States, the Speaker of the United States House of Representatives; the majority and minority leaders of the United States Senate, the majority and minority leaders of the United States House of Representatives, and each member of Iowa's congressional delegation.

POM–163. A resolution adopted by the House of the Legislature of the State of Kansas relative to the Health Insurance Portability Accountability Act (HIPAA); to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 6028

Whereas, The provisions of HIPAA are now in force with the stated purpose of simplifying health care administrative processes, and in the process, protecting individual privacy rights. Simplification is to be accomplished through the use of standardized, electronic transmission of administrative and financial data—which if successful should simplify health care record keeping and enhance the ability of private health insurance providers to process claims; and

Whereas, While the health and insurance industries may be aware of and executing the requirements of HIPAA, the recipients of health care, and individuals concerned of their condition, are confused and having difficulty comprehending the restrictions of the new procedures; and

Whereas, While patients have a right to their own health information, and while information regarding patients may be obtained by personal representatives or establishment of ''significant other'' relationships, it is urged information regarding whether a person is a patient at a facility, without disclosure of reason or condition, should be available to interesed parties: now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the Congress of the United States and implementing federal agencies to consider the provision of the information which does not disclose medially sensitive information to be available to inquiring persons; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send an enrolled copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representative and to each member of the Kansas legislative delegation.

POM–164. A joint resolution adopted by the House of the Legislature of the Commonwealth of Virginia relative to the Carl D. Perkins Vocational and Applied Technology Act of 2003; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 752

Whereas, funding for career and technical education, which was formerly known as vocational/technical education, was initiated in 1917 by Congress with the passage of the Smith-Hughes Vocational Education Act and an appropriation of $1.7 million in support of state programs across the country; and

Whereas, Congressional funding for career and technical education has been continuous since 1917 and was extended by the Carl D. Perkins Vocational and Applied Technology Act of 1984; and

Whereas, total federal funding for career and technical education in the 2003 fiscal year was $1.3 billion, of which Virginia is receiving nearly $25 million in basic grant funds and another $2.5 million in tech prep grant funds; and

Whereas, 85 percent of Virginia's state grant or nearly $18 million is being distributed to local school divisions, while more than $3.1 million is being distributed to the Virginia Community College System and the remaining $3.7 million is allocated to the Department of Education for state administration of career and technical education programs, including assessment, training, professional development, and improvement of academic skills; and

Whereas, local school divisions depend on the federal funding of career and technical education to accomplish many goals, including, but not limited to, strengthening students' academic, vocational, and technical skills, implementing industry certification programs, expanding the use of technology, providing professional development to career and technical teachers, involving parents, local businesses, and labor and industry leaders in the design, implementation, and evaluation of career and technical programs in order to meet the needs of the local economy and to comply with nationally adopted standards; and

Whereas, career and technical education programs benefit Virginia's economy by providing crucial training to students of various ability levels and economic backgrounds, including gifted and talented students, traditional high school students, students with disabilities, and students who are bound for college and those who are bound for the world of work; and

Whereas, the Virginia Standards of Quality require career and technical education programs in the public schools that are ''infused into the K though 12 curricula that promote knowledge of careers and all types of employment opportunities,'' and ''competency-based career and technical education programs, which integrate academic outcomes, career guidance and job-seeking skills for all secondary students''; and

Whereas, Congress will take up reauthorization of this important law in the coming year and several proposals have been put forth that are troubling to local school divisions and suggest that consideration may be given to diverting the federal dollars to other priorities; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to continue the funding for career and technical education in public secondary and postsecondary schools when reauthorizing the Carl D. Perkins Vocational and Applied Technology Act of 2003. The Congress also shall be urged, in order to maintain the vitality and success of Virginia's career and technical education programs in the Commonwealth's public secondary and postsecondary schools, to continue the funding of public career and technical education in an amount that will continue Virginia's $27 million in funding or will increase this amount; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

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. HOLLINGS (for himself and Mr. STEVENS):

S. 1218. A bill to provide for Presidential support and coordination of interagency ocean science programs and development and coordination of a comprehensive and integrated United States research and monitoring program; to the Committee on Commerce, Science, and Transportation.

By Mr. EDWARDS (for himself, Mr. SMITH, and Mrs. CLINTON):

S. 1219. A bill to amend the national and Community Service Act of 1990 to establish a Community Corps, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD (for himself, Mr. WYDEN, Mr. SMITH, Mr. INOUYE, Mr.

AKAKA, Mr. COLEMAN, Mrs. HUTCHISON, and Mr. CAMPBELL):

S. 1220. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under the medicare program, to expand the area in which plans offered under such contracts may operate, to apply certain provisions of the Medicare+Choice program to such plans, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 1221. A bill to provide telephone number portability for wireless telephone service; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Nebraska (for himself, Mr. BUNNING, and Mr. HAGEL):

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; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. JEFFORDS, and Mr. DODD):

S. 1223. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1224. A bill to expand the powers of the Attorney General to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Attorney General to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

By Mr. GREGG (for himself, Mr. SCHUMER, Mr. MCCAIN, and Mr. KENNEDY):

S. 1225. A bill entitled the ''Greater Access to Affordable Pharmaceuticals Act''; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Ms. COLLINS, Mrs. MURRAY, and Mr. BINGAMAN):

S. 1226. A bill to coordinate efforts in collecting and analyzing data on the incidence and prevalence of developmental disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself and Mrs. LINCOLN):

S. 1227. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day services under the medicare program; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. DEWINE):

S. 1228. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. LEVIN, Mr. LEAHY, Mr. DURBIN, and Mr. DAYTON):

S. 1229. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected form prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM of South Carolina (for himself and Mr. HOLLINGS):

S. Res. 163. A resolution commending the Francis Marion University Patriots men's golf team for winning the 2003 National Collegiate Athletic Association Division II Men's Golf Championship; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mr. CORZINE, Mr. EDWARDS, Mr. BAYH, Mr. SARBANES, Mr. CONRAD, Mr. REED, Ms. LANDRIEU, Mr. JEFFORDS, Mr. KOHL, Mr. LIEBERMAN, Mr. KENNEDY, Mr. ALLEN, Mr. BIDEN, Mr. SANTORUM, Mrs. DOLE, Mrs. BOXER, and Mr. DURBIN):

S. Res. 164. A resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003; to the Committee on the Judiciary.

By Mr. FRIST:

S. Res. 165. A resolution commending Bob Hope for his dedication and commitment to the Nation; considered and agreed to.

By Mr. HARKIN (for himself, Mr. CHAFEE, and Mr. KENNEDY):

S. Con. Res. 52. A concurrent resolution expressing the sense of Congress that the United States Government should support the human rights and dignity of all persons with disabilities by pledging support for the drafting and working toward the adoption of a thematic convention on the human rights and dignity of persons with disabilities by the United Nations General Assembly to augment the existing United Nations human rights system, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 221

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 221, a bill to amend the Communications Act of 1934 to facilitate an increase in programming and content on radio that is locally and independently produced, to facilitate competition in radio programming, radio advertising, and concerts, and for other purposes.

S. 271

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 274

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 274, 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.

S. 300

At the request of Mr. KERRY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 451

At the request of Ms. SNOWE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 557

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 569

At the request of Mr. ENSIGN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 595

At the request of Mr. HATCH, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from California (Mrs. BOXER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 610

At the request of Mr. VOINOVICH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 610, a bill to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics

and Space Administration, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 640

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 664

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 665

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 665, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 684

At the request of Mr. SMITH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 684, a bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

S. 740

At the request of Mr. LIEBERMAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 740, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 756

At the request of Mr. THOMAS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions.

S. 763

At the request of Mr. ENSIGN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 763, a bill to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''.

S. 780

At the request of Mr. LOTT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 786

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 786, a bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes.

S. 805

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 805, a bill to enhance the rights of crime victims, to establish grants for local governments to assist crime victims, and for other purposes.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 874

At the request of Mr. TALENT, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 877

At the request of Mr. BURNS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 894

At the request of Mr. WARNER, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 973

At the request of Mr. NICKLES, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 973, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 982

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. DASCHLE) 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. 1010

At the request of Mr. HARKIN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1046

At the request of Mr. HOLLINGS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1046

At the request of Mr. STEVENS, the names of the Senator from Maine (Ms. COLLINS), the Senator from Michigan (Mr. LEVIN), the Senator from Nevada (Mr. REID) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1046, supra.

S. 1083

At the request of Mr. LUGAR, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1083, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1091

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 1091, a bill to provide funding for student loan repayment for public attorneys.

S. 1116

At the request of Mr. LEVIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1116, a bill to amend the Federal Water Pollution Control Act to direct the Great Lakes National Program Office of the Environmental Protection Agency to develop, implement, monitor, and report on a series of indicators of water quality and related environmental factors in the Great Lakes.

S. 1125

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1125, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 1153

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 1182

At the request of Mr. MCCONNELL, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Ohio (Mr. VOINOVICH), the Senator from Minnesota (Mr. DAYTON), the Senator from Oregon (Mr. SMITH), the Senator from Vermont (Mr. JEFFORDS), the Senator from North Carolina (Mrs. DOLE), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1182, a bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

S. 1182

At the request of Mr. REID, his name was added as a cosponsor of S. 1182, supra.

S. 1201

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1201, a bill to promote healthy lifestyles and prevent unhealthy, risky behaviors among teenage youth.

S. 1203

At the request of Mr. ENZI, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1203, a bill to amend the Higher Education Act of 1965 regarding distance education, and for other purposes.

S. 1215

At the request of Mr. MCCONNELL, the names of the Senator from Nevada (Mr. REID), the Senator from Ohio (Mr. VOINOVICH) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 1215, a bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

S. CON. RES. 3

At the request of Mr. MILLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution recognizing, applauding, and supporting the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to utilize veteran aviators of the Armed Forces and former Army Aviation aircraft to inspire Americans and to ensure that our Nation's military legacy and heritage of service are never forgotten.

S. RES. 140

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 140, a resolution designating the week of August 10, 2003, as ''National Health Center Week''.

AMENDMENT NO. 865

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 865 proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself and Mr. STEVENS):

S. 1218. A bill to provide for Presidential support and coordination of interagency ocean science programs and development and coordination of a comprehensive and integrated United States research and monitoring program; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, today I am introducing legislation to spur the advent of an exciting new field of research, one that explores the role of the oceans in human health. I am pleased to be joined in this effort by the distinguished Senator from Alaska, TED STEVENS, who is cosponsoring this bill. The Oceans and Human Health Act proposes to establish a national interagency program that will coordinate research efforts and ensure the availability of an adequate Federal investment in this critical area. It also would establish a program at the National Oceanic and Atmospheric Administration to strengthen and coordinate its work in this very important arena.

In recent years, we have gained a renewed appreciation for the importance of the ocean to our future and well-being. We now recognize that human health is one are in which the oceans exert major influences that are both positive and negative. However, studying this relationship is challenging. To be successful, a research program must integrate disciplines, bringing together oceanographers and biomedical researchers to better understand marine processes, reduce public health risks and enhance our biomedical capabilities. Pioneering scientists are needed to tackle marine environmental issues that affect human and marine life alike, such as ocean pollution, marine pathogens and potential drug discoveries. A number of Federal agencies would share responsibility and expertise for such a program, requiring that capabilities be harnessed across such diverse entities as the National Oceanic and Atmospheric Administration, the National Science Foundation and the National Institute for Environmental Health Sciences.

The rich biodiversity of marine organisms represent an important biomedical resource, a promising source of novel compounds with therapeutic potential, and a potentially significant contribution to the national economy. A 1999 National Research Council report, From Monsoons to Microbes, noted that nature has been the traditional source of new pharmaceuticals and found that over 50 percent of the marketed drugs are extracted from natural sources or produced using natural products. Virtually every type of life that exists on this planet is found in the sea and many types of plants and animals are exclusively marine. While the oceans are a repository for much of our biodiversity, little of it has been catalogued or studied. One important aspect that we have yet to explore is the potential of marine life to produce chemicals for treating diseases. There are only three marine compounds now in clinical use—and these were developed in the 1950s. While there are some new compounds in the pipeline, we need to speed this effort up to ensure we get more approved sooner.

But our relationship to the sea also has a darker side. The oceans drive climate and weather factors causing severe weather events and shifts in temperature and rainfall patterns. These changes in turn affect the density and distribution of disease-causing organisms and the ability of public health systems to address them. In addition, the oceans act as a route of exposure for human disease and illnesses through ingestion of contaminated seafood and direct contact with seawater containing toxins and disease-causing organisms. We need to know more about how our health is affected by the

marine environment. We must ensure that the sea maintains its capacity to sustain itself without becoming a ''Dead Zone.'' We must find ways to monitor and reduce the occurrence of ocean toxins that kill marine mammals and taint seafood. As with cancer, our goal must be understanding and prevention, rather than relying exclusively on treatment.

Research on the health of marine organisms, including marine mammals and other sentinel species, can assist scientists in their efforts to investigate and understand human physiology and biochemical processes, as well as providing a means for monitoring the health of marine ecosystems. Unfortunately such research often does not fall clearly within a single federal agency's mission. The dolphins of Florida's Indian River Lagoon provide an example of a marine population that is the victim of contaminated habitat and food. The result is unusually high mortality rates and harmful health effects. Not only is the population at risk, but it provides a clear indicator of environmental pollution concerns for its human neighbors. We must harness the sciences of genomics, forensics and ecology and put them to work in the marine world, creating an ocean Center for Disease Control—a ''CDC for the Oceans''.

An exciting example of this new interdisciplinary and medically-oriented approach to ocean research can be found at NOAA's two marine laboratories in Charleston, including a unique research partnership among NOAA, the National Institute for Standards and Technology (NIST), the State of South Carolina, the Medical University of South Carolina, and the College of Charleston, formerly known as the Marine Environmental Health Research Laboratory, and now referred to as the Hollings Marine Laboratory (HML). HML works with a variety of Federal, State, and academic partners around the Nation and is on the front lines of discovery and prevention, particularly in the emerging field of marine genomics. They are hard at work on today's important public and marine environmental health issues. Their exciting dolphin health research will for the first time utilize a traditional medical approach to diagnosing and documenting dolphin health, which will help us learn more about dolphins in the wild than we have ever known. In addition, HML scientists, important partners in the Coral Disease and Health Consortium, are already analyzing samples from the two Florida coral reefs ''quarantined'' by NOAA today because of a fast-spreading coral disease.

The HML epitomizes the variety of important disciplines that must work side-by-side if we are to make progress in this area. It is home to cutting-edge research involving algal toxins, natural products with potential pharmaceutical applications, and viral and bacterial pathogens that cause disease in marine animals, with potential links to human illness and disease processes and natural product chemistry. Scientists at HML and its partner NOAA facility use unique medical tools such as nuclear magnetic resonators to help ''map'' cellular and genetic structure of marine organisms and have developed methods for detecting pesticides in water, sediments, fish and marine mammals that may potentially affect both the health of the marine environment and human health. They also are developing exposure, toxicology and disease models to assess their effects on a variety of marine organisms. Their work will better define ocean health and bridge the gap with existing human health models.

A number of Federal agencies are now recognizing the importance of understanding health-related ocean research and to make needed investments. Last year, initiatives began both through our ocean agency, the National Oceanic and Atmospheric Administration, as well as two of our Federal research institutions, the National Institute for Environmental Health Sciences, NIEHS, and the National Science Foundation, NSF.

This past year, the National Oceanic and Atmospheric Administration, NOAA, received appropriations of $8 million to develop an oceans and human health initiative. Within NOAA, many programs and laboratories perform research and related activities that could contribute significantly to a national research effort, but such efforts have not realized their potential. Establishment of this coordinated, interdisciplinary program consisting of nationally-recognized research centers and an external interdisciplinary research grant program will enhance the NOAA program. In addition, last November, the National Institute for Environmental Health Sciences, NIEHS, National Science Foundation, NSF, invited applications for research programs to explore the relationship between marine processes and public health. The joint initiative commits $6 million annually to establish centers of excellence focusing on harmful algal blooms, water and vector-borne diseases, and marine pharmaceuticals and probes.

Taken together, the NIEHS-NSF and NOAA research initiatives offer an excellent basis for building a comprehensive national program. In addition, a number of other Federal agencies are poised to make significant contributions.

The Oceans and Human Health Act provides the legislative framework for a coordinated national investment to improve understanding of marine ecosystems, address marine public health problems and tap into the ocean's potential contribution to new biomedical treatments and advances. The legislation would amend the 1976 Science and Technology Act to clarify the role of the National Science and Technology Council in coordinating interagency research efforts. It would also establish an interagency committee on oceans and human health to develop a research plan and coordinate participation by NOAA, NSF, NIEHS and other agencies. Governing NOAA's contribution to the interagency effort, the bill would establish a new NOAA program on oceans and human health. At the heart of this legislation and key to its success is our commitment to building new partnerships—among Federal health, science and ocean agencies, among diverse scientific disciplines, and among academic researchers and government experts.

A more detailed summary of the legislation follows:

SECTION-BY-SECTION ANALYSIS OCEANS AND HUMAN HEALTH ACT

The Oceans and Human Health Act would authorize the establishment of a coordinated federal research program to aid in understanding and responding to the role of oceans in human health. The bill would establish a Federal interagency Oceans and Human Health initiative coordinated through the National Science and Technology Council, NSTC, as well as create an Oceans and Human Health program at the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). The bill also directs the Secretary of Commerce to establish a coordinated public information and outreach program with the Food and Drug Administration, FDA, the Environmental Protection Agency, EPA, the Centers for Disease Control CDC, and the States to provide information on potential ocean-related human health risks.

SECTION 1. SHORT TITLE

Section 1 provides the short title of the Act is the ''Oceans and Human Health Act.''

SECTION 2. FINDINGS

Section 2 sets forth findings and purposes for the Act.

SECTION 3. NATIONAL SCIENCE AND TECHNOLOGY COUNCIL

Section 3 would amend the National Science and Technology Policy, Organization, and Priorities Act of 1976, 42 U.S.C. 6616, to codify the responsibilities of the National Science and Technology Council NSTC, which was established by executive Order in 1993, and whose functions have superceded the Federal Coordinating Council for Science, Engineering, and Technology, FCCSET, the functions of which were transferred to the President under a 1977 executive order. The Act is also amended to clarify the director of the Office of Science and Technology Policy, OSTP, serves as chair of the NSTC.

Subsection b replaces existing section 401 of the Act (42 U.S.C. 6651) with new text specifying NSTC functions, which focus on prompting domestic and international coordination among government, industry and university scientists. Subsection b sets forth the following as NSTC functions: 1. promote interagency efforts and communication with respect to the planning and administration of Federal scientific, engineering, and technology program. 2. identify research needs; achieve more effective use of Federal facilities and resources; 3. further international cooperation in science, engineering and technology; and 4. develop long-range and coordinated research plans. The NSTC is directed to carry out these and other related duties with the assistance of the Federal agencies represented on the Council. This subsection also authorizes the NSTC Chairman to establish standing committees and working

groups to assist in developing interagency plans, conduct studies and make reports for the Chairman.

SECTION 4. INTERAGENCY OCEANS AND HUMAN HEALTH RESEARCH PROGRAM

Interagency Program. Section 4 provides for the establishment of an Interagency Oceans and Human Health Research Program, Interagency OHH Program, to be coordinated and supported by the NSTC. Subsection (a) directs the NSTC to establish a Committee on Oceans and Human Health comprised of at least one representative from NOAA, the National Science Foundation, NSF, the National Institutes of Health, NIH, CDC, EPA, FDA, Department of Homeland Security, DHS, and other agencies and department deemed appropriate by the NSTC. This section also provides for the biennial selection of a Chairman of the Committee, who shall represent an agency that contributes substantially to the Interagency OHH Program.

10-Year Implementation Plan. Subsection b directs the NSTC, through the Committee on the Oceans and Human Health, to submit to Congress within one year of enactment a 10-year implementation plan for coordinated federal activities under the Interagency OHH Program. In developing the plan, the Committee is required to consult with the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia. The implementation plan will complement the ongoing activities of NOAA, NSF, the NIH National Institute of Environmental Health Sciences, NIEHS, and other departments and agencies, and: 1. establish the goals and priorities for Federal research related to oceans and human health; 2. describe specific activities required to achieve such goals; 3. identify relevant Federal programs and activities that would contribute to the Interagency OHH Program; 4. consider and use reports and studies conducted by Federal agencies and departments, the National Research Council, the Ocean Research Advisory Panel, the U.S. Commission on Ocean Policy and other entities; 5. make recommendations for the coordination of national and international programs; and 6. estimate Federal funding for research activities to be conducted under the Interagency OHH Program.

Scope of Interagency Program. Subsection c outlines the scope of the Interagency OHH Program, as follows:

1. Interdisciplinary and coordinated research and activities to improve our understanding of how ocean processes and marine organisms can relate to human health and contribute to medicine and research;

2. Coordination with the National Ocean Leadership Council (established under 10 U.S.C. 7902(a)) to ensure any ocean and coastal observing system provides information necessary to monitor, predict and reduce marine public health problems;

3. Development of new technologies and approaches for detecting and reducing hazards to human health from ocean sources and to strengthen understanding of the value of marine biodiversity to biomedicine; and

4. Support for scholars, trainees and education opportunities that encourage a multidisciplinary approach to exploring the diversity of life in the oceans.

SECTION 5. NOAA OCEANS AND HUMAN HEALTH PROGRAM

Establishment of NOAA Program. Section 5 would establish a NOAA program on Oceans and Human Health that would coordinate NOAA activities with the Interagency OHH Program. Subsection (a) directs the Secretary of Commerce to develop an Oceans and Human Health Program, consistent with the interagency program developed under Section 4, that will coordinate and implement research and activities within NOAA related to the role of the oceans in human health. In establishing the program, the Secretary is required to consult with other Federal agencies conducting integrated ocean health research or research in related areas, including the CDC, NSF, and HIEHS. The NOAA Oceans and Human Health Program will provide support for the following components: 1. a Program and Research Coordination Office; 2. an Advisory Panel; 3. National Center(s) of Excellence; 4. Research grants and 5. Distinguished scholars and traineeships.

Program Office. Subsection (b) directs the Secretary to establish a program to coordinate oceans and human health-related research and activities within NOAA and to carry out the elements of the program. In cooperation with the Oceans and Human Health Advisory Panel established under subsection (c), the program office will serve as liaison with academic institutions and other agencies participating in the Interagency OHH Program established under Section 3.

Advisory Panel. Under subsection (c), the Secretary will establish an Oceans and Human Health Advisory Panel to assist in the development and implementation of the NOAA Oceans and Human Health Program. Membership of the Advisory Group will include a balanced representation of individuals with multi-disciplinary expertise in the marine and biomedical sciences. The subsection provides that Federal Advisory Committee Act, 5 U.S.C. App. 1, shall not apply to the Panel.

Centers of Excellence. Subsection (d) provides that the Secretary shall, through a competitive process, establish and support Centers of Excellence that strengthen NOAA's capabilities to carry out programs and activities related to the ocean's role in human health. These NOAA Centers of Excellence shall complement and be in addition to any centers of excellence for oceans and human health established through NSF or NIEHS. Centers selected for funding and support under Section 4 would focus on areas related to NOAA missions, including: 1. use of marine organisms as indicators for marine environmental health; 2. ocean pollutants; 3. marine toxins and pathogens, harmful algal blooms, seafood testing, drug discovery, biology and pathobiology of marine mammals; and 4. such disciplines as marine genomics, marine environmental microbiology, ecological chemistry and conservation medicine. The Secretary will consider the need for geographic representation and will encourage proposals that have strong scientific and interdisciplinary merit.

Research Grants. Subsection (e) authorizes the Secretary of Commerce to provide grants for research and projects that explore the relationship between the oceans and human health, and that complement or strengthen NOAA-related programs and activities. In implementing this subsection, the Secretary is directed to consult with the Oceans and Human Health Advisory Panel and the National Sea Grant College Program, and may work cooperatively with other agencies in the Intergency OHH Program to establish joint criteria for such research projects. This subsection specifies that the grants shall be awarded through a peer-review or other competitive process and that such a process may be conducted jointly with other agencies participating in the Interagency OHH Program or under the National Oceanographic Partnership Program, 10 U.S.C. 7901.

Distinguished Scholars. Subsection (f) directs the Secretary to provide financial assistance to support distinguished scholars working in collaboration with NOAA scientists and facilities. The Secretary is also authorized to establish a training program, in consultation with NIEHS and NSF, for scientists early in their careers who are interested in oceans and human health.

SECTION 6. PUBLIC INFORMATION AND RISK ASSESSMENT

This section directs the Secretary of Commerce, in consultation with the CDC, FDA, EPA, and the States, to design and implement a national public information and outreach program on potential ocean-related human health risks. The outreach program will collect and analyze information, disseminate the results, to relevant Federal, State, public, industry or other interested parties, provide advice regarding precautions against illness or hazards, and make recommendations on observing systems that would support the program.

Subsection (b) requires the Secretary, in consultation with the same agencies, to assess health hazards associated with the human consumption of seafood. Under this subsection, the Secretary, in consultation with CDC, FDA, EPA, and the states, would assess risks associated with domestically harvested and processed seafood as compared with imported seafood harvested and processed outside the United States; commercially harvested seafood as compared with recreational and subsistence harvest; and contamination due to handling and preparation of seafood.

SECTION 7. AUTHORIZATION OF APPROPRIATIONS

Section 7 provides the authorization of appropriations for the NOAA Oceans and Human Health Program established under Section 5, and the public information and risk assessment program established under Section 6.

Subsection (a) provides that there are authorized to be appropriated to the Secretary of Commerce to carry out the program under Section 5, $8,000,000 for FY 2003, $15,000,000 for FY 2004, and $20,000,000 for FY2005–2007.

Subsection (b) provides authorizations of appropriations of $5,000,000 for each of fiscal years 2004 through 2007 for the public information and risk assessment program established under Section 6.

I am extremely proud to sponsor this legislation, and hope that this will mark the beginning of a new century of ocean research that will reveal how integral and important the oceans are to our daily lives and our health, whether we live by the edge of the sea or in the heartland.

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. 1218

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 ''Oceans and Human Health Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The rich biodiversity of marine organisms provides society with an essential biomedical resource, a promising source of novel compounds with therapeutic potential, and a potentially important contribution to the national economy.

(2) The diversity of ocean life and research on the health of marine organisms, including marine mammals and other sentinel species, helps scientists in their efforts to investigate and understand human physiology and biochemical processes, as well as providing a

means for monitoring the health of marine ecosystems.

(3) The oceans drive climate and weather factors causing severe weather events and shifts in temperature and rainfall patterns that affect the density and distribution of disease-causing organisms and the ability of public health systems to address them.

(4) The oceans act as a route of exposure for human disease and illnesses through ingestion of contaminated seafood and direct contact with seawater containing toxins and disease-causing organisms.

(5) During the past two decades, the incidence of harmful blooms of algae has increased around the world, contaminating shellfish, causing widespread fish kills, threatening marine environmental quality and resulting in substantial economic losses to coastal communities.

(6) Existing Federal programs and resources support research in a number of these areas, but gaps in funding, coordination, and outreach have impeded national progress in addressing ocean health issues.

(7) National investment in a coordinated program of research and monitoring would improve understanding of marine ecosystems, allow prediction and prevention of marine public health problems and assist in realizing the potential of the oceans to contribute to the development of effective new treatments of human diseases and a greater understanding of human biology.

(b) PURPOSES.—The purposes of this Act are to provide for—

(1) Presidential support and coordination of interagency ocean science programs; and

(2) development and coordination of a comprehensive and integrated United States research and monitoring program that will assist this Nation and the world to understand, use and respond to the role of the oceans in human health.

SEC. 3. NATIONAL SCIENCE AND TECHNOLOGY COUNCIL.

(a) DIRECTOR OF OFFICE OF SCIENCE AND TECHNOLOGY POLICY TO CHAIR COUNCIL.—Section 207(a) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6616(a)) is amended—

(1) by striking ''CHAIRMAN OF FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY'' in the subsection heading and inserting ''CHAIR OF THE NATIONAL SCIENCE AND TECHNOLOGY COUNCIL''; and

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

''(1) serve as Chair of the National Science and Technology Council; and''.

(b) FUNCTIONS.—Section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) is amended to read as follows:

''SEC. 401. FUNCTIONS OF COUNCIL.

''(a) IN GENERAL.—The National Science and Technology Council (hereinafter referred to as the 'Council') shall consider problems and developments in the fields of science, engineering, and technology and related activities affecting more than one Federal agency, and shall recommend policies and other measures designed to—

''(1) provide more effective planning and administration of Federal scientific, engineering, and technology programs;

''(2) identify research needs, including areas requiring additional emphasis;

''(3) achieve more effective use of the scientific, engineering, and technological resources and facilities of Federal agencies, including elimination of unwarranted duplication; and

''(4) further international cooperation in science, engineering and technology.

''(b) COORDINATION.—The Council may be assigned responsibility for developing long-range and coordinated plans for scientific and technical research which involve the participation of more than 2 agencies. Such plans shall—

''(1) identify research approaches and priorities which most effectively advance scientific understanding and provide a basis for policy decisions;

''(2) provide for effective cooperation and coordination of research among Federal agencies; and

''(3) encourage domestic and, as appropriate, international cooperation among government, industry and university scientists.

''(c) OTHER DUTIES.—The Council shall perform such other related advisory duties as shall be assigned by the President or by the Chair of the Council.

''(d) ASSISTANCE OF OTHER AGENCIES.—For the purpose of carrying out the provisions of this section, each Federal agency represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

''(1) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

''(2) undertaking upon the request of the Chair, such special studies for the Council as come within the scope of authority of the Council.

''(e) STANDING COMMITTEES; WORKING GROUPS.—For the purpose of developing interagency plans, conducting studies, and making reports as directed by the Chairman, standing committees and working groups of the Council may be established.''.

SEC. 4. INTERAGENCY OCEANS AND HUMAN HEALTH RESEARCH PROGRAM.

(a) ESTABLISHMENT OF COMMITTEE.—

(1) The National Science and Technology Council shall coordinate and support a national research program to improve understanding of the role of the oceans in human health. In planning the program, the Council shall establish a Committee on Oceans and Human Health that shall consist of representatives from those agencies with programs or missions that could contribute to or benefit from the program. The Committee shall consist of at least one representative from—

(A) the National Oceanic and Atmospheric Administration;

(B) the National Science Foundation;

(C) the National Institute of Environmental Health Sciences and other institutes within the National Institutes of Health;

(D) the Centers for Disease Control;

(E) the Environmental Protection Agency;

(F) the Food and Drug Administration;

(G) the Department of Homeland Security; and

(H) such other agencies and departments as the Council deems appropriate.

(2) The members of the Committee biennially shall select one of its members to serve as Chair. The Chair shall be knowledgeable and experienced with regard to the administration of scientific research programs, and shall be a representative of an agency that contributes substantially, in terms of scientific research capability and budget, to the interagency program.

(b) IMPLEMENTATION PLAN.—Within one year after the date of enactment of this Act, the Chair of the National Science and Technology Council, through the Committee on the Oceans and Human Health, shall develop and submit to the Congress a plan for coordinated Federal activities under the program. In developing the plan, the Committee will consult with the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia. Such plan will build on and complement the ongoing activities of the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Institute of Environmental Health Sciences, and other departments and agencies and shall—

(1) establish, for the 10-year period beginning in the year it is submitted, the goals and priorities for Federal research which most effectively advance scientific understanding of the connections between the oceans and human health, provide usable information for the prediction and prevention of marine public health problems and use the biological potential of the oceans for development of new treatments of human diseases and a greater understanding of human biology;

(2) describe specific activities required to achieve such goals and priorities, including establishment of national centers of excellence, the funding of competitive research grants, ocean and coastal observations, training and support for scientists, and participation in international research efforts;

(3) identify and address, as appropriate, relevant programs and activities of the Federal agencies and departments that would contribute to the program;

(4) consider and use, as appropriate, reports and studies conducted by Federal agencies and departments, the National Research Council, the Ocean Research Advisory Panel, the Commission on Ocean Policy and other entities;

(5) make recommendations for the coordination of program activities with ocean and human health-related activities of other national and international organizations; and

(6) estimate Federal funding for research activities to be conducted under the program.

(c) PROGRAM SCOPE.—The program shall include the following activities related to the role of oceans in human health:

(1) Interdisciplinary research among the ocean and medical sciences, and coordinated research and activities to improve understanding of processes within the ocean that may affect human health and to explore the potential contribution of marine organisms to medicine and research, including—

(A) vector- and water-borne diseases of humans and marine organisms, including marine mammals and fish;

(B) harmful algal blooms;

(C) marine-derived pharmaceuticals;

(D) marine organisms as models for biomedical research and as indicators of marine environmental health;

(E) marine environmental microbiology;

(F) bioaccumulative and endocrine-disrupting chemical contaminants; and

(G) predictive models based on indicators of marine environmental health.

(2) Coordination with the National Ocean Research Leadership Council (10 U.S.C. 7902(a)) to ensure that any integrated ocean and coastal observing system provides information necessary to monitor, predict and reduce marine public health problems including—

(A) baseline observations of physical ocean properties to monitor climate variation;

(B) measurement of oceanic and atmospheric variables to improve prediction of severe weather events;

(C) compilation of global health statistics for analysis of the effects of oceanic events on human health;

(D) documentation of harmful algal blooms; and

(E) development and implementation of sensors to measure biological processes, acquire health-related data on biological populations and detect contaminants in marine waters and seafood.

(3) Development through partnerships among Federal agencies, States, or academic institutions of new technologies and approaches for detecting and reducing hazards

to human health from ocean sources and to strengthen understanding of the value of marine biodiversity to biomedicine, including—

(A) genomics and proteomics to develop genetic and immunological detection approaches and predictive tools and to discover new biomedical resources;

(B) biomaterials and bioengineering;

(C) in situ and remote sensors to detect and quantify contaminants in marine waters and organisms and to identify new genetic resources;

(D) techniques for supplying marine resources, including chemical synthesis, culturing and aquaculturing marine organisms, new fermentation methods and recombinant techniques; and

(E) adaptation of equipment and technologies from human health fields.

(4) Support for scholars, trainees and education opportunities that encourage an interdisciplinary and international approach to exploring the diversity of life in the oceans.

SEC. 5. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OCEANS AND HUMAN HEALTH PROGRAM.

