United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, JULY 9, 2003 No. 100

House of Representatives

The House met at 10 a.m.

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

Lord God, our defense in every battle and our source of peace, be with the Members of the House of Representatives this day and guide the security of this Nation.

The conquest of Jericho and the sin of Achan taught Joshua and the people of his day that You, Lord, would be with them in every engagement with an enemy as long as they followed all Your commands and held back nothing for themselves in their service to do Your holy will. Disobedience and self-reliance lead only to defeat.

Help us in our day to lead the war against terrorism; but let us never be deceived ourselves. Attuned to Your Word and the Spirit in the story of Joshua, may we, as individual citizens or in any corporate way, never excuse ourselves from honesty and integrity by acting out of stealth or deception, even for a moment.

By Your power and grace may we always choose to do what is right, seeking consultation and sensing our communion with You, now and forever.

Amen.

THE JOURNAL

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

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

Mr. PITTS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. EHLERS 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.

SUPPORT THE TEACHER RECRUITMENT AND RETENTION ACT

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

Mr. EHLERS. Mr. Speaker, it is a pleasure to rise and speak about a bill we will be discussing today, H.R. 438, the Teacher Recruitment and Retention Act of 2003. This bill recognizes a major problem we are having in our K–12 educational system, that is, the shortage of qualified teachers in special education, math, and science.

This bill addresses that by offering incentives to teachers to enter these fields and also to remain in these fields, primarily incentives through loan forgiveness of their student loans which they take out in order to obtain the proper training.

To show my colleagues how serious this situation is, note that in: science, in American junior and high schools, 57 percent of the teachers do not have either a major or a minor in the subject that they are teaching. In high school physics, it is even worse: a significant percentage of teachers have not even taken one course in college physics.

Those teachers who are highly qualified in science are tempted to leave teaching because they can double their salary in industry, and so this bill is a good effort to maintain our teaching staff and retain them in the positions where we desperately need them. I urge its passage.

FALSE AND MISLEADING STATEMENTS ABOUT IRAQ

(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, much media attention has been directed toward the President's State of the Union Address on January 28, 2003, wherein he alleged an Iraqi nuclear threat which the Vice President's office knew was false almost a year earlier. More attention needs to be paid to false and misleading statements which preceded the vote on the Iraqi resolution in this House.

Two days before the vote on October 8, 2002, speaking in Cincinnati, the President spoke of his determination to attack Iraq: ''Facing clear evidence of peril, we cannot wait for the final proof, the smoking gun, that could come in the form of a mushroom cloud.''

This chilling apocalyptic statement was not based on clear evidence of peril but was, in fact, based on falsehoods hidden from public view by the office of the Vice President. Did the Vice President's office knowingly conceal information its own representative obtained that Iraq was, in fact, not attempting to purchase nuclear materials from Niger? Was the White House in possession of the same information prior to the President giving his shocking declaration in Cincinnati?

There is no question that the President's statements, which we now know

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were false and misleading, influenced the debate in this House and the decision to go to war. It is imperative we have open public hearings to wash this stain from our national reputation.

URGING PRESIDENT TO PROVIDE FLOOD ASSISTANCE

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

Mr. PENCE. Mr. Speaker, last night the Wabash River crested at 25 feet in northeastern Indiana, but thanks to the extraordinary leadership of Mayor Ted Ellis and Sheriff Barry Story, Bluffton, Indiana, was spared a catastrophe. Their leadership and cooperation with Governor Frank O'Bannon and literally thousands of volunteers in Wells and Adams counties managed to stem the tide.

Special commendation to Irving Material, Incorporated, and also to the 2nd of the 152nd Mech out of Muncie, Indiana, under the leadership of General Bushkirk and Colonel Shato who led the troops, nearly 200 in number, in loading sandbags and stacking sandbags and saving the community of Bluffton, Indiana.

As more rain approaches, I urge the President to speed disaster relief to the counties in Indiana that the Governor has requested. I encourage the volunteers for their determination to move forward as the rain approaches, and I urge prayers by all of our citizens to remember the Psalmist wrote that God is our refuge and our strength. Though the Earth be removed, though its waters roar and be troubled, we will not fear.

FOURTH ANNIVERSARY OF IRANIAN STUDENT PROTESTS

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

Mr. LANTOS. Mr. Speaker, a few days ago, on the 4th of July, we celebrated our freedom. Today is the anniversary of the Iranian students' uprising a few years ago; 100,000 courageous, young Iranian men and women went to the streets of Teheran demanding their freedom, and their movement spread all over the country.

The mullahs in Teheran have suppressed them and still do; but hopefully, before too long, we will be able to see in Iran what we have seen in central and Eastern Europe and in the former Soviet Union, people living in free and open and democratic societies, rejecting the totalitarian police state of the mullahs, a regime which is determined to develop nuclear weapons and a regime which is the center of global support for terrorism.

SAVED

(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, recently I heard an amazing story. For 22 years, Jawad Amer Sayed was a dead man. Instead of fleeing into exile as a member of the Iraqi opposition group, he decided to stay; and for 22 years, he hid inside a false wall he built between two rooms in his home.

On April 10, the day after Saddam Hussein fell from power, Sayed emerged from his hideaway, to the amazement of relatives and friends. Only his mother, younger brother and two sisters knew what had happened to him. Everyone else thought he was dead.

Saddam Hussein murdered millions. Not only did he kill those opposed to him; he tortured them and their families, and his brutality forced millions into exile from fear. Sayed's story is a testament to that fear. Rather than torture and death, Sayed chose solitary confinement.

There are millions of Iraqis like Sayed who have come out of hiding into the light of day. Now they can talk about freedom. Now they can protest. Now they can worship freely. Now they can express opinions about their government, and now they can choose something other than death or confinement. They can choose liberty.

RISING UNEMPLOYMENT RATE

(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 wonder if the President bothers to take a look outside his helicopter window on his way from Crawford, Texas, to the White House to see the millions of people pounding the pavement looking for jobs.

Once again, the national unemployment rate has risen. It is now 6.4 percent, up from 6.1 percent in May; and the unemployment rate for Hispanics, it is even higher, up to 8.4 percent.

Moreover, millions of students across the country this month are graduating from college, with over $20,000 in debt from student loans, wondering if they are going to get a job to begin to pay off those loans.

With the economy in a state of flux at home, what does the President say? He says ''bring 'em on'' to those who are attacking troops in Iraq. If the President wants to bring something on, how about a fiscal plan that creates jobs, that does not plunge us further into debt and that allows us to care for seniors in their golden years?

It is unfortunate that he cannot be as confident and cavalier about the future of our economy as he is being about the lives of our troops.

MEDICAL LIABILITY CRISIS

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

Mrs. BIGGERT. Mr. Speaker, my home State of Illinois has been especially hard hit by the steep rise in medical malpractice insurance rates. In the greater Chicago area, premiums have increased between 24 and 34 percent over the past year. As a result, physicians cannot afford to keep treating patients and are forced to either limit what patients they can treat or close down their practice.

When doctors cannot afford to keep their practices open, patients suffer; and because doctors in high-risk specialties like OB/GYN are hit the hardest, women patients suffer the most.

The same thing is happening all over the country, with one exception. California already has in place a State law very similar to legislation the House passed earlier this year, and it is working.

I urge my colleagues in the other body to pass medical malpractice reform legislation and make sure patients' access to health care does not suffer.

MALPRACTICE BILL IS A CRITICAL ISSUE FOR PHYSICIANS

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

Mrs. CHRISTENSEN. Mr. Speaker, this week the Senate will take up their malpractice bill. This is a critical issue for physicians; and it should provide real relief, not just be a political tool.

Like the one the House passed, all the Republican bill in the other body would do is cap the punitive and noneconomic damages and limit attorneys' fees. While some level of caps may need to be a part of effective legislation, this measure is just an attack on lawyers who they see as supporters of Democrats.

□ 1015

The cap is not fully researched and is likely to hurt poorer and younger patients. Caps alone do not lower malpractice premiums as shown in a recent study of seven States that passed cap legislation where premiums continue to rise.

The American people are tired of political responses to important issues. The better Democrat approach is comprehensive, would bring insurance companies under the antitrust laws, and possibly cap premiums while a task force studies the best way to move ahead. Republicans would apply a simple political Band-Aid to this major wound from which the medical community is hemorrhaging and in the process free insurance and managed care companies from any accountability for decisions they make on our care by including them in a cap that is meaningless with their huge profits. That is the whole purpose of the bill, protecting corporate friends. It is not good medicine. This Congress should spit it out.

HONORING THE COMMITMENT AND DEDICATION OF AMERICA'S TEACHERS

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

Mr. BOOZMAN. Mr. Speaker, I rise today in support of legislation that honors the commitment and dedication of our Nation's teachers.

Today under Republican leadership the House is scheduled to take up two important education reauthorization bills that highlight our support for America's teachers. The Ready to Teach Act of 2003 and the Teacher Recruitment and Retention Act are two important bills that will help ensure that there is a quality teacher in every classroom, and that they are rewarded for their service.

As a former school board member and parent of three public school graduates, I have seen firsthand how hard our teachers work. It is only fair, then, that we create an environment that encourages and rewards their dedication.

Mr. Speaker, our children are blessed to have some wonderful teachers who are committed to their growth; however, we must ensure that these great people have incentives to continue to teach our children. These two bills are a step in the right direction, and I look forward to casting a vote of support for our teachers today.

THE TEACHER RECRUITMENT AND RETENTION ACT

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

Mr. WILSON of South Carolina. Mr. Speaker, I want to express how fortunate I feel today. We have the opportunity to assist an extremely important profession that is often overlooked: teachers. I have seen firsthand the difficulties and challenges these dedicated professionals face since my wife Roxanne is a teacher in Lexington District 2.

Today thanks to the leadership of the gentleman from Ohio (Chairman BOEHNER) of the Committee on Education and the Workforce, the House will vote to increase loan forgiveness to a group of teachers that are desperately needed in our country's rural and urban areas. Math, science and special ed teachers who commit to teach 5 years in a low-income school will receive up to $17,500 in loan forgiveness through H.R. 438, the Teacher Recruitment and Retention Act.

I agree with President Bush that we must ensure all students receive a quality education. I urge my colleagues to support passage of the Teacher Recruitment and Retention Act.

In conclusion, God bless our troops.

REPUBLICANS GETTING THINGS DONE FOR AMERICA

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

Mr. KINGSTON. Mr. Speaker, when the Republicans took over the White House, the Senate and the House, the critics in this town came out of the woodwork, which does not take much to rile them up, but they said they are never going to get anything done. The first year in office Mr. Bush passed No Child Left Behind, a great bipartisan education reform package; this year taken on a world leadership role to liberate Iraq from the oppression of Saddam Hussein and make it possible to inspect for weapons of mass destruction; and now we are leading Iraq towards democracy. We have also passed economic relief in the form of tax relief for small businesses, for families and for farmers, something that will turn the economy around. And then earlier last month we passed Medicare reform with a prescription drug benefit.

We have other things that we are going to do for medicine. We are going to take on malpractice reform. It has already passed in the House. The other body is debating on it very soon. We are passing in the House health savings accounts so that people could set up a medical savings-type account approach to healthcare. We are taking on lots of new initiatives, and so the critics, they are always going to be here in Washington, DC., but if we look at the scorecard, it has been a very solid record.

Republicans in the House, Republicans in the Senate, Republicans at the White House are getting things done for the American people. We welcome the Democrats to join us. We do not want this to be a partisan show. We want bipartisan ideas because what this is about is not a better Republican Party, but a better America, and we need both parties and all people to participate.

PROVIDING FOR CONSIDERATION OF H.R. 2211, READY TO TEACH ACT Of 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 310 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 310

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. 2211) to reauthorize title II of the Higher Education Act of 1965 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 Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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 (Mr. SIMPSON). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, yesterday, the Committee on Rules met and granted a structured rule for H.R. 2211, Ready to Teach Act of 2003. This is a very fair rule. We made five out of the eight amendments offered in order, and four of them are Democrat amendments. The Ready to Teach Act seeks to meet the call of the No Child Left Behind Act to place a highly qualified teacher in every classroom. It makes improvements to the Higher Education Act that will increase the quality of our Nation's teacher preparation programs.

I would like to commend the gentleman from Georgia (Mr. GINGREY) for his work on the Ready to Teach Act. I would also like to thank the gentleman from New York (Mr. BOEHLERT); the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce; and the gentleman from California (Mr. GEORGE MILLER), ranking member, for their continuing efforts to improve all aspects of our country's higher education system.

As we work to place highly qualified teachers in education classrooms across the Nation, I am particularly pleased that this legislation allows for

innovative programs that provide alternative options to the traditional teacher training programs. The key to producing highly qualified teachers is not the path by which they travel, but the destination they reach. Teachers trained through innovative options, or certified through alternative means, will still be held to the same standards of accountability and quality, but will not be constrained by artificial requirements that could place barriers between highly qualified individuals and the classrooms where they are desperately needed. In my community we run into this every day because of people who are qualified and have had years of experience in an area, but yet cannot get into the classroom.