(a) ESTABLISHMENT.—As part of the interagency program planned and coordinated under section 4, the Secretary of Commerce shall establish an Oceans and Human Health Program to coordinate and implement research and activities of the National Oceanic and Atmospheric Administration related to the role of the oceans in human health. In establishing the program, the Secretary shall consult with other Federal agencies conducting integrated oceans and human health research and research in related areas, including the Centers for Disease Control, the National Science Foundation, and the National Institute of Environmental Health Sciences. The Oceans and Human Health Program shall provide support for—

(1) a program and research coordination office;

(2) an advisory panel;

(3) one or more National Oceanic and Atmospheric Administration national centers of excellence;

(4) research grants; and

(5) distinguished scholars and traineeships.

(b) PROGRAM OFFICE.—The Secretary shall establish a program office to identify and coordinate oceans and human health-related research and activities within the National Oceanic and Atmospheric Administration and carry out the elements of the program. The program office will provide support for administration of the program and, in cooperation with the oceans and human health advisory panel, will serve as liaison with academic institutions and other agencies participating in the interagency oceans and human health research program planned and coordinated under section 3.

(c) ADVISORY PANEL.—The Secretary shall establish an oceans and human health advisory panel to assist in the development and implementation of the Oceans and Human Health Program. Membership of the advisory group shall provide for balanced representation of individuals with multi-disciplinary expertise in the marine and biomedical sciences. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the oceans and human health advisory panel.

(d) NATIONAL CENTERS.—

(1) The Secretary shall identify and provide financial support through a competitive process to develop, within the National Oceanic and Atmospheric Administration, for one or more centers of excellence that strengthen the capabilities of the Administration to carry out programs and activities related to the oceans' role in human health. Such centers shall complement and be in addition to the centers established by the National Science Foundation and the National Institute of Environmental Health Sciences.

(2) The centers shall focus on areas related to agency missions, including use of marine organisms as indicators for marine environmental health, ocean pollutants, marine toxins and pathogens, harmful algal blooms, seafood testing, drug discovery, and biology and pathobiology of marine mammals, and on disciplines including marine genomics, marine environmental microbiology, ecological chemistry and conservation medicine.

(3) In selecting centers for funding, the Secretary will consider the need for geographic representation and give priority to proposals with strong interdisciplinary scientific merit that encourage educational opportunities and provide for effective partnerships among the Administration, other Federal entities, State, academic, medical, and industry participants.

(e) RESEARCH GRANTS.—

(1) The Secretary is authorized to provide grants of financial assistance for critical research and projects that explore the relationship between the oceans and human health and that complement or strengthen Administration programs and activities related to the ocean's role in human health. The Secretary shall consult with the oceans and human health advisory panel established under subsection (c) and the National Sea Grant College Program and may work cooperatively with other agencies participating in the interagency program under section 3 to establish joint criteria for such research and projects.

(2) Grants under this subsection shall be awarded through a peer-review process that may be conducted jointly with other agencies participating in the interagency program established in section 3 or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(f) DISTINGUISHED SCHOLARS AND TRAINEESHIPS.—

(1) The Secretary shall designate and provide financial assistance to support distinguished scholars from academic institutions, industry or State governments for collaborative work with scientists and facilities of the Administration.

(2) In consultation with the Directors of the National Institutes of Health and the National Science Foundation, the Secretary of Commerce may establish a program to provide training and experience to scientists at the beginning of their careers who are interested in the role of the oceans in human health.

SEC. 6. PUBLIC INFORMATION AND OUTREACH.

(a) ESTABLISHMENT.—The Secretary of Commerce, in consultation with the Centers for Disease Control, the Food and Drug Administration, the Environmental Protection Agency and the States, shall design and implement a national public information and outreach program on potential ocean-related human health risks, including health hazards associated with the human consumption of seafood. Under such program, the Secretary shall—

(1) collect and analyze information on ocean-related health hazards and illnesses, including information on the number of individuals affected, causes and geographic location of the hazard or illness;

(2) disseminate the results of the analysis to any appropriate Federal or State agency, the public, involved industries, and other interested persons;

(3) provide advice regarding precautions that may be taken to safeguard against the hazard or illness; and

(4) assess and make recommendations for observing systems to support the program.

(b) SEAFOOD SAFETY.—To address health hazards associated with human consumption of seafood, the Secretary, in consultation with the Centers for Disease Control, the Food and Drug Administration, the Environmental Protection Agency and the States, shall assess risks related to—

(1) seafood that is domestically harvested and processed as compared with imported seafood that is harvested and processed outside the United States;

(2) seafood that is commercially harvested and processed as compared with that harvested for recreational or subsistence purposes and not prepared commercially; and

(3) contamination originating from certain practices that occur both prior to and after sale of seafood to consumers, especially those connected to the manner in which consumers handle and prepare seafood.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) NOAA OCEANS AND HUMAN HEALTH PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce to carry out the NOAA Oceans and Human Health program established under section 5, $8,000,000 for fiscal year 2004, $15,000,000 for fiscal year 2005, and $20,000,000 annually for fiscal year 2006 through fiscal year 2008.

(b) PUBLIC INFORMATION.—There are authorized to be appropriated to the Secretary to carry out the public information and outreach program established under section 6, $5,000,000 for each of fiscal years 2004 through 2007.

By Mr. EDWARDS (for himself, Mr. SMITH, and Mrs. CLINTON):

S. 1219: A bill to amend the national and Community Service Act of 1990 to establish a Community Corps, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. EDWARDS. Mr. President, today I rise to introduce the School Service Act of 2003.

Across our Nation, as more and more people participate in national service programs, young people, too, are making real contributions to their communities. These students are learning lessons that are more valuable than any taught in the classroom, lessons about what it means to be a part of a community and what it means to be an American.

In my home State, schools and communities have seen the benefit of student service. High school kids have built community centers in run-down neighborhoods. They've cleaned up polluted ponds. They've helped small children learn to read, and offered comfort to the elderly and sick.

And the students have learned that their efforts matter, a lesson that they'll carry with then their whole lives. The research shows this. In one study, adults who had completed service projects more than 15 years earlier were still more likely to be volunteers and voters than adults who hadn't. In another program, kids who served had a 60 percent lower drop-out rate and 18 percent lower rate of school suspension than kids who didn't.

I applaud these students' dedication, as well as the dedication of the teachers, parents and administrators who support them. But we should do more than simply applaud these efforts—we

should provide the resources to support and expand them.

That is why I am introducing, together with Senator GORDON SMITH and Senator CLINTON, the School Service Act of 2003. The proposal is very simple: We say to a limited number of States and cities, if you have schools that will make sure students engage in high-quality service before graduation, we will support those schools' efforts. All that we ask is that you ensure that students are engaging in meaningful service with real benefits to communities. We want kids seeing these experiences not as another chore, but as an exciting initiation into long lives of active citizenship.

Here in Congress, it is our responsibility to give opportunities for service to our young people. We do not want to create a new national mandate, and we will not require any State or city to do anything. But for those State and school districts with schools that are ready, we ought to make sure every child has the opportunity and the responsibility to engage in service. When we do, our country will be richly rewarded in the years and decades to come.

By Mr. ALLARD (for himself, , Mr. WYDEN, Mr. SMITH, Mr. INOUYE, Mr. AKAKA, Mr. COLEMAN, Mrs. HUTCHISON, and Mr. CAMPBELL):

S. 1220. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under the medicare program, to expand the area in which plans offered under such contracts may operate, to apply certain provisions of the Medicare+Choice program to such plans, and for other purposes; to the Committee on Finance.

Mr. ALLARD. Mr. President, currently approximately 19,500 Colorado seniors are beneficiaries of Medicare health plans called ''cost contracts.'' Under current law, cost contracts will expire. Along with Senator WYDEN, Senator SMITH, Senator INOUYE, Senator AKAKA, and Senator COLEMAN, I am pleased to introduce the Medicare Cost Contract Extension and Refinement Act of 2003 to refine and to allow seniors to continue using these valued health plans.

Medicare cost contracts are managed care plans that are reimbursed at the cost of providing health benefits. Currently, seniors have three Medicare plans to choose from: basic Medicare fee-for-service, Medicare+Choice, and Medicare cost contracts.

Cost contract plans offer more benefits than basic Medicare and is available in more areas than Medicare+Choice. Cost contracts also offer lower out-of-pocket expenses and more benefits than supplemental Medigap, such as preventive care and prescription drug benefits. In addition, cost contract premiums cover Medicare deductibles and additional benefits not covered by basic Medicare. Further, for the costs of a normal Medicare fee-for-service copayment, seniors with cost contracts can use any Medicare provider whether they participate in the health plan's network.

Cost contracts are especially important in rural Colorado. Of the 19,500 Coloradans with cost contract plans, about 90 percent live in rural Colorado, where few basic Medicare and Medicare+Choice providers operate. If Medicare cost contracts are eliminated, then thousands of seniors will be forced into these other Medicare programs.

Seniors with cost contracts value them. According to the 1999 Medicare Managed Care Consumer Assessment of Health Plans Study, conducted by the U.S. Department of Health and Human Services, Medicare beneficiaries gave Medicare cost contract health insurers higher ratings than non-cost contract providers. Beneficiaries noted cost contracting HMOs solved problems, provided care, and provided customer service better than the majority of non-cost contracting providers. These ratings demonstrate that cost contract plans provide the quality service seniors want and need.

Unfortunately, under current law cost contracts soon will terminate. In 1997, in an effort to refine Medicare+Choice, Congress passed the Balanced Budget Act. Among other provisions, this bill terminated the Medicare cost contract program effective December 31, 2002. To prevent the termination of this valuable plan, in 1999 I introduced legislation to extend cost contracts. That year Congress passed the Balanced Budget and Refinement Act, which extended cost contracts for two years through 2004.

Congress should extend Medicare cost contracts further. Legislation I am introducing, the Cost Contracting Extension and Refinement Act, would accomplish this by extending by ten years the cost contract sunset date of December 31, 2004 to December 31, 2014.

While the goal of Congress in the Balanced Budget Act of 1997 was to provide an alternative to basic Medicare through Medicare+Choice, Medicare+Choice has not yet met this goal in rural Colorado. Until Medicare+Choice coverage is readily available to rural cost contract recipients, Congress should extend the current cost contract sunset for an additional 10 years.

This legislation would provide another reform. It would apply certain existing requirements under the Medicare+Choice program to Medicare cost contract plans in order to allow better administration, education, and protections to patients, providers, and insurers. The legislation would allow beneficiaries to be informed and educated about the option of cost contracts, apply quality assurance requirements, prevent plans from discriminating against certain patients by offering lower premiums, and prohibit States from taxing cost contract premiums. These provisions help refine and strengthen the Medicare cost contract program, and they help streamline the dual administration of Medicare+Choice and cost contracts.

Last, the Medicare Cost Contract Extension and Refinement Act would allow certain health plans, called group model health plans, to offer Medicare patients a cost contract plan. These group model health plans have traditionally been shown to provide care efficiently and at a cost lower than the costs that would be incurred if the services are furnished under the Medicare fee-for-service program. Group health plans are health insurers that offer health care through providers that are employed by the insurer, such as the Kaiser Foundation Health Plan. If, for example, Kaiser provides Medicare patients the cost contract option, then Colorado's approximate 50,000 seniors, who are now enrolled in Kaiser's Medicare+Choice plans, would be eligible to obtain a cost contract plan.

Medicare beneficiaries deserve a choice in how they receive their health care. Congress should allow one of these choices to remain Medicare cost contracts. On behalf of the 19,500 Colorado Medicare beneficiaries who obtain their health care from cost contract plans, I am pleased to sponsor the Medicare Cost Contract Extension Act.

I ask unanimous consent that the text of this legislation be printed in the RECORD

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1220

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 ''Medicare Cost Contract Extension and Refinement Act of 2003''.

SEC. 2. EXTENSION OF REASONABLE COST CONTRACTS.

(a) TEN-YEAR EXTENSION.—Section 1876(h)(5)(C) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)) is amended by striking ''2004'' and inserting ''2014''.

(b) TEN-YEAR EXTENSION OF PERIOD DURING WHICH COST CONTRACTS MAY EXPAND SERVICE AREAS.—Section 1876(h)(5)(B)(i) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(B)(i)) is amended by striking ''2003'' and inserting ''2013''.

SEC. 3. APPLICATION OF CERTAIN MEDICARE+CHOICE REQUIREMENTS TO COST CONTRACTS EXTENDED OR RENEWED AFTER 2003.

Section 1876(h) of the Social Security Act (42 U.S.C. 1395mm(h)), as amended by subsections (a) and (b), is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

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

''(5)(A) Any reasonable cost reimbursement contract with an eligible organization under this subsection that is extended or renewed on or after the date of enactment of the Medicare Cost Contract Extension and Refinement Act of 2003 or that is entered into pursuant to paragraph (6)(C) for plan years beginning on or after January 1, 2004, shall provide that the provisions of the Medicare+Choice program under part C described in subparagraph (B) shall apply to

such organization and such contract in a substantially similar manner as such provisions apply to Medicare+Choice organizations and Medicare+Choice plans under such part.

''(B) The provisions described in this subparagraph are as follows:

''(i) Section 1851(d) (relating to the provision of information to promote informed choice).

''(ii) Section 1851(h) (relating to the approval of marketing material and application forms).

''(iii) Section 1852(a)(3)(A) (regarding the authority of organizations to include supplemental health care benefits under the plan subject to the approval of the Secretary).

''(iv) Paragraph (1) of section 1852(e) (relating to the requirement of having an ongoing quality assurance program) and paragraph (2)(B) of such section (relating to the required elements for such a program).

''(v) Section 1852(e)(4) (relating to treatment of accreditation).

''(vi) Section 1852(j)(4) (relating to limitations on physician incentive plans).

''(vii) Section 1854(c) (relating to the requirement of uniform premiums among individuals enrolled in the plan).

''(viii) Section 1854(g) (relating to restrictions on imposition of premium taxes with respect to payments to organizations).

''(ix) Section 1856(b)(3) (relating to relation to State laws).

''(x) Section 1857(i) (relating to Medicare+Choice program compatibility with employer or union group health plans).

''(xi) The provisions of part C relating to timelines for contract renewal and beneficiary notification.''.

SEC. 4. PERMITTING DEDICATED GROUP PRACTICE HEALTH MAINTENANCE ORGANIZATIONS TO PARTICIPATE IN THE MEDICARE COST CONTRACT PROGRAM.

Section 1876(h)(6) of the Social Security Act (42 U.S.C. 1395mm(h)(6)), as redesignated and amended by section 2, is amended—

(1) in subparagraph (A), by striking ''After the date of the enactment'' and inserting ''Except as provided in subparagraph (C), after the date of the enactment'';

(2) in subparagraph (B), by striking ''subparagraph (C)'' and inserting ''subparagraph (D)'';

(3) by redesignating subparagraph (C) as subparagraph (D); and

(4) by inserting after subparagraph (B), the following new subparagraph:

''(C) Subject to paragraph (5) and subparagraph (D), the Secretary shall approve an application to enter into a reasonable cost contract under this section if—

''(i) the application is submitted to the Secretary by a health maintenance organization (as defined in section 1301(a) of the Public Health Service Act) that, as of January 1, 2004, and except as provided in section 1301(b)(3)(B) of such Act, provides at least 85 percent of the services of a physician which are provided as basic health services through a medical group (or groups), as defined in section 1302(4) of such Act; and

''(ii) the Secretary determines that the organization meets the requirements applicable to such organizations and contracts under this section.''.

By Mr. BINGAMAN (for himself, Ms. COLLINS, Mr. JEFFORDS, and Mr. DODD):

S. 1223. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today because there is a crisis in our country that begs our attention. This crisis is the overwhelming lack of adequate mental health services available to the children and adolescents in our Nation and it is time that we address it. As I speak, over 13,700,000 young people are suffering from diagnosable psychiatric disorders. Sadly, fewer than one-third of these have access to mental healthcare. Today I am introducing the ''Child Healthcare Crisis Relief Act'' along with Senators COLLINS, JEFFORDS, and DODD in an effort to reduce the disparity between the need for mental health services and resources available to meet that need.

The landmark report ''Mental Health: A Report of the Surgeon General'' illuminated the crisis in 1999. 13,700,000 young people have diagnosable mental disorders including 6–9,000,000 children and adolescents who meet the definition for having a serious emotional disturbance and 5–9 percent of youth who meet the definition for having severe functional impairment. Unfortunately, few of these young people have access to adequate mental health services. The resulting lack of treatment leads to a lifetime cycle of difficulties from unresolved mental health issues. These difficulties are often as severe as school failure, substance abuse, job and relationship instability, and even criminal behavior or suicide. In many cases, young people who do not receive the mental health treatment that they need end up in foster care or even in the juvenile justice system. In my state of New Mexico, a 2002 report concluded that 1 in 7 incarcerated youth is currently in a detention center solely because there is no appropriate treatment option available. These youth are actually cleared to leave as soon as they have adequate treatment in place. In fact, from January 2001 to December of 2001 an estimated 718 New Mexico youth were collectively incarcerated for 31.3 years waiting for a treatment opening. Most other States are facing similar situations. In fact, studies have found that nationally more than 1 in 3 youth in detention centers have a mental health disorder. Clearly, this is an issue that demands our immediate attention.

One of the key barriers to treatment is the shortage of available specialists trained in the identification, diagnosis, and treatment of children and adolescents with emotional and behavioral disorders. The 1999 Surgeon General's Report stated, ''there is a dearth of child psychiatrists, appropriately trained clinical child psychologists, and social workers.'' There are particularly acute shortages in the number of mental health service professionals serving children and adolescents with serious emotional disorders as well as those serving rural areas. Nationwide, 4,358 urban, suburban, and rural localities have been designated mental health Professional Shortage Areas by the Federal Government. The President's New Freedom Commission has recognized the shortage and has made a recommendation to develop a strategic plan to address it. The Council on Graduate Medical Education and the State Mental Health Commissioners have also recognized this shortage of mental health professionals.

The Child Healthcare Crisis Relief Act will help remove one of the key barriers to treatment for children and adolescents with mental illnesses: the lack of available specialists trained in this field. This bill creates incentives to help recruit and retain child mental health professionals providing direct clinical care and to improve, expand, or help create programs to train child mental health professionals through several mechanisms. The bill provides loan repayment and scholarships for child mental health and school-based service professionals to help pay back educational loans. It provides grants to graduate schools to provide for internships and field placements in child mental health services. It provides grants to help with the preservice and inservice training of paraprofessionals who work in the children's mental health clinical settings. It also provides grants to graduate schools to help develop and expand child and adolescent mental health programs. Finally, the bill allows for an increase in the number of child and adolescent psychiatrists permitted under the Medicare Graduate Medical Education Program, extends the Board Eligibility period for residents and fellows from 4 years to 6 years, and instructs the secretary to prepare a report on the distribution and need for child mental health and school-based professionals.

I ask my colleagues in the Senate to join me along with Senators COLLINS, JEFFORDS, and DODD in supporting this essential legislation. Over 13 million children in our country are counting on us.

As Walt Disney once said, ''Our Nation's greatest national resource is the minds of our children.'' Let us not fail these 13 million people.

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. 1223

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 ''Child Health Care Crisis Relief Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Center for Mental Health Services estimates that 20 percent or 13,700,000 of the Nation's children and adolescents have a diagnosable mental health disorder, and about ⅔ of these children and adolescents do not receive mental health care.

(2) According to ''Mental Health: A Report of the Surgeon General'' in 1999, there are

approximately 6,000,000 to 9,000,000 children and adolescents in the United States (accounting for 9 to 13 percent of all children and adolescents in the United States) who meet the definition for having a serious emotional disturbance.

(3) According to the Center for Mental Health Services, approximately 5 to 9 percent of children and adolescents in the United States meet the definition for extreme functional impairment.

(4) According to the Surgeon General's Report, there are particularly acute shortages in the numbers of mental health service professionals serving children and adolescents with serious emotional disorders.

(5) According to the National Center for Education Statistics in the Department of Education, there are approximately 513 students for each school counselor in United States schools, which ratio is more than double the recommended ratio of 250 students for each school counselor.

(6) According to a year 2000 estimate of the Bureau of Health Professions, the demand for the services of child and adolescent psychiatry is projected to increase by 100 percent by 2020.

(7) The development and application of knowledge about the impact of disasters on children, adolescents, and their families has been impeded by critical shortages of qualified researchers and practitioners specializing in this work.

(8) According to the Bureau of the Census, the population of children and adolescents in the United States under the age of 18 is projected to grow by more than 40 percent, from 70,000,000 to more than 100,000,000 by 2050.

SEC. 3. LOAN REPAYMENTS, SCHOLARSHIPS, AND GRANTS TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.

Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by adding at the end the following:

"SEC. 742. LOAN REPAYMENTS, SCHOLARSHIPS, AND GRANTS TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.

''(a) LOAN REPAYMENTS FOR CHILD AND ADOLESCENT MENTAL HEALTH SERVICE PROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program of entering into contracts on a competitive basis with eligible individuals (as defined in paragraph (2)) under which—

''(A) the eligible individual agrees to be employed full-time for a specified period of at least 2 years in providing mental health services to children and adolescents; and

''(B) the Secretary agrees to make, during the period of employment described in subparagraph (A), partial or total payments on behalf of the individual on the principal and interest due on the undergraduate and graduate educational loans of the eligible individual.

''(2) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means an individual who—

''(A) is receiving specialized training or clinical experience in child and adolescent mental health in psychiatry, psychology, school psychology, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling and has less than 1 year remaining before completion of such training or clinical experience; or

''(B)(i) has a license in a State to practice allopathic medicine, osteopathic medicine, psychology, school psychology, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling; and

''(ii)(I) is a mental health service professional who completed (but not before the end of the calendar year in which this section is enacted) specialized training or clinical experience in child and adolescent mental health services described in subparagraph (A); or

''(II) is a physician who graduated from (but not before the end of the calendar year in which this section is enacted) an accredited child and adolescent psychiatry residency or fellowship program in the United States.

''(3) ADDITIONAL ELIGIBILITY REQUIREMENTS.—The Secretary may not enter into a contract under this subsection with an eligible individual unless the individual—

''(A) is a United States citizen or a permanent legal United States resident; and

''(B) if enrolled in a graduate program (including a medical residency or fellowship), has an acceptable level of academic standing as determined by the Secretary.

''(4) PRIORITY.—In entering into contracts under this subsection, the Secretary shall give priority to applicants who—

''(A) are or will be working with high priority populations;

''(B) have familiarity with evidence-based methods in child and adolescent mental health services;

''(C) demonstrate financial need; and

''(D) are or will be—

''(i) working in the publicly funded sector;

''(ii) working in organizations that serve underserved populations; or

''(iii) willing to provide patient services—

''(I) regardless of the ability of a patient to pay for such services; or

''(II) on a sliding payment scale if a patient is unable to pay the total cost of such services.

''(5) MEANINGFUL LOAN REPAYMENT.—If the Secretary determines that funds appropriated for a fiscal year to carry out this subsection are not sufficient to allow a meaningful loan repayment to all expected applicants, the Secretary shall limit the number of contracts entered into under paragraph (1) to ensure that each such contract provides for a meaningful loan repayment.

''(6) AMOUNT.—

''(A) MAXIMUM.—For each year of the employment period described in paragraph (1)(A), the Secretary shall not, under a contract described in paragraph (1), pay more than $35,000 on behalf of an individual.

''(B) CONSIDERATION.—In determining the amount of payments to be made on behalf of an eligible individual under a contract described in paragraph (1), the Secretary shall consider the income and debt load of the eligible individual.

''(7) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338E and 338F shall apply to the program established under paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2004 through 2008.

''(b) SCHOLARSHIPS FOR STUDENTS STUDYING TO BECOME CHILD AND ADOLESCENT MENTAL HEALTH SERVICE PROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program to award scholarships on a competitive basis to eligible students who agree to enter into full-time employment (as described in paragraph (4)(C)) as a child and adolescent mental health service professional after graduation or completion of a residency or fellowship.

''(2) ELIGIBLE STUDENT.—For purposes of this subsection, the term 'eligible student' means a United States citizen or a permanent legal United States resident who—

''(A) is enrolled or accepted to be enrolled in a graduate program that includes specialized training or clinical experience in child and adolescent mental health in psychology, school psychology, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling; or

''(B) is enrolled or accepted to be enrolled in an accredited graduate training program of allopathic or osteopathic medicine in the United States and intends to complete an accredited residency or fellowship in child and adolescent psychiatry.

''(3) PRIORITY.—In awarding scholarships under this subsection, the Secretary shall give—

''(A) highest priority to applicants who previously received a scholarship under this subsection and satisfy the criteria described in subparagraph (B); and

''(B) second highest priority to applicants who—

''(i) demonstrate a commitment to working with high priority populations;

''(ii) have familiarity with evidence-based methods in child and adolescent mental health services;

''(iii) demonstrate financial need; and

''(iv) are or will be—

''(I) working in the publicly funded sector;

''(II) working in organizations that serve underserved populations; or

''(III) willing to provide patient services—

''(aa) regardless of the ability of a patient to pay for such services; or

''(bb) on a sliding payment scale if a patient is unable to pay the total cost of such services.

''(4) REQUIREMENTS.—The Secretary may award a scholarship to an eligible student under this subsection only if the eligible student agrees—

''(A) to complete any graduate training program, internship, residency, or fellowship applicable to that eligible student under paragraph (2);

''(B) to maintain an acceptable level of academic standing (as determined by the Secretary) during the completion of such graduate training program, internship, residency, or fellowship; and

''(C) to be employed full-time after graduation or completion of a residency or fellowship, for at least the number of years for which a scholarship is received by the eligible student under this subsection, in providing mental health services to children and adolescents.

''(5) USE OF SCHOLARSHIP FUNDS.—A scholarship awarded to an eligible student for a school year under this subsection may be used to pay for only tuition expenses of the school year, other reasonable educational expenses (including fees, books, and laboratory expenses incurred by the eligible student in the school year), and reasonable living expenses, as such tuition expenses, reasonable educational expenses, and reasonable living expenses are determined by the Secretary.

''(6) AMOUNT.—The amount of a scholarship under this subsection shall not exceed the total amount of the tuition expenses, reasonable educational expenses, and reasonable living expenses described in paragraph (5).

''(7) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338E and 338F shall apply to the program established under paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Scholarship Program established in subpart III of part D of title III.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2004 through 2008.

''(c) CLINICAL TRAINING GRANTS FOR PROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, and in cooperation with the Administrator of the Substance Abuse and Mental Health Services Administration, may establish a program to award grants on a competitive basis to accredited institutions of higher education to establish or expand internships or other field placement programs for students receiving specialized training or clinical experience in child and adolescent mental health in the fields of psychiatry, psychology, school psychology, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling.

''(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

''(A) have demonstrated the ability to collect data on the number of students trained in child and adolescent mental health and the populations served by such students after graduation;

''(B) have demonstrated familiarity with evidence-based methods in child and adolescent mental health services; and

''(C) have programs designed to increase the number of professionals serving high priority populations.

''(3) REQUIREMENTS.—The Secretary may award a grant to an applicant under this subsection only if the applicant agrees that—

''(A) any internship or other field placement program assisted under the grant will prioritize cultural competency;

''(B) students benefiting from any assistance under this subsection will be United States citizens or permanent legal United States residents;

''(C) the institution will provide to the Secretary such data, assurances, and information as the Secretary may require; and

''(D) with respect to any violation of the agreement between the Secretary and the institution, the institution will pay such liquidated damages as prescribed by the Secretary by regulation.

''(4) APPLICATION.—Each institution of higher education desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require including a description of the experience of such institution in working with child and adolescent mental health issues.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2004 through 2008.

''(d) PROGRESSIVE EDUCATION GRANTS FOR PARAPROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, and in cooperation with the Administrator of the Substance Abuse and Mental Health Services Administration, may establish a program to award grants on a competitive basis to State-licensed mental health nonprofit and for-profit organizations, including accredited institutions of higher education, (in this subsection referred to as 'organizations') to enable such organizations to pay for programs for preservice or in-service training of paraprofessional child and adolescent mental health workers.

''(2) DEFINITION.—For purposes of this subsection, the term 'paraprofessional child and adolescent mental health worker' means an individual who is not a mental health service professional, but who works at the first stage of contact with children and families who are seeking mental health services.

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to organizations that—

''(A) have demonstrated the ability to collect data on the number of paraprofessional child and adolescent mental health workers trained by the applicant and the populations served by these workers after the completion of the training;

''(B) have familiarity with evidence-based methods in child and adolescent mental health services; and

''(C) have programs designed to increase the number of paraprofessional child and adolescent mental health workers serving high priority populations.

''(4) REQUIREMENTS.—The Secretary may award a grant to an organization under this subsection only if the organization agrees that—

''(A) any training program assisted under the grant will prioritize cultural competency;

''(B) the organization will provide to the Secretary such data, assurances, and information as the Secretary may require; and

''(C) with respect to any violation of the agreement between the Secretary and the organization, the organization will pay such liquidated damages as prescribed by the Secretary by regulation.

''(5) APPLICATION.—Each organization desiring a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require including a description of the experience of the organization in working with paraprofessional child and adolescent mental health workers.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2004 through 2008.

''(e) CHILD AND ADOLESCENT MENTAL HEALTH PROGRAM DEVELOPMENT GRANTS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program to increase the number of well-trained child and adolescent mental health service professionals in the United States by awarding grants on a competitive basis to accredited institutions of higher education to enable such institutions to establish or expand accredited graduate child and adolescent mental health programs.

''(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

''(A) demonstrate familiarity with the use of evidence-based methods in child and adolescent mental health services;

''(B) provide experience in and collaboration with community-based child and adolescent mental health services;

''(C) have included normal child development education in their curricula; and

''(D) demonstrate commitment to working with high priority populations.

''(3) USE OF FUNDS.—Funds awarded under this subsection may be used to establish or expand any accredited graduate child and adolescent mental health program in any manner deemed appropriate by the Secretary, including improving the coursework, related field placements, or faculty of such program.

''(4) REQUIREMENTS.—The Secretary may award a grant to an accredited institution of higher education under this subsection only if the institution agrees that—

''(A) any child and adolescent mental health program assisted under the grant will prioritize cultural competency;

''(B) the institution will provide to the Secretary such data, assurances, and information as the Secretary may require; and

''(C) with respect to any violation of the agreement between the Secretary and the institution, the institution will pay such liquidated damages as prescribed by the Secretary by regulation.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2004 through 2008.

''(f) DEFINITIONS.—In this section:

''(1) HIGH PRIORITY POPULATION.—The term 'high priority population' means a population that has a high incidence of children and adolescents who have serious emotional disturbances, are racial and ethnic minorities, or live in underserved urban or rural areas.

''(2) MENTAL HEALTH SERVICE PROFESSIONAL.—The term 'mental health service professional' means an individual with a graduate or postgraduate degree from an accredited institution of higher education in psychiatry, psychology, school psychology, psychiatric nursing, social work, school social work, marriage and family counseling, school counseling, or professional counseling.

''(3) SPECIALIZED TRAINING OR CLINICAL EXPERIENCE IN CHILD AND ADOLESCENT MENTAL HEALTH.—The term 'specialized training or clinical experience in child and adolescent mental health' means training and clinical experience that—

''(A) is part of or occurs after completion of an accredited graduate program in the United States for training mental health service professionals;

''(B) consists of at least 500 hours of training or clinical experience in treating children and adolescents; and

''(C) is comprehensive, coordinated, developmentally appropriate, and of high quality to address the unique ethnic and cultural diversity of the United States population.''.

SEC. 4. AMENDMENTS TO SOCIAL SECURITY ACT TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.

(a) INCREASING NUMBER OF CHILD AND ADOLESCENT PSYCHIATRY RESIDENTS PERMITTED TO BE PAID UNDER THE MEDICARE GRADUATE MEDICAL EDUCATION PROGRAM.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended by adding at the end the following:

''(iii) INCREASE ALLOWED FOR TRAINING IN CHILD AND ADOLESCENT PSYCHIATRY.—In applying clause (i), there shall not be taken into account such additional number of full-time equivalent residents in the field of allopathic or osteopathic medicine who are residents or fellows in child and adolescent psychiatry as the Secretary determines reasonable to meet the need for such physicians as demonstrated by the 1999 report of the Department of Health and Human Services entitled 'Mental Health: A Report of the Surgeon General'.''.

(b) EXTENSION OF MEDICARE BOARD ELIGIBILITY PERIOD FOR RESIDENTS AND FELLOWS IN CHILD AND ADOLESCENT PSYCHIATRY.—

(1) IN GENERAL.—Section 1886(h)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(G)) is amended—

(A) in clause (i), by striking ''and (v)'' and inserting ''(v), and (vi)''; and

(B) by adding at the end the following:

''(vi) CHILD AND ADOLESCENT PSYCHIATRY TRAINING PROGRAMS.—In the case of an individual enrolled in a child and adolescent psychiatry residency or fellowship program approved by the Secretary, the period of board eligibility and the initial residency period shall be the period of board eligibility for the specialty of general psychiatry, plus 2 years

for the subspecialty of child and adolescent psychiatry.''.

(2) CONFORMING AMENDMENT.—Section 1886(h)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(F)) is amended by striking ''subparagraph (G)(v)'' and inserting ''clauses (v) and (vi) of subparagraph (G)''.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to residency training years beginning on or after July 1, 2003.

SEC. 5. CHILD MENTAL HEALTH PROFESSIONAL REPORT.

(a) STUDY.—The Administrator of the Health Resources and Services Administration (in this section referred to as the ''Administrator'') shall study and make findings and recommendations on the distribution and need for child mental health service professionals, including—

(1) the need for specialty certifications;

(2) the breadth of practice types;

(3) the adequacy of locations;

(4) the adequacy of education and training; and

(5) an evaluation of best practice characteristics.

(b) DISAGGREGATION.—The results of the study required by subsection (a) shall be disaggregated by State.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress and make publicly available a report on the study, findings, and recommendations required by subsection (a).

(d) REVISION.—Each year the Administrator shall revise the report required under subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2004 through 2008.

SEC. 6. REPORTS.

(a) TRANSMISSION.—The Secretary of Health and Human Services shall transmit a report described in subsection (b) to Congress—

(1) not later than 3 years after the date of the enactment of this Act; and

(2) not later than 5 years after the date of the enactment of this Act.

(b) CONTENTS.—The reports transmitted to Congress under subsection (a) shall address each of the following:

(1) The effectiveness of the amendments made by, and the programs carried out under, this Act in increasing the number of child and adolescent mental health service professionals and paraprofessional child and adolescent mental health workers.

(2) The demographics of the individuals served by such increased number of child and adolescent mental health service professionals and paraprofessional child and adolescent mental health workers.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1224. A bill to expand the powers of the Attorney General to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Attorney General to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, I rise today to introduce the Firearms Safety and Consumer Protection Act of 2003, legislation to protect gun owners and the public by establishing safety standards for firearms such as those currently in place for other consumer products.

Because of a loophole in current law, firearms are virtually the only consumer product not subject to any Federal health and safety standards. Yet firearms are the second leading cause of product-related death in America. In 2000 alone, 28,663 Americans died by gunfire and nearly twice that number were treated in emergency rooms for non-fatal gunshot injuries.

Of course, all firearms are lethal. But many guns are much more dangerous than they have to be. First, many firearms are manufactured poorly or with components of inadequate quality. These guns can pose a severe threat to gun owners, as well as members of the public. For example, one firearm manufacturer settled a class action suit for more than $31 million in 1995, and thereafter improved the quality of their guns, after gun owners alleged that their firearms were produced from steel that was too weak, and thus prone to explode.

Unfortunately, the lack of safety standards in current law means that many defective firearms remain in circulation, with the government largely unable to do anything about it. We cannot recall such firearms. We cannot require that warning labels be attached to them. We can do very little to protect gun owners and the public from the threat they pose.

Beyond the need to better regulate firearms that are manufactured defectively, we also need to do more to ensure that firearms are designed properly, with features that reduce unreasonable risks. Unfortunately, too many firearms lack readily available features that could make them much less likely to be involved in an accident. For example, many guns lack so-called magazine disconnects, which disable a firearm when its magazine is removed. This feature could prevent many accidental deaths caused when a firearm user, seeing that the magazine has been removed, wrongly concludes that a gun is not loaded. Along the same lines, too few firearms include a load indicator, which allows an individual to readily see whether the gun is loaded. Both of these features would address the most common scenario for unintentional shootings, which involves a person who does not realize that there is still a round in a gun's chamber.

By regulating the manufacture and design of firearms, we can significantly reduce the number of accidental shootings, and the serious injuries and deaths they cause. However, better safety regulation also holds the promise of reducing the number of deaths from homicides and suicides.

In recent years, firearm manufacturers have taken a number of steps to make firearms more likely to be used in crimes, and more deadly if they are. For example, many guns are being produced in a manner that makes them readily concealable, and thus more attractive to criminals. In addition, many manufacturers have increased the number of rounds that a gun can fire without reloading, and have increased the size of their ammunition, making the firearms far more lethal.

Given the threat posed by unreasonably dangerous firearms to gun owners and the general public, there is no excuse for exempting firearms from health and safety standards applicable to most other consumer products. In fact, there is evidence that the public would support such regulation. A 1999 National Opinion Research Center survey found that two-thirds of Americans want the Federal Government to regulate the safety design of guns.

The Firearms Safety and Consumer Protection Act would do just that. The bill would give the Department of Justice the authority to: set minimum safety standards for the manufacture, design and distribution of firearms; issue recalls and warnings; collect data on gun-related death and injury; and limit the sale of products when no other remedy is sufficient. It is important to emphasize that the bill would not limit the public's access to guns for hunting and other legitimate sporting purposes.

More than 120 national, state and local organizations support this bill, including: the American Academy of Pediatrics, American Bar Association, American Jewish Congress, American Public Health Association, Brady Campaign to Prevent Gun Violence, Coalition to Stop Gun Violence, Consumer Federation of America, the NAACP, National Coalition Against Domestic Violence, United Church of Christ Justice and Witness Ministries, and the Violence Policy Center.

There simply is no reason to maintain the existing loophole that exempts firearms from basic health and safety protections. This loophole is creating a serious public safety problem, especially for gun owners themselves.

In conclusion, I hope my colleagues will consider this: under current law, the safety of toy guns is regulated. The safety of real guns is not. Even if my colleagues in the Senate cannot agree on much else when it comes to guns, surely we should all agree that this makes no sense.

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. 1224

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 ''Firearms Safety and Consumer Protection Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—REGULATION OF FIREARM PRODUCTS

Sec. 101. Regulatory authority.
Sec. 102. Orders; inspections.

TITLE II—PROHIBITIONS
Sec. 201. Prohibitions.
Sec. 202. Inapplicability to governmental authorities.
TITLE III—ENFORCEMENT
SUBTITLE A—CIVIL ENFORCEMENT
Sec. 301. Civil penalties.
Sec. 302. Injunctive enforcement and seizure.
Sec. 303. Imminently hazardous firearms.
Sec. 304. Private cause of action.
Sec. 305. Private enforcement of this Act.
Sec. 306. Effect on private remedies.
SUBTITLE B—CRIMINAL ENFORCEMENT
Sec. 351. Criminal penalties.
TITLE IV—ADMINISTRATIVE PROVISIONS
Sec. 401. Firearm injury information and research.
Sec. 402. Annual report to Congress.
TITLE V—RELATIONSHIP TO OTHER LAW
Sec. 501. Subordination to the Arms Export Control Act.
Sec. 502. Effect on State law.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) protect the public against unreasonable risk of injury and death associated with firearms and related products;

(2) develop safety standards for firearms and related products;

(3) assist consumers in evaluating the comparative safety of firearms and related products;

(4) promote research and investigation into the causes and prevention of firearm-related deaths and injuries; and

(5) restrict the availability of weapons that pose an unreasonable risk of death or injury.

SEC. 3. DEFINITIONS.

(a) SPECIFIC TERMS.—In this Act:

(1) FIREARMS DEALER.—The term ''firearms dealer'' means—

(A) any person engaged in the business (as defined in section 921(a)(21)(C) of title 18, United States Code) of dealing in firearms at wholesale or retail;

(B) any person engaged in the business (as defined in section 921(a)(21)(D) of title 18, United States Code) of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; and

(C) any person who is a pawnbroker.

(2) FIREARM PART.—The term ''firearm part'' means—

(A) any part or component of a firearm as originally manufactured;

(B) any good manufactured or sold—

(i) for replacement or improvement of a firearm; or

(ii) as any accessory or addition to the firearm; and

(C) any good that is not a part or component of a firearm and is manufactured, sold, delivered, offered, or intended for use exclusively to safeguard individuals from injury by a firearm.

(3) FIREARM PRODUCT.—The term ''firearm product'' means a firearm, firearm part, nonpowder firearm, and ammunition.

(4) FIREARM SAFETY REGULATION.—The term ''firearm safety regulation'' means a regulation prescribed under this Act.

(5) FIREARM SAFETY STANDARD.—The term ''firearm safety standard'' means a standard promulgated under this Act.

(6) IMMINENTLY HAZARDOUS FIREARM PRODUCT.—The term ''imminently hazardous firearm product'' means any firearm product with respect to which the Attorney General determines that—

(A) the product poses an unreasonable risk of injury to the public; and

(B) time is of the essence in protecting the public from the risks posed by the product.

(7) NONPOWDER FIREARM.—The term ''nonpowder firearm'' means a device specifically designed to discharge BBs, pellets, darts, or similar projectiles by the release of stored energy.

(8) QUALIFIED FIREARM PRODUCT DEFINED.—The term ''qualified firearm product'' means a firearm product—

(A) that—

(i) is being transported;

(ii) having been transported, remains unsold;

(iii) is sold or offered for sale; or

(iv) is imported or is to be exported; and

(B) that—

(i) is not in compliance with a regulation prescribed or an order issued under this Act; or

(ii) with respect to which relief has been granted under section 303.

(b) OTHER TERMS.—Each term used in this Act that is not defined in subsection (a) shall have the meaning (if any) given that term in section 921(a) of title 18, United States Code.

TITLE I—REGULATION OF FIREARM PRODUCTS

SEC. 101. REGULATORY AUTHORITY.

(a) IN GENERAL.—The Attorney General shall prescribe such regulations governing the design, manufacture, and performance of, and commerce in, firearm products, consistent with this Act, as are reasonably necessary to reduce or prevent unreasonable risk of injury resulting from the use of those products.

(b) MAXIMUM INTERVAL BETWEEN ISSUANCE OF PROPOSED AND FINAL REGULATION.—Not later than 120 days after the date on which the Attorney General issues a proposed regulation under subsection (a) with respect to a matter, the Attorney General shall issue a regulation in final form with respect to the matter.

(c) PETITIONS.—

(1) IN GENERAL.—Any person may petition the Attorney General to—

(A) issue, amend, or repeal a regulation prescribed under subsection (a) of this section; or

(B) require the recall, repair, or replacement of a firearm product, or the issuance of refunds with respect to a firearm product.

(2) DEADLINE FOR ACTION ON PETITION.—Not later than 120 days after the date on which the Attorney General receives a petition referred to in paragraph (1), the Attorney General shall—

(A) grant, in whole or in part, or deny the petition; and

(B) provide the petitioner with the reasons for granting or denying the petition.

SEC. 102. ORDERS; INSPECTIONS.

(a) AUTHORITY TO PROHIBIT MANUFACTURE, SALE, OR TRANSFER OF FIREARM PRODUCTS MADE, IMPORTED, TRANSFERRED, OR DISTRIBUTED IN VIOLATION OF REGULATION.—The Attorney General may issue an order prohibiting the manufacture, sale, or transfer of a firearm product which the Attorney General finds has been manufactured, or has been or is intended to be imported, transferred, or distributed in violation of a regulation prescribed under this Act.

(b) AUTHORITY TO REQUIRE THE RECALL, REPAIR, OR REPLACEMENT OF, OR THE PROVISION OF REFUNDS WITH RESPECT TO FIREARM PRODUCTS.—The Attorney General may issue an order requiring the manufacturer of, and any dealer in, a firearm product which the Attorney General determines poses an unreasonable risk of injury to the public, is not in compliance with a regulation prescribed under this Act, or is defective, to—

(1) provide notice of the risks associated with the product, and of how to avoid or reduce the risks, to—

(A) the public;

(B) in the case of the manufacturer of the product, each dealer in the product; and

(C) in the case of a dealer in the product, the manufacturer of the product and the other persons known to the dealer as dealers in the product;

(2) bring the product into conformity with the regulations prescribed under this Act;

(3) repair the product;

(4) replace the product with a like or equivalent product which is in compliance with those regulations;

(5) refund the purchase price of the product, or, if the product is more than 1 year old, a lesser amount based on the value of the product after reasonable use;

(6) recall the product from the stream of commerce; or

(7) submit to the Attorney General a satisfactory plan for implementation of any action required under this subsection.

(c) AUTHORITY TO PROHIBIT MANUFACTURE, IMPORTATION, TRANSFER, DISTRIBUTION, OR EXPORT OF UNREASONABLY RISKY FIREARM PRODUCTS.—The Attorney General may issue an order prohibiting the manufacture, importation, transfer, distribution, or export of a firearm product if the Attorney General determines that the exercise of other authority under this Act would not be sufficient to prevent the product from posing an unreasonable risk of injury to the public.

(d) INSPECTIONS.—When the Attorney General has reason to believe that a violation of this Act, or of a regulation or order issued under this Act, is being, or has been, committed, the Attorney General may, at reasonable times—

(1) enter any place in which firearm products are manufactured, stored, or held, for distribution in commerce, and inspect those areas where the products are manufactured, stored, or held; and

(2) enter and inspect any conveyance being used to transport a firearm product.

TITLE II—PROHIBITIONS

SEC. 201. PROHIBITIONS.

(a) FAILURE OF MANUFACTURER TO TEST AND CERTIFY FIREARM PRODUCTS.—It shall be unlawful for the manufacturer of a firearm product to transfer, distribute, or export a firearm product unless—

(1) the manufacturer has tested the product in order to ascertain whether the product is in conformity with the regulations prescribed under section 101;

(2) the product is in conformity with those regulations; and

(3) the manufacturer has included in the packaging of the product, and furnished to each person to whom the product is distributed, a certificate stating that the product is in conformity with those regulations.

(b) FAILURE OF MANUFACTURER TO PROVIDE NOTICE OF NEW TYPES OF FIREARM PRODUCTS.—It shall be unlawful for the manufacturer of a new type of firearm product to manufacture the product, unless the manufacturer has provided the Attorney General with—

(1) notice of the intent of the manufacturer to manufacture the product; and

(2) a description of the product.

(c) FAILURE OF MANUFACTURER OR DEALER TO LABEL FIREARM PRODUCTS.—It shall be unlawful for a manufacturer of or dealer in firearms to transfer, distribute, or export a firearm product unless the product is accompanied by a label that is located prominently in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the label and that contains—

(1) the name and address of the manufacturer of the product;

(2) the name and address of any importer of the product;

(3) the model number of the product and the date the product was manufactured;

(4) a specification of the regulations prescribed under this Act that apply to the product; and

(5) the certificate required by subsection (a)(3) with respect to the product.

(d) FAILURE TO MAINTAIN OR PERMIT INSPECTION OF RECORDS.—It shall be unlawful for an importer of, manufacturer of, or dealer in a firearm product to fail to—

(1) maintain such records, and supply such information, as the Attorney General may require in order to ascertain compliance with this Act and the regulations and orders issued under this Act; and

(2) permit the Attorney General to inspect and copy those records at reasonable times.

(e) IMPORTATION AND EXPORTATION OF UNCERTIFIED FIREARM PRODUCTS.—It shall be unlawful for any person to import into the United States or export a firearm product that is not accompanied by the certificate required by subsection (a)(3).

(f) COMMERCE IN FIREARM PRODUCTS IN VIOLATION OF ORDER ISSUED OR REGULATION PRESCRIBED UNDER THIS ACT.—It shall be unlawful for any person to manufacture, offer for sale, distribute in commerce, import into the United States, or export a firearm product—

(1) that is not in conformity with the regulations prescribed under this Act; or

(2) in violation of an order issued under this Act.

(g) STOCKPILING.—It shall be unlawful for any person to manufacture, purchase, or import a firearm product, after the date a regulation is prescribed under this Act with respect to the product and before the date the regulation takes effect, at a rate that is significantly greater than the rate at which the person manufactured, purchased, or imported the product during a base period (prescribed by the Attorney General in regulations) ending before the date the regulation is so prescribed.

SEC. 202. INAPPLICABILITY TO GOVERNMENTAL AUTHORITIES.

Section 201 does not apply to any department or agency of the United States, of a State, or of a political subdivision of a State, or to any official conduct of any officer or employee of such a department or agency.

TITLE III—ENFORCEMENT

Subtitle A—Civil Enforcement

SEC. 301. CIVIL PENALTIES.

(a) AUTHORITY TO IMPOSE FINES.—

(1) IN GENERAL.—The Attorney General shall impose upon any person who violates section 201 a civil fine in an amount that does not exceed the applicable amount described in subsection (b).

(2) SCOPE OF OFFENSE.—Each violation of section 201 (other than of subsection (a)(3) or (d) of that section) shall constitute a separate offense with respect to each firearm product involved.

(b) APPLICABLE AMOUNT.—

(1) FIRST 5-YEAR PERIOD.—The applicable amount for the 5-year period immediately following the date of enactment of this Act is $5,000, or $10,000 if the violation is willful.

(2) AFTER 5-YEAR PERIOD.—The applicable amount during any time after the 5-year period described in paragraph (1) is $10,000, or $20,000 if the violation is willful.

SEC. 302. INJUNCTIVE ENFORCEMENT AND SEIZURE.

(a) INJUNCTIVE ENFORCEMENT.—The Attorney General may bring an action to restrain any violation of section 201 in the United States district court for any district in which the violation has occurred, or in which the defendant is found or transacts business.

(b) CONDEMNATION.—The Attorney General may bring an action in rem for condemnation of a qualified firearm product in the United States district court for any district in which the Attorney General has found and seized for confiscation the product.

SEC. 303. IMMINENTLY HAZARDOUS FIREARMS.

(a) IN GENERAL.—Notwithstanding the pendency of any other proceeding in a court of the United States, the Attorney General may bring an action in a United States district court to restrain any person who is a manufacturer of, or dealer in, an imminently hazardous firearm product from manufacturing, distributing, transferring, importing, or exporting the product.

(b) RELIEF.—In an action brought under subsection (a), the court may grant such temporary or permanent relief as may be necessary to protect the public from the risks posed by the firearm product, including—

(1) seizure of the product; and

(2) an order requiring—

(A) the purchasers of the product to be notified of the risks posed by the product;

(B) the public to be notified of the risks posed by the product; or

(C) the defendant to recall, repair, or replace the product, or refund the purchase price of the product (or, if the product is more than 1 year old, a lesser amount based on the value of the product after reasonable use).

(c) VENUE.—An action under subsection (a) may be brought in the United States district court for the District of Columbia or for any district in which any defendant is found or transacts business.

SEC. 304. PRIVATE CAUSE OF ACTION.

(a) IN GENERAL.—Any person aggrieved by any violation of this Act or of any regulation prescribed or order issued under this Act by another person may bring an action against such other person in any United States district court for damages, including consequential damages. In any action under this section, the court, in its discretion, may award to a prevailing plaintiff a reasonable attorney's fee as part of the costs.

(b) RULE OF INTERPRETATION.—The remedy provided for in subsection (a) shall be in addition to any other remedy provided by common law or under Federal or State law.

SEC. 305. PRIVATE ENFORCEMENT OF THIS ACT.

(a) IN GENERAL.—Any interested person may bring an action in any United States district court to enforce this Act, or restrain any violation of this Act or of any regulation prescribed or order issued under this Act.

(b) ATTORNEY'S FEE.—In any action under this section, the court, in its discretion, may award to a prevailing plaintiff a reasonable attorney's fee as part of the costs.

SEC. 306. EFFECT ON PRIVATE REMEDIES.

(a) IRRELEVANCY OF COMPLIANCE WITH THIS ACT.—Compliance with this Act or any order issued or regulation prescribed under this Act shall not relieve any person from liability to any person under common law or State statutory law.

(b) IRRELEVANCY OF FAILURE TO TAKE ACTION UNDER THIS ACT.—The failure of the Attorney General to take any action authorized under this Act shall not be admissible in litigation relating to the product under common law or State statutory law.

Subtitle B—Criminal Enforcement

SEC. 351. CRIMINAL PENALTIES.

Any person who has received from the Attorney General a notice that the person has violated a provision of this Act or of a regulation prescribed under this Act with respect to a firearm product and knowingly violates that provision with respect to the product shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. FIREARM INJURY INFORMATION AND RESEARCH.

(a) INJURY DATA.—The Attorney General shall, in coordination with the Secretary of Health and Human Services—

(1) collect, investigate, analyze, and share with other appropriate government agencies circumstances of death and injury associated with firearms; and

(2) conduct continuing studies and investigations of economic costs and losses resulting from firearm-related deaths and injuries.

(b) OTHER DATA.—The Attorney General shall—

(1) collect and maintain current production and sales figures for each licensed manufacturer, broken down by the model, caliber, and type of firearms produced and sold by the licensee, including a list of the serial numbers of such firearms;

(2) conduct research on, studies of, and investigation into the safety of firearm products and improving the safety of firearm products; and

(3) develop firearm safety testing methods and testing devices.

(c) AVAILABILITY OF INFORMATION.—On a regular basis, but not less frequently than annually, the Attorney General shall make available to the public the results of the activities of the Attorney General under subsections (a) and (b).

SEC. 402. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—The Attorney General shall prepare and submit to the President and Congress at the beginning of each regular session of Congress, a comprehensive report on the administration of this Act for the most recently completed fiscal year.

(b) CONTENTS.—Each report submitted under subsection (a) shall include—

(1) a thorough description, developed in coordination with the Secretary of Health and Human Services, of the incidence of injury and death and effects on the population resulting from firearm products, including statistical analyses and projections, and a breakdown, as practicable, among the various types of such products associated with the injuries and deaths;

(2) a list of firearm safety regulations prescribed that year;

(3) an evaluation of the degree of compliance with firearm safety regulations, including a list of enforcement actions, court decisions, and settlements of alleged violations, by name and location of the violator or alleged violator, as the case may be;

(4) a summary of the outstanding problems hindering enforcement of this Act, in the order of priority; and

(5) a log and summary of meetings between the Attorney General or employees of the Attorney General and representatives of industry, interested groups, or other interested parties.

TITLE V—RELATIONSHIP TO OTHER LAW

SEC. 501. SUBORDINATION TO ARMS EXPORT CONTROL ACT.

In the event of any conflict between any provision of this Act and any provision of the Arms Export Control Act, the provision of the Arms Export Control Act shall control.

SEC. 502. EFFECT ON STATE LAW.

(a) IN GENERAL.—This Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law regulating or prohibiting conduct with respect to a firearm product, except to the extent that such provision of law is inconsistent with any provision of this Act, and then only to the extent of the inconsistency.

(b) RULE OF CONSTRUCTION.—A provision of State law is not inconsistent with this Act if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this Act.

By Mrs. CLINTON (for herself, Ms. COLLINS, Mrs. MURRAY, and Mr. BINGAMAN):

S. 1226. A bill to coordinate efforts in collecting and analyzing data on the incidence and prevalence of developmental disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to discuss a rising epidemic that is preventing a growing number of children in our Nation from learning and contributing fully as members of our society.

Twelve million children under the age of eighteen now suffer from a developmental, learning or behavioral disability. Since 1977, enrollment in special education programs for children with learning disabilities has doubled. In New York, there are 206,000 learning disabled children—this is fifty percent of the special education population in New York.

While we know that developmental disabilities are affecting more children and costing us more money, we still know relatively little about the causes of developmental disabilities. A National Academy of Sciences study suggests that genetic factors explain only ten to twenty percent of developmental disabilities. Considerable research suggests that toxic chemicals such as mercury, pesticides, and dioxin contribute to these problems, but proving the exact role of environmental factors in these problems will take time and significant research dollars.

We can simply not stand back and watch our children suffer from this increasing epidemic. That is why I have worked hard to develop the 2003 Act to Prevent Developmental Disabilities in Education, which I am proud to introduce today with my colleague, Senator COLLINS. It would help us lower the costs of developmental disabilities by identifying the preventable, non-genetic causes that are affecting so many children in our nation.

Our legislation would require the Department of Education to coordinate with the CDC to improve data collection on environmental hazards that cause disabilities. At this time, the Department of Education collects information on the prevalence of disabilities among children in schools and the CDC collects information on environmental toxins, but the two data systems are not coordinated. If they were, policymakers and researchers could better identify where environmental hazards may be causing developmental disabilities and target resources to these areas for abatement. A National Academy of Sciences study suggests that 28 percent of developmental disabilities are due to environmental causes, and a recent study in the New England Journal of Medicine demonstrated that exposure to low levels of lead can result in a drop of 7.4 IQ points, which can turn a healthy child into one with a developmental disability.

I am working to incorporate this legislation into the reauthorization of the Individuals with Disabilities Education Act because I believe so strongly that our children and families, indeed our entire society, benefits when we prevent developmental diseases rather than treating them after they occur.

And thank you to my friend Senator COLLINS for her hard work and commitment to this important issue.

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. 1226

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 ''2003 Act to Prevent Developmental Disabilities in Education''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Seventeen percent of children in the United States under 18 years of age have a developmental disability.

(2) Since 1977, enrollment in special education programs for children with learning disabilities has doubled.

(3) Federal and State education departments spend about $43,000,000,000 each year on special education programs for individuals with developmental disabilities who are between 3 and 21 years of age.

(4) Research suggests that genetic factors explain only 10 to 20 percent of developmental diseases, and a National Academy of Sciences study suggests that at least 28 percent of developmental disabilities are due to environmental causes.

(b) PURPOSE.—It is the purpose of this Act to ensure a collaborative tracking effort between the Department of Education and the Centers for Disease Control and Prevention for developmental disabilities and potential environmental links.

SEC. 3. DEPARTMENT OF EDUCATION TRACKING ACTIVITIES.

(a) IN GENERAL.—The Secretary of Education (in this section referred to as the ''Secretary'') shall coordinate efforts with the Director of the National Center for Birth Defects and Developmental Disabilities of the Centers for Disease Control and Prevention (in this section referred to as the ''Director'') in collecting and analyzing data on the incidence and prevalence of developmental disabilities to determine localities with a high incidence of developmental disabilities and study possible causes of the increased incidence of these diseases, disorders, and conditions.

(b) EXISTING SURVEILLANCE SYSTEMS, REGISTRIES, AND SURVEYS.—To the maximum extent practicable in implementing the activities under this section, the Secretary and the Director shall develop methods for reconciling data collected in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) on the prevalence of developmental disabilities with existing surveillance and data collection systems, registries, and surveys that are administered by the Centers for Disease Control and Prevention, including—

(1) State birth defects surveillance systems as supported under section 317C of the Public Health Service Act (42 U.S.C. 247b–4); and

(2) environmental public health tracking program grants authorized under section 301 of the Public Health Service Act (42 U.S.C. 241).

(c) PRIVACY.—In pursuing activities under this section, the Secretary and the Director shall ensure the protection of individual health privacy consistent with regulations promulgated in accordance with section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), the Family Educational Right to Privacy Act (20 U.S.C. 1232g), and State and local privacy regulations, as applicable.

By Mr. SANTORIUM (for himself and Mrs. LINCOLN):

S. 1227. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day services under the medicare program; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to join my colleague Mrs. LINCOLN of Arkansas to reintroduce bipartisan legislation aimed at improving long-term care health and rehabilitation options for Medicare beneficiaries, and also assisting family caregivers.

We all recognize that our Nation needs to address sooner rather than later the challenges of financing long-term care services for our growing aging population. The Congressional Budget Office has projected that national expenditures for long-term care services for the elderly will increase each year through 2040. But it is in just over a decade when we will see these challenges become even more pronounced, when the 76 million baby boomers begin to turn 65. Baby boomers are expected to live longer and greater numbers will reach 85 and older.

Congress' attention in this area is critical, given the expected growing costs of long-term care services, and the fact that so many American families are already serving as caregivers for aging or ailing seniors and providing a large portion of long-term care services. It is more important than ever that we have in place quality options in how to best care for our senior population about to dramatically increase.

This is why we are introducing the Medicare Adult Day Services Alternative Act. This legislation would offer home health beneficiaries more options for receiving care in a setting of their own choosing, rather than confining the provision of those benefits solely to the home.

This legislation would give beneficiaries the option to receive some or all of their Medicare home health services in an adult day setting. This would be a substitution, not an expansion, of services. The bill would not make new people eligible for Medicare home health benefits or expand the list of services paid for. In fact, this legislation may be designed to produce net savings for the Medicare program.

Permitting homebound patients to receive their home health care in a clinically-based senior day center, as an alternative to receiving it at home, could result in significant benefits to

the Medicare program, such as reduced cost-per-episode, reduced numbers of episodes, as well as mental and physical stimulation for patients.

Moreover, the Medicare Adult Day Services Alternative Act could well have a positive impact on our economy, as it would enable caregivers to attend to other facets in today's fast-paced family life, such as working a full- or part-time job and caring for children, knowing their loved ones are well cared for. It is unfortunate that today many caregivers have to choose between working or caring for a family member. It is estimated that the average loss of income to these caregivers is more than $600,000 in wages, pension, and Social Security benefits. And by extension, the loss in productivity in United States businesses is pegged at more than $10 billion annually.

But it does not have to be an either-or proposition. The Medicare Adult Day Services Alternative Act is a creative solution to health care delivery, which would adequately reimburse providers in a fiscally responsible way. Located in every state in the United States and the District of Columbia, adult day centers generally offer transportation, meals, personal care, and counseling in addition to the medical services and socialization benefits offered.

We can and should offer both our Medicare beneficiaries and family caregivers more and better options for health care delivery, and that is exactly what the Medicare Adult Day Services Alternative Act is designed to do. This legislation is bipartisan, and has been supported by more than 20 national non-profit organizations concerned with the well-being of America's older population and committed to representing their interests.

I hope our colleagues will join us in this cause. I again thank Senator LINCOLN for working with me in this effort, and 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. 1227

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 ''Medicare Adult Day Services Alternative Act of 2003''.

SEC. 2. FINDINGS.

Congress finds that—

(1) adult day services offers services, including medical care, rehabilitation therapies, dignified assistance with activities of daily living, social interaction, and stimulating activities, to seniors who are frail, physically challenged, or cognitively impaired;

(2) access to adult day services provides seniors and their familial caregivers support that is critical to keeping the senior in the family home;

(3) more than 22,000,000 families in the United States serve as caregivers for aging or ailing seniors, nearly 1 in 4 American families, providing close to 80 percent of the care to individuals requiring long-term care;

(4) nearly 75 percent of those actively providing such care are women who also maintain other responsibilities, such as working outside of the home and raising young children;

(5) the average loss of income to these caregivers has been shown to be $659,130 in wages, pension, and Social Security benefits;

(6) the loss in productivity in United States businesses ranges from $11,000,000,000 to $29,000,000,000 annually;

(7) the services offered in adult day services facilities provide continuity of care and an important sense of community for both the senior and the caregiver;

(8) there are adult day services facilities in every State in the United States and the District of Columbia;

(9) these centers generally offer transportation, meals, personal care, and counseling in addition to the medical services and socialization benefits offered; and

(10) with the need for quality options in how to best care for our senior population about to dramatically increase with the aging of the baby boomer generation, the time to address these issues is now.

SEC. 3. MEDICARE COVERAGE OF SUBSTITUTE ADULT DAY SERVICES.

(a) SUBSTITUTE ADULT DAY SERVICES BENEFIT.—

(1) IN GENERAL.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended—

(A) in the matter preceding paragraph (1), by inserting ''or (8)'' after ''paragraph (7)'';

(B) in paragraph (6), by striking ''and'' at the end;

(C) in paragraph (7), by adding ''and'' at the end; and

(D) by inserting after paragraph (7), the following new paragraph:

''(8) substitute adult day services (as defined in subsection (ww));''.

(2) SUBSTITUTE ADULT DAY SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Substitute Adult Day Services; Adult Day Services Facility

''(ww)(1)(A) The term 'substitute adult day services' means the items and services described in subparagraph (B) that are furnished to an individual by an adult day services facility as a part of a plan under subsection (m) that substitutes such services for some or all of the items and services described in subparagraph (B)(i) furnished by a home health agency under the plan, as determined by the physician establishing the plan.

''(B) The items and services described in this subparagraph are the following items and services:

''(i) Items and services described in paragraphs (1) through (7) of subsection (m).

''(ii) Meals.

''(iii) A program of supervised activities designed to promote physical and mental health and furnished to the individual by the adult day services facility in a group setting for a period of not fewer than 4 and not greater than 12 hours per day.

''(iv) A medication management program (as defined in subparagraph (C)).

''(C) For purposes of subparagraph (B)(iv), the term 'medication management program' means a program of services, including medicine screening and patient and health care provider education programs, that provides services to minimize—

''(i) unnecessary or inappropriate use of prescription drugs; and

''(ii) adverse events due to unintended prescription drug-to-drug interactions.

''(2)(A) Except as provided in subparagraphs (B) and (C), the term 'adult day services facility' means a public agency or private organization, or a subdivision of such an agency or organization, that—

''(i) is engaged in providing skilled nursing services and other therapeutic services directly or under arrangement with a home health agency;

''(ii) provides the items and services described in paragraph (1)(B); and

''(iii) meets the requirements of paragraphs (2) through (8) of subsection (o).

''(B) Notwithstanding subparagraph (A), the term 'adult day services facility' shall include a home health agency in which the items and services described in clauses (ii) through (iv) of paragraph (1)(B) are provided—

''(i) by an adult day services program that is licensed or certified by a State, or accredited, to furnish such items and services in the State; and

''(ii) under arrangements with that program made by such agency.

''(C) The Secretary may waive the requirement of a surety bond under paragraph (7) of subsection (o) in the case of an agency or organization that provides a comparable surety bond under State law.''.

(b) PAYMENT FOR SUBSTITUTE ADULT DAY SERVICES.—Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

''(f) PAYMENT RATE FOR SUBSTITUTE ADULT DAY SERVICES.—

''(1) PAYMENT RATE.—For purposes of making payments to an adult day services facility for substitute adult day services (as defined in section 1861(ww)), the following rules shall apply:

''(A) ESTIMATION OF PAYMENT AMOUNT.—The Secretary shall estimate the amount that would otherwise be payable to a home health agency under this section for all home health services described in paragraph (1)(B)(i) of such section under the plan of care.

''(B) AMOUNT OF PAYMENT.—Subject to paragraph (3)(B), the total amount payable for substitute adult day services under the plan of care is equal to 95 percent of the amount estimated to be payable under subparagraph (A).

''(2) LIMITATION ON BALANCE BILLING.—An adult day services facility shall accept as payment in full for substitute adult day services (including those services described in clauses (ii) through (iv) of section 1861(ww)(1)(B)) furnished by the facility to an individual entitled to benefits under this title the amount of payment provided under this subsection for home health services consisting of substitute adult day services.

''(3) ADJUSTMENT IN CASE OF OVERUTILIZATION OF SUBSTITUTE ADULT DAY SERVICES.—

''(A) MONITORING EXPENDITURES.—Beginning with fiscal year 2005, the Secretary shall monitor the expenditures made under this title for home health services, including such services consisting of substitute adult day services, for the fiscal year and shall compare such expenditures to expenditures that the Secretary estimates would have been made under this title for home health services for the fiscal year if the Medicare Adult Day Services Alternative Act of 2003 had not been enacted.

''(B) REQUIRED REDUCTION IN PAYMENT RATE.—If the Secretary determines, after making the comparison under subparagraph (A) and making such adjustments for changes in demographics and age of the medicare beneficiary population as the Secretary determines appropriate, that expenditures for home health services under the this title, including such services consisting of substitute adult day services, for the fiscal year exceed expenditures that would have been made under this title for home health

services for the fiscal year if the Medicare Adult Day Services Alternative Act of 2003 not been enacted, then the Secretary shall adjust the rate of payment to adult day services facilities under paragraph (1)(B) for home health services consisting of substitute adult day services furnished in the fiscal year in order to eliminate such excess.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2004.

By Mrs. CLINTON (for herself and Mr. DEWINE):

S. 1228: A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise today to discuss a persistent, serious, and entirely preventable threat to our children's intelligence, behavior, and learning.

Lead poisoning affects 300,000 children in our Nation between the ages of one and five, and has been linked with developmental disabilities, behavioral problems, and anemia. One recent study from the New England Journal of Medicine also found that children suffered up to a 7.4 percent decrease in IQ at lead levels that CDC considers safe. At very high levels, lead poisoning can cause seizures, coma, and even death.