Teaching is an honorable profession, and we need to attract and keep good, qualified teachers. This needs to be an attractive job so more people will enter the profession as well. H.R. 2211 continues the current law structure and authorizes three types of teacher training grants that each play a unique yet critical role in the education of tomorrow's teachers. Forty-five percent of the funds would be directed toward State grants, which must be used to reform teacher preparation requirements and ensure that current and future teachers are highly qualified. Forty-five percent of the funds would be directed toward partnership grants, which allow effective partners to join together, combining their strengths and resources to train highly qualified teachers to achieve success where it matters most, in the classroom. Ten percent of the funds would be directed toward teacher recruitment grants, which will help bring these high-quality individuals into the teaching programs and ultimately put more highly qualified teachers into the classroom.

H.R. 2211 also directs the Secretary of Education to give priority to applicants that will place an emphasis on recruiting minorities into the teaching profession.

The Ready to Teach Act of 2003 will improve the quality and accountability of our Nation's teacher preparation programs. I ask my colleagues to support this rule and the underlying legislation so that we can ensure that our children are receiving a world-class education.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I consume.

I thank the gentlewoman from North Carolina (Mrs. MYRICK), my friend, for yielding me the customary 30 minutes.

Mr. Speaker, this rule provides for the consideration of H.R. 2211, the Ready to Teach Act of 2003. It is a relatively noncontroversial bill that reauthorizes programs under Title II of the Higher Education Act. The Committee on Education and the Workforce, Democrats and Republicans, worked together to produce a good bipartisan bill, but their hard work, Mr. Speaker, is being cheapened by the Republican leadership in the process by which we are considering this bill today.

The Ready to Teach Act seeks to ensure that teacher training programs produce well-trained and well-prepared teachers who can fully address the educational needs of our children as mandated by the No Child Left Behind Act. It is supported by Members on both sides of the aisle, and I have no doubt that it will be approved later today.

□ 1030

But for some reason, Mr. Speaker, we are considering this bill under a restrictive rule.

Last night, eight amendments were offered in the Committee on Rules. Of those, seven amendments were offered by Democrats and one was offered by a Republican. If asked, the distinguished chairman of the Committee on Rules and his fellow committee Republicans will say that this is fair, that the Committee on Rules made in order four of the seven Democratic amendments and we should all be grateful and happy with their generosity.

But, Mr. Speaker, that is not the point; and the Members of this body know it. Critical amendments were not made in order, amendments that people feel very strongly about. With only a handful of amendments offered in the committee, for the life of me, I cannot figure out why the Republican leadership wants to shut down debate on this bipartisan bill, unless, of course, they are continuing their practice of disallowing amendments that might actually win, unless they are afraid they will not like the outcome if the House is allowed to work its will.

This is wrong, and I want all of my colleagues to know that, that with this rule, the Republican leadership has tainted the good work introduced by the Committee on Education and the Workforce.

Do not get me wrong: it is not the bill I have strong problems with, but rather it is the process. I commend the committee chairman, the gentleman from Ohio (Mr. BOEHNER); the ranking member, the gentleman from California (Mr. GEORGE MILLER); the subcommittee chairman, the gentleman from California (Mr. MCKEON); and the subcommittee ranking member, the gentleman from Michigan (Mr. KILDEE), along with the gentleman from Georgia (Mr. GINGREY), for their bipartisan cooperation on this bill.

Although this is a good bill, I would like to voice a couple of concerns. The reauthorization of the Higher Education Act of 1965 that this House approved in 1998 authorized the Teacher Quality Enhancement Grants for States and Partnerships at $300 million annually. H.R. 2211 will authorize these critical grant programs at $300 million for fiscal year 2004 and for such sums as necessary through FY 2008.

However, when compared to the fiscal year 2004 Labor, Health and Human Services and Education Appropriations Act, I find that the teacher quality enhancement grants are basically flat-funded at $90 million. That is $210 million less than what the Ready to Teach Act requires for the preparation of quality teachers.

Mr. Speaker, this is the same old song and dance. Once again, we are authorizing an education bill for critical education programs; and after we vote, we will all put out our press releases telling our constituents that we are strong supporters of education, and we will go home and say that education is our number one priority. But the reality, however, is that this Congress starves those programs in the appropriations process, starves them of the funds they need in order to successfully prepare our children for the future.

The numbers do not lie. For fiscal year 2004, the Republican leadership will provide less than one-third of what this bill would authorize for these programs. Do you know what that is, Mr. Speaker? It is deliberately deceptive. It is hypocritical. It is cynical. It is forcing unfunded mandates on our States and our teachers and our local school districts at a time when they are struggling with terrible budget problems. It is a lousy way to run education policy.

It is exactly what this House has done on the No Child Left Behind Act and the Individuals With Disabilities Education Act. You all remember the No Child Left Behind Act, Mr. Speaker. It was passed by the Congress and signed by the President with great fanfare and hundreds of press conferences and press releases. The President and the Republican leadership claimed that this bill proved that they cared deeply about our children and were dedicated to ensuring that every child in America got a quality education.

Well, Mr. Speaker, it was all smoke and mirrors, a big public relations scam. If you do not believe me, just look at the bill we are going to take up tomorrow. The No Child Left Behind Act is underfunded by $8 billion in the Labor-HHS-Education bill, $8 billion. The majority of the programs to strengthen or improve teacher preparation, teacher quality, teacher professional development and teacher training in the FY 2004 Labor-HHS-Education appropriations bill received funding levels well under the requirements set by the No Child Left Behind Act. Some are even level-funded or face reduced funding.

For example, in the FY 2004 appropriations bill, the funding for the Teacher Quality State Grants is $244 million short of the funding level required 2 years ago under the No Child Left Behind Act, but each of our States and each of our school districts is still mandated to ensure that every single teacher of every academic subject be highly qualified by 2005, with or without the money to carry out that mandate.

This, Mr. Speaker, is the Congress that makes sure that these States do not have the money. The Republican leadership would rather make sure the

lives of millionaires are made even more comfortable than making sure there is a qualified teacher in every classroom and every school in this country.

So, here we are, authorizing another education bill, knowing, Mr. Speaker, that the Republican leadership has absolutely no intention of actually providing the funding that is promised. Our families and our schools deserve a heck of a lot better than a long list of broken promises. The money is there if we want it to be there. It is simply a matter of choice, a matter of priorities. I hope that as the appropriations process continues that this Congress begins to keep its word.

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

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Tennessee (Mr. DUNCAN).

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

Mr. DUNCAN. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me time.

Mr. Speaker, I rise in support of this bill and the rule that brings it to the floor today. I especially support the provisions allowing the use of funds for alternative routes to state certification or traditional preparation for teachers. We need to give, Mr. Speaker, local school boards more freedom and flexibility in this area.

This would help solve what we sometimes hear as the ''teacher shortage'' in this country, but that is a government-created teacher shortage by every respect of the word. Right now, if a person with great education and experience in a field wanted to teach, he or she could not do so without a degree in education, except under very limited circumstances.

For example, a person with a Ph.D. in chemistry and 25 years of experience as a chemist could not teach high school chemistry in most public schools. The local school board would have to hire a young person with no experience and many fewer chemistry courses instead of the much-better-educated person who wanted to teach as a career change or to perform some community service.

Some small private colleges have had financial problems in recent years, but professors with long experience have not been able to move to the public schools. A person who taught English for 30 years in a small college and then decided he wanted to teach in a public school, even though he had long experience teaching, would not be able to move because he perhaps had a Ph.D. in English or some other field instead of a degree in education.

We should allow local school boards and school systems to consider an education degree as a plus when other factors are fairly equal. But school boards should also be allowed to hire people with advanced degrees and long experience and/or great success in a field as teachers at full pay, perhaps for some brief probationary period.

One respected member of the judiciary told me a couple of years ago he would like to retire early and teach school, but he would have to go through a year-long unpaid internship, which, with his age, education and experience, he simply did not need to do.

I remember reading in The Washington Post a year or two ago that one of the real experts in this field, Frederick W. Hess, a University of Virginia professor, called for a radical overhaul of teacher certification. He said if a person has a degree or degrees, can pass a difficult test in the subject and has no criminal records, local school principals are intelligent enough to hire good teachers.

Very highly qualified applicants, Mr. Speaker, should not be rejected just because they never took an education course. Our local principals and our local school boards have enough intelligence and sense to hire good teachers, and we should not put restrictions or hindrances in their way.

We need to get the best-qualified people we possibly can teaching the children of this Nation, and the best way we can do that is to give these local principals and local school boards more freedom and flexibility in who they are able to hire.

Mr. Speaker, I commend all of the people involved with this legislation and especially for putting in the part that allows these funds to be used for alternative routes to certification for traditional routes of preparation for teachers.

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

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER) the chairman of the Committee on Education and the Workforce, who has done an excellent job with this bill.

Mr. BOEHNER. Mr. Speaker, let me thank my good friend from North Carolina for yielding me time.

I rise today in support of the rule for H.R. 2211, the Ready to Teach Act. I believe this is a fair rule that allows for the thorough consideration of a measure that I believe will make a real difference in the lives of teachers and students alike.

I first would like to applaud the efforts of my colleague from Georgia (Mr. GINGREY), a new member on our committee, who has been a real leader in the effort to strengthen the programs that are training the teachers of tomorrow. His leadership on this bill is providing us with an opportunity to help teachers become highly qualified and ready to teach when they enter the classroom.

H.R. 2211, the Ready to Teach Act, seeks to meet the call of the bipartisan No Child Left Behind Act to place a highly qualified teacher in every classroom by the 2005–2006 school year. Congress has embraced that goal, realizing the critical role that highly qualified teachers play in the successful education of our Nation's children.

That is why under No Child Left Behind we have provided significant new resources to help teachers become highly qualified. In fact, in the first year of No Child Left Behind alone, we increased grants for teacher-quality funding by 35 percent. And the funding increases keep oncoming. We have provided the resources, and the bill before us today will build upon that commitment by providing real reforms.

There is a good reason why we are moving forward with this bill and why it has received broad bipartisan support. The fact is teacher training programs are suffering from a serious lack of accountability that is posing a real threat as we seek to place highly qualified teachers in classrooms across the Nation.

The No Child Left Behind Act is about supporting the Nation's schoolteachers, and to do that we need to ensure that the programs preparing them for the classroom are fulfilling their obligation to give them the skills to meet the highly qualified standards in No Child Left Behind. That is what this bill will do; it will ensure that teacher training programs are meeting the obligation that they have to teachers to ensure that they are ready to teach.

The Ready to Teach Act will strengthen teacher-training programs, making improvements to ensure that the teachers of tomorrow are highly qualified and prepared to meet the needs of American students. The bill is designed to align teacher-training programs with the high standards of accountability and results provided for in No Child Left Behind.

The No Child Left Behind Act focuses on three key objectives, accountability, flexibility and effectiveness, to improve the quality of these programs.

The first objective, accountability, is essential if we are to gauge the effectiveness of the programs training our teachers. While current higher-education law contains some annual reporting requirements, these reporting measures have proven ineffective in measuring the true quality of teacher-preparation programs. In fact, the current requirements have often been manipulated, leaving data skewed and often irrelevant.

The Ready to Teach Act includes accountability provisions that will strengthen these reporting requirements and hold teacher preparation programs accountable for providing accurate, useful information about the effectiveness of their programs.

I am particularly pleased that the bill before us recognizes that flexibility should exist in methods used for training highly qualified teachers, and, for that reason, would allow funds to be used for innovative methods in teacher-preparation programs such as charter colleges of education, which can provide an alternative gateway for teachers to become highly qualified.

The bill takes the important step of recognizing that individuals seeking to

enter the teaching profession often have varied backgrounds; and by creating flexible approaches that step outside the box, these individuals can become highly qualified teachers through training programs as unique as their own individual experiences.

H.R. 2211 ensures that program effectiveness can accurately be measured and places a strong focus on the effectiveness of teacher preparation and a renewed emphasis on the skills needed to meet the highly qualified standard found in No Child Left Behind.

□ 1045

The use of advanced technology in the classroom, rigorous academic content standards, scientifically-based research, and challenging student academic standards are all principles that this bill will follow.

I would like to thank my colleagues on both sides of the aisle. The gentleman from California (Mr. GEORGE MILLER), the ranking member; the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness; and the gentleman from Michigan (Mr. KILDEE), the ranking member of the subcommittee, are all to be commended for their bipartisan effort in moving this legislation forward. They have put together a bipartisan bill that makes common-sense changes to Title II of the Higher Education Act to help improve our Nation's teachers.

With that, I urge my colleagues to support the rule and to support the underlying bill today.