In New York State in 1999, over twelve thousand children suffered from lead poisoning, 9,533 of those children in New York City alone. In fact, we may even be underestimating the significance of this important public health problem.

I am glad that the Secretary of Health and Human Services considers lead poisoning to be a priority, and established a national goal of ending childhood lead poisoning by 2010. However, federal programs only have resources to remove lead-based paint hazards from less than 0.1 percent of the twenty-five million housing units that have these hazards. At this pace, we will not be able to end childhood lead poisoning by 3010, let alone 2010.

We will never stop childhood lead poisoning unless we get lead out of the buildings in which children live, work, and play. In Brooklyn, more than a third of the buildings in one community have a lead-based paint hazard. Parents of children with lead poisoning are being told that nothing can be done until their children's lead poisoning becomes worse. How can we ask children to watch and wait while their sons and daughters suffer from lead poisoning before we remove the lead from their homes?

That is why today, I am proud to introduce the Home Lead Safety Tax Credit Act of 2003 with my colleague, Senator MIKE DEWINE. This legislation would provide a tax credit to aide and encourage homeowners in removing lead-based paint hazards in their homes. Specifically, it would provide a tax credit for owners of residential properties built before 1978 that pay for abatement performed by a certified lead abatement contractor. Owners would receive a maximum tax credit of 50 percent of the cost of the abatement, not to exceed $1,500 per dwelling unit. In Massachusetts, a similar tax credit helped reduce the number of new cases of childhood lead poisoning by almost two-thirds in a decade.

The Home Lead Safety Tax Credit Act of 2003 would help homeowners make approximately 85,000 homes each year safe from lead, which is more than ten times the number of homes made lead safe by current Federal programs. It would greatly accelerate our progress in ridding our nation of the significant problem of childhood lead poisoning. I ask my colleagues to join me in supporting this legislation, which will help us achieve our common goal of protecting children from threats in our environment.

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. 1228

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the ''Home Lead Safety Tax Credit Act of 2003''.

(b) FINDINGS.—Congress finds that:

(1) Of the 98,000,000 housing units in the United States, 38,000,000 have lead-based paint.

(2) Of the 38,000,000 housing units with lead-based paint, 25,000,000 pose a hazard, as defined by Environmental Protection Agency and Department of Housing and Urban Development standards, due to conditions such as peeling paint and settled dust on floors and windowsills that contain lead at levels above Federal safety standards.

(3) Though the number of children in the United States ages 1 through 5 with blood levels higher than the Centers for Disease Control action level of 10 micrograms per deciliter has declined to 300,000, lead poisoning remains a serious, entirely preventable threat to a child's intelligence, behavior, and learning.

(4) The Secretary of Health and Human Services has established a national goal of ending childhood lead poisoning by 2010.

(5) Current Federal lead abatement programs, such as the Lead Hazard Control Grant Program of the Department of Housing and Urban Development, only have resources sufficient to make approximately 7,000 homes lead-safe each year. In many cases, when State and local public health departments identify a lead-poisoned child, resources are insufficient to reduce or eliminate the hazards.

(6) Approximately 15 percent of children are lead-poisoned by home renovation projects performed by remodelers who fail to follow basic safeguards to control lead dust.

(7) Old windows typically pose significant risks because wood trim is more likely to be painted with lead-based paint, moisture causes paint to deteriorate, and friction generates lead dust. The replacement of old windows that contain lead based paint significantly reduces lead poisoning hazards in addition to producing significant energy savings.

(c) PURPOSE.—The purpose of this section is to encourage the safe removal of lead hazards from homes and thereby decrease the number of children who suffer reduced intelligence, learning difficulties, behavioral problems, and other health consequences due to lead-poisoning.

SEC. 2. LEAD ABATEMENT TAX CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30B. HOME LEAD ABATEMENT.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter an amount equal to 50 percent of the abatement cost paid or incurred by the taxpayer during the taxable year for each eligible dwelling unit of the taxpayer.

''(b) LIMITATION.—The amount of the credit allowed under subsection (a) for any eligible dwelling unit shall not exceed—

''(1) $1,500, over

''(2) the aggregate cost taken into account under subsection (a) with respect to such unit for all preceding taxable years.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

''(1) ABATEMENT COST.—

''(A) IN GENERAL.—The term 'abatement cost' means, with respect to any eligible dwelling unit—

''(i) the cost for a certified risk assessor to conduct an assessment to determine the presence of a lead-based paint hazard,

''(ii) the cost for a certified lead abatement supervisor to perform the removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil when lead-based paint hazards are present in such paint, dust, or soil,

''(iii) the cost for a certified lead abatement supervisor to perform all preparation, cleanup, disposal, and postabatement clearance testing activities associated with the activities described in clause (ii), and

''(iv) costs incurred by or on behalf of any occupant of such dwelling unit for any relocation which is necessary to achieve occupant protection (as defined under section 1345 of title 24, Code of Federal Regulations).

''(B) LIMITATION.—The term 'abatement cost' does not include any cost to the extent such cost is funded by any grant, contract, or otherwise by another person (or any governmental agency).

''(2) ELIGIBLE DWELLING UNIT.—

''(A) IN GENERAL.—The term 'eligible dwelling unit' means any dwelling unit—

''(i) placed in service before 1978,

''(ii) located in the United States, and

''(iii) determined by a certified risk assessor to have a lead-based paint hazard.

''(B) DWELLING UNIT.—The term 'dwelling unit' has the meaning given such term by section 280A(f)(1).

''(3) LEAD-BASED PAINT HAZARD.—The term 'lead-based paint hazard' has the meaning given such term under part 745 of title 40, Code of Federal Regulations.

''(4) CERTIFIED LEAD ABATEMENT SUPERVISOR.—The term 'certified lead abatement supervisor' means an individual certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

''(5) CERTIFIED INSPECTOR.—The term 'certified inspector' means an inspector certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

''(6) CERTIFIED RISK ASSESSOR.—The term 'certified risk assessor' means a risk assessor

certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

''(7) DOCUMENTATION REQUIRED FOR CREDIT ALLOWANCE.—No credit shall be allowed under subsection (a) with respect to any eligible dwelling unit unless—

''(A) after lead abatement is complete, a certified inspector or certified risk assessor provides written documentation to the taxpayer that includes—

''(i) a certification that the postabatement procedures (as defined by section 745.227 of title 40, Code of Federal Regulations) have been performed and that the unit does not contain lead dust hazards (as defined by section 745.227(e)(8)(viii) of title 40, Code of Federal Regulations), and

''(ii) documentation showing that the lead abatement meets the requirements of this section, and

''(B) the taxpayer files with the appropriate State agency—

''(i) the documentation described in subparagraph (A),

''(ii) a receipt from the certified risk assessor documenting the costs of determining the presence of a lead-based paint hazard,

''(iii) a receipt from the certified lead abatement supervisor documenting the abatement cost (other than the costs described in paragraph (1)(A)(i)), and

''(iv) a statement indicating the age of the dwelling unit.

''(8) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (d)).

''(d) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under subpart A and sections 27, 29, 30, and 30A for the taxable year.

''(e) CARRYFORWARD ALLOWED.—

''(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (d) for such taxable year (referred to as the 'unused credit year' in this subsection), such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

''(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking ''and'' in paragraph (27), by striking the period and inserting '', and'' in paragraph (28), and by inserting at the end the following new paragraph:

''(29) in the case of an eligible dwelling unit with respect to which a credit for lead abatement was allowed under section 30B, to the extent provided in section 30B(c)(8).''.

(2) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following new item:

''Sec. 30B. Home lead abatement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to abatement costs incurred after December 31, 2003, in taxable years ending after that date.

By Mr. AKAKA (for himself, Mr. LEVIN, Mr. LEAHY, Mr. DURBIN, and Mr. DAYTON):

S. 1229. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

Mr. AKAKA. Mr. President. Today I rise to introduce the Federal Employee Protection of Disclosures Act with Senators LEVIN, LEAHY, DURBIN, and DAYTON to amend the Whistleblower Protection Act, WPA. These amendments are necessary to protect Federal employees from retaliation and protect the American people from government waste, fraud, and abuse. The Federal Employee Protection of Disclosures Act builds on the foundation laid in the 107th Congress with S. 995 and S. 3070, the latter of which was favorably reported by the Governmental Affairs Committee last year. The bill also incorporates recommendations received during a hearing I chaired on similar legislation in 2001.

Last year, Time magazine honored Sherron Watkins, Colleen Rowley, and Cynthia Cooper as its ''persons of the year.'' These brave women are whistleblowers—Colleen Rowley is the Minneapolis FBI agent who penned the memo on the FBI headquarter's handling of the Zacarias Mousssoui case. In 2002, Ms. Rowley and the two other women went public with disclosures of mismanagement and wrongdoing within their workplaces. They captured the nation's attention and earned our respect in their roles as whistleblowers. Congress encourages Federal employees like Ms. Rowley to come forward with information of threats to public safety and health through the WPA, which has been amended twice in order to shore up congressional intent.

Once again, Congress must act to guarantee protections from retaliation for Federal whistleblowers. First and foremost, our bill would codify the repeated and unequivocal statements of congressional intent that Federal employees are to be protected when making ''any disclosure'' evidencing violations of law, gross mismanagement, or a gross waste of funds. The bill would also clarify the test that must be met to prove that a Federal employee reasonably believed that his or her disclosure was evidence of wrongdoing. Despite the clear language of the WPA that an employee is protected from disclosing information he or she reasonably believes evidences a violation, the Federal Circuit Court of Appeals, which has sole jurisdiction over whistleblower cases, ruled in 1999 that the reasonableness review must begin with the presumption that public officers perform their duties in good faith and that this presumption stands unless there is ''irrefragable proof'' to the contrary. By definition, irrefragable means impossible to refute. To address this unreasonable burden placed on whistleblowers, our bill would replace the ''irrefragable proof'' standard with ''substantial evidence.''

The bill would provide some method of relief for those whistleblowers who face retaliation by having their security clearance removed. According to former Special Counsel Elaine Kaplan, removal of a security clearance in this manner is a way of camouflaging retaliation. To address this issue, the bill would make it a prohibited personnel practice for a manager to suspend, revoke or take other action with respect to an employee's security clearance in retaliation for whistleblowing and allow the Merit Systems Protection Board, MSPB, to review the action. Under an expedited review process, the MSPB may issue declaratory and other appropriate relief, but may not direct the President to restore a security clearance. MSPB and subsequent Congressional review of the agency's action provides sound oversight for this process without encroaching upon the President's authority in the national security arena.

The measure would also provide independent litigating authority to the Office of Special Counsel, OSC. Under current law, OSC has no authority to request MSPB to reconsider its decision or to seek review of a MSPB decision by the Federal Circuit. The limitation undermines both OSC's ability to protect whistleblowers and the integrity of the WPA. As such, our bill would provide OSC authority to appear in any civil action brought in connection with the WPA and obtain review of any MSPB order where OSC determines MSPB erred and the case will impact the enforcement of the WPA. The bill would also help protect the integrity of the Act by removing sole jurisdiction of such cases from the Federal Circuit and provide for review of whistleblower cases in the same manner that is afforded in Equal Employment Opportunity Commission cases. This review system is designed to address holdings by the Federal Circuit which have repeatedly ignored congressional intent.

Enactment of the Federal Employee Protection of Disclosures Act will strengthen the rights and protections afforded to Federal whistleblowers and encourage the disclosure of information vital to an effective government. Congress should act quickly to assure whistleblowers that disclosing illegal activities within their agencies will not be met with retaliation. I urge my colleagues to join with me in protecting the dedicated Federal employees who come forward to disclose wrongdoing to help the American people.

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. 1229

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

SECTION 1. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Employee Protection of Disclosures Act''.

(b) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation'';

(2) in subparagraph (B)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''; and

(3) by adding at the end the following:

''(C) a disclosure that—

''(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

''(I) any violation of any law, rule, or regulation;

''(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(III) a false statement to Congress on an issue of material fact; and

''(ii) is made to—

''(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

''(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

''(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.''.

(c) COVERED DISCLOSURES.—Section 2302(b) of title 5, United States Code, is amended—

(1) in the matter following paragraph (12), by striking ''This subsection'' and inserting the following:

''This subsection''; and

(2) by adding at the end the following:

''In this subsection, the term 'disclosure' means a formal or informal communication or transmission.''.

(d) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by adding after the matter following paragraph (12) (as amended by subsection (c) of this section) the following:

''For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence.''.

(e) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking ''and'' after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

''(xii) a suspension, revocation, or other determination relating to a security clearance;

''(xiii) an investigation of an employee or applicant for employment because of any activity protected under this section; and''.

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement:

'''These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.'; or

''(14) conduct, or cause to be conducted, an investigation of an employee or applicant for employment because of any activity protected under this section.''.

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

''§ 7702a. Actions relating to security clearances

''(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance, the Merit Systems Protection Board or any reviewing court—

''(1) shall determine whether section 2302 was violated;

''(2) may not order the President to restore a security clearance; and

''(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

''(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regards to a security clearance was made in violation of section 2302, the affected agency shall conduct a review of that suspension, revocation, or other determination, giving great weight to the Board or court judgment.

''(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, or other determination was made in violation of section 2302, the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, or other determination. A report under this paragraph shall include any proposed agency action with regards to the security clearance.

''(c) An allegation that a security clearance was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

''7702a. Actions relating to security clearances.''.

(f) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

''(II) as determined by the President, any Executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or''.

(g) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party is employed or has applied for employment''.

(h) COMPENSATORY DAMAGES.—Section 1214(g)(2) of title 5, United States Code, is amended by inserting ''compensatory or'' after ''forseeable''.

(i) DISCIPLINARY ACTION.—Section 1215 of title 5, United States Code, is amended in subsection (a), by striking paragraph (3) and inserting the following:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under section 2302(b)(1), (8), or (9), the Board may order disciplinary action if the Board finds that the activity or status protected under section 2302(b)(1), (8), or (9) was a motivating factor for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, even if other factors also motivated the decision.''.

(j) DISCLOSURES TO CONGRESS.—Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(f) Each agency shall establish a process that provides confidential advice to employees on making a lawful disclosure to Congress of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.''.

(k) AUTHORITY OF SPECIAL COUNSEL RELATING TO CIVIL ACTIONS.—

(1) REPRESENTATION OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h) Except as provided in section 518 of title 28, relating to litigation before the Supreme Court, attorneys designated by the Special Counsel may appear for the Special Counsel and represent the Special Counsel in any civil action brought in connection with section 2302(b)(8) or subchapter III of chapter 73, or as otherwise authorized by law.''.

(2) JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS.—Section 7703 of title 5, United States Code, is amended by adding at the end the following:

''(e)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Special Counsel. The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board's decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review obtained by the Special Counsel. The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board's decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.''.

(l) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b) of title 5, United States Code, is amended by striking paragraph (1) and inserting the following:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2). Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.''.

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703 of title 5, United States Code, is amended by striking subsection (d) and inserting the following:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.''.

(m) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the Federal Government or a State or local government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(n) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (Public Law 107–296) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

(o) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

Mr. LEVIN. Mr. President, I am pleased to join Senators AKAKA, LEAHY, DURBIN and DAYTON today in introducing the Federal Employees Protection of Disclosures Act. Our bill strengthens the law protecting employees who blow the whistle on fraud, waste, and abuse in Federal programs.

Whistleblowers play a crucial role in ensuring that Congress and the public are aware of serious cases of waste,

fraud, and mismanagement in government. Whistleblowing is never more important than when our national security is at stake. Since the terrorist attacks of September 11, 2001, courageous individuals have stepped forward to blow the whistle on significant lapses in our efforts to protect the United States against potential future attacks. Most notably, FBI Agent Coleen Rowley alerted Congress to serious institutional problems at the FBI and their impact on the agency's ability to effectively investigate and prevent terrorism.

In another example, two Border Patrol agents from my State of Michigan, Mark Hall and Bob Lindemann, risked their careers when they blew the whistle on Border Patrol and INS policies that were compromising security on the Northern Border. Their disclosure led to my holding a hearing at the Permanent Subcommittee on Investigations in November 2001, that exposed serious deficiencies in the way Border Patrol and INS were dealing with aliens who were arrested while trying to enter the country illegally. Since the hearing, some of the most troublesome policies have been changed, improving the security situation and validating the two agents' concerns. Despite the fact that their concerns proved to be dead on, shortly after they blew the whistle, disciplinary action was proposed against the two agents. Fortunately in this case, whistleblower protections worked. The Office of Special Counsel conducted an investigation and the decision to discipline the agents was reversed. However, that disciplinary action was proposed in the first place is a troubling reminder of how important it is for us to both strengthen protections for whistleblowers and empower the Office of Special Counsel to discipline managers who seek to muzzle employees.

Agent Rowley, Mark Hall and Bob Lindemann are simply the latest in a long line of Federal employees who have taken great personal risks in blowing the whistle on government waste, fraud, and mismanagement. Congress has long recognized the obligation we have to protect a Federal employee when he or she discloses evidence of wrongdoing in a federal program. If an employee reasonably believes that a fraud or mismanagement is occurring, and that employee has the courage and the sense of responsibility to make that fraud or mismanagement known, it is our duty to protect the employee from any reprisal. We want federal employees to identify problems so we can fix them, and if they fear reprisal for doing so, then we are not only failing to protect the whistleblower, but we are also failing to protect the taxpayer.

I sponsored the Whistleblower Protection Act in 1989 which strengthened and clarified whistleblower rights, as well as the bill passed by Congress to strengthen the law further in 1994. Unfortunately, however, repeated holdings by the United States Court of Appeals for the Federal Circuit have corrupted the intent of Congress, with the result that additional clarifying language is sorely needed. The case of LaChance versus White represents perhaps the most notable example of the Federal Circuit's misinterpretation of the whistleblower law.

In LaChance, decided on May 14, 1999, the court imposed an unfounded and virtually unattainable standard on Federal employee whistleblowers in proving their cases. In that case, John E. White was an education specialist for the Air Force who spoke out against a new educational system that purported to mandate quality standards for schools contracting with the Air Force bases. White criticized the new system as counterproductive because it was too burdensome and seriously reduced the education opportunities available on base. After making these criticisms, local agency officials reassigned White, relieving him of his duties and allegedly isolating him. However, after an independent management review supported White's concerns, the Air Force canceled the program White had criticized. White appealed the reassignment in 1992 and the case has been in litigation ever since.

The administrative judge initially dismissed White's case, finding that his disclosures were not protected by the Whistleblower Protection Act. The MSPB, however, reversed the administrative judge's decision and remanded the case back to the administrative judge, holding that since White disclosed information he reasonably believed evidenced gross mismanagement, this disclosure was protected under the Act. On remand, the administrative judge found that the Air Force had violated the Whistleblower Protection Act and ordered the Air Force to return White to his prior status; the MSPB affirmed the decision of the administrative judge. OPM petitioned the Federal Circuit for a review of the board's decision. The Federal Circuit subsequently reversed the MSPB's decision, holding that there was not adequate evidence to support a violation under the Whistleblower Protection Act. The Federal Circuit held that the evidence that White was a specialist on the subject at issue and aware of the alleged improper activities and that his belief was shared by other employees was not sufficient to meet the ''reasonable belief'' test in the law. The court held that ''the board must look for evidence that it was reasonable to believe that the disclosures revealed misbehavior'' by the Air Force. The court went on to say: ''In this case, review of the Air Force's policy and implementation via the QES standards might well show them to be entirely appropriate, even if not the best option. Indeed, this review would start out with a presumption that public officers perform their duties correctly, fairly, in good faith, and in accordance with the law and governing regulations. . . . And this presumption stands unless there is ''irrefragable proof to the contrary'.''

It was appropriate for the Federal Circuit to remand the case to the MSPB to have it reconsider whether it was reasonable for White to believe that what the Air Force did in this case involved gross mismanagement. However, the Federal Circuit went on to impose a clearly erroneous and excessive standard for him to demonstrate his ''reasonable belief''—requiring him to provide ''irrefragable'' proof that the Air Force had engaged in gross mismanagement.

Irrefragable means ''undeniable, incontestable, incontrovertible, incapable of being overthrown.'' How can a Federal employee meet a standard of ''irrefragable'' in proving gross mismanagement? It is a virtually impossible standard of proof to meet. Moreover, there is nothing in the law or legislative history that even suggests such a standard applies to the Whistleblower Protection Act. The intent of the law is not for a Federal employee to act as an investigator and compile ''irrefragable'' proof that the Federal Government, in fact, committed fraud, waste or abuse. Rather, under the clear language of the statute, the employee needs only to have ''a reasonable belief'' that there is fraud, waste or abuse occurring in order to make a protected disclosure.

LaChance is only one example of the Federal Circuit misinterpreting the law. Our bill corrects LaChance and as well as several other Federal Circuit holdings. In addition, the bill strengthens the Office of Special Counsel and creates additional protections for federal employees who are retaliated against for blowing the whistle.

One of the most important issues addressed in the bill is to clarify again that the law is intended to protect a broad range of whistleblower disclosures. The legislative history supporting the 1994 Whistleblower Protection Act amendments emphasized: ''[I]t also is not possible to further clarify the clear language in section 2302(b)(8) that protection for ''any'' whistleblowing disclosure truly means ''any.'' A protected disclosure may be made as part of an employee's job duties, may concern policy or individual misconduct, and may be oral or written and to any audience inside or outside the agency, without restriction to time, place, motive or content.''

Despite this clear Congressional intent that was clearly articulated in 1994, the Federal Circuit has acted to push a number of whistleblower disclosures outside the protections of the whistleblower law. For example, in Horton versus the Department of the Navy, the Federal Circuit ruled that a whistleblower's disclosures to co-workers, or to the wrong-doer, or to a supervisor were not protected by the WPA. In Willis versus the Department of Agriculture, the court ruled that a whistleblower's disclosures to officials in

the agency chain of command or those made in the course of normal job duties were not protected. In Huffman versus Office of Personnel Management, the Federal Circuit reaffirmed Horton and Willis. And in Meuwissen versus Department of Interior, the Federal Circuit held that a whistleblower's disclosures of previously known information do not qualify as ''disclosures'' under the WPA. All of these rulings violate clear Congressional intent to afford broad protection to whistleblower disclosures.

In order to make it clear that any lawful disclosure that an employee or job applicant reasonably believes is evidence of waste, fraud, abuse, or gross mismanagement is covered by the WPA, the bill codifies previous statements of Congressional intent. Using the 1994 legislative history, it amends the whistleblower statute to cover any disclosure of information without restriction to time, place, form, motive or context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties that the employee or applicant reasonably believes is credible evidence of any violation of any law, rule, or regulation, or other misconduct specified in the whistleblower law. I want to emphasize here that, other than the explicitly listed exceptions identified in the statute, we intend for there to be no exceptions, inferred or otherwise, as to what is a protected disclosure. And the prohibition on inferred exceptions is intended to apply to all protected speech categories in section 2302(b)(8) of the law. The intent here, again, is to make it clear that when the WPA speaks of protecting disclosures by federal employees ''any'' means ''any.''

The bill also addresses the clearly erroneous standard established by the Federal Circuit's LaChance decision I mentioned earlier. Rather than needing ''irrefragable proof'' to overcome the presumption that a public officer performed his or her duties correctly, fairly, in good faith, and in accordance with the law and regulations, the bill makes it clear that the whistleblower can rebut this presumption with ''substantial evidence.'' This burden of proof is a far more reasonable and appropriate standard for whistleblowing cases.

In the 1994 WPA amendments, Congress attempted to expand relief for whistleblowers by replacing ''compensatory'' damages with all direct or indirect ''consequential'' damages. Again, despite clear Congressional intent, the Federal Circuit has narrowed the scope of relief available to whistleblowers who have been hurt by adverse personnel actions. Our legislation would clarify the law to provide whistleblowers with relief for ''compensatory or consequential damages.''

The Federal Circuit's repeated misinterpretations of the whistleblower law are unacceptable and demand Congressional action. In response to the court's inexplicable and inappropriate rulings, our bill would suspend for five years the Federal Circuit's exclusive jurisdiction over whistleblower appeals. It would instead allow a whistleblower to file a petition to review a final order or final decision of the MSPB in the Federal Circuit or in any other United States appellate court of competent jurisdiction as defined under 5 U.S.C. 7703(b)(2). In most cases, using another court would mean going to the federal circuit where the contested personnel action took place. This five year period would allow Congress to evaluate whether other appellate courts would issue whistleblower decisions which are consistent with the Federal Circuit's interpretation of WPA protections and guide Congressional efforts to clarify the law if necessary.

In addition to addressing jurisdictional issues and troublesome Federal Circuit precedents, our bill would also make important additions to the list of protected disclosures. First, it would subject certain disclosures of classified information to whistleblower protections. However, in order for a disclosure of classified information to be protected, the employee would have to possess a reasonable belief that the disclosure was direct and specific evidence of a violation of law, rule or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, a substantial and specific danger to public health or safety, or a false statement to Congress on an issue of material fact. A whistleblower must also limit the disclosure to a member of Congress or staff of the executive or legislative branch holding the appropriate security clearance and authorized to receive the information disclosed. Federal agencies covered by the WPA would be required to establish a process to provide confidential advice to employees on how to lawfully make a protected disclosure of classified information to Congress.

Current law permits Federal employees to file a case at the MSPB when they feel that a manager has taken a personnel action against them in retaliation for blowing the whistle. The legislation would add three new personnel actions to the list of adverse actions that cannot be taken against whistleblowers for engaging in protected activity. These actions would include enforcement of any nondisclosure policy, form or agreement against a whistleblower for making a protected disclosure; the suspension, revocation, or other determination relating to a whistleblower's security clearance; and an investigation of an employee or applicant for employment if taken due to their participation in whistleblowing activity.

It is important to note that, if it is demonstrated that a security clearance was suspended or revoked in retaliation for whistleblowing, the legislation limits the relief that the MSPB and reviewing court can order. The bill specifies that the MSPB or reviewing court may issue declaratory and other appropriate relief but may not direct a security clearance to be restored. Appropriate relief may include back pay, an order to reassign the employee, attorney fees, or any other relief the Board or court is authorized to provide for other prohibited personnel practices. In addition, if the Board finds an action on a security clearance to have been illegal, it may bar the agency from directly or indirectly taking any other personnel action based on that illegal security clearance action. Our legislation would also require the agency to review and provide a report to Congress detailing the circumstances of the agency's security clearance decision, and authorizes expedited MSPB review of whistleblower cases where a security clearance was revoked or suspended. The latter is important because a person whose clearance has been suspended or revoked and whose job responsibilities require clearance may be unable to work while their case is being considered.

Our bill would also add two prohibited personnel practices to the whistleblower law. First, it would codify the ''anti-gag'' provision that has been in force since 1988, by virtue of its inclusion in appropriations bills. Second, it would prohibit a manager from initiating an investigation of an employee or applicant for employment because they engaged in a protected activity, including whistleblowing.

Another issue addressed in the bill involves certain employees who are excluded from the WPA. Among these are employees who hold ''confidential policy-making positions.'' In 1994, Congress amended the WPA to keep agencies from designating employees confidential policymakers after the employees filed whistleblower complaints. The WPA also allows the President to exclude from WPA jurisdiction any agency whose principal function is the conduct of foreign intelligence or counterintelligence activities. Our legislation maintains this authority but makes it clear that a decision to exclude an agency from WPA protections must also be made prior to a personnel action being taken against a whistleblower from that agency. This provision is necessary to ensure that agencies cannot argue that employees are exempt from whistleblower protections after an employee files a claim that they were retaliated against.

Another key section of the bill would strengthen the Office of Special Counsel. OSC is the independent federal agency responsible for investigating and prosecuting federal employee complaints of whistleblower retaliation. Current law, however, limits OSC's ability to effectively enforce and defend whistleblower laws. For example, the law provides the OSC with no authority to request the Merit Systems Protection Board to reconsider one of its decisions or to seek appellate review of an MSPB decision. Even when

another party petitions for a review of a MSPB decision, OSC is typically denied the right to participate in the proceedings.

Our bill would provide explicit authority for the Office of Special Counsel to appear in any civil action brought in connection with the whistleblower law. In addition, it would authorize OSC to obtain circuit court review of any MSPB order in a whistleblowing case if the OSC determines the Board erred and the case would have a substantial impact on the enforcement of the whistleblower statute. In a letter to me addressing these provisions, Special Counsel Elaine Kaplan said, ''I believe that these changes are necessary, not only to ensure OSC's effectiveness, but to address continuing concerns about the whittling away of the WPA's protections by narrow judicial interpretations of the law.'' I ask unanimous consent that the OSC letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. OFFICE OF SPECIAL COUNSEL,
Washington, DC, September 11, 2002.

Hon. CARL LEVIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEVIN: Thank you for giving me the opportunity to comment on the proposed Title VI of H.R. 5005, concerning the protection of federal employee whistleblowers.

As the head of the U.S. Office of Special Counsel (OSC), the independent federal agency that is responsible for investigating and prosecuting federal employees' complaints of whistleblower retaliation, I share your recognition that it is crucial to ensure that the laws protecting whistleblowers are strong and effective. Federal employees are often in the best position to observe and identify official misconduct or malfeasance as well as dangers to the public health and safety, and the national security.

Now, perhaps more than ever before, our national interest demands that federal workers feel safe to come forward to bring appropriate attention to these conditions so that they may be corrected. Further, and again more than ever, the public now needs assurance that the workforce which is carrying out crucial operations is alert, and that its leaders welcome and encourage their constructive participation in making the government a highly efficient and effective steward of the public interest.

To these ends, Title VI contains a number of provisions that will strengthen the Whistleblower Protection Act (WPA) and close loopholes in the Act's coverage. The amendment would reverse the effects of several judicial decisions that have imposed unduly narrow and restrictive tests for determining whether employees qualify for the protection of the WPA. These decisions, among other things, have held that employees are not protected against retaliation when they make their disclosures in the line of duty or when they confront subject officials with their suspicions of wrongdoing. They have also made it more difficult for whistleblowers to secure the Act's protection by interposing what the Court of Appeal for the Federal Circuit has called an ''irrefragable'' presumption that government officials perform their duties lawfully and in good faith.

In addition to reversing these rulings, Title VI would grant the Special Counsel independent litigating authority and the right to request judicial review of decisions of the Merit Systems Protection Board (MSPB) in cases that will have a substantial impact upon the enforcement of the WPA. I firmly believe that these changes are necessary, not only to ensure OSC's effectiveness, but to address continuing concerns about the whittling away of the WPA's protections by narrow judicial interpretations of the law. The changes would ensure that, OSC, the government agency charged with protecting whistleblowers, will have a meaningful opportunity to participate in the shaping of the law.

Further, Title VI would strengthen OSC's capacity to use its disciplinary action authority to deter agency supervisors, managers, and other officials from engaging in retaliation, and to punish those who do so. The amendment does this in two ways. First, it clarifies the burden of proof in disciplinary action cases that OSC brings by employing the test first set forth by the Supreme Court in Mt. Healthy School District v. Board of Education. Under this test, in order to secure discipline of an agency official accused of engaging in whistleblower retaliation, OSC would have to show that protected whistleblowing was a ''significant, motivating factor'' in the decision to take or threaten to take a personnel action. If OSC made such a showing, the MSPB would order appropriate discipline unless the official showed, by preponderant evidence, that he or she would have taken or threatened to take the same action even had there been no protected activity.

This change is necessary in order to ensure that the burden of proof in these cases is not so onerous as to make it virtually impossible to secure discipline against retaliators. Under current law, OSC bears the unprecedented burden of demonstrating that protected activity was the but-for cause of an adverse personnel action against a whistleblower. The amendment would correct the imbalance by imposing the well-established Mt. Healthy test in these cases.

In addition, the bill would relieve OSC of attorney fee liability in disciplinary action cases in which it ultimately does not prevail. The amendment would shift liability for fees to the manager's employing agency, where an award of fees would be in the interest of justice. The employing agency would indemnify the manager for these costs which would have been incurred by him in the course of performing his official duties.

Under current law, if OSC ultimately does not prevail in a case it brings against a manager whom our investigation shows has engaged in retaliation, then we must pay attorney fees, even if our prosecution decision was an entirely reasonable one. For a small agency like OSC, with a limited budget, the specter of having to pay large attorney fee awards simply because we do not ultimately prevail in a case, is a significant obstacle to our ability to use this important authority to hold managers accountable. It is, moreover, an unprecedented burden; virtually all fee shifting provisions which could result in an award of fees against a government agency, depend upon a showing that the government agency has acted unreasonably or in bad faith.

In addition to these provisions, the bill would also provide that for a period of five years, beginning on February 1, 2003, there would be multi-circuit review of decisions of the MSPB, just as there is now multi-circuit review of decisions of the MSPB's sister agency, the Federal Labor Relations Authority. This experiment will give Congress the opportunity to judge whether providing broader perspectives of all of the nation's courts of appeals will enhance the development of the law under the WPA.

There are several other provisions of the amendments that would strengthen the Act's coverage and remedies. The amendments, for example, would extend coverage of the WPA to circumstances in which an agency initiated an investigation of an employee or applicant in reprisal for whistleblowing or where an agency implemented an illegal nondisclosure form or policy. The amendments also would authorize an award of compensatory damages in federal employee whistleblower cases. Such awards are authorized for federal employees under the civil rights acts, and for environmental and nuclear whistleblowers, among others, under other federal statutes. Given the important public policies underlying the WPA, it seems appropriate that the same sort of make whole relief should be available to federal employee whistleblowers.

Finally, Title VI contains a provision that would provide relief to employees who allege that their security clearances were denied or revoked because of protected whistleblowers, without interfering with the longstanding authority of the President to make security clearance determinations. The amendment would allow employees to file OSC complaints alleging they suffered a retaliatory adverse security clearance determination. OSC would be given the authority to investigate such complaints and the MSPB would have the authority to issue declaratory and appropriate relief other than ordering the restoration of the clearance. Further, where the Board found retaliation, the employing agency would be required to conduct its own investigation of the revocation and report back to Congress.

The amendment provides a balanced resolution of the tension between protecting national security whistleblowers against retaliation and maintaining the President's traditional prerogative to decide who will have access to classified information. Especially in light of the current heightened concerns about issues of national security, this change in the law is clearly warranted.

Thank you again for providing me with an opportunity to comment on these amendments, and for your continuing interest in the work of the Office of Special Counsel.

Sincerely,

ELAINE KAPLAN.

Mr. LEVIN. OSC currently has the authority to pursue disciplinary action against managers who retaliate against whistleblowers. However, Federal Circuit decisions, like LaChance, have undermined the agency's ability to successfully pursue such cases. The Special Counsel has said that ''change is necessary in order to ensure that the burden of proof in these cases is not so onerous as to make it virtually impossible to secure disciplinary action against retaliators.'' In addition to it being difficult to win, if the OSC loses a disciplinary case, it has to pay the legal fees of those against whom OSC initiates disciplinary action. In its letter, OSC said that ''the specter of having to pay large attorney fee awards . . . is a significant obstacle to our ability to use this important authority to hold managers accountable.'' Our bill addresses these problems by establishing a reasonable burden of proof for disciplinary actions and requiring the employing agency, not the OSC, to reimburse the prevailing party for attorney fees in a disciplinary proceeding.

Finally, the bill addresses a new issue that has arisen in connection

with the recent enactment of the Homeland Security Act or HSA. To evaluate the vulnerability to terrorist attack of certain critical infrastructure such as chemical plants, computer networks and other key facilities, the HSA asks private companies that own these facilities to submit unclassified information about them to the government. In doing so, the law also created some ambiguity on the question of whether federal employee whistleblowers would be protected by the WPA if they should disclose information that has been independently obtained by the whistleblower about such facilities but which may also have been disclosed to the government as under the critical infrastructure information program.

While I believe it was Congress' intent to extend whistleblower protections to federal employees who disclose such independently obtained information, the law's ambiguities are troublesome in the context of the tendency of the Federal Circuit to narrowly construe the scope of protections afforded by the WPA. Our bill would thus clarify that whistleblower protections do extend to federal employees who disclose independently obtained information that may also have been disclosed to the government as part of the critical infrastructure information program.

We need to encourage federal employees to blow the whistle on waste, fraud and abuse in federal government agencies and programs. These people take great risks and often face enormous obstacles in doing what they believe is right. The Congress and the country owe a particular debt of gratitude to those whistleblowers who put their careers on the line to protect national security. Since September 11, 2001, we have seen a number of examples of how crucial people like Coleen Rowley, Mark Hall and Bob Lindemann are to keeping our country safe. I request unanimous consent to print a letter from Agent Rowley in the RECORD. In the letter she says that when she blew the whistle, she was lucky enough to garner the support of many of her colleagues and members of Congress. However, her letter warns that for every Coleen Rowley, ''there are many more who do not benefit from the relative safety of public notoriety.'' It is to protect those responsible, courageous many that we offer this legislation. We need more like them.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 2, 2002.

DEAR SENATORS: I have proudly served in federal law enforcement for over 21 years. Prior to my personal involvement in a specific matter, I did not fully appreciate the strong disincentives that sometimes keep government employees from exposing waste, fraud, abuse, or other failures they witness on the job. Nor did I appreciate the strong incentives that do exist for agencies to avoid institutional embarrassment.

The decision to step forward with information that exposed my agency to scrutiny was one of the most difficult of my career. I did not come to it quickly or lightly. I first attempted to warn my superiors through regular channels. Only after those warnings failed to bring about the necessary response and congressional inquiry was initiated, did it go outside the agency with my concerns. I had no intention or desire to be in the public spotlight, so I did not go to the news media. I provided the information to Members of Congress with oversight responsibility. I felt compelled to do so because my responsibility is to the American people, not to a government agency.

Unfortunately, the cloak of secrecy which is necessary for the effective operation of government agencies involved in national security and criminal investigations fosters an environment where the incentives to avoid embarrassment and the disincentives to step forward combine. When that happens, the public loses. We need laws that strike a better balance, that are able to protect effective government operation without sacrificing accountability to the public. I was lucky enough to garner a good deal of support from my colleagues in the Minneapolis office and Members of Congress. But for every one like me, there are many more who do not benefit from the relative safety of public notoriety. They need credible, functioning rights and remedies to retain the freedom to warn.

I also need to state that I write this letter in my personal capacity, and that it reflects my personal views only, not those of the government agency for which I work.

Thank you for your consideration.

COLEEN ROWLEY.

Mr. LEVIN. I ask unanimous consent to print in the RECORD a section-by-section explanation of the bill.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE FEDERAL EMPLOYEE PROTECTION OF DISCLOSURES ACT

The Federal Employee Protection of Disclosures Act would strengthen protections for federal employees who blow the whistle on waste, fraud and abuse in the federal government.

Protected Whistleblower Disclosures. To correct court decisions improperly limiting the disclosures protected by the Whistleblower Protection Act (WPA), section (b) of the bill would clarify Congressional intent that the law covers 'any' whistleblowing disclosure, whether that disclosure is made as part of an employee's job duties, concerns policy or individual misconduct, is oral or written, or is made to any audience inside or outside an agency, and without restriction to time, place, motive or context. This section would also protect certain disclosures of classified information to Congress when the disclosure is to a Member or legislative staff holding an appropriate security clearance and authorized to receive the type of information disclosed.

Informal Disclosures. Section (c) would clarify the definition of ''disclosure'' to include a formal or informal communication or transmission.

Irrefragable Proof. In LaChance v. White, the U.S. Court of Appeals for the Federal Circuit imposed an erroneous standard for determining when an employee makes a protected disclosure under the WPA. Under the clear language of the statute, an employee need only have a reasonable belief that he or she is providing evidence of fraud, waste or abuse to make a protected disclosure. But the court ruled that an employee had to have ''irrefragable proof'' meaning undeniable and incontestable proof to overcome the presumption that a public officer is performing their duties in accordance with law. Section (d) would replace this unreasonable standard of proof by providing that a whistleblower can rebut the presumption with ''substantial evidence.''

Prohibited Personnel Actions. Section (e)(1) would add three actions to the list of prohibited personnel actions that may not be taken against whistleblowers for protected disclosures: enforcement of a nondisclosure policy, form or agreement; suspension, revocation, or other determination relating to an employee's security clearance; and investigation of an employee or applicant for employment due to protected whistleblowing activities.

Nondisclosure Actions Against Whistleblowers. Section (e)(2) would bar agencies from implementing or enforcing against whistleblowers any nondisclosure policy, form or agreement that fails to contain specified language preserving the right of government employees to disclose certain protected information. It would also prohibit a manager from initiating an investigation of an employee or applicant for employment because they engaged in protected activity.

Retaliations Involving Security Clearances. Section (e)(3) would make it a prohibited personnel practice for a manager to suspend, revoke or take other action with respect to an employee's security clearance in retaliation for whistleblowing. This section would also authorize the Merit Systems Protection Board (MSPB) to conduct an expedited review of such matters and issue declaratory and other appropriate relief, but would not empower MSPB to restore a security clearance. If MSPB or a reviewing court were to find that a security clearance decision was retaliatory, the agency involved would be required to review its security clearance decision and issue a report to Congress explaining it.

Exclusions from WPA. Current law allows the President to exclude certain employees and agencies from the WPA if they perform certain intelligence related or policy making functions. In 1994, Congress amended the WPA to stop agencies from removing employees from WPA coverage after the employees filed whistleblower complaints. Section (f) would also require that removal of an agency from the WPA be made prior to a personnel action being taken against a whistleblower at that agency.

Attorney Fees. The Office of Special Counsel (OSC) has authority to pursue disciplinary action against managers who retaliate against whistleblowers. Currently, if OSC loses a disciplinary case, it must pay the legal fees of those against whom it initiated the action. Because the amounts involved could significantly deplete OSC's limited resources, section (g) would require the employing agency, rather than OSC, to reimburse the manager's attorney fees.

Compensatory Damages. In the 1994 WPA amendments, Congress attempted to expand relief for whistleblowers by replacing ''compensatory'' damages with direct and indirect ''consequential'' damages. Despite Congressional intent, the Federal Circuit narrowed the scope of relief available to whistleblowers. To correct the court's misinterpretation of the law, section (h) would provide whistleblowers with relief for compensatory or consequential damages.

Burden of Proof in Disciplinary Actions. Currently, when OSC pursues disciplinary action against managers who retaliate against whistleblowers, OSC must demonstrate that an adverse personnel action would not have occurred ''but for'' the whistleblower's protected activity. Section (i) would establish a more reasonable burden of proof by requiring OSC to demonstrate that the whistleblower's protected disclosure was

a ''motivating factor'' in the decision by the manager to take the adverse action, even if other factors also motivated the decision. This burden would be similar to the approach taken in the 1991 Civil Rights Act.

Disclosures to Congress. Section (j) would require agencies to establish a process to provide confidential advice to employees on how to lawfully make a protected disclosure of classified information to Congress.

Authority of Special Counsel. Under current law, OSC has no authority to request MSPB to reconsider a decision or seek appellate review of a MSPB decision. This limitation undermines OSC's ability to protect whistleblowers and integrity of the WPA. Section (k) would authorize OSC to appear in any civil action brought in connection with the WPA and request appellate review of any MSPB order where OSC determines MSPB erred and the case would have a substantial impact on WPA enforcement.

Judicial Review. In 1982, Congress replaced normal Administrative Procedures Act appellate review of MSPB decisions with exclusive jurisdiction in the U.S. Court of Appeals for the Federal Circuit. While the 1989 WPA and its 1994 amendments strengthened and clarified whistleblower protections, Federal Circuit holdings have repeatedly misinterpreted key provisions of the law. Subject to a five year sunset, section (l) would suspend the Federal Circuit's exclusive jurisdiction over whistleblower appeals and allow petitions for review to be filed either in the Federal Circuit or any other federal circuit court of competent jurisdiction.

Nondisclosure Restrictions on Whistleblowers. Section (m) would require all federal nondisclosure policies, forms and agreements to contain specified language preserving the right of government employees to disclose certain protected information. This section would codify the so-called anti-gag provision that has been included in federal appropriations bills since 1988.

Critical Infrastructure Information. Section (n) would clarify that section 214(c) of the Homeland Security Act (HSA) maintains existing WPA rights for independently obtained information that may also qualify as critical infrastructure information under the HSA.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 164—REAFFIRMING SUPPORT OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE AND ANTICIPATING THE COMMEMORATION OF THE 15TH ANNIVERSARY OF THE ENACTMENT OF THE GENOCIDE CONVENTION IMPLEMENTATION OF 1987 (THE PROXMIRE ACT) ON NOVEMBER 4, 2003

Mr. ENSIGN (for himself, Mr. CORZINE, Mr. EDWARDS, Mr. BAYH, Mr. SARBANES, Mr. CONRAD, Mr. REED, Ms. LANDRIEU, Mr. JEFFORDS, Mr. KOHL, Mr. LIEBERMAN, Mr. KENNEDY, Mr. ALLEN, Mr. BIDEN, Mr. SANTORUM, Mrs. DOLE, Mrs. BOXER, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 164

Whereas, in 1948, in the shadow of the Holocaust, the international community responded to Nazi Germany's methodically orchestrated acts of genocide by approving the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris on December 9, 1948;

Whereas the Convention on the Prevention and Punishment of the Crime of Genocide confirms that genocide is a crime under international law, defines genocide as certain acts committed with intent to destroy a national, ethnical, racial, or religious group, and provides that parties to the Convention undertake to enact domestic legislation providing effective penalties for persons who are guilty of genocide;

Whereas the United States, under President Harry Truman, was the first nation to sign the Convention on the Prevention and Punishment of the Crime of Genocide;

Whereas the United States Senate approved the resolution of advice and consent to the Convention on the Prevention and Punishment of the Crime of Genocide on February 19, 1986;

Whereas the Genocide Convention Implementation Act of 1987 (the Proxmire Act) (Public Law 100–606), signed into law by President Ronald Reagan on November 4, 1988, enacted chapter 50A of title 18, United States Code, to criminalize genocide;

Whereas the enactment of the Genocide Convention Implementation Act marked a principled stand by the United States against the crime of genocide and an important step toward ensuring that the lessons of the Holocaust, the Armenian Genocide, and genocides in Cambodia, Rwanda and elsewhere will be used to help prevent future genocides;

Whereas a clear consensus exists within the international community against genocide, as evidenced by the fact that 133 nations are party to the Convention on the Prevention and Punishment of the Crime of Genocide;

Whereas, despite this consensus, many thousands of innocent people continue to fall victim to genocide, and the denials of past instances of genocide continue; and

Whereas November 4, 2003 is the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act): Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its support for the Convention on the Prevention and Punishment of the Crime of Genocide;

(2) anticipates the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003; and

(3) encourages the people and the Government of the United States to rededicate themselves to the cause of ending the crime of genocide.

SENATE RESOLUTION 165—COMMENDING BOB HOPE FOR HIS DEDICATION AND COMMITMENT TO THE NATION

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 165

Whereas Bob Hope is unique in the history of American entertainment and a legend in vaudeville, radio, film, and television;

Whereas Bob Hope is a dedicated patriot whose unselfish and incomparable service to his adopted country inspired him, for more than six decades, from World War II to the Persian Gulf War, to travel around the world to entertain and support American service men and women;

Whereas Bob Hope has personally raised over $1,000,000,000 for United States war relief and over seventy United States charities;

Whereas Bob Hope's life long commitment to public service has made him one of the most loved, honored, and esteemed performers in history, and has brought him the admiration and gratitude of millions and the friendship of every President of the United States since Franklin D. Roosevelt;

Whereas Bob Hope, in a generous commitment to public service, has donated his personal papers, radio and television programs, scripts, his treasured Joke File and the live appearances he made around the world in support of American Armed Forces to the Library of Congress (the ''Library'') and the American people;

Whereas Bob and Dolores Hope and their family have established and endowed in the Library a Bob Hope Gallery of American Entertainment—a permanent display of rotating items from the Hope Collection—and has donated a generous gift of $3,500,000 for the preservation of the collection; and

Whereas all Americans have greatly benefitted from Bob Hope's generosity, charitable work, and extraordinary creativity: Now therefore, be it

Resolved, That the Senate—

(1) commends Bob Hope for his dedication and commitment to the United States of America;

(2) expresses its sincere gratitude and appreciation for his example of philanthropy and public service to the American people; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Bob Hope.

SENATE CONCURRENT RESOLUTION 52—EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED STATES GOVERNMENT SHOULD SUPPORT THE HUMAN RIGHTS AND DIGNITY OF ALL PERSONS WITH DISABILITIES BY PLEDGING SUPPORT FOR THE DRAFTING AND WORKING TOWARD THE ADOPTION OF A THEMATIC CONVENTION ON THE HUMAN RIGHTS AND DIGNITY OF PERSONS WITH DISABILITIES BY THE UNITED NATIONS GENERAL ASSEMBLY TO AUGMENT THE EXISTING UNITED NATIONS HUMAN RIGHTS SYSTEM, AND FOR OTHER PURPOSES

Mr. HARKIN (for himself, Mr. CHAFEE, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 52

Whereas all people are endowed with an inestimable dignity, which is based on autonomy and self-determination, and which requires that every person be placed at the center of all decisions affecting such person, and the inherent equality of all people and the ethical requirement of every society to honor and sustain the freedom of any individual with appropriate communal support;

Whereas more than 600,000,000 people have a disability;

Whereas more than two-thirds of all persons with disabilities live in developing countries, and only 2 percent of children with disabilities in the developing world receive any education or rehabilitation;

Whereas during the last 2 decades, a substantial shift has occurred globally in governmental and nongovernmental institutions from an approach of charity toward persons with disabilities to the recognition of the inherent universal human rights of persons with disabilities;

Whereas the United Nations has authoritatively endorsed and helped to advance progress toward realizing the human rights of persons with disabilities, as exemplified by the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (adopted by the United Nations General Assembly in Resolution 48/96 of December 20, 1993), which are monitored by a United Nations Special Rapporteur;

Whereas because of the slow and uneven progress of ensuring that persons with disabilities enjoy their universal human rights in law and in practice, every society and the international community remain challenged to identify and implement the processes which best protect the dignity of persons with disabilities and which fully implement their inherent human rights;

Whereas greater and more rapid progress must be achieved toward overcoming the relative invisibility of persons with disabilities in many societies, national laws, and existing international human rights instruments; and

Whereas, accordingly, the United Nations General Assembly in November 2001, adopted an historic resolution to establish an ad hoc committee open to all United Nations member nations to consider proposals for a comprehensive and integral treaty to protect and promote the rights and dignity of persons with disabilities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States should play a leading role in the drafting of a thematic United Nations convention that affirms the human rights and dignity of persons with disabilities, and that—

(A) is consistent with the spirit of the American with Disabilities Act of 1990, the United States Constitution, and other rights enjoyed by United States citizens with disabilities;

(B) promotes inclusion, independence, political enfranchisement, and economic self-sufficiency of persons with disabilities as foundational requirements for any free and just society; and

(C) provides protections that are at least as strong as the rights that are now recognized under international human rights law for other vulnerable populations; and

(2) the President should instruct the Secretary of State to send to the United Nations Ad Hoc Committee meetings a United States delegation that includes individuals with disabilities who are recognized leaders in the United States disability rights movement.

Mr. HARKIN. Mr. President, I rise to submit a concurrent resolution on behalf of myself, Senator CHAFEE and Senator KENNEDY. This resolution deals with an issue that I have been working on for many years in a bipartisan manner. It simply calls on the United States to take a leading role in the drafting of an international convention on the human rights of individuals with disabilities. Such a treaty could improve the lives of over 600 million individuals with disabilities throughout the world.

For the past twenty years, the United States has put politics aside and has taken a lead role in the world toward the understanding that disability rights are human rights. I chaired the Senate's Subcommittee on the Handicapped at the time that the Americans With Disabilities Act was being considered by Congress and was a leading author of the ADA. During hearings, I heard over and over again stories of people with disabilities suffering from discrimination—not getting a job because of a disability; being locked up in a nursing home or institution because of a disability; not being able to get into schools, restaurants, stores, banks and other places of business because of a disability. This kind of discrimination is wrong. It is wrong in the United States and it is wrong throughout the world.

In 1990, then President Bush signed the ADA into law. He said, ''This historic Act is the world's first comprehensive declaration of equality for people with disabilities. Its passage has made the United States the international leader on this human rights issue.'' The United States did lead the way in 1990, and it has another historic opportunity to lead the way today.

The issue of disability rights is very personal to me. As many of my colleagues know, my brother Frank was deaf. Because of his disability, he was sent to a school for the ''deaf and dumb'' across the State. Frank said to me, ''I may be deaf but I am not dumb.'' I think of how many children, like Frank, in the world are suffering the effects of this sort of discrimination. How many children are not going to school because they are deaf, or use a wheelchair, or are blind? How many adults with these same disabilities are not working, not earning a living, not participating in civil society?

In recent months, we have all witnessed the situation people with disabilities face in Iraq and in Afghanistan. We have seen footage of the results of the tyranny of Saddam Hussein. We have seen many individuals who have life-long disabilities as a result of his cruelty. Many more are victims of terrorism and cruelty who now suffer the added injury of discrimination.

America has an historic opportunity to help change the lives of these children and adults from around the world and open the doors of opportunity to them. It is time for the world community to come together and write an important new chapter and break down the barriers that prevent people with disabilities from participating in their communities and play an active role in civil society. It is time to say to all of the world that disability rights are human rights, not just in the United States, but everywhere in the world. I strongly urge the Bush Administration to take a lead and work with other member Nations in the drafting of this resolution. Under the auspices of the United Nations, member states are scheduled to meet next week in New York to consider proposals for a comprehensive treaty to protect and promote the rights and dignity of persons with disabilities. I cannot think of a more worthwhile role the Administration could play than to be a leader on this issue and to fully support a convention on the rights of individuals with disabilities.

America's leadership in this process will help create a treaty that is both well intentioned and relevant, one that may fulfill its potential and vastly improve the perceptions, treatment and conditions of people with disabilities throughout the world. The United States must continue to lead the way in this important international effort.

AMENDMENTS SUBMITTED & PROPOSED

SA 871. Ms. LANDRIEU (for herself, Mr. SPECTER, Mr. BINGAMAN, Ms. COLLINS, Mr. ALEXANDER, and Mr. BUNNING) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

SA 872. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 873. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 874. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 875. Mr. WYDEN (for himself, Mr. SUNUNU, Mr. BINGAMAN, Mr. ENSIGN, Mr. REID, Mr. FEINGOLD, Mr. JEFFORDS, and Ms. SNOWE) proposed an amendment to the bill S. 14, supra.

SA 876. Mrs. FEINSTEIN (for herself, Mr. FITZGERALD, Mr. HARKIN, Mr. LUGAR, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, and Mr. LEAHY) proposed an amendment to the bill S. 14, supra.

SA 877. Mr. REID proposed an amendment to amendment SA 876 proposed by Mrs. FEINSTEIN (for herself, Mr. FITZGERALD, Mr. HARKIN, Mr. LUGAR, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, and Mr. LEAHY) to the bill S. 14, supra.

TEXT OF AMENDMENTS

SA 871. Ms. LANDRIEU (for herself, Mr. SPECTER, Mr. BINGAMAN, Ms. COLLINS, Mr. ALEXANDER, and Mr. BUNNING) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 238, between lines 2 and 3, insert the following:

Subtitle E—Measures to Conserve Petroleum

SEC. ____. REDUCTION OF DEPENDENCE ON IMPORTED PETROLEUM.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2004, and annually thereafter, the President shall submit to Congress a report, based on the most recent edition of the Annual Energy Outlook published by the Energy Information Administration, assessing the progress made by the United States toward the goal of reducing dependence on imported petroleum sources by 2013.

(2) CONTENTS.—The report under subsection (a) shall—

(A) include a description of the implementation, during the previous fiscal year, of provisions under this Act relating to domestic crude petroleum production;

(B) assess the effectiveness of those provisions in meeting the goal described in paragraph (1); and

(C) describe the progress in developing and implementing measures under subsection (b).

(b) MEASURES TO REDUCE IMPORT DEPENDENCE THROUGH INCREASED DOMESTIC PETROLEUM CONSERVATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall develop and implement measures to conserve petroleum in end-uses throughout the economy of the United States sufficient to reduce total demand for petroleum in the United States by 1,000,000 barrels per day from the amount projected for calendar year 2013 in the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2003''.

(2) CONTENTS.—The measures under paragraph (1) shall be designed to ensure continued reliable and affordable energy for consumers.

(3) IMPLEMENTATION.—The measures under paragraph (1) shall be implemented under existing authorities of appropriate Federal executive agencies identified by the President.

SA 872. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 165 after line 14 insert:

(d) LICENSE TERMS.—Section 6 and section 101(i) of the Federal Power Act (16 U.S.C. 799 and 803(i) are each amended by striking ''fifty'' and inserting ''thirty'' and section 15(e) of such Act is amended by striking ''not less than 30 years, nor more than 50'' and inserting ''not more than 15.''

SA 873. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 165 after line 14 insert:

(d) ANNUAL LICENSES.—Section 15(a)(1) of the Federal Power Act (16 U.S.C. 808(a)(1) is amended by adding the following at the end thereof: ''Annual licenses shall contain such terms and conditions appropriate for the duration of the annual license which are identified by the Secretary of the Interior and the Secretary of Agriculture as necessary for the protection and utilization of the reservation within which the project is located; by the Secretary of the Interior and the Secretary of Commerce for the protection and enhancement of fish and wildlife, including related spawning grounds and habitat; and by the Governor of the State in which the project is located for compliance with water quality standards and other legal requirements for beneficial uses of affected waters. The terms of any new license for a project shall be reduced by one year for each annual license issued for such project.''

SA 874. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, strike line 11 and all that follows through line 17 and insert:

''(f) EFFECT ON EXISTING LAW.—

''(1) Nothing in this section shall relieve the Secretary of any obligation to conduct environmental or other reviews or take any other actions required of the Secretary as of the date of enactment of this section for activities on tribal lands pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 2901 et seq.); the Clean Air Act (42 U.S.C. 7401 et seq.); the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); the Endangered Species Act (16 U.S.C. 1531 et seq.); or any other Federal law for the protection of the environment or environmental quality.

''(2) Nothing in this section affects the application of —

''(A) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.);

''(B) the Atomic Energy Act of 1954 (42 U.S.C. 2011) or any Federal law respecting nuclear or radioactive waste or mining of radioactive materials; or

''(C) except as otherwise provided in this title, the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).''

SA 875. Mr. WYDEN (for himself, Mr. SUNUNU, Mr. BINGAMAN, Mr. ENSIGN, Mr. REID, Mr. FEINGOLD, Mr. JEFFORDS, and Ms. SNOWE) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Strike subtitle B of title IV.

SA 876. Mrs. FEINSTEIN (for herself, Mr. FITZGERALD, Mr. HARKIN, Mr. LUGAR, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, and Mr. LEAHY) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

At the end, add the following:

TITLE ____—ENERGY MARKET OVERSIGHT

SEC. ____01. JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION OVER ENERGY TRADING MARKETS.

Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172) is amended by adding at the end the following:

''(i) JURISDICTION.—

''(1) REFERRAL.—

''(A) IN GENERAL.—To the extent that the Commission determines that any contract that comes before the Commission is not under the jurisdiction of the Commission, the Commission shall refer the contract to the appropriate Federal agency.

''(B) NO EFFECT ON AUTHORITY.—The authority of the Commission or any Federal agency shall not be limited or otherwise affected based on whether the Commission has or has not referred a contract described in subparagraph (A).

''(2) MEETINGS.—A designee of the Commission shall meet quarterly with a designee of the Commodity Futures Trading Commission, the Securities Exchange Commission, the Federal Trade Commission, the Department of Justice, the Department of the Treasury, and the Federal Reserve Board to discuss—

''(A) conditions and events in energy trading markets; and

''(B) any changes in Federal law (including regulations) that may be appropriate to regulate energy trading markets.

''(3) LIAISON.—The Commission shall, in cooperation with the Commodity Futures Trading Commission, maintain a liaison between the Commission and the Commodity Futures Trading Commission.''.

SEC. ____02. INVESTIGATIONS BY THE FEDERAL ENERGY REGULATORY COMMISSION UNDER THE NATURAL GAS ACT AND FEDERAL POWER ACT.

(a) INVESTIGATIONS UNDER THE NATURAL GAS ACT.—Section 14(c) of the Natural Gas Act (15 U.S.C. 717m(c)) is amended—

(1) by striking ''(c) For the purpose of'' and inserting the following:

''(c) TAKING OF EVIDENCE.—

''(1) IN GENERAL.—For the purpose of'';

(2) by striking ''Such attendance'' and inserting the following:

''(2) NO GEOGRAPHIC LIMITATION.—The attendance'';

(3) by striking ''Witnesses summoned'' and inserting the following:

''(3) EXPENSES.—Any witness summoned''; and

(4) by adding at the end the following:

''(4) AUTHORITIES.—The exercise of the authorities of the Commission under this subsection shall not be subject to the consent of the Office of Management and Budget.''.

(b) INVESTIGATIONS UNDER THE FEDERAL POWER ACT.—Section 307(b) of the Federal Power Act (16 U.S.C. 825f(b)) is amended—

(1) by striking ''(b) For the purpose of'' and inserting the following:

''(b) TAKING OF EVIDENCE.—

''(1) IN GENERAL.—For the purpose of'';

(2) by striking ''Such attendance'' and inserting the following:

''(2) NO GEOGRAPHIC LIMITATION.—The attendance'';

(3) by striking ''Witnesses summoned'' and inserting the following:

''(3) EXPENSES.—Any witness summoned''; and

(4) by adding at the end the following:

''(4) AUTHORITIES.—The exercise of the authorities of the Commission under this subsection shall not be subject to the consent of the Office of Management and Budget.''.

SEC. ____03. CONSULTING SERVICES.

Title IV of the Department of Energy Organization Act (42 U.S.C. 7171 et seq.) is amended by adding at the end the following:

''SEC. 408. CONSULTING SERVICES.

''(a) IN GENERAL.—The Chairman may contract for the services of consultants to assist the Commission in carrying out any responsibilities of the Commission under this Act, the Federal Power Act (16 U.S.C. 791a et seq.), or the Natural Gas Act (15 U.S.C. 717 et seq.).

''(b) APPLICABLE LAW.—In contracting for consultant services under subsection (a), if the Chairman determines that the contract is in the public interest, the Chairman, in entering into a contract, shall not be subject to—

''(1) section 5, 253, 253a, or 253b of title 41, United States Code; or

''(2) any law (including a regulation) relating to conflicts of interest.''.

SEC. ____04. LEGAL CERTAINTY FOR TRANSACTIONS IN EXEMPT COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by striking subsections (g) and (h) and inserting the following:

''(g) OFF-EXCHANGE TRANSACTIONS IN EXEMPT COMMODITIES.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED ENTITY.—The term 'covered entity' means—

''(i) an electronic trading facility; and

''(ii) a dealer market.

''(B) DEALER MARKET.—

''(i) IN GENERAL.—The term 'dealer market' has the meaning given the term by the Commission.

''(ii) INCLUSIONS.—The term 'dealer market' includes each bilateral or multilateral agreement, contract, or transaction determined by the Commission, regardless of the means of execution of the agreement, contract, or transaction.

''(2) EXEMPTION FOR TRANSACTIONS NOT ON TRADING FACILITIES.—Except as provided in paragraph (4), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity that—

''(A) is entered into solely between persons that are eligible contract participants at the

time the persons enter into the agreement, contract, or transaction; and

''(B) is not entered into on a trading facility.

''(3) EXEMPTION FOR TRANSACTIONS ON COVERED ENTITIES.—Except as provided in paragraphs (4), (5), and (7), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity that is—

''(A) entered into on a principal-to-principal basis solely between persons that are eligible contract participants at the time at which the persons enter into the agreement, contract, or transaction; and

''(B) executed or traded on a covered entity.

''(4) REGULATORY AND OVERSIGHT REQUIREMENTS.—

''(A) IN GENERAL.—An agreement, contract, or transaction described in paragraph (2) or (3) (and the covered entity on which the agreement, contract, or transaction is executed) shall be subject to—

''(i) sections 5b, 12(e)(2)(B), and 22(a)(4);

''(ii) the provisions relating to manipulation and misleading transactions under sections 4b, 4c(a), 4c(b), 4o, 6(c), 6(d), 6c, 6d, 8a, and 9(a)(2); and

''(iii) the provisions relating to fraud and misleading transactions under sections 4b, 4c(a), 4c(b), 4o, and 8a.

''(B) TRANSACTIONS EXEMPTED BY COMMISSION ACTION.—Notwithstanding any exemption by the Commission under section 4(c), an agreement, contract, or transaction described in paragraph (2) or (3) shall be subject to the authorities in clauses (i), (ii), and (iii) of subparagraph (A).

''(5) COVERED ENTITIES.—An agreement, contract, or transaction described in paragraph (3) and the covered entity on which the agreement, contract, or transaction is executed, shall be subject to (to the extent the Commission determines appropriate)—

''(A) section 5a, to the extent provided in section 5a(g)) and 5d;

''(B) consistent with section 4i, a requirement that books and records relating to the business of the covered entity on which the agreement, contract, or transaction is executed be made available to representatives of the Commission and the Department of Justice for inspection for a period of at least 5 years after the date of each transaction, including—

''(i) information relating to data entry and transaction details sufficient to enable the Commission to reconstruct trading activity on the covered entity; and

''(ii) the name and address of each participant on the covered entity authorized to enter into transactions; and

''(C) in the case of a transaction or covered entity performing a significant price discovery function for transactions in the cash market for the underlying commodity, subject to paragraph (6), the requirements (to the extent the Commission determines appropriate by regulation) that—

''(i) information on trading volume, settlement price, open interest, and opening and closing ranges be made available to the public on a daily basis;

''(ii) notice be provided to the Commission in such form as the Commission may require;

''(iii) reports be filed with the Commission (such as large trader position reports); and

''(iv) consistent with section 4i, books and records be maintained relating to each transaction in such form as the Commission may require for a period of at least 5 years after the date of the transaction.

''(6) PROPRIETARY INFORMATION.—In carrying out paragraph (5)(C), the Commission shall not—

''(A) require the real-time publication of proprietary information;

''(B) prohibit the commercial sale or licensing of real-time proprietary information; and

''(C) publicly disclose information regarding market positions, business transactions, trade secrets, or names of customers, except as provided in section 8.

''(7) NOTIFICATION, DISCLOSURES, AND OTHER REQUIREMENTS FOR COVERED ENTITIES.—A covered entity subject to the exemption under paragraph (3) shall (to the extent the Commission determines appropriate)—

''(A) notify the Commission of the intention of the covered entity to operate as a covered entity subject to the exemption under paragraph (3), which notice shall include—

''(i) the name and address of the covered entity and a person designated to receive communications from the Commission;

''(ii) the commodity categories that the covered entity intends to list or otherwise make available for trading on the covered entity in reliance on the exemption under paragraph (3);

''(iii) certifications that—

''(I) no executive officer or member of the governing board of, or any holder of a 10 percent or greater equity interest in, the covered entity is a person described in any of subparagraphs (A) through (H) of section 8a(2);

''(II) the covered entity will comply with the conditions for exemption under this subsection; and

''(III) the covered entity will notify the Commission of any material change in the information previously provided by the covered entity to the Commission under this paragraph; and

''(iv) the identity of any derivatives clearing organization to which the covered entity transmits or intends to transmit transaction data for the purpose of facilitating the clearance and settlement of transactions conducted on the covered entity subject to the exemption under paragraph (3);

''(B)(i) provide the Commission with access to the trading protocols of the covered entity and electronic access to the covered entity with respect to transactions conducted in reliance on the exemption under paragraph (3); and

''(ii) on special call by the Commission, provide to the Commission, in a form and manner and within the period specified in the special call, such information relating to the business of the covered entity as a covered entity exempt under paragraph (3), including information relating to data entry and transaction details with respect to transactions entered into in reliance on the exemption under paragraph (3), as the Commission may determine appropriate—

''(I) to enforce the provisions specified in paragraph (4);

''(II) to evaluate a systemic market event; or

''(III) to obtain information requested by a Federal financial regulatory authority to enable the authority to fulfill the regulatory or supervisory responsibilities of the authority;

''(C)(i) on receipt of any subpoena issued by or on behalf of the Commission to any foreign person that the Commission believes is conducting or has conducted transactions in reliance on the exemption under paragraph (3) on or through the covered entity relating to the transactions, promptly notify the foreign person of, and transmit to the foreign person, the subpoena in a manner that is reasonable under the circumstances, or as specified by the Commission; and

''(ii) if the Commission has reason to believe that a person has not timely complied with a subpoena issued by or on behalf of the Commission under clause (i), and the Commission in writing directs that a covered entity relying on the exemption under paragraph (3) deny or limit further transactions by the person, deny that person further trading access to the covered entity or, as applicable, limit that access of the person to the covered entity for liquidation trading only;

''(D) comply with the requirements of this subsection applicable to the covered entity and require that each participant, as a condition of trading on the covered entity in reliance on the exemption under paragraph (3), agree to comply with all applicable law;

''(E) certify to the Commission that the covered entity has a reasonable basis for believing that participants authorized to conduct transactions on the covered entity in reliance on the exemption under paragraph (3) are eligible contract participants;

''(F) maintain sufficient capital, commensurate with the risk associated with transactions conducted on the covered entity; and

''(G) not represent to any person that the covered entity is registered with, or designated, recognized, licensed, or approved by the Commission.