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

Let me just close by again reiterating my support for the underlying bill, but also expressing my great concern that what we are doing here is authorizing a program with no intention of funding the program. I find that somewhat deceptive. I personally believe that this Congress and this leadership needs to put its money where its press releases are, and rather than leave no millionaire behind, I think we should keep our promise and leave no child behind. We are not doing that when we authorize educational programs and then we do not follow up with the appropriations.

I am going to urge my colleagues to vote ''no'' on this rule because while I support the underlying bill, I think this process stinks. I mean, once again, Members who have serious amendments, who have legitimate issues that they want to debate on this floor are being shut out. The gentleman from Pennsylvania (Mr. FATTAH) had an amendment that would direct the States to reduce the gap between higher-income districts and lower-income districts by increasing the number of highly qualified teachers. He was shut out. The gentleman from California (Mr. BACA) had an amendment that allows for a bonus award to teachers who achieve technology certification according to the Computer and Technology Industry Association and the Information Technology Association. He was shut out. The gentlewoman from Texas (Ms. JACKSON-LEE) had an amendment that would require the Secretary to collect all repayments and redirect the funds to low-income and historically low-achieving school districts. She was shut out.

Now, if my colleagues on the other side of the aisle think these are amendments that are not worth their support, then they can make that argument on the House Floor, and they can vote ''no.'' But some of us think that these amendments are good, and that we should have the opportunity to not only debate them, but vote up or down on them. So these Members were shut out of the process, and this has become, unfortunately, a trend in this Congress.

So I would urge my colleagues to vote ''no'' on the rule.

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

Mrs. MYRICK. Mr. Speaker, as I said before, I feel that this is a very fair rule, and I would urge my colleagues to vote for the rule and for the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

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

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

The yeas and nays were ordered.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 438, TEACHER RECRUITMENT AND RETENTION ACT OF 2003

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 309 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 309

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 438) to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative George Miller of California or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), 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, the resolution before us is a fair, modified rule providing for the consideration of H.R. 438, the Teacher Recruitment and Retention Act of 2003.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule also provides that all points of order against consideration of the bill are waived.

The rule provides that an amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as read and as an original bill for the purpose of amendment. It also provides that all points of order against the amendment in the nature of a substitute are waived.

This rule allows for the consideration of an amendment printed in the Committee on Rules report, if offered by the gentleman from California (Mr. GEORGE MILLER) or his designee, to be considered as read and debatable for 10 minutes, equally divided between a proponent and an opponent of the amendment, which shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Finally, the rule waives all points of order against this amendment, and it also provides for one motion to recommit, either with or without instructions.

Mr. Speaker, I am proud to report that today, by taking up and passing H.R. 438, the Teacher Recruitment and Retention Act of 2003, this Congress will address an urgent crisis facing our Nation's schools and their students. Today a shortage of highly qualified teachers in mathematics, science, and special education leaves schools all

across our country unable to provide students with the educational opportunities that they deserve. The shortage of highly qualified teachers in these subjects is a very real problem and one that disproportionately affects children from urban and rural areas. A few simple figures do a good job of demonstrating the full and overwhelming scope of this problem.

According to the National Center for Education Statistics, between 1999 and 2000, 67 percent of public middle and high schools had teacher vacancies in special education. Seventy percent had vacancies in mathematics. Sixty-one percent had vacancies in biology and life sciences. Fifty-one percent had vacancies in physical science. Two-thirds of our Nation's public elementary schools reported vacancies in special education.

Additionally, according to the Committee for Economic Development, almost a third of high school mathematics classes are taught by teachers who did not minor or major in mathematics. In biology, that level rises to 45 percent, and tops out at 60 percent for teachers of life sciences.

Mr. Speaker, the successful education of our children is inextricably tied to the quality of the teachers instructing them. Students cannot possibly be expected to fill the jobs of tomorrow if they are not getting the instruction that they need during their formative academic years today.

The answer to solving this dilemma which represents one of our Nation's greatest educational needs can be boiled down to something that is simple, and that is local schools facing teacher shortages need the flexibility to recruit and to retain the skilled teachers that their students deserve. By forgiving the student loan debts of math, science, and special education teachers at high-risk schools, we can help these schools to attract and retain the talent that they desperately need. By paying off the debts, this will allow the school districts the flexibility to go after those teachers that they need most.

Mr. Speaker, as my colleagues know, 5 years ago, Congress passed the Higher Education Amendments of 1998 and created a student loan forgiveness program for qualified teachers in return for their commitment to working in a low-income school for 5 years. This program has allowed teachers taking advantage of this opportunity to have up to $5,000 of their outstanding loan obligation forgiven after their fifth completed year of service.

The Teacher Recruitment and Retention Act would expand the current teacher loan forgiveness available under the Higher Education Act to address our Nation's critical teacher shortages in math, science, and special education. To be eligible, teachers in these three disciplines must serve in a Title I school with 40 percent of its students at or below poverty level. The bill also increases the total loan forgiveness to a maximum of $17,500 for these enhanced-need subjects, while accelerating the speed of these benefits to allow them to accrue after the second year. This would allow teachers committed to serving our highest-risk schools to receive the benefits when they need them most: right in the beginning of their careers when most teachers face their most substantial financial obstacles.

In order to maintain the integrity of the program, the legislation requires teachers who fail to meet their end of their commitment to repay their loans and debts in full. It also ensures the quality of the teachers receiving this benefit by requiring that teachers applying for the increased loan forgiveness amount must meet the ''highly qualified'' definition before receiving any loan forgiveness.

Mr. Speaker, I would like to thank the chairman of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER); and the sponsor of this legislation, the gentleman from South Carolina (Mr. WILSON) for their hard work in bringing this bill through the legislative process and onto the floor today. Both they and their colleagues on the Committee on Education and the Workforce have brought an outstanding product before the House that answers President Bush's challenge to recruit and to retain highly qualified teachers in disadvantaged schools, while addressing the critical shortage of math, science, and special education teachers now facing elementary and secondary schools. Making sure that these teachers can afford to work in our highest-risk schools is the first step in ensuring a quality education for our children.

I would also like to thank our President, President Bush, for bringing the critical problem facing our most at-risk students and schools to the attention of this Congress. I thank the gentleman from Ohio (Mr. BOEHNER) for rising to this challenge in addressing this problem.

I support this rule and the underlying legislation on behalf of today's students, and I urge each of my colleagues to do the same.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes, and I yield myself 4 minutes.

Mr. Speaker, I want to commend the distinguished chairman of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for bringing this bipartisan bill to the floor of the House for consideration.

Mr. Speaker, H.R. 438, the Teacher Recruitment and Retention Act, increases the total amount of student loans that can be forgiven for elementary and secondary schoolteachers of math, science, and special education in Title I schools. Specifically, the measure increases the amount of student loans that can be forgiven for these teachers from the current level of $5,000 to a maximum possible total of $17,500.

□ 1100

The bill also limits eligibility to those who teach in a Title I school in which more than 40 percent of the student population comes from families with incomes below the poverty line.

Mr. Speaker, H.R. 438 is a good first step, but I believe it should be expanded to provide increased loan forgiveness to all teachers in high-poverty schools, not just math, science and special education teachers. It should also include Head Start teachers and teachers in extremely rural school districts. Maybe if the majority had thought of these funds as a tax break rather than student loan forgiveness, they could have found the funding. Unfortunately, a teacher of American history and civics, a teacher of social studies teaching in a significantly disadvantaged Title I school, a teacher will receive no benefit from this bill.

Still, this is a good first step. This is a good bill, and I urge my colleagues to support it. But once again, Mr. Speaker, I must voice my concerns in opposition to the process. The Committee on Rules met last night and considered 11 amendments. Of these amendments, only one was made in order. One of these amendments offered by my colleagues, the gentleman from Massachusetts (Mr. TIERNEY) and the gentlewoman from Connecticut (Ms. DELAURO), would have made all Head Start teachers eligible for the increased loan forgiveness level of $17,500. And three amendments by the gentleman from California (Mr. BECERRA) would have made school librarians in Title I schools eligible for the loan forgiveness program as well.

These are important issues and concerns, and they deserve to be heard, but the Republican leadership does not believe that Head Start teachers and librarians deserve to be included in this important legislation. I guess my hope was that if they wanted to vote against it, if they do not believe that Head Start teachers and librarians deserve this help, then have the courage to come to the floor and speak out against these amendments and vote no. But everybody in this House should have had the opportunity to debate these amendments and others and be able to cast their vote up or down.

Once again, Mr. Speaker, the Republican leadership is stifling the debate in this House and denying the elected Members on both sides of the aisle the opportunity to freely offer amendments. I still cannot figure out the rationale and the reasoning behind disallowing these amendments and so many others. Maybe my colleague from Texas can explain this when he has his time as to why these particular amendments were disallowed.

Mr. Speaker, this is a bipartisan bill reported out of the Committee on Education and the Workforce by a voice vote. Why then do we need a restrictive rule? Why cannot the House decide whether to expand this benefit to other teachers? Why cannot we have a vote in the House on these important issues?

This institution deserves better. The elected Members of this body deserve better, and the American people deserve better.

Mr. Speaker, I would urge my colleagues to vote no on this restrictive rule, again, another restrictive rule. This is a trend that we are seeing in this House of Representatives, an unfortunate trend. I will urge a no vote on this rule.

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

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

Mr. Speaker, in the 108th Congress, one of the brightest and best chairmen who serves this great Congress is a young man from Ohio. And as chairman of the Committee on Education and the Workforce, he has sought to make sure that the issues that are before his committee and this Nation are addressed; they are addressed as a result of hands-on looking at the problems in our schools through a lot of intensive work all across this country, not just urban and not just rural schools, not just inner-city schools, not just certain types of academia looked at, but rather all of public education, and the work that the chairman, the gentleman from Ohio (Mr. BOEHNER), has put into this bill and other bills that are very apparent before this Congress, including IDEA, which is related to special education, are very apparent to the energy of this chairman.

Mr. Speaker, at this time I would like to welcome the fabulous chairman of this committee for such time as he may consume.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague for his warm words, especially that word ''young'' that he mentioned. And I appreciate the work that we have done together, especially when it comes to the needs of special needs children in our schools and the teachers who teach them.

Mr. Speaker, I rise today in strong support of the rule for H.R. 438, the Teacher Recruitment and Retention Act. The rule is necessary to allow the House to pass this bill in a timely manner and get the necessary support for our teachers.

I would first like to commend my colleague, the gentleman from South Carolina (Mr. WILSON), for his leadership on this important bill that embodies the President's efforts to help needy schools retain and recruit highly qualified teachers.

H.R. 438 will provide teachers of subjects facing critical shortages with an important financial incentive to commit to teaching in high-needs schools for at least 5 years. The importance of highly qualified teachers cannot be overstated. That is why in January of 2002 President Bush signed into law the bipartisan No Child Left Behind Act, which calls for a highly qualified teacher in every classroom by the 2005–2006 school year. We are standing behind that goal, providing significant financial resources to help teachers become highly qualified.

The fact is in the first year of No Child Left Behind, as I stated earlier, Congress provided a 35 percent increase in teacher quality grants, and the funding increases are continuing, and so it is this Congress's commitment to meeting the needs of our Nation's schoolteachers. That is why this bill is before us today and why it is so important. We are building upon the financial commitment made in No Child Left Behind to provide our teachers with yet another tool that will help them make a difference in their classrooms all across our country.

The Teacher Recruitment and Retention Act increases the total amount of loan forgiveness for teachers now provided for in the Higher Education Act to a maximum of $17,500 for elementary and secondary teachers in math, science or special education who commit to teaching in a needy school for 5 years. Now, we know that there is critical need for these teachers, and we should concentrate on helping fill that need, and there is no debate on the critical shortages facing schools across the country in these specific subject areas. We need to do all we can to encourage highly qualified professionals to enter the teaching field and for those now in the field to stay.

Teaching can be a difficult, but always rewarding career. Teaching in high-needs schools often brings additional challenges. Despite the challenges, we also know how vital these teachers are to the future of these poor children.

H.R. 438 provides for the right incentive for motivated, talented and qualified students to not only enter the teaching field, but to also provide them with a long-term commitment to these high-needs schools in which they are teaching and, more importantly, to the students that they are teaching.

The rule also provides for an amendment offered by my good friend and colleague, the gentleman from California (Mr. GEORGE MILLER), and myself, which we will support. The amendment will assist in improving the very foundation of a child's education by supporting highly qualified, State-certified reading specialists, and while staying within the budget parameters set forth in this bill. The other important part of the amendment is that it does not reduce the number of schools in which a teacher may teach and be eligible for loan forgiveness. And I support this amendment, and I want to urge my colleagues to do so as well.