''(8) HEARING.—A person named in a subpoena referred to in paragraph (7)(C) that believes the person is or may be adversely affected or aggrieved by action taken by the Commission under this subsection, shall have the opportunity for a prompt hearing after the Commission acts under procedures that the Commission shall establish by rule, regulation, or order.

''(9) PRIVATE REGULATORY ORGANIZATIONS.—

''(A) DELEGATION OF FUNCTIONS UNDER CORE PRINCIPLES.—A covered entity may comply with any core principle under subparagraph (B) that is applicable to the covered entity through delegation of any relevant function to—

''(i) a registered futures association under section 17; or

''(ii) another registered entity.

''(B) CORE PRINCIPLES.—The Commission may establish core principles requiring a covered entity to monitor trading to—

''(i) prevent fraud and manipulation;

''(ii) prevent price distortion and disruptions of the delivery or cash settlement process;

''(iii) ensure that the covered entity has adequate financial, operational, and managerial resources to discharge the responsibilities of the covered entity; and

''(iv) ensure that all reporting, recordkeeping, notice, and registration requirements under this subsection are discharged in a timely manner.

''(C) RESPONSIBILITY.—A covered entity that delegates a function under subparagraph (A) shall remain responsible for carrying out the function.

''(D) NONCOMPLIANCE.—If a covered entity that delegates a function under subparagraph (A) becomes aware that a delegated function is not being performed as required under this Act, the covered entity shall promptly take action to address the noncompliance.

''(E) VIOLATION OF CORE PRINCIPLES.—

''(i) IN GENERAL.—If the Commission determines, on the basis of substantial evidence, that a covered entity is violating any applicable core principle specified in subparagraph (B), the Commission shall—

''(I) notify the covered entity in writing of the determination; and

''(II) afford the covered entity an opportunity to make appropriate changes to bring the covered entity into compliance with the core principles.

''(ii) FAILURE TO MAKE CHANGES.—If, not later than 30 days after receiving a notification under clause (i)(I), a covered entity fails to make changes that, as determined by the Commission, are necessary to comply with the core principles, the Commission may

take further action in accordance with this Act.

''(F) RESERVATION OF EMERGENCY AUTHORITY.—Nothing in this paragraph limits or affects the emergency powers of the Commission provided under section 8a(9).

''(10) NO EFFECT ON OTHER AUTHORITY.—This subsection shall not affect the authority of the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C 717 et seq.).''.

SEC. ___05. PROHIBITION OF FRAUDULENT TRANSACTIONS.

Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—It shall be unlawful for any person, directly or indirectly, in or in connection with any account, or any offer to enter into, the entry into, or the confirmation of the execution of, any agreement, contract, or transaction subject to this Act—

''(1) to cheat or defraud or attempt to cheat or defraud any person (but this paragraph does not impose on parties to transactions executed on or subject to the rules of designated contract markets or registered derivative transaction execution facilities a legal duty to provide counterparties or any other market participants with any material market information);

''(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered for any person any false record (but this paragraph does not impose on parties to transactions executed on or subject to the rules of designated contract markets or registered derivative transaction execution facilities a legal duty to provide counterparties or any other market participants with any material market information);

''(3) willfully to deceive or attempt to deceive any person by any means whatsoever (but this paragraph does not impose on parties to transactions executed on or subject to the rules of designated contract markets or registered derivative transaction execution facilities a legal duty to provide counterparties or any other market participants with any material market information); or

''(4) except as permitted in written rules of a board of trade designated as a contract market or derivatives transaction execution facility on which the agreement, contract, or transaction is traded and executed—

''(A) to bucket an order;

''(B) to fill an order by offset against 1 or more orders of another person; or

''(C) willfully and knowingly, for or on behalf of any other person and without the prior consent of the person, to become—

''(i) the buyer with respect to any selling order of the person; or

''(ii) the seller with respect to any buying order of the person.''.

SEC. ___06. FERC LIAISON.

Section 2(a)(9) of the Commodity Exchange Act (7 U.S.C. 2(a)(9)) is amended by adding at the end the following:

''(C) LIAISON WITH FEDERAL ENERGY REGULATORY COMMISSION.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission.''.

SEC. ___07. CRIMINAL AND CIVIL PENALTIES.

(a) ENFORCEMENT POWERS OF COMMISSION.—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended in paragraph (3) of the tenth sentence—

(1) by inserting ''(A)'' after ''assess such person''; and

(2) by inserting after ''each such violation'' the following: '', or (B) in any case of manipulation of, or attempt to manipulate, the price of any commodity, a civil penalty of not more than the greater of $1,000,000 or triple the monetary gain to such person for each such violation,''.

(b) MANIPULATIONS AND OTHER VIOLATIONS.—Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended in the first sentence—

(1) by striking ''paragraph (a) or (b) of section 9 of this Act'' and inserting ''subsection (a), (b), or (f) of section 9''; and

(2) by striking ''said paragraph 9(a) or 9(b)'' and inserting ''subsection (a), (b), or (f) of section 9''.

(c) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b of the Commodity Exchange Act (7 U.S.C. 13a) is amended—

(1) in the first sentence—

(A) by inserting ''section 2(g)(9),'' after ''sections 5 through 5c,''; and

(B) by inserting before the period at the end the following: '', or, in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty of not more than $1,000,000 for each such violation''; and

(2) in the second sentence, by inserting before the period at the end the following: '', except that if the failure or refusal to obey or comply with the order involved any offense under section 9(f), the registered entity, director, officer, agent, or employee shall be guilty of a felony and, on conviction, shall be subject to penalties under section 9(f)''.

(d) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c(d) of the Commodity Exchange Act (7 U.S.C. 13a–1(d)) is amended by striking ''(d)'' and all that follows through the end of paragraph (1) and inserting the following:

''(d) CIVIL PENALTIES.—In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

''(1) a civil penalty in the amount of not more than the greater of $100,000 or triple the monetary gain to the person for each violation; or

''(2) in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation.''.

(e) VIOLATIONS GENERALLY.—Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) by adding at the end the following:

''(f) PRICE MANIPULATION.—It shall be a felony punishable by a fine of not more than $1,000,000 for each violation or imprisonment for not more than 10 years, or both, together with the costs of prosecution, for any person—

''(1) to manipulate or attempt to manipulate the price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity;

''(2) to corner or attempt to corner any such commodity;

''(3) knowingly to deliver or cause to be delivered (for transmission through the mails or interstate commerce by telegraph, telephone, wireless, or other means of communication) false or misleading or knowingly inaccurate reports concerning market information or conditions that affect or tend to affect the price of any commodity in interstate commerce; or

''(4) knowingly to violate section 4 or 4b, any of subsections (a) through (e) of subsection 4c, or section 4h, 4o(1), or 19.''.

SEC. ___08. CONFORMING AMENDMENTS.

(a) Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (d)(1), by striking ''section 5b'' and inserting ''section 5a(g), 5b,'';

(2) in subsection (e)—

(A) in paragraph (1), by striking '', 2(g), or 2(h)(3)''; and

(B) in paragraph (3), by striking ''2(h)(5)'' and inserting ''2(g)(7)'';

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

(4) in subsection (h) (as redesignated by subparagraph (C))—

(A) in paragraph (1)—

(i) by striking ''No provision'' and inserting ''IN GENERAL.—Subject to subsection (g), no provision''; and

(ii) in subparagraph (A)—

(I) by striking ''section 2(c), 2(d), 2(e), 2(f), or 2(g) of this Act'' and inserting ''subsection (c), (d), (e), or (f)''; and

(II) by striking ''section 2(h)'' and inserting ''subsection (g)''; and

(B) in paragraph (2), by striking ''No provision'' and inserting ''IN GENERAL.—Subject to subsection (g), no provision''.

(b) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended in the first sentence by inserting '', or pursuant to an exemption under section 4(c)'' after ''transaction execution facility''.

(c) Section 8a(9) of the Commodity Exchange Act (7 U.S.C. 12a(9)) is amended—

(1) by inserting ''or covered entity under section 2(g)'' after ''direct the contract market'';

(2) by striking ''on any futures contract''; and

(3) by inserting ''or covered entity under section 2(g)'' after ''given by a contract market''.

SA 877. Mr. REID proposed an amendment to amendment SA 876 proposed by Mrs. FEINSTEIN (for herself, Mr. FITZGERALD, Mr. HARKIN, Mr. LUGAR, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, and Mr. LEAHY) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 17 after line 25.

''(10) APPLICABILITY.—This subsection does not apply to any agreement, contract, or transaction in metals.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 10, 2003, at 9:30 a.m., in closed session to receive testimony on certain intelligence programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 10, 2003, at 10:00 a.m. to conduct an oversight hearing on ''The Administration's Proposal for Re-authorization of The Federal Public Transportation Program.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 10, 2003, at 9:30 a.m., on Reauthorization of the Federal Motor Carrier Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on Tuesday, June 10 at 10 a.m., to conduct a hearing to receive testimony regarding the current regulatory and legal status of federal jurisdiction of navigable waters under the Clean Water Act, in light of the issues raised by the Supreme Court in Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers No. 99–1178.

The hearing will take place in Senate Dirksen 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 10, 2003, at 2:30 p.m., in room SD–366 to receive testimony on the following bills: S. 499, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a Memorial to honor the Buffalo Soldiers; S. 546, to provide for the protection of paleontological resources on Federal lands, and for other purposes; S. 643, to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes; S. 677, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes; S. 1060 and H.R. 1577, to designate the visitors' center at Organ Pipe Cactus National Monument, Arizona, as the ''Kris Eggle Visitors' Center''; H.R. 255, to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska, and H.R. 1012, to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Tanner Johnson and Neil Naraine of my staff be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1215

Mr. MCCONNELL. Mr. President, we have been negotiating all day with Senator BAUCUS, the ranking member of the Finance Committee, in the hopes of getting the Burma bill cleared, but, regretfully, that has not occurred yet.

Time is passing. I was at a meeting with the President just an hour ago. He brought up the issue. Both the Republican and Democratic leaders of the Senate are in favor of this bill. Both the chairman and the ranking member of the Foreign Relations Committee are in favor of this bill. My good friend, the assistant Democratic leader, is in favor of this bill. It is time to pass it.

We have been protecting, under a rule XIV procedure, the possibility of going to this bill tomorrow. But I must say, I think it would be a lot better to go to it tonight. So I have notified the Senator from Nevada that I am going to make the following unanimous consent request, and I will do that at this point.

Mr. President, I ask unanimous consent that tomorrow, at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of S. 1215, the Burma sanctions bill, under the following conditions: 1 hour of debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to a vote in relation to the measure, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have been told by Senator BAUCUS and Senator GRASSLEY that they object to this. I would say this, however; that people in Burma, toward whom this is directed, should not rest easy. We are going to figure out a way to have this matter brought before the Senate.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, let me say to my good friend from Nevada, I have not heard from Senator GRASSLEY. I keep hearing from the other side that Senator GRASSLEY objects, but I have not heard that, nor have floor staff been informed that he does. But either way, it is time to move forward, and it needs to be done this week, and should be done with a tight time agreement and a rollcall vote.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that at 11 o'clock a.m., on Wednesday, June 11, the Senate proceed to executive session for the consideration of Calendar No. 220, the nomination of Richard Wesley, to be United States Circuit Judge for the Second Circuit; provided further that there then be 15 minutes for debate equally divided between the chairman and ranking member prior to a vote on the confirmation of the nomination, with no intervening action or debate. I further ask consent that following the vote, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I ask the Senator to modify his request to allow the chairman and ranking member, or their designees, to control the time. I also say this: If he accepts that modification, this will be the 129th judge we will have approved during the tenure of President Bush, and this will be the 36th circuit judge.

Mr. MCCONNELL. Mr. President, I so modify my unanimous consent request.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

ROBERT P. HAMMER POST OFFICE BUILDING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 1625, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1625) to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ''Robert P. Hammer Post Office Building.''

There being no objection, the Senate proceeded to consider the bill.

Mr. LAUTENBERG. Mr. President, I am delighted that the Senate is poised to pass H.R. 1625, a bill to designate the United States Post Office located at 1114 Main Avenue in Clifton, NJ, as the ''Robert P. Hammer Post Office Building.''

Robert Hammer was a dedicated public official, working as City Manager of Clifton, NJ, for 7 years before his death last December at the age of 54. Among the many accomplishments during his tenure, Bob Hammer oversaw a nationally recognized recycling program and helped improve town parks and playgrounds.

It is particularly gratifying that the Senate will pass this measure in time for the facility's dedication ceremony this Saturday, June 14. It will mean so much to Bob's family to have this bill passed in time for the dedication.

I also thank Senator COLLINS and Senator LIEBERMAN for their help in

getting this measure passed so expeditiously.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1625) was read the third time and passed.

COMMENDING BOB HOPE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 165 which was submitted earlier today.

The PRESIDING OFFICER (Mr. TALENT). The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 165) commending Bob Hope for his dedication and commitment to the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 165) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 165

Whereas Bob Hope is unique in the history of American entertainment and a legend in vaudeville, radio, film, and television;

Whereas Bob Hope is a dedicated patriot whose unselfish and incomparable service to his adopted country inspired him, for more than six decades, from World War II to the Persian Gulf War, to travel around the world to entertain and support American service men and women;

Whereas Bob Hope has personally raised over $1,000,000,000 for United States war relief and over 70 United States charities;

Whereas Bob Hope's life-long commitment to public service has made him one of the most loved, honored, and esteemed performers in history, and has brought him the admiration and gratitude of millions and the friendship of every President of the United States since Franklin D. Roosevelt;

Whereas Bob Hope, in a generous commitment to public service, has donated his personal papers, radio and television programs, scripts, his treasured Joke File and the live appearances he made around the world in support of American Armed Forces to the Library of Congress (the ''Library'') and the American people;

Whereas Bob and Dolores Hope and their family have established and endowed in the Library a Bob Hope Gallery of American Entertainment—a permanent display of rotating items from the Hope Collection—and has donated a generous gift of $3,500,000 for the preservation of the collection; and

Whereas all Americans have greatly benefitted from Bob Hope's generosity, charitable work and extraordinary creativity: Now, therefore be it

Resolved, That the Senate—

(1) commends Bob Hope for his dedication and commitment to the United States of America;

(2) expresses its sincere gratitude and appreciation for his example of philanthropy and public service to the American people; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Bob Hope.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senators as members of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the First Session of the 108th Congress: The Senator from Tennessee, Mr. FRIST; the Senator from Tennessee, Mr. ALEXANDER; and the Senator from Texas, Mr. CORNYN.

ORDERS FOR WEDNESDAY, JUNE 11, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, June 11. I further ask unanimous consent that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10 a.m., with the time equally divided between the two leaders or their designees; provided that at 10 a.m., the Senate resume consideration of S. 14, the Energy Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. For the information of all Senators, tomorrow morning, following a period of morning business, the Senate will resume consideration of S. 14, the Energy Bill. Under a previous consent, at 11 the Senate will proceed to executive session and debate the nomination of Richard C. Wesley to be a U.S. circuit judge. The Senate will vote on the Wesley nomination at 11:15 tomorrow morning. Following that vote, the Senate will return to the Energy Bill.

There are currently two amendments relating to derivatives pending to that bill. It is my hope that if we cannot work out an agreement with respect to these amendments, we will be able to set the amendments aside and proceed with other energy-related amendments. We have made pretty good progress on the Energy Bill over the past week. We should continue to address and dispose of as many amendments as possible. Therefore, Senators should expect rollcall votes throughout the day tomorrow in relation to amendments to that bill.

I also inform all of my colleagues that we anticipate locking in a final list of amendments to the Energy Bill during tomorrow's session.

In addition to considering amendments to the Energy Bill, it remains my hope that we will be able to take up and pass the Burma sanctions bill tomorrow. We should have done it today. Hopefully we can do it tomorrow. There is currently, as the Senator from Nevada and I have discussed, difficulty in clearing that with Senator BAUCUS, and hopefully that will be cleared up by tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:08 p.m., adjourned until Wednesday, June 11, 2003, at 9:30 a.m.

EXTENSIONS OF REMARKS

A TRIBUTE TO MOSHOOD AFARIOGUN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Moshood Afariogun in recognition his unique style and accomplishments in the fashion industry.

The name Moshood Africanspirit has become synonymous with a style that personifies a ''spirit'' of African pride. Originally from Lagos, Nigeria, Moshood arrived in New York in the early 1980's, and set out to make his mark in this very competitive industry. After years of tireless effort and hard work, he opened his first boutique in Brooklyn, NY.

Moshood's timeless pieces bring together the traditional beauty of African tailoring and a taste of western flavor. His fluid and elegant designs have been embraced from Harlem to Soweto, Lagos to Bahia, London to Tokyo, and New York to Kingston.

Mr. Speaker, Moshood Afariogun has successfully designed and created unique designer clothes without losing touch with his African culture and heritage. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

REMEMBERING FRANK CIRRINCIONE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. EMANUEL. Mr. Speaker, I rise to celebrate the life of a true public servant for the people of Chicago, Frank Cirrincione, who passed away on June 9.

Frank was born in Chicago on December 6, 1943. In 1964, he married the love of his life, Carole. Together they had two wonderful children, PJ and Maria, who made them the happy in-laws to Kevin and Adrienne and the proud grandparents of Brianna and Joanna Cirrincione and Zachary and Conor Martin.

For the past two decades Frank worked diligently for the people of the North side of Chicago in the public service office of the great Alderman Patrick J. O'Connor of the 40th Ward. In that position he was always there to greet constituents with a smile and to work his hardest at helping them with their problems. The Ward office and the people of the 40th Ward will not soon forget Frank.

Frank also was dedicated to his community outside of work, volunteering his time at the parish that guided his life, St. Hilary's. His devoted service included contributing to the Parish Council, as an usher during services, and even as coach of the basketball team. St. Hilary's Parish will not soon forget Frank.

For me personally, Frank was always there to give me a friendly boost and support during my campaign for Congress. He was always ready to walk a precinct with me and introduce me to the neighbors and friends he knew so well. I will not soon forget Frank.

Mr. Speaker, I join with the people of the 40th Ward in recognizing the life of Frank Cirrincione and the impact that he had on those of us who were fortunate enough to be touched by his kindness. I applaud the City of Chicago for forever celebrating Frank's life by designating the 5600 block of North Fairfield Avenue as ''Honorary Frank Cirrincione Way.'' Lastly, I wish to express my deep sense of sorrow to Carol and the rest of Frank's loving family.

HONORING DON CLAUSEN UPON HIS RETIREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to pay tribute to Mr. Don Clausen upon his retirement as Principal of Annandale High School after more than 30 years of distinguished service to Fairfax County Public Schools.

In 1966, Mr. Clausen graduated from Valparaiso University with a B.S. in physical education, and immediately began his service in the Peace Corps as a volunteer to Ecuador. There he helped local communities improve and enlarge their educational programs. He continued this work until 1968 when he began teaching at Langley High School. Mr. Clausen taught physical education at Kings Park and Kings Glen Elementary Schools from 1973 until 1976. In 1976 he became the Assistant Principal of Oakton High School. During that year he also finished his Master's in Education from George Mason University. Over the next thirty years, Mr. Clausen came to serve as Assistant Principal at several other schools including, George C. Marshall High School and Thomas Jefferson High School for Science and Technology. In July of 1994, Mr. Clausen became the Principal of Annandale High School where he remained Principal until his retirement.

Mr. Clausen has received a multitude of awards and honors throughout his career. In 1990, he was invited by the government of Nicaragua to serve as a National Elections Monitor. In 1991, he received the Department of Community Action nomination for ''Excellence in Education Award.'' Then in 1993, he was once again invited to be a National Elections Monitor for the government of El Salvador. On December 17, 1997 he hosted the initial national education hearings of President Clinton's Advisory Board of The President's Initiative on Race. From 1998 to 2002 he served an appointment to the Executive committee of Virginia High School League. In 2000, Mr. Clausen was nominated as ''Principal of the Year.'' For the last two years he has chaired the Virginia High School League; and from 2001 to 2002 he was recognized for significant progress in improvement of Virginia State Standards of Learning scores.

Mr. Clausen has been a member of the Board of Directors of the Network of Educators for Central America and he currently serves as the Chairman of Fairfax County High School League. He is a member of the Panel at Chesapeake Chapter of the National School Public Relations Association, as well as a member of the National Activities Committee or NASSP.

Mr. Clausen was one of five secondary school principals from the nation honored by the Metlife Foundation Bridge Builders Initiative, which recognizes teachers and administrators for forging strong relationships between the school's staff and the community.

Mr. Speaker, in closing, I wish the very best to Mr. Clausen as he is recognized for service to his community and to Fairfax County Public Schools. During his many years of service, he certainly has earned his recognition, and I call upon all of my colleagues to join me in applauding his tenure.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. DAVIS of Illinois. Mr. Speaker, this is the sixth time this legislation has been sent to the House, I opposed it the past five times, and I still oppose it today. This bill is an attempt to strike, yet again, at the foundations of a woman's right to choose with the aid of family, clergy, counselors, and physicians. I am an avid supporter of choice without reservation. Medical decisions are personal and should be made in private without the interference of the government.

I oppose this proposed interference of the government in doctor's offices not only because I support choice, but because it endangers women's health and safety. Medical technology has advanced, and safe abortion procedures are available for women. If passed, this legislation will force doctors to perform procedures deemed dangerous and outdated as of 1975. These procedures might be necessary to save women whose lives are threatened by their pregnancies. The proposed ban does not provide for life-saving exceptions, and will be overturned by the Supreme Court.

This ban is also unconstitutional because it is in blatant violation of Roe v. Wade. Might I remind the House, this landmark decision leaves the regulation of post vitality or late term abortions to the States, not the Federal Government. While the judiciary system is violated by this legislation, so is the healthcare

field. ''Partial-birth'' is not a medical term, instead it is a vague political term designed to inflame this debate, and outlaw abortions throughout pregnancy.

During the hearings for this legislation in March, Dr. Anne R. Davis testified 90 percent of abortions are conducted during the first trimester. I refuse to believe this legislation proposed six times in the past eight years is to ban only 10 percent of abortions. I stand with over 17 organizations of dedicated and respected medical professionals, three state referendums, and a Nebraska Supreme Court, all of whom oppose this unconstitutional and dangerous legislation that must not be passed.

IN RECOGNITION OF DAVID MINCBERG

HON. CHRIS BELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. BELL. Mr. Speaker, I rise to honor David Mincberg on the occasion of his being named the recipient of the 2003 Max H. Nathan Award by the Houston chapter of the American Jewish Committee. The Max H. Nathan Award is presented annually to an individual who has performed most meritoriously in the cause of human relations and who exemplifies the finest traditions of his heritage. This individual must be dedicated in his service to the community.

David Mincberg epitomizes the qualities the American Jewish Committee recognizes each year with this award. Mr. Mincberg has spent his life enriching the Jewish community. He began his service to the community as a student at Bellaire High School where he served as president of the Houston Jewish Community Center Youth Council. At the University of Texas, he demonstrated his leadership qualities during his tenure as president of the Friar Society.

After graduating from law school, Mr. Mincberg continued his dedication to humanitarianism as evidenced by his volunteer work on the boards of the Jewish Federation of Greater Houston, the American Jewish Committee and the Jewish Family Service Foundation where he served as board chairman.

Mr. Mincberg was a founder and the first president of Southwest Houston 2000 Inc., a forum for improving the quality of life for all people living in southwest Houston. He served as chairman of the Harris County Democratic Party from 1994 to 1998. From 1988 to 1991, he served as president of the American Jewish Committee. During his term as president, he made a lasting impact on American pluralism and the quality of life in the community. Mr. Mincberg currently serves on the boards of Planned Parenthood and the Houston Museum of Natural Science.

Mr. Mincberg is owner and president of Flagship Properties Corporation, one of the largest privately held multifamily residential companies in Texas. He takes great pride in providing employment to over 600 people of diverse backgrounds.

David Mincberg is married to Lainie Gordon. They are the proud parents of five children.

Mr. Speaker, I would like to congratulate David Mincberg on his many years of exceptional service to the Jewish community.

A TRIBUTE TO REGINA COLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Regina Coley Carter in recognition of her dedication to her community in personal and professional life, and her commitment to reducing drug use among youths.

Regina Coley is the fourth of eleven children. She was educated in the New York City public school system, and later, attended Hunter College in pursuit of a nursing career. Currently, she is attending John Jay College.

A mother of three children, Regina is a member of the Brownsville Community Baptist Church. As a church member, she participates in the Concert Choir and the Willing Workers. She is a football mom for the Pop Warner State Championship Team, and the Mo Better Jaguars of the East New York/Brownsville area.

Regina has worked for the New York City Police Department for the past twenty-three years. She served as a civilian employee for five and a half years when she decided that that would be an effective police officer. In 1986, she passed the police exam and became a police officer. Regina is currently one of two community affairs officers in the 75th Precinct.

Regina enjoys sports, reading, travel, and working with the community. She has received numerous awards for community service, often working with elected officials, community based organizations, schools, and churches in the East New York Community. She helps organize parades, demonstrations, rallies, street festivals, and various community events. Regina has also worked with the United States Attorney's office as a coordinator for the youth program Drug Education For Youth (D.E.F.Y).

Regina has a strong concern for the community and youth of East New York and Brownsville. She has become a mentor through various community youth programs and is presently mentoring young people in East New York.

Mr. Speaker, Regina Coley is committed to improving the lives of those in her community through a wide range of efforts. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

POLAND'S REFERENDUM

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. EMANUEL. Mr. Speaker, on behalf of more than 111,000 constituents of Polish descent, I rise to congratulate the Republic of Poland for its historic and overwhelming vote yesterday in favor of joining the European Union next May.

For centuries Polish greats like Copernicus, Frederick Chopin, and Madame Curie have contributed significant economic, cultural and social diversity to Europe. As the first nation to have a written constitution in Europe, Poland is a shining example of democracy triumphing over four decades of communist rule. Its modernization is described most meaningfully by its current President, Aleksander Kwasniewski, stated, ''The transformation in Poland launched after the historic breakthrough in 1989 consists not only in reform of the economy but also in opening up to the world. Openness is the historical tradition of Poland . . . We are thinking not only of the benefits we will gain from accession to the European Union. We are also aware of the obligations incumbent upon us from our role in the unification of the continent.''

That 78 percent of Poland's population voted for unification is a giant step toward advancing democratic progress and prosperity to its 38 million people. Its integration into the EU assures that it can assume a strong leadership role in promoting important ethnic, social and cultural diversity to the global community. In exchange, Poland will benefit economically and politically from the standards and examples set by the other modern EU democracies.

Mr. Speaker, Poland's accomplishments over the past 14 years since communism fell shows great promise for continued openness and solidarity in the years ahead. The United States should recognize Poland's tremendous achievement in clearing the way for EU membership. We should also express continued gratitude for its contributions to the global war against terror and its 200 troops during Operation Iraqi Freedom. We deeply value our friendship and commitment to strong security, diplomatic and economic ties with Poland and will continue to express our hope that the anticipated ratification of EU membership by May of 2004 remains on schedule.

HONORING RICHARD NUGENT, THE BRADDOCK DISTRICT COUNCIL CITIZEN OF THE YEAR

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Richard Nugent as the Braddock District Council Citizen of the Year.

Although Mr. Nugent can boast many civic contributions, the most dramatic impact he has had on his community is his active participation in charitable organizations in the Braddock district, Fairfax County and beyond.

Richard is a regular volunteer at the Northern Virginia Training Center, assisting with field trips for residents. Through the Church of the Good Shepard, he has organized the delivery of birthday cakes and Christmas boxes to residents of NVTC. He is also an active participant in the interfaith service organizations F.I.S.H. and F.A.C.E.T., delivering meals and other needs to the less fortunate.

Through his church, Mr. Nugent's service extends also to the national organization ''Habitat for Humanity.'' In addition to assisting at a local Habitat worksite, he also raised $3,200 through Christmas tree sales for that organization.

Under the aegis of his church, Mr. Nugent regularly delivers clothing, books and school supplies to an Appalachian town in West Virginia. Extending his commitment to service even farther, he has traveled to Honduras the

last two years to assist in building houses and schools as part of a church mission project.

In addition to these charitable pursuits, Richard has served in the all-volunteer Coast Guard Auxiliary for the last three years and is presently the Flotilla Commander. Mr. Nugent teaches boating safety classes, conducts recreational boat safety checks, and participates in safety and security patrols on the Potomac River and Chesapeake Bay. Mr. Nugent has also served his immediate neighborhood as a Board officer of the Somerset South Homeowner's Association for the last ten years.

Mr. Speaker, in closing, it is with great pleasure that we extend this recognition to Mr. Richard Nugent. His notable contribution to his community deserves to be commended, and we call upon all of our colleagues in joining us to applaud Mr. Nugent for all of his accomplishments.

TRIBUTE TO CHARLES TIDWELL

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay tribute to Mr. Charles Tidwell who died a few days ago after having spent a lifetime of being a good husband, a good father, a good neighbor, a good citizen and a good friend.

Mr. Tidwell was what we would call an ordinary man, ordinary in that he owned his own business, an ordinary business, he was a self-employed plumber, who for many years worked every day. He was a welcomed sight; people often looked forward to him coming because he generally represented relief, a man who knew how to do what he could and do it well.

Mr. Tidwell was ordinary but he was also unordinary, unordinary because he and his wife were intimately connected to their community, actively involved in their church, actively involved in the civic affairs of their community and actively involved in politics or public policy decision-making. The Tidwell home was oftentimes the place where block club meetings were held, political candidates came and problem solving discussions were held and of course, Mrs. Tidwell generally found a way to have some fried chicken, cake, potato salad, potato pie or whatever she decided to cook. In reality the Tidwells represent the best among us and we're going to miss Mr. Tidwell, a good son, a good husband, a good father, a good neighbor, a good citizen, a good American. May his soul rest in peace.

IN RECOGNITION OF THE RIGHT REVEREND CLAUDE E. PAYNE, BISHOP

HON. CHRIS BELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. BELL. Mr. Speaker, I rise to honor the Right Reverend Claude E. Payne, bishop of Texas on the occasion of his retirement from the Episcopal Church. He will be celebrating his retirement June 27, 2003.

For many years, Bishop Payne has been a pillar of the Texas community. After graduating with a chemical engineering degree from Rice University, Bishop Payne went on to earn a Masters and Doctor of Divinity from the Church Divinity School of the Pacific. Prior to his election as seventh bishop of Texas, Bishop Payne was rector of one of the largest churches in the Texas diocese, St. Martin's in Houston. He has also served at St. Mark's in Beaumont as well as St. Mark's in Houston. In June of 1993, the Right Reverend Payne was elected to bishop of the Episcopal Church. In 1995, he became a diocesan bishop for Texas.

Since that time Bishop Payne has worked unceasingly to reach people without a church home. His vision of doubling the size of the diocese to 200,000 parishioners by 2005 is truly a miraculous goal; hence the diocese views itself as ''a community of miraculous expectations.''

During Bishop Payne's episcopacy, the diocese built the first new church for a Spanish-speaking congregation in the United States, built seven new churches in Houston and Austin and restarted numerous others. Membership has increased by 10,000 and more importantly, average Sunday attendance has increased by more than 18.7 percent.

Under the bishop's leadership, approximately $50 million has been granted by the Episcopal Health Charities for community outreach programs. These grants helped to provide fully equipped mobile clinics: one for at-risk youth living on the streets of Houston and another for Matagorda County, an area profoundly under-served in health care.

Bishop Payne was also instrumental in the expansion and renovation of Camp Allen, a camp and conference center. The renovation includes a new 1200 seat chapel and a 70-acre lake. Camp Allen provides recreational facilities for church members as well as secular groups from the surrounding area.

Mr. Speaker, I would like to congratulate Bishop Payne on his many years of exceptional service to the Episcopal Church and the diocese of Texas. I applaud his leadership in the development and enhancement of his community.

A TRIBUTE TO VON R. HUNT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Von R. Hunt in recognition of his commitment to his community.

Von Renneslerr Hunt was born in Colon, Republic of Panama. He graduated from the Canal Zone Rainbow High School, Amador Guerero Spanish School and the Baptist Academy.

Von was a professional sign painter in Panama, working for various agencies of the Canal Zone. He also played music professionally and played with his own trio band throughout Panama.

After 20 years of service with the Panama Canal Zone, he immigrated to the United States in 1965. In New York City, he worked on Wall Street for the Moore McCormack Steamship Company, Dreyfuss Stock Exchange, and the Royal Globe Insurance Company. He retired from Royal Globe Insurance Company after 25 years of service. At the time of his retirement, he was working in the Computer Networks Department.

When he retired, Von resumed his music career. He began playing for big Latin bands like Machito, Joe Valle, Vicentico Alarez, and the Oriental Cubana. However, he eventually retired from his musical career and returned to the business work. Presently, he works for Amsco School Publications as a senior accounts receivable clerk.

Von has a remarkable spirit of giving and caring. He is a respectable and gentle individual. He will lend a helping hand to anyone in need. It is often said about Von that ''to know him is to love him.'' He is a member of Community Board 13 in Queens, a member of St. Clare's Catholic Church, and a proud member for Congressman TOWNS' constituent support group.

Von is married to Teresa Johnson-Hunt, and they are the proud parents of five children and six grandchildren.

Mr. Speaker, Von R. Hunt is committed to assisting his fellow community members. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING PEACE OFFICERS MEMORIAL DAY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. EMANUEL. Mr. Speaker, every city block and every country road across this country is protected by potential heroes. But police officers like my Uncle Les of the Chicago Police Department, firefighters, and other officers of peace don the mantle of heroism every day, and are prepared to respond not only to forces of nature or forces of man, but also to forces of evil, like that which brought down the World Trade Towers and tore into the Pentagon.

Peace officers are very real heroes, and must be honored as such. At risk to their own personal safety, peace officers put themselves between danger and the people they protect. Last year, more than 147 peace officers were killed in the line of duty during 2002, and the previous year 230 officers were killed, including 72 officers in the September 11th terrorist attacks. We will never know the number of lives that were spared because they gave their own.

Too often round-the-clock news shows, television talk programs and supermarket tabloids elevate the frivolous to the famous, and blur the difference between the noble and the notorious. We must honor real heroes in a meaningful manner.

Mr. Speaker, I urge my colleagues to join me in supporting the President's proclamation designating May 15 as Peace Officers Memorial Day.

TRIBUTE TO THE PEOPLE OF TAIWAN AND PRESIDENT CHEN SHUI-BIAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. RANGEL. Mr. Speaker, on May 20, the people of Taiwan celebrated the third anniversary of the ascent of Chen Shui-bian to the Presidency of Taiwan. In recognition of this anniversary, I would like to congratulate both the people of Taiwan and President Chen upon the achievement of this third anniversary and make a few observations with regard to this auspicious occasion, as well as the longstanding friendship that exists between the United States and Taiwan.

With regard to President Chen, I can only say that in his three years as leader of Taiwan have been exemplary. President Chen has, continues and shall hopefully continue to receive widespread praise around the world for his determined commitment and unswerving dedication to continued democratization, economic reform and basic recognition of human rights.

In his conduct and comments toward the People's Republic of China, President Chen has promised that Taiwan would not seek independence as long as the People's Republic would refrain from using force against Taiwan. Moreover, he has initiated solid measures that are aimed at reducing tensions in the Taiwan Straits so that the freedom of navigation in the Straits can be maintained.

President Chen has further demonstrated his leadership in bringing his diplomatic skills to the fore in gaining Taiwan entrance to the World Trade Organization. In this regard, I can only hope and wish for President Chen's continued diplomatic success in making Taiwan more present in the global community of nations. Two such measures of continued success would rest in gaining Taiwan access and entry to both the World Health Organization and the International Civil Aviation Organization.

Mr. Speaker, as President Chen celebrates the third anniversary of his Presidency, I would only say that America congratulates and salutes him upon the many successes and achievements of his administration to date. And, that we wish him continued and further success in the future.

A TRIBUTE TO RITA DAVE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Rita Dave in recognition of her dedication to improving the human rights in her community and throughout the world, especially among immigrant populations.

Rita immigrated to the United States with her parents when she was 7 years old. Pursuing her goal to become a lawyer, she received her Juris Doctor Degree from New York Law School, and was admitted to practice in the State of New York in 1992.

Throughout her personal and professional life, Rita has been deeply affected by the plight of immigrants in the United States. In addition to representing mortgage lenders in her current practice, she works extensively on pro bono projects involving immigrant issues. She has worked together with local and national human rights organizations to organize and mobilize grass roots activities opposing indefinite detention and incarceration of legal permanent residents. She has provided pro bono assistance to detainees across the United States by providing them with legal case law, advising them of their rights under immigration law, and providing assistance and support to their families.

Rita has also worked hard to bring to the attention of elected officials human and civil rights violations suffered by men and women during their detention. She works to expose and remedy these violations to ensure that our legal system remains fair and just. In recognition of her tenacity and empathy for the plight of immigrants, in 2003 she was appointed chairperson of the political action committee for the Federation of Indian Americans.

On the civil rights end, Ms. Dave has founded a non-profit organization devoted to helping men and women who are factually innocent of the crime for which they have been convicted and incarcerated. The group is called The Falsely Accused and Convicted Taking Steps, FACTS. FACTS reviews the case files of individuals who assert their factual innocence then assist them in overturning their convictions.

Rita lives with her husband and 9-year-old daughter in Mineola, NY.

Mr. Speaker, Rita Dave is committed to improving the lives of those in need and those who have suffered human and civil rights violations. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

TRIBUTE TO SYLVIA PORTILLO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor an incredible woman from my district who recently received a Robert Wood Johnson Community Health Leadership Program award. Sylvia Portillo earned this prestigious award through her hard work in expanding health care for the Latino community of northern Virginia.

Sylvia Portillo overcame adversity as a Spanish-speaking immigrant and low-wage worker to become a major health leader in her community. Her career in health care began in El Salvador where she worked as a nurse. Upon fleeing war-torn El Salvador, Sylvia became a home health care companion in Arlington County, to support the three children she left with relatives back home as well as her new family in the United States.

Ms. Portillo was inspired to become a health care advocate for Latinos and other underserved community residents after her experience and the roadblocks she encountered when she tried to get health care and insurance for her two youngest children. In 1996 she joined the Tenants' and Workers' Support Committee as a volunteer in the Women's Leadership Group. There she organized the Latino community's first health fair by bringing together neighbors, doctors, local groups and city officials. In its seventh year, the fair is the only source of health care for many residents. In 1997, Sylvia became lead organizer for the committee's Health Project with a goal of increasing health access for Alexandria's Latino community. Since then, she has recruited and trained more than 80 health promoters to educate the community about preventive health practices.

Ms. Portillo has also led a campaign that won $300,000 in medical debt relief from the leading area health system and persuaded local hospitals to hire bilingual staff. The project also has completed three landmark studies documenting conditions of Latino immigrants, including occupational health problems and the consequences of medical debt.

One of the most impressive testimonies about the work Sylvia has accomplished came from a woman who sought her help with a medical debt she could not pay since she was unable to work. Sylvia helped her understand our health system, despite her inability to read. ''By working with Silvia, I am no longer afraid,'' the woman said.

Sylvia and the Health Project have helped countless people throughout my congressional district and northern Virginia. I am proud to have Sylvia in my district, and I look forward to seeing what else she can accomplish in ensuring that her friends and neighbors receive the health care they deserve.

HONORING THE THORNTON SISTERS FOUNDATION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. PALLONE. Mr. Speaker, I would like to acknowledge once again a group of talented and capable women. This month marks the 12th anniversary of the Thornton Sisters Foundation, Inc. I have been following these women's struggles and accomplishments for a long time now, and after a decade of success, I still feel it is an honor to formally salute these women for a third time.

On Sunday, June 8, 2003, the Thornton Sisters Foundation will hold an awards ceremony for the 25 finalists of the Donald and Itasker Thornton Memorial Scholarship and their family members. The occasion will be hosted at Jumping Brook Country Club in Neptune, NJ.

The Thornton Sisters have an inspiring history that led to the creation of this foundation. They come from a family that has always known the intrinsic worth of a good education. In 1948, their parents, Donald and Itasker, moved the family from Harlem, New York City to Long Branch, NJ, so that their children would be able to receive a better education. And while Mrs. Thornton was unable to attend college, she pushed all of her daughters to accomplish something that she would never be able to do.

With the help of scholarships and their parent's inspiration, all six daughters graduated from Monmouth University in Long Branch. Having learned early on the importance of an education, these six sisters now want to give the same opportunity they had to other young women.

This story has special significance to me, as I am a citizen of Long Branch. In addition, Rita Thornton and I both attended Long Branch High School and even participated in speech and debate together. I could tell back then, that she and her sisters share a true commitment to education and excellence—it is no wonder that they all received straight A's throughout high school.

This year, I would also like to recognize all recipients of the Donald and Itasker Thornton Scholarship, past and present: from 1992, Miss LaShawn Pruitt and Miss Tiffany Sanders; from 1995, Miss Natasha Dwamena; from 1996, Miss Jasmine Williams; from 1997, Miss Anetha Perry, Miss Sanetta Ponton, and Mr. Carl Little; from 1998, Miss Diane Bynes; from 1999, Miss Estelle Docteur, Miss Leigh-Michil George, Miss Tiffany Little, and Miss Traymanesha Moore; from 2000, Miss Marie Guervil, and Miss Lesha Sanders; from 2001, Miss Aakia Seymour, Miss Fatiya Ilegieno, Miss Lesha Brady, Miss Betty Lin, and Miss Courtney Jackson; from 2002, Miss Melissa Thompson, Miss Tiffany Reed, and Miss Martha Tan; and from 2003, Miss Yoonieh Ahn, Miss Cassaundra Brown, Miss Porschia Epps, Miss Sorochi Esochaghi, Miss Sonya Frontin, Miss Indria Harrison, Miss Quasheeda Kelly, Miss Elizabeth Meltzer, Miss Dominique Robinson, Miss Candice Spence, Miss Shakeilya Washington, and Miss Katherine Wheatle.

Mr. Speaker, I would now like to ask my colleagues to join me in honoring these aspiring women. They are truly a group that needs to be admired and praised. I want to personally thank the Thornton sisters for their twelve years of providing scholarships for young minority women of the State of New Jersey.

A TRIBUTE TO GRACE (SANG SOOK) LEE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of Grace (Sang Sook) Lee in recognition of her dedication to assisting Korean-Americans and troubled youths in her community.

Ms. Lee was born in Seoul, Korea. She was educated in many different schools, and earned a degree in chemistry from Sacred Hearts Women's University. She married Chong Hwun Lee in 1980 and moved to the United States. Ms. Lee and her husband have three daughters, Vivian, Marian, and Joan.

At the height of the Lees' success, they owned five dry cleaners in Manhattan. Unfortunately, things took a turn for the worse and they had to sell their home in Little Neck, NY. For some period of time, they had to move every two years. During this time, Grace was able to go to night school and earn a degree in counseling and conflict resolution.

Adapting to a new culture and struggling to establish a successful business made life during the 1980s arduous. The stress caused Grace to fall into depression. However, she used this low point in her life to search for the truth in her life that would uplift her. She realized that she could no longer live for herself, and in 1990, in the teachings of her Savior Jesus Christ, she gained a new awareness that she must serve others.

During this time, she met a Korean-American inmate, which altered her life dramatically. Since that moment, she has been diligently visiting Korean-American inmates in the greater New York Area. These experiences motivated her to focus on the problems of the youth in the Korean-American community. The Korean-American Youth Center in Flushing, NY, provided her with a vehicle to work with teenagers. Because her children were getting older, she had more time to pursue her concern for all of the young people in her community.

Using all of the experiences in her life, Grace created the Youth and Family Focus, a non-profit organization of which she is the executive officer. She runs the organization with the devoted help of a few volunteers. Youth and Family Focus believes that intervention with teenagers is the best way to affect their lives positively. The organization is a youth oriented program that offers many services to the community including parent-child counseling, education programs for Korean American parents, a G.E.D. program, mentoring for teens, retreats for teenagers, and a prison ministry.

Ms. Lee's devotion and dedicated work with Youth and Family Focus have made this group an effective organization. Its success is reflected by the high regard it has within the Korean-American communities across the United States. Success is further reflected by the requests it receives from the judicial system, school system, and families for assistance with Korean American Youth.

Mr. Speaker, Grace (Sang Sook) Lee is committed to improving the lives of Korean-Americans and troubled youths. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

SENSE OF THE HOUSE COMMENDING NATION'S BUSINESSES AND BUSINESS OWNERS FOR SUPPORT OF OUR TROOPS AND THEIR FAMILIES

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 2003

Mr. CAMP. Mr. Speaker, I rise today in support of H. Res. 201. This bill expresses the sense of the House of Representatives that American businesses should be commended for their support of our troops and their families. I would like to thank my colleague from Michigan, Mr. Rogers, for introducing this timely and appropriate tribute and urge my colleagues to vote in favor of this resolution.

Since September 11, 2001, the Armed Forces have undertaken more than 21 months of courageous and successful operations against terrorism worldwide. Over 216,931 members of the Reserve components have been called to leave their families and their jobs to serve our country. From my own State of Michigan, over 1,000 individuals have been called to Active Duty.

National Guard and Reserve members comprise 38 percent of our military and support by their employers is crucial. It can be a struggle for Guard and Reserve members to find a balance between serving our country and dedication to their employment. For activated service members to be successful in their missions, they need peace of mind that their families, civilian jobs, and other responsibilities will be stable and financially secure in their absence.

We have established a law to protect our troops and this law has significantly reinforced the respect and encouragement our armed forces deserve. The Uniformed Services Employment and Reemployment Rights Act (USERRA) provides job protection and rights of reinstatement to employees who participate in the National Guard and Reserve. The act seeks to ensure that members of the uniformed services are entitled to return to their civilian employment upon completion of their service. They should be reinstated with the seniority, status, and rate of pay they would have obtained had they remained continuously employed by their civilian employer. The law also protects individuals from discrimination in hiring, promotion, and retention on the basis of present and future membership in the Armed Forces.

Many employers have gone above and beyond what is required under USERRA. They have expanded their pay differential and medical coverage policies for Reserve and National Guard members called to Active Duty. Along with the companies who provide a pay differential during service members' annual training and mobilization, continuation of insurance and other company benefits, establishing family support networks to maintain open lines of communication, and facilitating information sharing have been used to mitigate the psychological hardships of war.

Employers' willingness to bear the inevitable financial hardships and organizational disruptions that result from war is an important contribution to our Nation's security. In placing America's well being above their own, employers help our National Guard provide mission-ready forces to help preserve our freedoms and protect our national interests.

Our Nation's businesses and business owners serve our country in many ways, especially in these days of increased engagement of our military in strategic locations around our Nation and around the world. I would like to commend their patriotism and offer my sincere gratitude to the men and women defending America.

HONORING DR. DANIEL IVASCYN UPON HIS RETIREMENT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize Dr. Daniel W. Ivascyn, a constituent of the second district of Massachusetts, for his countless years of dedication to the town of Oxford and Oxford public school system.

Dr. Ivascyn is retiring this year after 34 years of devoted employment.

Dr. Ivascyn began his extraordinary career in September 1969 when he became Business Manager of Oxford. He was later on promoted in 1975 to become Assistant Superintendent for Business Affairs. He continued his steady climb up the chain of command in 1996 where

he was appointed to the prestigious position of Superintendent of schools.

Dr. Ivascyn used his leadership role as a way to further escalate the growth and success of the Oxford public school system. Some recent notable accomplishments include assisting in the construction of a new Oxford High School in 2002, and the newly renovation of Barton and Chaffee Elementary Schools.

Dr. Ivascyn's dedication and desire to better the Oxford community serves as an admirable example to all American citizens. I am delighted to honor Dr. Ivascyn's accomplishments and service to the second district of Massachusetts. His hard work and dedication will be greatly missed.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. GALLEGLY. Mr. Speaker, on June 9, 2003, I was unable to vote on H.R. 1610, Walt Disney Post Office Building Redesignation Act (rollcall vote 249), H. Con. Res. 162, Honoring the City of Dayton, Ohio (rollcall vote 250), and S. 763, Birch Bayh Federal Building and United States Courthouse Designation Act (rollcall vote 251). Had I been present, I would have voted ''yea'' on all three measures.

A TRIBUTE TO JOHN L. ENGLISH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. TOWNS. Mr. Speaker, I rise in honor of John L. English in recognition of his successful business which has brought stability to his community, and for his overall efforts to improve the quality of life in his community.

John's contracting company is based at 2060 Eastern Parkway in Brooklyn, New York. He started Central Mechanical in 1976 and relocated to the current address in 1984. He has been an owner-operator in his community for 19 years. Since John's father and grandfather were steamfitters by trade, it was natural for him to become involved in the pipefitting industry. He is both a contractor and a developer. His day-to-day function is the operation of Central Mechanical. Central Mechanical's prime business is the completion of government heating and air conditioning contracts. He has also built 25 homes and 20 condominiums in the past 10 years.

John is active in the community as well. He lends support to a local church, the House of Hope. In addition to being a place of worship, the House of Hope runs a homeless shelter for people who have nowhere else to turn. John is very thankful for what he has accomplished and he looks forward to a long, prosperous, and continuing active presence in Brooklyn. However, most important has been John's successful marriage of 26 years to his wife Trina. They have four children ages 11 through 24.

Mr. Speaker, John L. English is committed to his community through his business endeavors and his work at his local church. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

TRIBUTE TO GERARD DOHERTY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. MARKEY. Mr. Speaker, I ask that the House of Representatives take this opportunity to honor Gerard Doherty, a man who has dedicated his enormous talents and unlimited energy to public service and charitable ventures throughout his life.

Gerard Doherty is an exceptional leader in Charlestown, in our Commonwealth of Massachusetts and throughout our Nation. Mr. Doherty is one of the founders of the John F. Kennedy Family Service Center. He serves as a member of the Boston Public Library Foundation, the John F. Kennedy Library Foundation and the Suffolk University Board of Trustees. He is remembered on Beacon Hill as one of our most respected members of The Great and General Court, where he was elected to four terms as State Representative from Charlestown.

Because of his efforts to improve educational opportunities for children, Gerard Doherty has received numerous awards including an honorary doctorate degree from Our Lady of the Elms College. And Mr. Speaker, when I return to my alma mater of Malden Catholic High School to attend a basketball game, I take great pride in walking through the doors of the Gerard and Marilyn Doherty Gymnasium, dedicated in the name of MC's most beloved couple.

Gerard Doherty has also placed his indelible mark on national politics. He served as a close and trusted advisor to President John F. Kennedy, Presidential Campaign Director for both Senator Robert F. Kennedy and President Jimmy Carter and Campaign Manager for Senator EDWARD M. KENNEDY.

Mr. Speaker, I rise to honor one of the Bay State's most famous sons on his 75th birthday. Gerard Doherty's commitment to public service and community philanthropy has made an immeasurable impact in his community, in our State and throughout our Nation.

TRIBUTE TO THE CUYAHOGA COUNTY BAR ASSOCIATION'S 75TH ANNIVERSARY DIAMOND JUBILEE

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise today in recognition of the Cuyahoga County Bar Association's 75th Anniversary Diamond Jubilee which will be held on Friday, June 20, 2003, in Cleveland, Ohio. The Cuyahoga County Bar Association has served the legal community and citizens of Cuyahoga County through research, advocacy, and education. Founded by 64 former members of the Cleveland Bar Association in 1928, it's mission is to ''advance to the highest standards of excellence for the legal profession, to enhance the professional competence of attorneys, to further the administration of justice, to preserve and protect the liberties and rights of the people, to inspire respect for the law and legal profession through the support of law-related and community services, and to promote an atmosphere of collegiality among members of the Bench and the Bar.''

On this great occasion, Thomas J. Escovar, a partner with the firm Steuer, Escovar, Berk & Brown Co., L.P.A., in Cleveland, OH, is being installed as the CCBA's President. The association's President-Elect is Justin Madden, a partner with the firm Spangenberg, Shibley & Liber in Cleveland. Diana Thimmig will be installed as the First Vice President and Laurence A. Turbow will serve as Second Vice President. Howard Besser will retain his position with CCBA as Secretary.

Furthermore, I would like to congratulate the new members of the CCBA Board of Trustees for 2004; the Honorable Janet R. Burnside, Louis J. Carlozzi, Deanna L. DiPetta, Steven L. Gardner, John F. McCaffrey and Robert J. Vecchio. I would also like to congratulate the new members of the Trustee Class of 2005; David B. Gallup, the Honorable Diane J. Karpinski, Lenore Kleinman, Jacob A.H. Kronenberg, the Honorable David T. Matia, the Honorable John D. Sutula, Mary Jane Trapp and the Trustee Class of 2006; the Honorable John E. Corrigan, Michael M. Courtney, Janet L. Kronenberg, Ellen S. Mandell, Mary Ann Rini, Stanley E. Stein and Jeffrey L. Tasse.

Finally, I would like to congratulate the new Presidential Board Appointments; the Honorable Ann Dyke, Lori Ann Luka and Barbara K. Roman. It gives me great pleasure, Mr. Speaker, to rise today to honor the Cuyahoga County Bar Association and to salute its new leadership.

PAYING TRIBUTE TO THE MICHIGAN SURVIVAL FLIGHTS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to the University of Michigan's Survival Flight program for their critical role in providing emergency care to the residents of Michigan.

The University of Michigan's Survival Flight is an air medical transport program that extends the University Health System's care. This service is available 24 hours a day, every day of the year. They have the capabilities to transport critical patients from area hospitals to specialized treatment facilities, transport directly from an emergency scene, transfer neonates and organ transport teams, and provide back-up in disaster situations. Survival Flights consist of three advanced Bell 430 medical helicopters and one Cessna Citation jet.

Now in their 20th year, the Survival Flights have a perfect safety record and are recognized as the top emergency medical air program in the Nation. Each year, over 1,600 patients are safely transported through the Survival Flights program.

University of Michigan Survival Flights are to be recognized for their success and dedication

to the survival of Michigan patients. Since their inception, Survival Flights have demonstrated outstanding courage and commitment to the State of Michigan.

Mr. Speaker, I wish to extend the gratitude of myself and the entire nation to the University of Michigan Survival Flights in recognition of 20 years of service. I ask my colleagues to join me in thanking them and wishing them continued success as they serve the citizens of the great State of Michigan.

A TRIBUTE FOR SALLIE SLAUGHTER-GARDNER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. TOWNS. Mr. Speaker, I rise today to recognize the life of Sallie Slaughter-Gardner. I believe that it is fitting for public officials to celebrate those individuals whose life story can serve as a model for us all.

Mr. Speaker, Sallie Slaughter-Gardner was born on February 26, 1916, in an era very different than the one to which we are accustomed. Because her family needed Sallie to work in the cotton fields, she was not afforded the opportunity to complete a formal education. She was, however, blessed with a pleasant disposition, a commitment to her family, and a devotion to her community.

On January 23, 1932, Sallie was united in Holy Matrimony to Dozier Gardner. After the birth of her first child, Willie Clifford, the Gardner family emigrated from her birthplace of Buena Vista, Georgia to Brooklyn, New York, an area I am now privileged to represent in the United States Congress. ''Aunt Sallie,'' as she was affectionately known, quickly adapted to her new surroundings, and, during the historical African American migration to the North, Sallie opened her home to the needy, providing hot meals, shelter, and good will to all.

Sallie Slaughter-Gardner made her family and her church the focus of her life. Sallie began her Christian walk in the Baptist Church. Later, she joined the Evergreen Church of God in Christ, where she accepted Christ as her Personal Savior under the leadership of Elder Eugene Williams, the founder of the Church. Sallie was a member of the hospitality club, the mother's board, and was president of the usher board of the church. Her sumptuous apple and sweet potato pies became mainstays among the congregation, and indeed, she was known for her generosity and kind heart. Until her death at the age of eighty-six, Sallie guided parishioners to their seat and imbued them with her warmth.

Sallie was known as a spiritual lady with a heart of gold. Her sweet disposition was most clearly demonstrated when she cared for a neighbor stricken with a crippling illness. Her neighbor, bitter over her ailment, alienated all who attempted to care for her. But Sallie was not deterred and she cooked, cleaned, and cared for this woman.

Mr. Speaker, as part of the Evergreen Church of God in Christ's 58th Church Anniversary, the Church is in the process of memorializing this incredible individual. Sallie always said ''Let my life speak for me.''

Mr. Speaker, her life truly speaks volumes to us and shows us the kind of conduct befitting all of God's children.

HONORING DR. JOHN GUSHA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to recognize Dr. John Gusha, a dentist who mobilized dental societies and nonprofit groups to launch the Central Massachusetts Oral Health Initiative for low-income residents of Massachusetts. Dr. Gusha is among the outstanding individuals from across the country selected this year to receive a Robert Wood Johnson Community Health Leadership Program award of $120,000.

Dr. Gusha founded and served as project director of the Central Massachusetts Oral Health Initiative, a collaborative of 25 organizations focused on improving oral health in the region.

Growing up in a large, blue-collar family, Dr. Gusha was inspired by his faith and the work ethic of his immigrant heritage to give back to his community. After working his way through dental school and setting up a private practice, he began volunteering at a free medical clinic and was struck by the magnitude of oral health problems he saw among patients.

He recruited his colleagues in local and State dental societies and nonprofit groups to launch the Oral Health Initiative in 1999. The initiative opened a free dental clinic where dentists, hygienists, and assistants volunteer their services. It also educates physicians and nurses to perform oral health screenings, and trains outreach workers to teach young mothers about preventing tooth decay, the most common chronic condition of childhood.

In addition to volunteering his dental services, Dr. Gusha has pushed for policy changes aimed at improving Massachusetts' health. He helped win State legislation allowing a pilot program to expand access to dentists for Medicaid patients in central Massachusetts. In 1993, as chairman of the Holden Board of Health, he championed fluoridation of the water supply and prohibition of secondhand smoke in public places.

Mr. Speaker, I proudly ask you to join me in commending Dr. John Gusha for his accomplishments as founder of the Central Massachusetts Oral Health Initiative and for his efforts put forth in achieving a 2003 Robert Wood Johnson Community Health Leadership Program award.

TRIBUTE TO MS. ADRIENNE E. BYERS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. PAYNE. Mr. Speaker, it is with great pride that I rise today to recognize Ms. Adrienne E. Byers on her retirement from Horizon Blue Cross Blue Shield after thirty-four years of dedicated service.

Joining Horizon Blue Cross Blue Shield in January of 1969, Ms. Byers has worked in many different facets of the organization, beginning in the Cashiers Department and moving to her current position with Special Letters. Working with many areas of the corporation has given Ms. Byers a great and unique understanding of Horizon and has allowed her to help enrich a company which is truly fortunate to have her as a dedicated employee.

Raised in the 10th Congressional District of New Jersey, Ms. Byers spent her early years growing with the programs at the YMCA where I was fortunate enough to meet this promising young woman. Since those early years she has proven herself time and time again and I am proud to see what a dedicated and motivated individual she has become.

In addition to her devotion to Horizon Blue Cross Blue Shield, Ms. Byers has also invested time in the community as a whole. A strong advocate of community service, she serves on the Advisory Board for Community Agencies Corporation and on the board of directors for Friendly Fuld. She is also Chair for the Newark Fighting Back Partnership.

Mr. Speaker, I know that my colleagues here in the U.S. House of Representatives join me today in congratulating Ms. Adrienne E. Byers on her long and successful career with Horizon Blue Cross Blue Shield. I wish her the very best in her retirement and a healthy and happy future.

TRIBUTE TO MS. GWEN BOWEN

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Ms. DEGETTE. Mr. Speaker, I would like to recognize the splendid efforts and notable accomplishments of an extraordinary woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this outstanding artist, educator and civic leader for her exceptional record of invaluable service. It is to commend this outstanding citizen that I rise to honor Ms. Gwen Bowen on the occasion of her 50th year teaching dance in Denver, Colorado.

''Miss B,'' as she is affectionately known by current and former students, was born in Denver, Colorado. She attended McKinley Elementary School, Grant Junior High School and graduated from Denver's South High School. Following her graduation from the University of Denver, she returned to McKinley Elementary School to teach first grade. But her love of dance inspired her to pursue a career in dance education.

Ms. Bowen has amassed a distinguished record of service to our community. She founded the Gwen Bowen School of Dance where she has taught hundreds of young people, middle-aged and senior citizens throughout her career—a career distinguished by caring, competence and a sense of commitment to the community. Among her many students who have pursued professional careers in dance is Lynne Taylor Corbett, Tony Award Nominee for her choreography of the Broadway Play, Swing. Last year, Ms. Corbett came to Denver to pay tribute to this great lady of dance at a fundraiser for Arts for All, an organization founded by Ms. Bowen to create a community non-profit facility for all the arts in Denver. Despite having taught so many that have made major contributions to dance, she believes that her greatest rewards have come from teaching dance to blind students and the

developmentally disabled. It comes as no surprise that Dance Magazine, a national publication, has recognized her outstanding contribution to the art of dance.

Ms. Bowen has continually espoused that ''Dancing is a language and it touches people in many ways.'' Her life is a testament to this belief and while she has been an exceptional educator in dance, she has been an educator who teaches young and old alike to pursue meaning in their lives as well as the value of giving back to the community.

Please join me in commending Ms. Gwen Bowen, a distinguished artist and educator. It is the strong leadership she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans.

ACKNOWLEDGING THE WORK OF JOSE GARCIA

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. REYES. Mr. Speaker, I rise today to acknowledge the work of Jose Garcia, the founder and director of Project CARE in El Paso, TX. Mr. Garcia recently received national recognition from the Robert Wood Johnson Foundation's Community Health Leadership Program. The prestigious award includes a $120,000 grant to provide additional funding to further his work.

Mr. Garcia, a pharmacist, helped found Project CARE, a treatment and education program for asthma and diabetes patients, in 2001. Project CARE uses pharmacists as ''promotores'' to manage uncomplicated diabetes and asthma, reducing costs by targeting the uninsured and frequent users of the hospital's emergency department. It also helps fill the gap in the physician shortage along the Texas-Mexico border, where more than a third of El Paso residents are uninsured and nearly 40 percent of families live below the poverty line.

Mr. Garcia helped to launch Project CARE after he observed, through his work as a pharmacist at R.E. Thomas Hospital, that access to care, medication, and education was the solution to longterm preventable illness. He also realized that the patients who used the most hospital resources were those who could not afford their prescription co-payments under the county's indigent care program. Mr. Garcia then began covering patient's co-payments out of his own paycheck before founding Project CARE.

Mr. Garcia also established El Circulo de Hombres, a collaborative drug treatment model approved by the Texas State Board of Pharmacy that features ''platicas,'' discussions in which Latino men talk openly about health issues and take control of their own care.

The gentleman who nominated Mr. Garcia for the Community Health Leadership award put it best when he said, ''Jose has a vision to improve access to health care alternatives to the marginalized and disenfranchised of our community. He has successfully developed a cultural, linguistic, and social home for the poor and uninsured.''

Mr. Speaker, Jose Garcia has demonstrated tremendous leadership in meeting the urgent health needs of many in the El Paso community. I urge my colleagues to join me in congratulating him on this well-deserved award.

TRIBUTE TO ALICEMARIE SLAVEN-EMOND

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to recognize AliceMarie Slaven-Emond, who was recently honored as one of only ten people in the entire nation to be selected as a 2003 Robert Wood Johnson Community Health Leader. This prestigious award includes a grant of over $100,000 to enhance AliceMarie's work.

AliceMarie is cofounder, primary health care provider and volunteer executive director of the Northeast San Juan County Health and Wellness Center in Aztec, NM. The center is a community owned, nonprofit clinic, where patients receive primary care services, preventive screenings, immunizations, pre- and postnatal care and free medications. Services are offered on a sliding-fee scale, depending on income.

Working as a school nurse in the Aztec school district, AliceMarie was uniquely aware of children who were suffering medically because their families were uninsured or could not afford a doctor. To address these demands, AliceMarie, along with other concerned citizens, launched the planning process for a clinic in 1992 and opened its doors in 2000. The early stages were very difficult, but because of the steadfast commitment, determination, enthusiasm, tenacity and hard work, AliceMarie and her cofounders achieved a ''miracle.'' But AliceMarie is always quick to acknowledge the ''incredible graciousness'' of San Juan County. She reports that without the donations of cash, supplies, labor and many other services by local businesses, medical professionals and private benefactors, success could not have been possible.

The San Juan County Health and Wellness Center is an example of how one person can make a difference. Because of AliceMarie's unending determination, the quality of life for hundreds of people has been improved. The clinic began serving about 35 patients a month and now provides medical attention to 185 to 200 children and adults monthly, regardless of race, religion, ethnicity or financial means. In addition, AliceMarie is proud of the fact that the center is also a resource facility that provides valuable health care education and information to the community.

AliceMarie Slaven-Emond is not only an extremely caring and dedicated nurse practitioner, but an extraordinary visionary and leader. Having visited the clinic myself, I have experienced first hand the incredible work that is being accomplished. I am proud to recognize AliceMarie today before my colleagues as a model of commitment to the betterment of the human condition. I also extend my deep appreciation to her cofounders, staff and San Juan County citizens for helping to make a dream a reality. As uninsured families continue to increase at the rate of 13 percent this year alone, AliceMarie and the San Juan County Health and Wellness Center are helping to fill the gap and are heroes in the truest sense. A great need existed, and caring and giving citizens rose to the occasion, with AliceMarie as the catalyst. I salute this very great lady.

TRIBUTE TO JUDGE WILKIE D. FERGUSON, JR.

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. MEEK of Florida. Mr. Speaker, on Monday, June 9, 2003, our country lost a truly great man, U.S. District Court Judge Wilkie D. Ferguson, Jr. He was an exemplary jurist—experienced, fair, compassionate, knowledgeable and firmly committed to justice. His death is a huge loss to the federal bench, to our community, and to our Nation.

Wilkie Demeritte Ferguson, Jr. was born May 11, 1938, to Bahamian immigrants and raised in the Liberty Square public housing project.

Judge Ferguson attended all-black public schools: Liberty City Elementary, Dorsey Middle and Northwestern Sr. High. He received his B.S. in Business Administration and Accounting from Florida A & M University. He was certified in Fundamentals of Computer Programming at Philco Technological Institute in Philadelphia and received his Masters in Financial Administration from Drexel University. He continued on to Howard University where he obtained his J.D. Degree.

He was the first black jurist appointed to the Miami-Dade Circuit Court and Third District Court of Appeals, and the second black federal judge in the Southern District of Florida.

Judge Ferguson knew every aspect of the law, and he knew people. In the Civil Rights Division of the old U.S. Department of Health, Education and Welfare, and as a staff attorney for Legal Services of Greater Miami, he learned firsthand about the problems that ordinary people face in their everyday lives and how the legal system and our courts are often their only recourse for justice.

His reputation for fairness and hard work preceeded his elevation to the federal bench in 1993, for at that time he had already had three decades of experience on the bench.

Judge Ferguson has been an exceptional role model and inspiration for young African-Americans interested in the law. He was a trail blazer whose competence and wisdom set a high standard for a profession that already has high standards. His death leaves a huge gap in our federal judiciary, in our community, and in our hearts, for Judge Ferguson showed us all how good we can be.

Over the years he has received numerous honors and accolades such as: Williams H. Hastie Award, ''Courage and Scholarship in Legal Writing'', National Bar Association (2000) Distinguished Alumni Award, Howard University University Law Alumni Association.

He was a member of the Church of Incarnation of Miami, Florida. There will forever be a void in the pew where he stood every Sunday and sang inspirational hymns.

The entire Miami-Dade community mourns the loss of this humble and great man who overcame huge obstacles yet also did common things uncommonly well. My prayers goes out to his wife, Miami-Dade Commissioner Betty Ferguson and his children, Tawnicia Ferguson-Rowan and Wilkie III.