What I would ask my colleagues not to do is this: We are all going to do what we can to support our teachers, particularly teachers in subjects facing the greatest shortages. The bill before us today gives us an opportunity to do that. But I have friends on both sides of the aisle who want to extend this limited loan forgiveness to many other categories of teachers. However, to do so while remaining within the constraints of the funds that we have available, they propose to dramatically diminish the number of schools eligible for participation by increasing the required poverty level of the eligible schools. So in other words, what would happen is we would cover more teachers, but we would cover much, much fewer numbers of high-poverty schools. The poverty levels in these proposals were increased in some cases to 45, 50 and even 65 percent, and by doing this, the number of eligible schools does, in fact, dramatically decline.

We have addressed these proposals both during the subcommittee and during the full committee consideration of this bill. And I said in the committee and I will say now, we are here to make difficult decisions, and this is one of them. All teachers are very important, but we cannot at this time address the needs of every teacher. We have critical and documented shortages in the subject matters addressed by this bill, and those must be the priorities.

We have heard these numbers before. Let me refer to this chart here: 67 percent vacancies in special education, 70 percent vacancies in math, 61 percent vacancies in biology and life sciences, 51 percent vacancies in physical science teachers; and according to the Center for the Study of Teaching Policy, almost 57 percent of public school teachers are teaching physical science without a major or minor in the fields in which they are teaching.

This bill addresses the dramatic needs for highly qualified teachers facing our Nation's schools today, a need that should not be lost in trying to be helpful to a broader array of teachers. We should be reminded that this loan forgiveness that we have before us today, increasing it to $17,500, is for math, science and special education teachers. This does not change the current program that for all teachers, new teachers going to Title I schools, they already receive a $5,000 loan forgiveness if they committed to the 5 years in a Title I school. But for math, science and special education where we have the real need, we are trying to move the loan forgiveness to $17,500 to attract much more highly qualified teachers to these schools and to get a commitment that they be there for 5 years.

Mr. Speaker, I would urge my colleagues to support the rule today and to support the underlying bill.

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

Mr. Speaker, I say to the distinguished chairman of the Committee on Education and the Workforce, who I know worked very hard on this bill, and we are all going to support this bill

when we vote on it later today, but he cautioned Members not to expand the number of teachers who would be eligible for this loan forgiveness. He need not worry because the Committee on Rules last night dictated a process that shuts everybody out. There were 11 amendments offered last night in the Committee on Rules. Only one was made in order. Ten were shut out.

We do not have the opportunity to extend these benefits to Head Start teachers or Early Head Start teachers. We do not have the opportunity to be able to help librarians or more rural teachers. We have been shut out. There is not the opportunity. So the gentleman need not worry that this bill will be expanded because the Committee on Rules last night made sure that democracy will not have a chance to work its will on the House floor today.

I would simply again say that if my colleagues on the other side of the aisle do not want to help Head Start teachers or Early Head Start teachers, then they should have the guts to come to the floor and vote no on such an amendment. It is a little bit frustrating to some of us that they never have a problem when it comes to providing a tax break for a millionaire, they always have the money for that, but when it comes to helping teachers in low-income neighborhoods, somehow we do not have the money. We cannot find the money. And just to make sure that we do not find the money, you bring a bill like this to the floor under a very restrictive rule which does not allow the Members of this Congress to work its will.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. TIERNEY), who had a great amendment last night, along with the gentlewoman from Connecticut (Ms. DELAURO), but was shut out of the process.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me time.

I want to join him in thanking the chairman for the work on this bill, as well as the ranking member, and it is a bill that will be supported for those good things that are in it. But as the gentleman from Massachusetts (Mr. MCGOVERN) mentioned, there are other good things that could have and should have been in this bill that unfortunately have been set aside because of the self-inflicted situation where the majority in this House has chosen to take money and throw it out the door to people who are already wealthy and decide not to invest in the children of this country.

If we want to talk about future productivity, if we want to talk about a way of improving our education system in this country, then we would try to make sure that our early childhood programs and Head Start in particular would have every opportunity for success. Instead, the Committee on Education and the Workforce get a budget that is so small that they have to then work within those constraints and come back and tell us, gee, we do not have enough money to do all the right things that we need to do. So we can look at math teachers and science teachers and special education teachers, all of which have a serious need for loan forgiveness, but we cannot go to those other areas that also evidence a strong need for loan forgiveness so we can attract in good people and keep good people in those fields and improve our education system. And we cannot do that because the Republicans, the majority in this House, decided to take that money that could be made in that investment, and instead of, because of ideology, give it to people who already have a significant amount of money in their lives.

I think that is short-sighted. We should be encouraging people to enter and stay in these fields where it is going to make a difference. There has been a national review of some 36 studies dealing with early childhood programs, and what they found is that children who participate in these early childhood programs are less likely to be held back in school, less likely to be placed in special education, more likely to succeed in school, more likely to graduate, more likely to behave well, and better able to adjust to the educational process as they go through it in school.

□ 1115

For all of those reasons, we need to make sure that we concentrate on getting them the best teachers because those are the children that will benefit tremendously from having that right kind of guidance.

The median debt right now for somebody with a bachelor's degree from a public institution, not a private institution, but a public institution, is $15,375. That is more than double what it was 10 years ago.

We deserve to have those qualified teachers. In fact, right now we require that all teachers have a child development credential and half have to have an associate's degree, and we have met that by the end of 2002; but this bill rightfully raises the bar to say that by 2008 at least half have to have a bachelor's degree. Where are the people going to get the money to do that?

We have well-deserving people who have that $15,000-plus debt as they come out. They are making half of what a kindergarten teacher makes if they get a job in early childhood education, and the fear here is that they are going to be attracted into other areas, not because they do not want to teach and not because they will not make sacrifices, but because they have that burden that is so substantial that they have to go seek employment somewhere else where they can then afford to pay back that loan.

This is a disturbing feature on this. We have a bill that is a significantly good bill that comes up short because of this ideology, because we are so focused on the Republican side on tax cuts for the already wealthy. We could have had tax cuts. We could have distributed them fairly amongst a lot of people, and we could have taken some of money that was in that phenomenal surplus that we had at the beginning of this administration's term of $5.6 trillion over 10 years. We could have taken some small part of that to invest in America, to invest in our children; and, yes, we would have invested in science teachers and mathematics teachers and special education teachers, but I suggest to my colleagues we also would have invested in reading teachers and children teachers for 3- and 4-year-olds in early education.

That is critical, Mr. Speaker, and I think that we have fallen short as a Congress here by putting those self-inflicted constraints on the House, and I think we have to start looking at that. The American people should know that this is an area where the Republicans do not want to vote on this issue because they know in their hearts this is something we should be doing.

So rather than be forced to take a tough vote because I doubt that this amendment, if it had been allowed to come for a vote, would have failed, I think clearly it would have passed. I think far and wide the majority of people, the Members of this House, know that we have to attract early childhood teachers, that loan forgiveness expansion has to be a part of that.

Rather than face the embarrassment of having the majority of this House, including their own Republican Members, tell them that they are at fault when we have that self-inflicted limitation, they chose to use the rules process to once again say that we are going to have a very restricted rule, that all of these amendments that Members should have an opportunity to raise their voices on will not even get the chance to be heard and debated and deliberated upon and voted upon.

That is the great disgrace of this 108th Congress, is manipulation through the Committee on Rules and the shutting down of debate so that the American people's voices cannot be heard so that their concerns cannot be reach and so that this country does not have the opportunity to have their Members who represent them stand up and say we want to invest in America, we want to invest in our children, we want to set the right ideological tone, and that is, inclusiveness for everyone; and the Committee on Rules has failed us here, and this rule has failed us.

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

The debate last night in the Committee on Rules did allow testimony from the gentleman and others who were with him, and they made a lot of good points. They made a lot of good points about how important Head Start is, not only to students as they come through the process and to parents, but to our educational quality; and there

was a great debate on that, an opportunity for feedback, and it simply was not included in this package.

What is included in this package is the gentleman from South Carolina (Mr. WILSON), who I believe is the main author of this bill, I think, accepted the challenge from our President, as I think many Members of Congress have, to go back to our local schools, to go to our school districts and to go listen to teachers, to listen to parents, listen to students, to listen to administrators, to listen to people who serve on the local boards of education and to hear from them about the state of education and things that we need.

I am just pleased that one of those good ideas, even though the gentleman from Massachusetts had also a good idea, but that we were able to bring one of these good ideas, gather a consensus about it, make it bipartisan, get through the process, go to the Committee on Rules, sustain the things that we believe about this bill that are fabulous, fabulous for schools, to go attract and help relieve the debt from these teachers who are in math, who are in science, who are in special education, because those are the hardest teachers to get.

I believe we are doing the right thing. I believe that what this entire opportunity is about today is to say that paying attention to students and teachers, school administrators, our whole process is what our President has asked us to do. I think we are bringing back bits and pieces of those things that we have learned that will make a real difference, make a real difference in the lives of not only each of the teachers and our school systems, but for the parents and students who are part of that.

I support what we are doing. This is a great rule. This is a great opportunity for us to pay attention to people who pay attention to our students and people who pay attention to us in our educational setting, and I am proud of what we are doing.

Mr. Speaker, I would notify the gentleman from Massachusetts that I do not have any further speakers at this time, and I will let him determine what he would like to do, and I reserve the balance of my time.

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

My good friend, the gentleman from Texas, said that last night in the Committee on Rules Democratic Members were allowed to come before the Committee on Rules and testify, as if to suggest that that is some great privilege. Every Member of this House has the right to be able to go before the Committee on Rules and make their case on behalf of amendments.

He then proceeded to say, in reference to the gentleman from Massachusetts' (Mr. TIERNEY) amendment, that it raised some good points and good ideas and was a worthy amendment, but then said that we just decided not to make it in order. I guess my question to the gentleman from Texas is, If it was such a good idea, what was the harm? What was the problem with making it in order so that the full House could decide whether or not to extend these benefits to Head Start teachers and early Head Start teachers?

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

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

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

The bottom line is we are trying to aim this money, these loan forgiveness opportunities, at the teachers who we need most.

Mr. MCGOVERN. Mr. Speaker, reclaiming my time, I would also remind the gentleman that even though he said it was a good idea, he did vote against this in committee, as did all the Republican Members; and again, the frustrating thing for those of us on this side who want to help our teachers, who want to make sure that we live up to our promise to leave no child behind is to make sure that we provide the resources, that we just do not get up and talk about how important our children are; that we actually provide the resources; that we make sure that we have teachers in Head Start and early Head Start.

Again, for the life of me, if my colleagues do not want to vote for this, then they do not have to vote for it, but there are a lot of us who think this is important enough that we should have a debate on the House floor and we should be able to vote up or down on it. I think it is really a disgrace, but not only this issue but on all number of issues that we get constantly shut out of the process.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. BECERRA), who had three very thoughtful amendments that were shut out. None of his amendments were made in order.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me the time, and I appreciate the dialogue that has occurred between the two gentlemen from the Committee on Rules.

I want to begin by thanking the gentleman from Ohio (Mr. BOEHNER), the chairman, and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for the work that they have done in putting before this House this legislation which all of us understand and know that we need for our schools in America. Too many of our schools today do not have teachers with credentials teaching our kids. Too many of our schools just cannot find the teachers they need.

So this is a good first step. I think everyone will agree with that. I believe this will receive a resounding vote when it is before us for final passage. I just believe that many of us are very disappointed that the bill we will be voting on today is so limited. It is so curtailed, when there is much need out there, and there is so much opportunity for us to try to really help our kids throughout our schools.

My kids are in public school right now, and we are very fortunate that it is a good public school; but I have got to tell my colleagues that there are a whole bunch of kids in my district that cannot say quite the same thing. It is not that people are not trying hard. It is just that they do not have the resources.

In my State of California, and I suspect in many of my colleagues' States right now, we are hearing about our public schools having to either close down certain classrooms, having to curtail their activities, reduce the size of the school year, any number of things, including sending teachers layoff notices at a time when we have to try to provide them with a good education.

This is a good bill, but it could have been even a better bill had we allowed a few amendments to go forward, and I understand that there are certain constraints, and I appreciate that the Committee on Rules considered my particular amendment.

My amendment was very simple. It said we have got a good first start in this legislation to try to help recruit more teachers in our math and science programs, but let us not stop there. Let us not leave any children behind. Why shortchange our schools, especially today when they are suffering through very difficult financing and budget problems?

My amendment simply says, let us include librarians in our schools and in our public libraries because if the shortages are bad as the chairman from the Committee on Education and the Workforce pointed out just a second ago, if they are bad in the areas of math and if they are bad in the areas of sciences, they are even worse when it comes to our school libraries and our public libraries.

How many of us know of libraries, not just our school libraries but our public libraries, that are closed on certain days in the week because they just do not have the funding to stay open? The difficulty that they face is that they are not finding the librarians that they need to staff these libraries. One in every three libraries in this country is staffed by one librarian, one librarian.

Today, we face a shortage of librarians that will be so difficult to surmount into the future if we do not act now. Within 5 years, fully one in every four of our librarians will retire. In the next 12 years after that, more than 50, close to 60 percent of all the librarians will have retired, and we are not doing anything to backfill, to bring in the librarians we need to fill those gaps.

Mr. Speaker, this legislation is good. It could have been better had we included a number of amendments at a time when we so desperately need to help our schools. I believe that is why First Lady Laura Bush has taken such

a prominent role in promoting our libraries because she understands what is going on. I wish that this Congress and this House would do the same thing.

Mr. Speaker, that is why today I will introduce legislation to try to do exactly what my amendment would have done, and that is, to permit librarians to partake of the loan forgiveness program that is currently allowed to certain teachers and to make sure that we are promoting school librarians in our various public libraries and in our school libraries. It is the right thing to do.

If we take a look at the cost of this legislation we have before us, it is about $340 million over 10 years, about $60 million for this current year. If we will all remember that we just passed legislation in this House no more than a month or so ago that cut taxes, principally for the wealthiest Americans in this country, to the tune of $500 billion over the next 10 years, $340 million, less than one-half of 1 percent or 5 percent of what we spent on that tax bill could have funded this entire bill, and the cost of adding librarians is probably somewhere between $2 million to maybe, if every individual and college decided to take advantage of this program, maybe about $10 million for the year. That seems a very clear choice to me.

We have opportunities, but we all have to make choices on this floor. While this amendment will not have an opportunity to be heard today or incorporated in the legislation today, I hope in the future, working with both sides of the aisle, we are able to get good amendments through that will help all of our country's school children and make it clear that our libraries, both in our schools and in the public setting, are importance to us.

I hope we move forward. We can, and I will vote for this legislation; but I have to vote against this particular rule.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, let me just say I thank the gentleman for yielding me a few minutes.

I am concerned about the process that has brought this rule to the floor and the previous rule. I had offered an amendment that would have had the effect of gathering more data on what is a national crisis, one that the President of the United States himself in the State of the Union 2 years ago addressed when he said that he wanted to work towards a country in which every child had a qualified teacher in their classroom.

We have seen study after study across this land in which African American, Latino, poor white youngsters in Appalachia and other communities are being put in a circumstance where every day they are in classrooms in which they are being taught by teachers who did not major or minor in the subjects that they are teaching.

□ 1130

In fact, as a young, poor student in an inner city or in a poor rural area in Ohio, in Pennsylvania, you could go through your entire middle and high school years and never have a qualified math teacher or science teacher in your classroom.

My amendment would have sought to gather more data to add to the already fairly convincing set of statistics on this matter. For some reason, without explanation, the Committee on Rules of this House has decided that that amendment should not be made in order; that this body should not even have an opportunity to vote to pursue one of President Bush's number one priorities, and a priority that should be, I think, first and foremost in all of our efforts if we want to improve education, because we cannot possibly expect a child to learn from someone who is teaching them a subject that they do not know.

It is implausible to think that we would continue this dilemma across our country; that we would close our eyes to it, not want to have that information. And why this Committee on Rules would deny an opportunity for this amendment to be debated is without explanation. I think that it does a disservice to the House, to our democratic process. Moreover, and much more importantly, it does a disservice to future generations. We need that information so that as policymakers we can help shape education reform in a way that really is meaningful and makes sense.

I am going to work, notwithstanding what the Committee on Rules has decided, to have this amendment considered in some other format, in some other way, so that at the end of the day, as a United States Congress, the most important lawmaking body in the country, we can begin to address this issue to make sure that there are, in fact, qualified teachers. Why would we have a child take a standardized test in every State in the Union and not have any concern about the standards that their teachers who have been instructing them have had to meet; or whether or not they have had a decent textbook, a reasonable opportunity to learn?

I think this is not a partisan issue. There is no reason this amendment should have been ruled out of order. And I hope that the Committee on Rules in the future would give respect to the ideals that this is a democratic process and that all views should be heard, and then let the body work its will.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume to close for our side.

Again, we have no problem with the underlying bill, but we do have a problem with this process. Let me review for my colleagues what amendments were offered last night in the Committee on Rules.

We heard about the Tierney-DeLauro amendment. This amendment would extend the $17,500 loan forgiveness in the bill to Head Start teachers, Early Head Start teachers, and prekindergarten teachers in programs that serve children of which at least 60 percent of whom are eligible to participate in a Head Start or Early Start program. Only new borrowers as of fiscal year 2003 would be eligible for this loan forgiveness.

Mr. Speaker, let me just remind my colleagues that our Nation's Head Start and prekindergarten classrooms are desperately in need of highly qualified teachers. During the 2001–2002 program year, nearly 8,000 teachers, or 15 percent of all teachers, left the Head Start programs. Over half of those who left did so due to low salaries or desired to change job fields. These statistics highlight the inability of Head Start programs to retain their teachers, especially their most experienced and qualified. This is hugely important. This is hugely important. And that amendment was shut out last night in the Committee on Rules, so Members will not have an opportunity to vote up or down on it here on the floor.

We heard from the gentleman from California (Mr. BECERRA), who had one amendment that would provide loan forgiveness for Perkins loans to highly qualified librarians working in eligible schools. He had another amendment that would provide loan forgiveness for Stafford and Perkins loans to highly qualified librarians working in eligible schools. And he had a third amendment that would provide loan forgiveness for Stafford loans to highly qualified librarians working in eligible schools.

Again, one of the things that the gentleman from California (Mr. BECERRA) pointed out is that we are having a problem in this country and in our school libraries in retaining librarians. It is a huge issue. And yet despite all of the sympathy that members of the majority party in the Committee on Rules expressed toward some of these amendments, they voted to make not in order all three of those amendments. All three Becerra amendments were shut out, made not in order.

The gentleman from Washington (Mr. INSLEE) had an amendment that would ensure that any loan or portion of a loan discharged under the bill would not count as gross income for that individual's income tax purposes. That was shut out. He had another amendment that would establish a new program for teacher loan forgiveness under the guaranteed loan program and direct loan program. That was shut out. The gentleman from Washington (Mr. INSLEE) also had an amendment that would extend eligibility for an increased amount of loan forgiveness to all teachers in Title I schools and those schools that had high levels of low-income families. He was shut out on that as well.

The gentleman from Wisconsin (Mr. KIND) had an amendment that would increase the level of loan forgiveness for teachers in rural schools to $17,500. The offset would be for new borrowers beginning October 2003. That was not made in order.

The gentlewoman from Texas (Ms. JACKSON-LEE) had an amendment that would add to the list of qualification criteria for FFEL loan forgiveness teachers who have attended historically black colleges and universities, and those serving large portions of Hispanic, Native American, Asian Pacific Americans, or other underrepresented populations to pursue continuous teaching careers. She was shut out.

The gentleman from New Jersey (Mr. PAYNE) had an amendment that would expand teacher eligibility for $17,500 of loan forgiveness for all Title I teachers and increase the poverty percentage of a school to 65 percent at which a teacher who was receiving loan forgiveness must teach.

Mr. Speaker, all these amendments are only for Title I schools and schools with high levels of poverty. They are all very, very important amendments, and they all deserved to be discussed here on the House floor. If my colleagues on the majority side do not want to expand this bill, then they could vote ''no'' on all these amendments. They could come to the floor and cast their vote ''no.'' But the Members of this House, both Republicans and Democrats, should have had an opportunity to be able to debate these amendments up or down.

Now, my colleague from Texas may say, well, some of these amendments may have needed waivers. Well, it is amazing that they can say that with a straight face, given the fact that routinely in the Committee on Rules we provide waivers all the time for Republican initiatives. It is just a matter of practice. We do it all the time. So that is not an excuse why these important amendments could not be brought to the floor and debated up or down.

Again, Mr. Speaker, we do not have any problem with the underlying bill. We have a problem with this process, and we are sick and tired of being repeatedly shut out of this process. And it is not just Democrats, there are Republicans who come before the committee with good ideas who are shut out. Now, I do not know who makes all these decisions, but we certainly have the time to be able to debate all these things fully, Democratic and Republican amendments. We have the time on the floor to do it. But for whatever reason, the Committee on Rules consistently shuts out debate, and I think it is a disservice to Members of both parties in this Chamber.

Mr. Speaker, this is supposed to be the people's House. Every Member counts in this House. We all represent the same number of constituents. We all have the right to be able to come to this floor and be able to voice the concerns of our constituents, and yet we are denied that right repeatedly. I think it is not only a disservice to the Members of this House, it is a disservice to our constituents, and I think it prevents legislation like the one we are talking about right now from becoming even better.

So I would urge my colleagues to vote ''no'' on this restrictive rule.

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

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

I do understand the frustrations that the gentleman is talking about, Mr. Speaker. I also understand that the Committee on Rules has a job to do. Its job is to follow the rules of this House. The bottom line is that the gentleman from Los Angeles, who did have three very well-thought-through amendments that he chose to bring before the Committee on Rules were not germane. They were not germane because, despite what the gentleman from Massachusetts has claimed about it being for teachers, the amendments are very clearly written to say a librarian working full time in a public library. A librarian working full time in a public library, number five. Amendment number six in a public library. That is not germane to this bill where we are talking about teachers. That is not a part of what we are talking about, so it was not germane.

Lastly, the gentleman from Massachusetts (Mr. TIERNEY) took time to come before the Committee on Rules. We appreciate that. The bottom line is that there was a vote already, through regular order in the committee of jurisdiction, and the gentleman did not win in the committee of jurisdiction.

And so the process in this House is being followed, the process where people have an opportunity to bring forth amendments, bring forth ideas that they have. For us to challenge ourselves on this education opportunity that is in front of us is important, and that process is something that we followed today.

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

Mr. SESSIONS. I yield to the gentleman from Massachusetts to engage me.

Mr. MCGOVERN. Mr. Speaker, I would simply say to the gentleman that the Committee on Rules waives the rules all the time for amendments, and they have waived the rules for amendments that are in this bill already. So that is what we do. So to hide behind that somehow this does not fit into this bill I think flies in the face of what we do all the time.

The issue is whether or not we think this is a priority. And if it is a priority, and it should be, then we make it fit. And that is what we do all the time. That is what my colleagues do for all Republican amendments that they want to make in order. We are just asking that you do the same; that you treat us the same way that you treat your Members. That is all we are asking.

We have the power to do this. To say this does not fit in this bill because it requires a waiver of any kind I do not think passes muster. I just would say to the gentleman that the Committee on Rules had the power to make these amendments in order, and the Committee on Rules chose not to, and I think that is unfortunate

Mr. SESSIONS. Reclaiming my time, Mr. Speaker, I thank the gentleman.

The gentleman, when he spoke earlier, talked about how the Committee on Rules did not make Republican Members' amendments in order, and now he is coming and asking us to treat them the same way. The bottom line is it is a fair process for Republican or Democrat. It is a fair process for people who go through the regular order, who have an opportunity to present germane amendments. It is very fair.

The gentleman from California (Mr. DREIER), the great chairman of the Committee on Rules, spends an extensive amount of time attempting to work with Members to make sure their amendments are germane, to make sure their amendments are well understood, to make sure their amendments have time to come forth before the committee.

Mr. Speaker, I would at this time close by saying that we believe this rule that is before this great body today deserves not only the attention of the American public, but also a vote today.

Mr. Speaker, I would like to thank in particular two professional members of the Committee on Rules, Adam Jarvis and Eileen Harley, for their fabulous work on this, and Committee on Rules associate Josh Saltzman from my staff, for their great work on bringing this wonderful bill forward.

Mrs. DAVIS of California. Mr. Speaker, I oppose this rule for the simple reason that I believe in the process of representative government. The public quite rightly believes that, as their representatives, we take part in the process of legislation by offering meaningful amendments to the bills before us and that all of the representatives of this body will have an opportunity to consider and vote those amendments up or down. This is simply not the case.

As a member of the Education and the Workforce Committee, I had the opportunity to speak and vote in support of extending the loan forgiveness provisions contained in this bill to Head Start Teachers. While that amendment failed in the committee on partisan lines, I believe it is such an important companion provision that all of the members of this Congress should have had the opportunity to vote on this issue.

In the Head Start reauthorization bill, which may be on the floor next week, the committee has included a requirement that 50 percent of Head Start teachers have a Bachelor's Degree and all of them to have an Associates Degree or equivalent certificate. Many of these teachers will need additional coursework. Historically, many Head Start personnel have been recruited from the parent body, who are, by definition, low income. Because pay for personnel in Head Start is so low, it is imperative that we support this mandate financially.

A loan forgiveness provision for Head Start personnel would match that for other critically needed teachers. It is the right place to begin.

I regret that not all of my colleagues will have the opportunity to consider this proposal because the amendment to do so was not ruled in order.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 309 will be followed by a 5-minute vote on adopting House Resolution 310.