TRIBUTE TO COACH LOU GIANI

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to commend Coach Lou Giani of Huntington High School on his induction into the U.S. National Wrestling Hall of Fame.

Coach Giani is among the most successful wrestling coaches in New York State history, having compiled 388 victories in 34 seasons. This past season Coach Giani and his Huntington High School team won the New York State team title—a remarkable eighth title for Coach Giani. In addition to the team accolades, Huntington High School also had three individual wrestlers win State Championships, increasing the career total of Coach Giani to a record 22 individual state champions. In recognition of these accomplishments, the National Wrestling Coaches Association bestowed on him the honor of ''Coach of the Year.''

In addition to his service to Huntington High School and New York State, Coach Giani has served as an international ambassador for wrestling. Having organized cultural exchange programs in both the Soviet Union and Poland, he has provided disadvantaged youth with the opportunity to learn wrestling from one of the sport's best coaches.

Beyond his service as a coach and international teacher, Mr. Giani had an equally impressive career as a wrestler. Having not begun to wrestle until his junior year of high school, Mr. Giani went on to win ten New York Athletic Club titles, a gold medal at the 1959 Pan American Games and was given the honor of representing the United States on the 1960 Olympic Freestyle team.

I commend Coach Lou Giani for his dedication to the sport as well as his service to the students of Huntington High School and I congratulate him on his induction into the U.S. National Wrestling Hall of Fame.

PRAISE FOR PRESIDENT BUSH AND PRIME MINISTER ARIEL SHARON

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. CANTOR. Mr. Speaker, I rise today to praise President Bush and Prime Minister Ariel Sharon of Israel for never giving up hope that we can achieve peace in the Middle East. President Bush is a champion of peace and a leader that the world should rally around as he works to bring tranquility to this troubled region. That is why European insistence on negotiating with Yassir Arafat is so troubling. If Europe is committed to peace, now more than ever, they must end their dealings with Yassir Arafat.

Arafat is a terrorist who stalled the peace process to further his personal agenda. No one can doubt that Arafat ordered the murder of thousands of civilians while he stole billions of dollars in humanitarian aid. Arafat has proven he does not support peace, and as a result, Europe should stop dealing with him.

Last week in Aqaba, Jordan, Ariel Sharon and Palestinian Prime Minister Mahmoud Abbas emerged from a joint meeting with President Bush to pledge initial steps toward the goals of ending violence and establishing a Palestinian state.

Abbas promised to end terrorism and the armed uprising against Israel. Sharon said Israel would ease controls on Palestinian areas, dismantle certain outposts and negotiate in good faith toward creation of a Palestinian state alongside Israel. To worldwide appreciation, Mr. Sharon has already begun dismantling outposts and maintaining his commitment to peace. We will continue to watch and hope that Mr. Abbas keeps his promise to end the terrorism and murder of innocent people.

In light of these agreements by both the Israelis and the Palestinian leadership, there is no choice but to end all dealings with Arafat and his terrorists.

Arafat, who was rightly excluded from the Aqaba summit by the U.S., is expected to try to reassert his influence. Looking at the history of Arafat, one can only suspect he will order and organize another wave of terrorist violence to destroy any hope for peace. European diplomats told the United States last week that they would maintain contact with Arafat.

European leaders are aiding Arafat's illegitimate cause and are directly hurting the peace process by continuing to make this terrorist relevant. I call on the European leaders to follow President Bush's lead and to stop dealing with Arafat, who is and never will be anything more than a terrorist.

ON RETIREMENT OF DR. JAMES W. HOLSINGER, CHANCELLOR OF ALBERT B. CHANDLER MEDICAL CENTER

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. FLETCHER. Mr. Speaker, Dr. James W. Holsinger Jr., Chancellor of the Albert B. Chandler Medical Center at the University of Kentucky will be retiring this month and I want to take this opportunity to pay tribute to this exceptional physician. Dr. Holsinger is a distinguished member of his community and the proud father of four daughters and the grandfather of three boys. He has had an extensive academic and administrative career.

Dr. Holsinger began his academic career at Duke University, receiving a B.A. from that undergraduate institution in 1960 and an M.D. from its medical school in 1964. He then completed a surgical internship, residency in general surgery, and fellowship in thoracic surgery and anatomy at Duke. In 1968, Dr. Holsinger was awarded a Ph.D from Duke University with a major in anatomy and a minor in physiology. He then completed a residency in general surgery and a fellowship in cardiology at the Shands Teaching Hospital at the University of Florida. Dr. Holsinger continued his education in administration, attaining a master's degree in Hospital Financial Management from the University of South Carolina in 1981 and a B.A. in Human Studies from the University of Kentucky in 1997.

In 1972, Dr. Holsinger was appointed Assistant Professor of Medicine at the University of Nebraska Medical Center. In 1974, he was appointed Assistant Professor of Medicine at the University of Connecticut and was promoted to Associate Professor in 1976. Dr. Holsinger moved once again in 1978 to the University of Georgia, where he was appointed Professor of Medicine and Anatomy and served as Assistant Dean in the College of Medicine. In 1981, Dr. Holsinger was appointed Professor of Medicine and Health Care Administration at the Medical College of Virginia, where he was also appointed Assistant Vice President for Health Sciences in 1985.

Dr. Holsinger retired from the United States Army Reserve in 1993, after serving over 31 years. While part of the Army Reserve, Dr. Holsinger was assigned to the Joint Staff as Assistant to the Director for Logistics in 1989 and promoted to Major General in 1990. Dr. Holsinger served in the Department of Veterans Affairs for 26 years, beginning in 1968. The culmination of his career was his appointment by the President of the United States as Chief Medical Director of the Veterans Health Administration in 1990. During his appointment, Dr. Holsinger became Undersecretary for Health and was reassigned as the Director of the VA Medical Center in Lexington, Kentucky, in 1993.

Upon his retirement from his position as Chief Medical Director in 1994, Dr. Holsinger was awarded the position as Chancellor of the Albert B. Chandler Medical Center at the University of Kentucky, where he was also the Chief Academic Officer. As Chancellor, Dr. Holsinger was responsible for planning, organizing, and coordinating the operations of the colleges of Medicine, Nursing, Dentistry, Allied Health, Pharmacy, the School of Public Health, four graduate centers, the University Hospital, the Children's Hospital, and the Kentucky Clinic.

He also provided overall guidance and direction for the academic programs of the Medical Center. Dr. Holsinger helped create the Holsinger Professorship in Anatomy in 1998, to which he and his wife, Barbara, donated $65,000 this year.

Dr. Holsinger has set a positive example for future physicians by providing quality care to his patients and service to his community. His achievements and recognitions speak for themselves. May God bless Jim and his wife Barbara. I wish them every happiness and success.

ANTI-CONSUMER PRACTICES IN PAYDAY LENDING NEED TO BE CONTROLLED

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. RUSH. Mr. Speaker, I rise today to bring attention to some anti-consumer practices in the payday lending industry that need to be controlled. The payday lending industry throws consumers into a perpetual state of debt. They prey on the most vulnerable customers.

During turbulent economic times like these, many Americans continue to look for inventive ways to meet their financial obligations. Payday loan companies provide short-term loans

with high interest rates to consumers in dire need of cash. After supplying verification of employment and proof of an active checking account, consumers write a post-dated check and walk out of the payday loan establishment with cash in hand. Consumers often prefer these loans because the credit history requirement imposed by traditional banks is waived. Unfortunately, the consumers who most need these quick cash loans are usually those least able to repay the loans. The consumer is then subject to exceptionally high interest rates, which range from 261 percent to 913 percent annually.

This is why I am introducing the Payday Borrower Protection Act of 2003. The Payday Borrower Protection Act of 2003 would provide consumers who borrow from payday lenders much greater protection against high interest rates and exorbitant fees. My bill regulates and imposes some rational criteria on these loans, specifically addressing the exorbitant interest rates. This legislation caps annual interest rates at 36 percent and prohibits any payday lender from refinancing or rolling over loans. The bill also sets minimum national standards for state payday loan laws.

It is my hope that this legislation will ensure that fair borrowing practices are offered to consumers. My bill will ensure the industry can still stay afloat. At the same time, customers do not overextend themselves financially.

TRIBUTE TO MAYOR OF HURRICANE, WEST VIRGINIA, THE HONORABLE RAYMOND PEAK

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mrs. CAPITO. Mr. Speaker, I rise today to pay tribute to the Mayor of Hurricane, West Virginia, the Honorable Raymond Peak, who has served his fellow citizens for five decades.

The Regional Intergovernmental Council, whose mission is to assist local governments and bring economic development to Kanawha, Putnam, Clay and Boone counties in West Virginia, is dedicating its headquarters to honor the service of Mayor Peak.

It is altogether fitting that this wonderful new facility would carry his name. Raymond Peak is a leader who has always brought people together to solve serious problems with a spirit of cooperation and determination.

He was first elected as Town Recorder in 1951, and has since been elected State Legislator, and Mayor of Hurricane for 40 years. His progressive management skills have been the force in development and construction of millions of dollars worth of modern water systems, extensive improvements to Hurricane City Park, and the wonderful new Hurricane Municipal Complex.

He has also been a teacher, friend and counselor to thousands of young people in his 38 years in education. He was a noted band director, Student Council Advisor, and coach for Hurricane High's first girl's basketball team. In addition to his school ''family,'' Mayor Peak and his wife Gloria have two daughters and a son, and five active grandchildren.

Raymond Peak has also fulfilled his commitment to community service as a volunteer, as a Trustee of Putnam General Hospital, member of the Putnam County Transportation Committee, Salvation Army Board and American Heart Association.

With this dedication, the leadership and spirit of Mayor Raymond Peak will guide the work of the Regional Intergovernmental Council in bringing infrastructure and jobs to our four counties for generations to come. His commitment to a high quality of life and a bright future for all West Virginians will truly be our inspiration.

I ask my colleagues to join me in congratulating Mayor Raymond Peak on this great honor.

HONORING JERE NEWMAN DAVIS

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to pay tribute to the life and memory of the former Mayor of Kimball, Tennessee, Jere Newman Davis. Mr. Davis, a dedicated husband, caring father, and respected spokesman, passed away recently at the age of 76. Mr. Davis contributed to his community through every aspect of his life. As a veteran, he proudly served in the Korean War. His creativity, patience, and precision allowed him to excel in carpentry, and he blessed Kimball with his skills for many years. It is apparent that Mr. Davis' family and values were a priority in his life. He was a dedicated member of the Kimball Church of Christ and left behind a wife, children, grandchildren, and great grandchildren. He applied the same rich values that shaped his large family to successfully lead Kimball as mayor for many years. Mr. Speaker, I am deeply honored to pay tribute to Mr. Jere Newman Davis today. His dedication and selflessness to his community are examples to all who wish to lead. Tennessee will not forget Mr. Davis' contribution.

Daily Digest

HIGHLIGHTS

The House passed H.R. 2143, Unlawful Internet Gambling Funding Prohibition Act.

Senate

Chamber Action

Routine Proceedings, pages S7561–S7649

Measures Introduced: Twelve bills and four resolutions were introduced, as follows: S. 1218–1229, S. Res. 163–165, and S. Con. Res. 52. **Pages S7618–19**

Measures Passed:

Robert P. Hammer Post Office Building: Committee on Governmental Affairs was discharged from further consideration of H.R. 1625, to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ''Robert P. Hammer Post Office Building'', and the bill was then passed, clearing the measure for the President. **Pages S7648–49**

Commending Bob Hope: Senate agreed to S. Res. 165, commending Bob Hope for his dedication and commitment to the Nation. **Page S7649**

Energy Policy Act: Senate continued consideration of S. 14, to enhance the energy security of the United States, taking action on the following amendments proposed thereto: **Pages S7665–99**

Adopted:

By 67 yeas to 32 nays (Vote No. 212), Dorgan Amendment No. 865, to require that the hydrogen commercialization plan of the Department of Energy include a description of activities to support certain hydrogen technology deployment goals. **Pages S7674–75**

By 99 yeas to 1 nay (Vote No. 213), Landrieu Amendment No. 871, to reduce the dependence of the United States on imported petroleum. **Pages S7575–76**

Rejected:

By 48 yeas to 50 nays, 1 responding present (Vote No. 214), Wyden Amendment No. 875, to strike the provision relating to deployment of new nuclear power plants. **Pages S7576–90**

Withdrawn:

Campbell/Domenici Amendment No. 864, to replace ''tribal consortia'' with ''tribal energy resource development organizations''. **Page S7590**

Pending:

Feinstein Amendment No. 876, to tighten oversight of energy markets. **Pages S7590–94**

Reid Amendment No. 877 (to Amendment No. 876), to exclude metals from regulatory oversight by the Commodity Futures Trading Commission. **Pages S7594–99**

A unanimous-consent request was granted permitting Senator Shelby to change his yea vote to a nay vote on Vote No. 209 (adopted on June 5, 2003) changing the outcome of the vote to 67 yeas to 29 nays relative to Frist Amendment No. 850. **Page S7576**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Wednesday, June 11, 2003. **Page S7649**

Nomination—Agreement: A unanimous-consent agreement was reached providing for consideration of the nomination of Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit, at 11 a.m., on Wednesday, June 11, 2003, with a vote to occur on confirmation of the nomination. **Page S7648**

Appointments:

Mexico-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appointed the following Senators as members of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the First Session of the 108th Congress: Senators Frist, Alexander, and Cornyn. **Page S7649**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the Periodic Report on the National Emergency with Respect to the Risk of Nuclear Proliferation Created by the Accumulation of Weapons-Usable Fissile Material in the Territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs. (PM–37) **Page S7606**

Transmitting, pursuant to law, the report of the continuation of the National emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation beyond June 21, 2003; to the Committee on Banking, Housing, and Urban Affairs. (PM–38) **Pages S7606–07**

Messages From the House: **Page S7607**

Measures Referred: **Page S7607**

Measures Placed on Calendar: **Page S7607**

Executive Communications: **Page S7607**

Petitions and Memorials: **Pages S7607–18**

Additional Cosponsors: **Pages S7619–21**

Statements on Introduced Bills/Resolutions: **Page S7621**

Additional Statements: **Pages S7604–43**

Amendments Submitted: **Page S7644**

Authority for Committees to Meet: **Pages S7647–48**

Privilege of the Floor: **Page S7648**

Record Votes: Three record votes were taken today. (Total—214) **Pages S7574–75, S7576, S7590**

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:08 p.m., until 9:30 a.m., on Wednesday, June 11, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7649.)

Committee Meetings

(Committees not listed did not meet)

INTELLIGENCE MATTERS

Committee on Armed Services: Committee concluded closed hearings to examine certain intelligence programs, after receiving testimony from Peter B. Teets, Under Secretary of the Air Force and Director, National Reconnaissance Office; Stephen A. Cambone, Under Secretary of Defense for Intelligence; and Charles E. Allen, Assistant Director of Central Intelligence for Collection.

SAFETEA

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine the Administration's proposal authorizing funds for the Federal Public Transportation Assistance Programs—the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA), focusing on a framework to address transportation problems of national significance, while giving state and local transportation decisionmakers flexibility to solve problems in their communities, after receiving testimony from Norman Y. Mineta, Secretary of Transportation; Jim Seal, consultant, Federal Transit Administration, Department of Transportation; William Millar, American Public Transportation Association, and Robert Molofsky, Amalgamated Transit Union, both of Washington, D.C.; Jeff Morales, California Department of Transportation, Sacramento, on behalf of the American Association of State Highway and Transportation Officials; and Harry W. Blunt, Jr., Concord Coach Lines, Concord, New Hampshire, on behalf of the American Bus Association.

AUTHORIZATION—FEDERAL MOTOR CARRIER SAFETY PROGRAM

Committee on Commerce, Science, and Transportation: Committee concluded hearings on proposed legislation authorizing funds for the Federal Motor Carrier Safety Program, focusing on the Transportation Efficiency Act for the 21st Century (TEA–21), and the Motor Carrier Safety Improvement Act of 1999, after receiving testimony from Annette Sandberg, Acting Administrator, Federal Motor Carrier Safety Administration, Department of Transportation; Douglas G. Duncan, FedEx Freight, Memphis, Tennessee, on behalf of the American Trucking Associations; LaMont Byrd, International Brotherhood of Teamsters (AFL-CIO), and Joan Claybrook, Public Citizen, on behalf of Citizens for Reliable and Safe Highways, both of Washington, D.C.; Peter Hurst, Ontario Ministry of Transportation, Ontario, Canada, and Paul Sullivan, Massachusetts State Police, Framingham, both on behalf of the Commercial Vehicle Safety Alliance; and Joseph M. Harrison, American Moving and Storage Association, Alexandria, Virginia.

NATIONAL PARKS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded hearings to examine S. 499, to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, S. 546, to provide for the protection of paleontological resources on Federal lands, S. 643, to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, S. 677, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, S.

1060 and H.R. 1577, bills to designate the visitor center in Organ Pipe National Monument in Arizona as the ''Kris Eggle Visitor Center'', H.R. 255, to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska, and H.R. 1012, to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, after receiving testimony from District of Columbia Delegate Norton; D. Thomas Ross, Assistant Director, Recreation and Conservation, National Park Service, and Christopher Kearney, Deputy Assistant Secretary for Policy, Management and Budget, both of the Department of the Interior; and Elizabeth Estill, Deputy Chief, Programs, Legislation and Communications, Forest Service, Department of Agriculture.

SUPREME COURT CASE: CLEAN WATER ACT JURISDICTION

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Water concluded hearings to examine the current regulatory and legal status of federal jurisdiction of navigable waters under the Clean Water Act, focusing on issues raised by the Supreme Court in *Solid Waste Agency of Northern Cook County* v. *U.S. Army Corps of Engineers No. 99–1178*, and a related measure, S. 473, to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States, after receiving testimony from Senator Feingold; G. Tracy Mehan, Assistant Administrator for Water, Environmental Protection Agency; George S. Dunlop, Deputy Assistant Secretary of the Army for Policy and Legislation; Thomas L. Sansonetti, Assistant Attorney General, Environment and Natural Resources Division, Department of Justice; L. Michael Bogert, Counsel to Governor of Idaho, Boise; Richard Hamann, University of Florida Levin College of Law, Gainesville; Robert J. Pierce, Wetland Training Institute, Inc., Glenwood, New Mexico; and Scott Yaich, Ducks Unlimited, Inc., Memphis, Tennessee.

House of Representatives

Chamber Action

Measures Introduced: 18 public bills, H.R. 2397–2414; 1 private bill, H.R. 2415; and 5 resolutions, H. Con. Res. 214, and H. Res. 264, 266–268 were introduced. **Pages H5173–74**

Additional Cosponsors: **Pages H5174–75**

Reports Filed: Reports were filed today as follows:

H. Res. 265, providing for consideration of H.R. 2115, to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration (H. Rept. 108–146); and

H.R. 2122, to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security (H. Rept. 108–147). **Page H5173**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Boozman to act as Speaker Pro Tempore for today. **Page H5091**

Guest Chaplain: The prayer was offered by the Rev. Phillip Kaim of the Diocese of Rockford, Illinois. **Page H5097**

Recess: The House recessed at 11:25 p.m. and reconvened at 12 noon. **Page H5097**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Prevention of Sexual Assault in the United States and Supporting the Goals and Ideals of National Sexual Assault Awareness and Prevention Month: S.J. Res. 8, expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; **Pages H5100–02**

Involuntary Bankruptcy Improvement Act: H.R. 1529, to amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases; **Pages H5103–04**

Standards Development Organization Advancement Act: H.R. 1086, amended, to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards; **Pages H5104–06**

Urging the WTO to End the European Union's Discriminatory Trade Practices Against Agriculture Biotechnology: H. Res. 252, expressing the sense of the House of Representatives supporting the United States in its efforts within the World Trade Organization (WTO) to end the European Union's protectionist and discriminatory trade practices of the past five years regarding agriculture biotechnology (agreed to by ⅔ yea-and-nay vote of 339 yeas to 80 nays, Roll No. 256); **Pages H5106–16, H5153**

Patsy Takemoto Mink Post Office Building, Paia, Maui, Hawaii: H.R. 2030, to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the "Patsy Takemoto Mink Post Office Building"; and **Pages H5120–27**

Cesar Chavez Post Office, Chicago, Illinois: H.R. 925, to redesignate the facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, as the "Cesar Chavez Post Office". **Pages H5127–29**

Proceedings Postponed—Recognizing the Significant Accomplishment of Sequencing the Human Genome and Celebrating Human Genome Month and DNA Day: The House completed debate on the motion to suspend the rules and agree to H. Con. Res. 110, recognizing the sequencing of the human genome as one of the most significant scientific accomplishments of the past one hundred years and expressing support for the goals and ideals of Human Genome Month and DNA Day. Further proceedings were postponed until Wednesday, June 11. **Pages H5116–20**

Unlawful Internet Gambling Funding Prohibition Act: The House passed H.R. 2143, to prevent the use of certain bank instruments for unlawful Internet gambling, by yea-and-nay vote of 319 yeas to 104 nays, Roll No. 255. **Pages H5136–53**

Agreed to:

Kelly amendment no. 1 printed in H. Rept. 108–145 that adds a new section stating that no provision shall be construed as changing or affecting any law relating to gambling within the United States; **Page H5146**

Rejected:

Jackson-Lee amendment no. 2 printed in H. Rept. 108–145 that sought to remove the ban on the use of credit cards for internet gambling; and **Pages H5146–48**

Sensenbrenner amendment no. 3 printed in H. Rept. 108–145 that sought to remove exceptions for

lawful transactions with a business licensed or authorized by a State including Horse racing, dog racing, Jai Alai, and state run lotteries (rejected by recorded vote of 186 ayes to 237 noes, Roll No. 254). **Pages H5148–52**

H. Res. 263, the rule that provided for consideration of the bill was agreed to by recorded vote of 259 ayes to 158 noes, Roll No. 253. Earlier agreed to order the previous question by yea-and-nay vote of 222 yeas to 196 nays, Roll No. 252. **Pages H5129–36**

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill. **Page H5154**

Congressional-Executive Commission on the People's Republic of China: The Chair announced the Speaker's appointment of Representatives Levin, Kaptur, and Brown of Ohio to the Congressional-Executive Commission on the People's Republic of China. **Page H5154**

Presidential Messages: Read the following messages from the President:

Periodic Report on the National Emergency re the Accumulation of Weapon-Usable Fissile Material in the Territory of the Russian Federation: Message wherein he transmitted a 6 month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000—referred to the Committee on International Relations and ordered printed (H. Doc. 108–83); and **Page H5154**

Continuation of the National Emergency re the Accumulation of a Large Volume of Weapons-Usable Fissile Material in the Territory of the Russian Federation: Message wherein he transmitted a notice stating that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat—referred to the Committee on International Relations and ordered printed (H. Doc. 108–84). **Page H5154**

Senate Message: Message received from the Senate today appears on page H5091.

Referral: H. Con. Res. 49 was held at the desk.

Quorum Calls—Votes: Three yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H5134–35, H5135–36, H5151–52, H5152–53, and H5153. There were no quorum calls.

Adjournment: The House met at 10:30 p.m. and adjourned at 9:35 p.m.

Committee Meetings

TEACHER RECRUITMENT AND RETENTION ACT; READY TO TEACH ACT

Committee on Education and Labor: Ordered reported, as amended, the following bills: H.R. 438, Teacher Recruitment and Retention Act of 2003; and H.R. 2211, Ready to Teach Act.

NATURAL GAS SUPPLY AND DEMAND ISSUES

Committee on Energy and Commerce: Held a hearing entitled "Natural Gas Supply and Demand Issues." Testimony was heard from Guy F. Caruso, Administrator, Energy Information Administration, Department of Energy; Alan Greenspan, Chairman, Board of Governors, Federal Reserve System; Donald L. Mason, Commissioner, Public Utilities Commission, State of Ohio; and public witnesses.

FINANCING EMPLOYEE OWNERSHIP PROGRAMS: AN OVERVIEW

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on Financing Employee Ownership Programs: An Overview. Testimony was heard from public witnesses.

SECTION 8 HOUSING ASSISTANCE PROGRAM

Committee on Financial Services: Subcommittee on Housing and Community Opportunity continued hearings on "The Section 8 Housing Assistance Program: Promoting Decent Affordable Housing for Families and Individuals Who Rent." Testimony was heard from R.E. Duncan, Chairman, Topeka Housing Authority, Kansas; Tino Hernandez, Chairman, New York City Housing Authority, New York; and public witnesses.

OVERSIGHT—QUALITY OF FINANCIAL INFORMATION AT USDA AND EDUCATION DEPARTMENT

Committee on Government Reform, Subcommittee on Government Efficiency and Financial Management held an oversight hearing on "Fixing the Financials-Featuring USDA and Education." Testimony was heard from Edward McPherson, Chief Financial Officer, USDA; Jack Martin, Chief Financial Officer, Department of Education; and the following officials of the GAO: McCoy Williams, and Linda Calbon, both Directors of Financial Management and Assurance.

GEOSPATIAL INFORMATION

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held an oversight hearing entitled ''Geospatial Information: A Progress Report on Improving Our Nation's Man-Related Data Infrastructure.'' Testimony was heard from Mark A. Forman, Administrator, E-Government and Information Technology, OMB; Scott J. Cameron, Deputy Assistant Secretary, Performance and Management, Department of Interior and Chairman, Geospatial One-Stop Board of Directors; Linda D. Koontz, Director, Information Management, GAO; Susan W. Kalweit, Chairman, Interagency Geospatial Preparedness Team, FEMA, Department of Homeland Security; and public witnesses.

RENEWING OPIC AND REVIEWING ITS ROLE IN SUPPORT OF U.S. FOREIGN POLICY PRIORITIES

Committee on International Relations: Held a hearing on Renewing OPIC and Reviewing Its Role in Support of Key U.S. Foreign Policy Priorities Testimony was heard from Peter S. Watson, President and CEO, Overseas Private Investment Corporation (OPIC); and public witnesses.

BURMESE FREEDOM AND DEMOCRACY ACT; PEOPLE'S REPUBLIC OF CHINA RELEASE DR. YANG JIANLI; SOUTHEAST ASIA—RECENT DEVELOPMENTS

Committee on International Relations: Subcommittee on East Asia and the Pacific approved for full Committee the following measures: H.R. 2330, Burmese Freedom and Democracy Act of 2003; and H. Res. 199, amended, calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, calling on the President of the United States to continue working on behalf of Dr. Yang Jianli for his release

The Subcommittee also held a hearing on Recent Developments in Southeast Asia. Testimony was heard from public witnesses.

COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT (CREATE) ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet and Intellectual Property held a hearing on the H.R. 2391, Cooperative Research and Technology Enhancement (CREATE) Act of 2003. Testimony was heard from public witnesses.

FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Committee on Rules: Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 2115, Flight 100, Century of Aviation Reauthorization Act, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill. The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure, as modified by the amendment printed in part A of the report of the Committee on Rules accompanying the resolution, as an original bill for the purpose of amendment. The rule waives all points of order against the amendment in the nature of substitute. The rule makes in order only those amendments printed in part B of the report. The rule provides that amendments printed in part B of the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Young of Alaska and Representatives Mica, Shuster, Cunningham, Manzullo, McHugh, Gibbons, Peterson of Pennsylvania, Oberstar, Delegate Norton, and Representatives Matheson, Carson, Moran of Virginia, Waters, and Jackson-Lee of Texas.

FUTURE OF UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING PROGRAMS

Committee on Science: Subcommittee on Energy held a hearing on The Future of University Nuclear Science and Engineering Programs. Testimony was heard from Gail H. Marcus, Principal Deputy Director, Office of Nuclear Energy, Science and Technology, Department of Energy; and public witnesses.

OVERSIGHT—NEW TECHNOLOGIES IN RAILROAD SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Railroads held an oversight hearing on New Technologies in Railroad Safety. Testimony was heard from Jo Strang, Deputy Associate Administrator, Railroad Development, Federal Railroad Administration, Department of Transportation; and public witnesses.

EFFORTS TO ELIMINATE MISMANAGEMENT IN PROGRAMS ADMINISTERED BY VETERANS DEPARTMENT

Committee on Veterans' Affairs: Concluded hearings on past and present efforts to identify and eliminate fraud, waste, abuse and mismanagement in programs administered by the Department of Veterans Affairs. Testimony was heard from the following officials of the Department of Veterans Affairs: Leo S. Mackay, Jr., Deputy Secretary; and Robert H. Roswell, M.D., Under Secretary, Health.

U.S. BILATERAL FREE TRADE AGREEMENTS WITH CHILE AND SINGAPORE IMPLEMENTATION

Committee on Ways and Means: Subcommittee on Trade held a hearing on Implementation of the U.S. Bilateral Free Trade Agreements with Chile and Singapore. Testimony was heard from Representatives Sessions and Biggert; Peter F. Allgeier, Deputy U.S. Trade Representative; and public witnesses.

Joint Meetings

INTERNALLY DISPLACED PERSONS

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded hearings to examine internally displaced persons in the Caucasus Region and Southeastern Anatolia, after receiving testimony from Francis M. Deng, United Nations, and Nicolas Dee Torrente, Doctors Without Borders, both of New York, New York; Roberta Cohen, Brookings Institution, and Maureen Lynch, Refugees International, both of Washington, D.C.; and Jonathan Sugden, Human Rights Watch, London, England.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 11, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to resume hearings to examine health care access and affordability, focusing on the effect of uninsurance on families, health care providers and communities, 9:30 a.m., SD–124.

Subcommittee on District of Columbia, to hold hearings to examine the District of Columbia's local budget request, 10 a.m., SD–192.

Committee on Commerce, Science, and Transportation: Subcommittee on Competition, Foreign Commerce, and Infrastructure, to hold hearings to examine reauthorization of the Federal Trade Commission, 2:30 p.m., SR–253.

Committee on Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings to examine patient safety, focusing on instilling hospitals with a culture of continuous improvement, 9 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 648, to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy, and S. 1225, Greater Access to Affordable Pharmaceuticals Act, and the nomination of Anne Rader, of Virginia, to be a Member of the National Council on Disability, 10 a.m., SD–430.

Committee on Indian Affairs: to hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services, to be followed by hearings on S. 1146, to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota, 10 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine the nominations of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, and Diane M. Stuart, of Utah, to be Director of the Violence Against Women Office, Department of Justice, 9:30 a.m., SD–G50.

House

Committee on Appropriations, Subcommittee on Military Construction, to mark up appropriations for fiscal year 2004, 10:30 a.m., B–300 Rayburn.

Committee on Education and the Workforce, to mark up H.R. 660, Small Business Fairness Act of 2003, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled "The Reauthorization of the Federal Trade Commission: Positioning the Commission for the Twenty-First Century," 10 a.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing on entitled "The Spectrum Needs of Our Nation's First Responders," 11 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled "Matching Capital and Accountability—The Millennium Challenge Account," 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, to consider the following: The Citizen's Guide on Using the Freedom of Information Act and The Privacy Act of 1974 to Request Government Records, 2 p.m., 2154 Rayburn.

Committee on International Relations, hearing on The Middle East Peace Process at a Crossroads; followed by a markup of H. Con. Res. 209, commending the signing of the United States-Adriatric Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia, 10:30 p.m., 2172 Rayburn.

Subcommittee on Europe, hearing on Renewing the Transatlantic Partnership: A View From the United States, 1:30 p.m., 2172 Rayburn.

Subcommittee on Western Hemisphere, hearing on Overview of Radio and Television Marti, 2:30 p.m., 2200 Rayburn.

Committee on Resources, to mark up the following measures: H. Con. Res. 21, commemorating the Bicentennial of the Louisiana Purchase; H. Res. 30, concerning the San Diego long-range sportfishig fleet and rights to fish the waters near the Revillagigedo Islands of Mexico; H.R. 74, to direct the Secretary of Agriculture to convey certain land in the lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; H.R. 272, to direct the Secretary of Agriculture to convey certain land to Lander Counter, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; H.R. 901, to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California; H.R. 1113, to authorize an exchange of land at Fort Frederica National Monument; H.R. 1209, to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia; H.R. 1284, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project; and H.R. 1945, Pacific Salmon Recovery Act, 10 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 1115, Class Action Fairness Act of 2003, 2 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Space and Aeronautics, hearing on U.S.-Russian Cooperation in Space, 2 p.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''Revitalizing America's Manufacturers: SBA Business and Enterprise Development Programs,'' 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on EPA Grants Management: Persistent Problems and Proposed Solutions, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on the following bills: H.R. 886, to amend title 38, United States Code, to provide for the payment of dependency and indemnity compensation to the survivors of former prisoners of war who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of dependency and indemnity compensation to the survivors of former prisoners of war who die after that date; H.R. 1167, to amend title 38, United States Code, to permit remarried surviving spouses of veterans to be eligible for burial in a national cemetery; H.R. 1500, Veterans' Appraiser Choice Act; H.R. 1516, to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; and H.R. 2163, to amend title 38, United States Code, to exclude the proceeds of life insurance from consideration as income for purposes of determining veterans' pension benefits, 10:30 a.m., 334 Cannon.

Subcommittee on Health, hearing on the following: H.R. 1720, Veterans Health Care Facilities Capital Improvement Act; a measure to authorize specific major medical construction projects in Las Vegas, Chicago Westside, West Haven, San Diego, and a lease at the Charlotte NC outpatient clinic; H.R. 116, Veterans' New Fitzsimons Health Care Facilities Act of 2003; and other measures to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities in the Department of Veterans Affairs, 2 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on the Administration's Foster Care Flexible Funding Proposal, 2 p.m., B–318 Rayburn.

Joint Meetings

Joint Economic Committee: to hold joint hearings to examine issues relating to Iraq's economy, 9:30 a.m., SD–628.

Next Meeting of the SENATE

9:30 a.m., Wednesday, June 11

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will continue consideration of S. 14, Energy Policy Act.

At 11 a.m., Senate will begin consideration of the nomination of Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit, with a vote to occur on confirmation of the nomination; following which, Senate will continue consideration of S. 14 (listed above).

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 11

House Chamber

Program for Wednesday: Consideration of suspensions:

(1) H.R. 1320, Commercial Spectrum Enhancement Act; and

(2) H.R. 2350, Temporary Assistance for Needy Families Block Grant Reauthorization; and

Consideration of H.R. 2115, Flight 100—Century of Aviation Reauthorization (structured rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

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