The vote was taken by electronic device, and there were—yeas 230, nays 192, not voting 12, as follows:

[Roll No. 337]

YEAS—230

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
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
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
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
Marshall
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
Pomeroy
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
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—192

Ackerman
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
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Cox
Cramer
Edwards
Gephardt
Gibbons
Goss
Harman
Hastings (FL)
Janklow
Millender-McDonald
Owens
Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1205

Messrs. GEORGE MILLER of California, LANGEVIN, HINOJOSA, MATSUI, PRICE of North Carolina, SPRATT, and HONDA changed their vote from ''yea'' to ''nay.''

Mr. POMEROY changed his vote from ''nay'' to ''yea.''

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.

PROVIDING FOR CONSIDERATION OF H.R. 2211, READY TO TEACH ACT OF 2003

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the resolution, House Resolution 310, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 252, nays 170, not voting 12, as follows:

[Roll No. 338]

YEAS—252

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Honda
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)

Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCollum
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
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 (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—170

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Grijalva
Gutierrez
Hall
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pelosi
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Cramer
Dreier
Edwards
Gephardt
Gibbons
Goss
Harman
Hastings (FL)
Janklow
Millender-McDonald
Owens
Pascrell

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised there are 2 minutes to vote.

□ 1211

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.

The SPEAKER pro tempore. Pursuant to House Resolution 310 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. 2211.

□ 1212

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. 2211) to reauthorize title II of the Higher Education Act of 1965, with Mr. SIMPSON 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 Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

□ 1215

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

H.R. 2211, the Ready to Teach Act of 2003, which was reported by the Committee on Education and the Workforce on June 10 by a bipartisan voice vote, complements the No Child Left Behind Act and will help improve the quality and accountability of our Nation's teacher preparation programs.

No Child Left Behind set a lofty, but achievable, goal of placing a highly qualified teacher in every public school classroom by the 2005–2006 school year. We can all agree that a highly qualified teacher plays a pivotal role in the successful education of our Nation's children, and those children deserve nothing less. Congress has kept our word to increase funding to help ensure teachers can become highly qualified. In fact, we increased funding for teacher quality grants by 35 percent in the first year of No Child Left Behind alone, and the increases are continuing. We are providing the resources, and this bill will build on that effort by supporting our teachers with real reforms.

There is a serious problem when the programs charged with training the teachers of tomorrow are not meeting that goal, and that is exactly what we are facing today. Everyone here will agree that highly qualified teachers prepared to meet the challenges of the classroom and fulfill the needs of our students are essential if we are going to succeed with education reform in America. Yet the Nation's teacher-training programs suffer from serious lack of accountability, and this time it is the teachers who are being left behind.

The bill before us today takes important steps to ensure that teacher-training programs are in fact giving perspective teachers the skills and knowledge they need to meet the highly qualified standard in No Child Left Behind. Let us be clear on this point: this bill is about supporting our teachers. We are expecting a lot from them, and they deserve to have access to high quality training programs that ensure that when they step into the classroom they are truly ready to teach.

This legislation makes several improvements to title II of the Higher Education Act to ensure that teacher-training programs are providing perspective teachers with the skills they need to be highly qualified and ready to teach when they enter the classroom. This bill is about helping teachers, pure and simple, giving them the tools and training they need to meet the needs of our Nation's students.

H.R. 2211 authorizes competitively awarded grants under the Higher Education Act to increase the quality of our teaching force by improving the preparation of perspective teachers and enhancing teacher professional development activities. We want to hold teacher-preparation programs accountable for preparing highly qualified teachers and recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

The Ready to Teach Act ensures that program effectiveness can accurately be measured and places a renewed emphasis on the skills needed to meet the ''highly qualified'' standard found in No Child Left Behind, such as the use of advanced technology in the classroom, vigorous academic content knowledge, scientifically based research and challenging State student academic standards.

Under this legislation, funds can also be used to recruit individuals, and specifically minorities, into the teaching profession. The committee adopted a bipartisan amendment offered by the gentleman from Georgia (Mr. BURNS), the gentleman from New York (Mr. OWENS), and the gentleman from Texas (Mr. HINOJOSA) to authorize grants for the creation of Centers of Excellence at high quality, minority-serving institutions.

In general, those Centers of Excellence will help increase teacher recruitment and make institutional improvements to teacher-preparation programs at minority-serving institutions. Grants under this program will be competitively awarded to high quality teacher preparation programs at eligible institutions, which include historically black colleges and universities,

Hispanic-serving institutions, tribally controlled colleges or universities, Alaska native-serving institutions, or native Hawaiian-serving institutions.

Mr. Chairman, as we work to place highly qualified teachers in classrooms across the Nation, I am particularly pleased that the Ready to Teach Act allows for innovative programs that provide alternative options to traditional teacher-training programs. Proposals outlined in this bill, such as charter colleges of education, provide a much-needed alternative route to training highly qualified and effective teachers.

H.R. 2211 authorizes States to use funds to set up charter colleges of education that function in a manner similar to elementary and secondary charter schools, except that they would prepare highly qualified teachers in a higher-education setting. Charter colleges of education would exchange flexibility in meeting State requirements for institutional commitments to produce results-based outcomes for teacher-education graduates, measured based on increased student academic achievement.

This bill takes the important step of recognizing that individuals seeking to enter the teaching profession often have varied backgrounds; and by creating a more flexible approach that steps outside the box, these individuals can become highly qualified teachers through training programs as unique as their own individual experiences.

H.R. 2211 will also hold teacher-preparation programs accountable for preparing highly qualified teachers. While current higher-education law contains annual reporting requirements, these reporting measures have often proven ineffective in measuring the true quality of teacher-preparation programs. In fact, the current requirements have often been manipulated, leaving data skewed and often irrelevant. The Ready to Teach Act includes accountability provisions that will strengthen the reporting measures and hold teacher-preparation programs accountable for providing accurate and useful information.

I would like to thank a new member of our committee, the gentleman from Georgia (Mr. GINGREY), the author of this bill, for his work on the Ready to Teach Act. I would also like to commend my colleague, the gentleman from California (Mr. GEORGE MILLER), the ranking member; the gentleman from California (Chairman McKeon) of the subcommittee; and his ranking member, the gentleman from Michigan (Mr. KILDEE), for their bipartisan effort on this bill. They have put together a bipartisan bill that makes commonsense changes to title II of the Higher Education Act to help improve the quality of our Nation's teachers.

Mr. Chairman, I urge my colleagues to support the underlying bill.

The CHAIRMAN. Does the gentleman from Michigan (Mr. KILDEE) ask unanimous consent to control the time of the gentleman from California (Mr. GEORGE MILLER)?

Mr. KILDEE. Yes, Mr. Chairman.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized.

There was no objection.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2211, the Ready to Teach Act of 2003, with the hope that certain amendments that were made in order will be adopted.

I want to thank the gentleman from Georgia (Mr. GINGREY), the author of this bill, and the gentleman from California (Mr. MCKEON), the chairman of the subcommittee. He and I have worked together for a number of years now on higher-education matters. It was a very enjoyable task in this. I would also like to thank the chairman of the full committee, the gentleman from Ohio (Chairman BOEHNER), for his work in the committee.

Mr. Chairman, this legislation reauthorizes title II's teacher-quality programs and makes much-needed improvements to its accountability system. Teacher quality is a critical element to ensure our children succeed academically. This bill makes great strides to improve teacher-preparation programs that create our supply of highly qualified teachers.

Chief of these improvements is a bipartisan amendment accepted at the subcommittee markup creating the Minority Centers of Excellence program. This new program will allow high-quality Historically Black Colleges, Hispanic-serving institutions and Tribal colleges to improve teacher preparation and to work with disadvantaged school districts. This program will tap the vast knowledge and skill housed in these institutions to improve teacher preparation, especially for minority teachers.

In addition, the bill's provisions to expand teacher retention and preparation of early childhood teachers are very critical improvements. With added resources for retention, school districts will be more able to keep highly qualified teachers in their districts. With new resources to ensure that we have early childhood teachers, our Nation's youngest children will receive the head start they really need to succeed.

While this legislation represents a good first step, we are missing an opportunity to address some of the most pressing issues facing education. Whether it is the No Child Left Behind Act, IDEA or Pell Grants, the Bush administration and Republican leadership have failed to meet their education funding commitments.

President Bush and the House and Senate appropriations committees have proposed funding, for example, title I at $12.35 billion. That is over $6 billion short of the $18.5 billion which the President signed into law for this year when he signed No Child Left Behind.

The Republican budget resolution promised $2.2 billion in new IDEA funding. The House and Senate appropriations committees have proposed less than half that amount.

In addition, the Pell Grants have been frozen by the House and Senate appropriation committees, despite increasing college costs.

While I really want to reiterate that I will support this legislation, the administration and the Republican Congress are missing an opportunity to meet our education funding commitments.

Basically, and Members have heard me say this before, this is an authorization bill; and it is a good authorization bill. We worked hard on it. But I have always said an authorization bill is like a get-well card, Mr. Chairman. If I have a friend who is ill, I will send my friend a get-well card, which expresses my attitude, how I value my friend, and that is very important. But what my friend really needs is a Blue Cross card to pay the bills.

I think we have to work closer together to make sure there is not such a wide disparity between the levels that are in the authorization bills, the get-well card, and what is in the appropriations bill, the Blue Cross card.

But having said that, I want to say that the authorizing committee did work well together; and the gentleman from Ohio (Mr. BOEHNER), the chairman, was very, very fair to us, and we adopted Democratic amendments in that committee. I think the authorizers have done a good job.

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

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me again congratulate my friend from Michigan. This is a bipartisan bill that has been worked on with Members on both sides of the aisle to try to address the serious needs that we have in our teacher preparation programs as outlined in title II of the Higher Education Act. But as a side note, I need to respond to my colleague from Michigan when it comes to the issue of funding the Federal Government's role in education.

We can look at this as a glass half empty, or we can look at it as a glass half full. Federal education spending over the last 3 fiscal years has gone from $28 billion for elementary and secondary programs to $35.7 billion for these same programs, including almost $400 million to pay for the development and implementation of the testing requirements under No Child Left Behind.

We can look at title I. It has been increased almost 200 percent over the last 6 years. We can look at the last 6 years of special education funding having risen 300 percent.

So when Members come to the floor of the House and suggest that we are not meeting our commitments, I have no choice but to stand up and say, let us be honest. We are doing our share.

Could we do more? Of course, we could do more.

But as I told my colleagues one day, I was elected to come to Congress and make decisions; I was not elected to be Santa Claus, and today is not Christmas. As we get through the appropriations process, we are going to continue to work at the appropriate funding levels for these education programs. But, today, we have a bipartisan bill that will help improve the quality of our Nation's teachers and those who seek to be teachers, and we have to continue to work together to meet this important goal.

Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. GINGREY), the author of this bill, who spent an awful lot of time as a school board member, a State legislator, and now as a Member of Congress, developing teacher-training programs to help meet the needs of our Nation's teachers.

□ 1230

Mr. GINGREY. Mr. Chairman, I thank the chairman of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER), for yielding me this time. I would like to thank the chairman of the subcommittee, the gentleman from California (Mr. MCKEON), as well as the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE). We have worked very closely, very good together, as the gentleman from Michigan (Mr. KILDEE) pointed out, in a very bipartisan fashion. And, as the chairman just mentioned, it is not all about funding; it is certainly also about accountability. That is what we are trying to do in the reauthorization of the Title II part of the Higher Education Act: We want to bring additional accountability so that we make sure that no child is left behind by assuring that a qualified teacher is, indeed, in every classroom.

H.R. 2211, the Ready to Teach Act of 2003, is a bill that I introduced to help ensure that teacher training programs are producing well-prepared teachers to meet the needs of American students. H.R. 2211 updates the teacher provisions of the Higher Education Act. Specifically, this legislation amends Part A, Teacher Quality Enhancement Grants for States and Partnerships, and also Part B, Preparing Tomorrow's Teachers to Use Technology of Title II of the Higher Education Act. In addition, H.R. 2211 authorizes teacher preparation Centers of Excellence for minority-serving institutions.

The purposes of the Ready to Teach Act are to increase student academic achievement, elevate the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities; hold teacher preparation programs accountable for preparing highly qualified teachers; and to recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

As in current law, H.R. 2211 authorizes three types of competitive grant programs: State grants, partnership grants, and teacher recruitment grants.

State grant funds must be used to reform teacher preparation requirements, coordinate with activities under Title II of No Child Left Behind Act, and ensure that current and future teachers are highly qualified. Programs administered through State grants will focus on effective teacher preparation, placing a renewed emphasis on the skills needed to meet the ''highly qualified'' standard.

The partnership grants allow effective partners to join together, combining their strengths and resources to train highly qualified teachers and achieve success in the classroom. The eligible partnerships must include four partners: a high-quality teacher preparation program at an institution of higher education; a college of arts and sciences, presumably at that same institution; a high-need, local educational agency; and a public or private educational organization. It can include additional partners, but it must include those four. These partnerships will require the faculty of the teacher preparation programs to serve with a highly qualified teacher in the classroom, allowing effective in-class experience to ensure that teachers are truly prepared to teach. Among other things, partnership activities will help to ensure that teachers are able to use advanced technology effectively in the classroom, address the needs of students with different learning styles, including students with disabilities, and receive training in methods of improving student behavior in the classroom.

As America holds teacher preparation programs accountable for preparing teachers who will ensure that no child is left behind, the need to recruit individuals into the teaching profession will only expand. Teacher recruitment grants will help bring high-quality individuals into teacher programs and ultimately put more highly qualified teachers into the classrooms. H.R. 2211 recognizes the need to ensure that high-need, local educational agencies are able to effectively recruit highly qualified teachers, and will help answer that need by increasing the number of teachers being trained.

H.R. 2211 also includes a new program which is based on provisions submitted to the committee by the United Negro College Fund and the Hispanic Education Coalition to authorize teacher preparation Centers of Excellence at minority-serving institutions. In general, the purpose of this program and this amendment brought to us by my colleague and good friend, the gentleman from Georgia (Mr. BURNS), are to increase teacher recruitment and to make institutional improvements to teacher preparation programs at minority-serving institutions.

While current higher education law contains annual reporting and accountability requirements for institutions of higher education, these measures, as the chairman indicated, have proven ineffective in determining the true quality of teacher preparation programs. H.R. 2211 in this reauthorization adds accountability provisions to the Higher Education Act that will strengthen these current law provisions and hold teacher preparation programs accountable for providing accurate and useful information about the quality of their programs.

Mr. Chairman, in summary, H.R. 2211 is specifically designed to align teacher preparation programs with the high standards of accountability and results provided for in No Child Left Behind Act. This Ready to Teach Act will help to ensure that program effectiveness can accurately be measured and places a strong focus on the quality of teacher preparation and a renewed emphasis on the skills needed to meet the ''highly qualified'' standard found in the No Child Left Behind Act.

In conclusion, I want to thank my colleagues on both sides of the aisle for their assistance in moving this bill through the process. It is a bipartisan product, Mr. Chairman, of which we can all be proud. I urge each and every one of my colleagues to support H.R. 2211, the Ready to Teach Act of 2003.

Mr. KILDEE. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, I am pleased to rise in support of H.R. 2211, the Ready to Teach Act, and to highlight the new provisions for recruiting and training teachers that it contains.

Our Nation faces the unprecedented challenge of recruiting and retaining an additional 2.5 million teachers over the next 10 years. This is necessary to keep pace with anticipated retirements and a growing student population. It is also a critical aspect of education reform. The No Child Left Behind Act requires that every teacher be ''highly qualified'' by the 2005–06 school year. In fact, there is hardly an aspect of educational reform that does not depend on a well-trained and highly motivated teaching force.

That is why I introduced the Teaching Fellows Act, H.R. 1805, modeled on a program established in 1986 by the North Carolina General Assembly that has brought some 4,000 young people into our State's teaching force and that offers, I believe, a model for national emulation. I am grateful to the gentleman from North Carolina (Mr. BALLENGER), a cosponsor of H.R. 1805, and to the gentleman from California (Chairman MCKEON), and to the ranking member, the gentleman from Michigan (Mr. KILDEE) and to many

other subcommittee and full committee members for their cooperation in writing major elements of the Teaching Fellows Act into the bill that is before us today.

Much as we envisioned in the Teaching Fellows Act, H.R. 2211, as amended in committee, would establish State scholarship programs for prospective teachers and give them the preparation and support they need to make a long-term commitment to the field. Scholarships could be offered to high school students embarking on a 4-year program or to students farther along in college when they might be better prepared to make a career choice.

The bill also contains a second recruitment initiative: Through partnerships between community colleges and 4-year schools, H.R. 2211 would offer fellowships to 2-year students, particularly those in training as teaching assistants, to go on for their bachelor's degree and full teaching certification. This community college component of the program is especially promising for rural and small town areas. Too often our beginning teachers are lured away by schools in the big cities and the affluent suburbs, leaving rural and inner-city schools behind. But community colleges typically contain people more deeply rooted in these underserved areas, and enabling them to complete a 4-year degree would be a promising strategy for identifying and training a cadre of ''home-grown'' teachers.

The program we envision would not merely throw money at individual students, but would seek, through rich, extracurricular programs, to promote *espirit de corps* and collaborative learning, to strengthen professional identity, and to provide a support system as students first enter the classroom as teachers. Students would participate in various community and school-based internships and experiences that go well beyond normal teacher preparation. In North Carolina, these enrichment programs have featured orientations to school systems, communities, and educational issues, as well as experiences like Outward Bound and international travel.

In exchange, scholarship recipients would be required to teach in a public school for a minimum of 1 year plus a period of time equivalent to the length of their scholarships. In this the program would resemble the National Health Service Corps, which helps finance students' medical and dental education in exchange for service in underserved areas, and early National Service proposals, which envisioned young people being given scholarships as compensation for community service. The ideas of reciprocal obligation and community service would thus be enlisted in the service of teaching, which is surely one of the best ways one can imagine of giving back to the community and to the next generation.

Finally, the legislation assumes that the route to success is not through regimented, top-down administration, but through a decentralized structure that engages and empowers local leaders and participants. States would be given the option of running their programs through nonprofit organizations separate from their department of education, an arrangement that has fostered innovation and flexibility in North Carolina.

Mr. Chairman, H.R. 2211 does not include all of the elements of the Teaching Fellows Act, and it leaves future funding levels indeterminate. It will require us to work with the Department of Education to get an energetic program up and running, and to push in this body for adequate annual appropriations. But I am enthused at the opportunity this bill affords to initiate and expand State scholarship programs for prospective teachers. I want to commend and thank those colleagues on both sides of the aisle who have contributed to this effort.

Mr. MCKEON. Mr. Chairman, I ask unanimous consent to control the time of the gentleman from Ohio (Mr. BOEHNER).

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman for yielding, and I want to thank the gentleman from Ohio (Chairman BOEHNER) and my colleague, the gentleman from Georgia (Mr. GINGREY), a new member of the committee who has shown great leadership in bringing forth this bill. I want to thank him for his work on this important piece of legislation.

I rise in strong support of H.R. 2211, the Ready to Teach Act of 2003, a bipartisan bill that seeks to meet the call of the No Child Left Behind Act to place a highly qualified teacher in every classroom. It makes improvements to Title II of the Higher Education Act to help ensure teacher training programs are producing well-prepared teachers to meet the needs of America's students.

There is widespread awareness that the subject matter, knowledge, and teaching skills of teachers play a central role in the success of elementary and secondary education reform. More than half of the 2.2 million teachers that America's schools will need to hire over the next 10 years will be first-time teachers, and they will need to be well prepared for the challenges of today's classrooms. For these reasons, the Nation's attention has increasingly focused on the role that institutions of higher education and States play in ensuring that new teachers have the content knowledge and teaching skills they need to ensure that all students are held to higher standards.

Accordingly, building on current law, the Ready to Teach Act authorizes three types of teacher training grants, and each play a unique, yet crucial, role in the education of tomorrow's teachers. State grant funds must be used to reform teacher preparation requirements and ensure that current and future teachers are highly qualified. Partnership grants allow effective partners to join together, combining strengths and resources to train highly qualified teachers and achieve success where it matters most: in the classroom. Teacher recruitment grants help bring high-quality individuals into teacher programs, and ultimately put more highly qualified teachers into classrooms.

H.R. 2211 includes a new program to authorize grants for the creation of teacher preparation programs at minority-serving institutions around the country. These institutions provide equal opportunity and strong academic programs for minority and disadvantaged students to help achieve greater financial stability for the institutions that serve these students.

In general, the Ready to Teach Act focuses on three key objectives, accountability, flexibility, and effectiveness, to improve the quality of teacher preparation.

While current higher education law contains some annual reporting requirements, these reporting measures have proven ineffective in measuring the true quality of teacher preparation programs. In fact, the current requirements have often been manipulated, leaving data skewed and often irrelevant. H.R. 2211 includes accountability provisions that will strengthen reporting requirements and hold teacher preparation programs accountable for providing accurate and useful information.

This legislation recognizes that flexibility should exist in methods used for training highly qualified teachers and, for that reason, would allow funds to be used for innovative methods in teacher preparation programs such as chartered colleges of education, which can provide an adequate gateway for teachers to become highly qualified. Pioneering programs such as charter colleges of education would also implement systems to gauge a true measure of teacher effectiveness: the academic achievement of students.

In addition to increasing accountability measures, the Ready to Teach Act increases the effectiveness and quality in teacher training by including provisions to focus training on the skills and knowledge needed to prepare highly qualified teachers.

□ 1245

The bill places a renewed emphasis on a broad range of skills required for effective teaching, such as the use of advanced technology in the classroom, rigorous academic content knowledge, scientifically based research and challenging State student academic content standards.

Teacher-preparation programs have a great deal of responsibility contributing to the preparation of our Nation's teachers, and this bill will make sure they are meeting their responsibilities. Once again, I want to commend the gentleman from Georgia (Mr.

GINGREY) for introducing the Ready to Teach Act, and I appreciate the bipartisan efforts of the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) on this bill.

I believe the Ready to Teach Act will help to ensure that the best and brightest teachers are teaching our children. I urge our colleagues to support this legislation.

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

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I want to begin by commending the committee leadership on both sides of the aisle for their efforts on this bipartisan bill, the chairman of the committee, the gentleman from Ohio (Mr. BOEHNER); the ranking member, the gentleman from California (Mr. GEORGE MILLER); the subcommittee leadership, the gentleman from California (Mr. MCKEON); and the gentleman from Michigan (Mr. KILDEE); and the gentleman from Georgia (Mr. GINGREY) for all his work on this piece of legislation.

It is critical that we improve teacher training in this country to make sure that the children in our classrooms get the best possible results. I want to thank the committee for adopting an amendment that I submitted along with the gentlewoman from California (Ms. WOOLSEY) to make it clear that these teacher-training funds could be used to train the teachers who train our youngest children because we all understand the importance of early, early education.

I must say, however, I am very concerned about the growing gap between what we say we want to do as an authorizing committee and what we are willing to pay for as a Congress. We can talk all day long about the good things we are going to do; but at the end of the day, if we are not going to pay for them, all we have is talk. And I think this gap, this credibility gap, cannot be made more clear between what we are going to do here today and what we will do tomorrow when we take up the education appropriations bill.

Today we will pass an authorizing bill, Ready to Teach, calling for a $300 million authorization to do the things we are talking about on this floor. Tomorrow we will have a Republican appropriations bill that has less than one-third of that money, $300 million authorized, $90 million appropriated. Today we are talking about how important it is to teach teachers, but tomorrow we will take up an education appropriations bill that underfunds No Child Left Behind by $8 billion. It is great to have trained teachers; but we if we do not provide the schools with the money to hire them, our kids will not get the benefit of those teachers, and that is $8 billion short.

Today we are talking about training special education teachers so they can provide a good education to the children in this country who have disabilities. But tomorrow we will take up an education appropriations bill that provides less than 50 percent of what this committee, the Committee on Education and the Workforce, said we should be providing.

Now, the chairman said we can look at that as a cup half full or half empty. The fact of the matter is we promised a full cup; and we, as a Congress, are not delivering. I think the chairman of the committee is absolutely right, we came here to make decisions to establish priorities. Let us do it. The reason we are falling short tomorrow in the appropriations bill and not meeting the commitments that we are making today in this authorizing bill is because the priority of the majority party here was to provide huge tax cuts that disproportionately benefit the very wealthiest Americans. Let us get our priorities straight and truly pass not only an authorizing bill but an appropriations bill that leaves no child behind.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from the great State of Nebraska (Mr. OSBORNE), a member of the committee and a good friend of mine.

Mr. OSBORNE. Mr. Chairman, I thank the gentleman and also the gentleman from Ohio (Chairman BOEHNER), the gentleman from Georgia (Mr. GINGREY), and the gentleman from Michigan (Mr. KILDEE) for their work on this bill.

I would like to remind the gentleman who just spoke that frequently what is authorized and what is appropriated is not the same. I certainly share many of his sentiments, but I do believe that H.R. 2211 is an important bill because I spent 5 years teaching in a teachers college, 3 years when I was a young man in my twenties, and 2 years more recently at an unspecified age. And I was often struck by the disconnect between the theory of teaching presented in the teachers college and the practical aspects of teaching in the classroom. As a result, because of this disconnect, we find a lot of young teachers going into the classroom unprepared and they leave early, and this is very expensive to the whole system.

So H.R. 2211 requires teachers colleges to work together with school districts so education theory and actual classroom teaching experience are aligned. I think this is critical because so often what happens is the teachers college kind of drifts off into a never-never-land of theory and they are really not rooted in actual experience. So I think this is a critical change. And I think this will encourage higher retention rates.

In addition, as has been pointed out previously, H.R. 2211 ensures that teacher preparation is thorough and that teachers have sufficient knowledge and skills to truly meet the highly qualified standards set forth in No Child Left Behind. Again, my experience has been that too often teachers have not adequately been assessed in terms of their knowledge, their skill; and mediocrity has often been the norm, and that is tragic in a profession as important as this. So H.R. 2211 raises the bar for teacher preparation. I think it is a good bill, and I urge its support; and I thank those who have worked so hard to bring it to fruition.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Chairman, as a member of the Committee on Education and the Workforce, I too want to commend the leadership of the committee for putting together this bipartisan piece of legislation.

This is an important piece of the overall higher-education bill that we have to reauthorize during the rest of this session. It recognizes the importance of teacher quality in the classroom. It recognizes the fact that because of attrition and the aging population, retirement, we will have to replace 2.2 million teachers over the next decade. It also recognizes that the quality of a teacher is the second most important determinant of how well students perform in the classroom, right behind the active involvement of loving and caring parents in their own child's education. But it also recognizes the new mandates that are being placed on schools and school districts throughout the entire country under No Child Left Behind that mandates that every classroom have a qualified, certified teacher by 2005 and 2006 under the No Child Left Behind legislation. And in part, this bill is meant to address these growing challenges as a Nation.

But like my friend from Maryland indicated, there is a growing gap between the rhetoric for support for education in this country and what is actually being appropriated and the resources and funds that are going to achieve the success that we are demanding of our school districts.

I am particularly pleased that under this legislation it is reauthorizing the Preparing Tomorrow's Teachers to Use Technology program. This is a program that has been highly successful in preparing prospective teachers to use technology to help students reach their highest potential. Unfortunately, in the education appropriations bill that will start later today and tomorrow, the Republican majority has zeroed out funding for that technology program, even though we have this powerful new learning tool and yet there exists a gap between the integration of that technology in classroom curriculum. We need more resources and more training for teachers on how to use this technology rather than zeroing it out.

I am also disappointed that under the labor-HHS and education appropriations bill that we are $8 billion short in

fully funding the No Child Left Behind legislation. We are setting up these school districts for failure unless we provide them the tools and resources they need to meet the new Federal mandates that are passed under this legislation. The President ran as an education President. He got passed the No Child Left Behind, which establishes these new Federal mandates. And I think it is outrageous that he is not funding this now, as the promise was just a short year and a half ago that he would.

Let me say in conclusion that I am very proud and I think every Member in this House is very proud of the military force that we have protecting our country. We have a lot of well-motivated, well-trained individuals that comprise our Armed Forces; but it does not just happen by accident. We invest a lot of money in our military to make sure they have the proper training and the proper equipment so they can be an effective military force around the globe as they carry out our orders as policymakers. But we have another national security threat that I am afraid is going neglected, and that is the investment in the future of our Nation, in our children, and in these education programs which will also make our country strong. We need to do a better job of backing up the rhetoric around here with the resources. This bill is a start if the funding follows, and I would encourage bipartisan support for it.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER), a senior member of the Committee on Education and the Workforce.

Mr. BALLENGER. Mr. Chairman, I thank the chairman for yielding me time. First, I would like to begin by thanking the chairman and the ranking member for working with me and my colleague from North Carolina (Mr. PRICE) to include aspects of the gentleman's Teaching Fellows Act in today's bill.

The Ready to Teach Act authorizes competitive grants to encourage development of teacher-training programs and to create highly qualified teachers. I believe that one of the most important additions that we made to this legislation is that it allows a partnership grant to be used to coordinate with community colleges to strengthen teacher-training programs.

It is estimated that North Carolina will need 80,000 new teachers over the next decade. To address this problem in my area, Appalachian State Teachers' College, it used to be, it is now Appalachian State University, which is a branch of the university and recognized as one of the best teaching colleges in the United States, Caldwell Community College and the local public schools initiated a proposal to leverage technology and integrate their resources to develop a model teacher-training program. Area residents who typically would not have had access to the teacher prep program would have the opportunity to become highly qualified teachers through the use of distance technology. It is this kind of innovative thinking that the Ready to Teach Act aims to encourage, and I strongly encourage my colleagues to support this bipartisan legislation.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I want to thank the gentleman for yielding me time.

''Unfunded mandate'' is a term and a phrase that we often hear in education. Time and time again we attempt to solve problems by demanding change while refusing to provide funds necessary for schools to make that desirable change. Loan forgiveness attracts college graduates into the field of education and encourages current teachers to continue their education. However, this does not fully address the problems of teacher quality and higher education affordability; especially we need to help title I schools.

However, the labor-HHS-education appropriations bill falls $334 million short of the promised $1 billion in title I funds under the No Child Left Behind Act.

Mr. Chairman, over one-fifth of our secondary school students have taken at least one class from a teacher who neither majored nor minored in that subject in college. Today our schools lack many greatly needed and highly qualified teachers; therefore, we must improve teacher training and education. H.R. 2211 attempts to promote teacher training and development by making up for some of the funding shortfalls in education. In the labor-HHS-education appropriations bill, we were promised $3.2 billion for States to improve teacher quality; and yet, like the promise to fund title I schools, the appropriations bill falls $244 million short. As a result, 54,000 fewer teachers will receive federally supported professional development.

H.R. 2211 attempts to make up for some of the unfunded mandates under the No Child Left Behind Act. Indeed, there are some encouraging aspects to this bill which I am in great support of. However, it still lacks greater funding, which is needed for true improvement in education that will maximize the potential of teachers and the potential of students so that, indeed, no child is left behind.

Mr. Chairman, I support this legislation, but I sure hope that before it is over we will have the money that is needed to fund the thoughts and ideas.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BURNS), a former college professor.

Mr. BURNS. Mr. Chairman, I thank the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), and the author, my good friend, the gentleman from Georgia (Mr. GINGREY), for their leadership in bringing this bill to the floor today.

Paine College and Savanna State University are two Historically Black Colleges and Universities in the 12th district of Georgia. Both of these institutions do a wonderful job of preparing young professionals for lives in the working world. With these two institutions and the many minority-serving institutions across this country, it is imperative that we increase opportunities for Americans of all educational, ethnic, and geographic backgrounds to become highly qualified teachers.

□ 1300

I was proud to sponsor an amendment that will allow grants to be competitively awarded to highly qualified teacher-training programs for eligible institutions. These institutions can include Historically Black Colleges and Universities, Hispanic-serving institutions, Tribally controlled colleges and universities, Alaska Native-serving institutions and Native Hawaiian-serving institutions.

I would like to especially thank my good colleague, the gentleman from New York (Mr. OWENS), and the gentleman from Texas (Mr. HINOJOSA) for their cosponsorship of this amendment in committee and then ultimately its successful adoption and strong bipartisan support we have received. I would also like to thank the United Negro College Fund and the Hispanic Education Coalition for the help they provided and the inspiration for this amendment that strengthened this bill.

The purposes of this provision are to increase our teacher recruitment at minority-serving institutions and to make institutional improvements to teacher-preparation programs at minority-serving institutions. Specifically, we are looking for funds here that will allow these universities and colleges to be awarded grants to produce highly qualified minority teachers. We need more strong, high-quality teachers from all backgrounds, both current and future.

I urge my colleagues to support the Ready to Teach Act. H.R. 2211 will result in more highly qualified teachers, and this will increase the academic achievement of America's students.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding me the time, and I commend him and the chairman and the other senior members of this subcommittee for this bipartisan legislation, which will not only help recruit and retain highly qualified teachers but also provide professional development. I certainly hope, as others have said, that the majority and the appropriators will see fit to fund this program fully, unlike the labor and education bill which, as it now stands, underfunds the No Child Left Behind by $8 billion.

I am pleased that the committee has accepted two of my amendments in this bill. The first amendment would ensure that teacher-recruitment programs could assist people who want to make the transition into teaching from a career outside of the field of education.

The second amendment will allow school districts to form partnerships with universities and businesses. This will allow opportunities for teachers to get clinical experience and training in areas related to science, mathematics and technology, including opportunities in laboratories and businesses. I think teachers with real-world experience are more able to show applications of science to the student, which is a more inspiring way to teach.

Investing in improved math and science education in this country is directly linked to the strength of our national security. I believe if we, as a Nation, fail to make a new national commitment to science and math education, we are facilitating the gradual erosion of America's physical and economic security, and do not just take my word for it.

The United States Commission on National Security in the 21st Century headed by former Senators Gary Hart and Warren Rudman said, ''The inadequacies of our systems of research and education pose a greater threat to the U.S. national security over the next quarter century than any potential conventional war that we might imagine. If we do not invest heavily and wisely in rebuilding these two core strengths, America will be incapable of maintaining its global position long into the 21st century.''

Mr. Chairman, I thank the chairman for working with me on these amendments, and I ask my colleagues to support this bill.

The CHAIRMAN pro tempore (Mr. QUINN). The Chair would inform the gentleman from Michigan (Mr. KILDEE) that he has 10 minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 4 minutes remaining.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Subcommittee on Select Education.

Mr. HOEKSTRA. Mr. Chairman, I thank my chairman for yielding me the time and congratulate him and the gentleman from California (Mr. GEORGE MILLER) on the success in passing an education agenda beginning more than a year ago and passing the President's agenda for No Child Left Behind, at least beginning that process, and now filling in the many different pieces that are necessary to make sure that every one of our children has the opportunity to leave school well qualified and well prepared to go for higher education for a professional career.

The part of the bill that I think is most interesting here was what my colleague from Georgia just talked about. This authorizing grants for the creation of centers of excellence at highly qualified, minority-serving institutions, such as Historically Black Colleges and Universities and Hispanic-serving institutions.

Over the last number of years, this Congress has taken an increasing interest in making sure that Historically Black Colleges and Hispanic-serving institutions get the resources they need so that they can more effectively serve those populations that have a tremendous amount of potential and that they have done such a good job at. We are reaching out to Historically Black Colleges and Universities and to Hispanic-serving institutions specifically in this bill to provide the resources, additional resources and grants, for them to build more effective teaching programs because we recognize that if we are going to address the vision that we have in mind of making sure that we leave no child left behind, that we have to develop more effective training-teacher programs specifically to reach into inner city schools; and that is what we are looking at here.

We have talked with Historically Black Colleges and Universities to try to partner with them to develop programs to reach into the inner city, to use their unique resources. This fulfills the promise. This, along with the next bill, really gets us moving in the right direction.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague from Michigan for yielding me the time, and also the chairman of the committee.

Both the Ready to Teach Act and the Teacher Recruitment and Retention Act try to improve teacher training and quality and retention. I congratulate the Committee on Education and the Workforce on these two bills, but both these bills fall short in one important area. They fail to correct the problem of the government pension offset, or what is called the GPO. The Committee on Education and the Workforce cannot address this major reason people are leaving the teaching profession because they do not have the jurisdiction.

In my home State of Texas, teachers are leaving the profession in droves because of the unfair GPO. This provision reduces spousal benefits by two-thirds and, in some cases, eliminates benefits altogether.

The GPO is a problem for many public servants, but especially bad for women. Eighty percent of the Texas school teachers and retirees are women. Sixty percent of that group are married. Almost all of them are eligible for Medicare through their husbands, and none of them are eligible for their spousal Social Security benefit because of the government pension offset.

After a lifetime of being underpaid as teachers, they depend on their Social Security widow's benefit to make up for it in their retirement; but the GPO, the government pension offset, takes away that widow's benefit.

The only way some teachers can escape this unfair mentality is by working their last day in a job covered by Social Security and their retirement system. This last-day exemption is the only way teachers can get a fair retirement benefit; but this House is trying to take that away, and we debated this issue a few months back when the House voted narrowly on H.R. 743, the so-called Social Security Protection Act.

That language would eliminate the last-day exemption and cause many of my Texas teachers to lose their widow's benefits. Teachers in Texas are retiring by the busload so that they can get their benefits before the Senate acts to take them away.

This is a serious problem in Texas and other States that do not have Social Security as part of their teacher retirement system, and it is causing a serious retention problem. Debating these bills today is good, but we really need to look at why teachers are leaving the profession instead of getting into it.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend from Michigan for yielding me the time.

Students in this era take laptops and hand-held computers to class, but they are very often being taught by teachers who started teaching when cable television was an innovation or even when color television was an innovation.

This is a very promising bill that the gentleman from Georgia (Mr. GINGREY) has written, that the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. MCKEON), and the others have brought to the floor. I am happy to support it and commend all those responsible for it.

My concern is that the promise of this bill may well turn out to be another unfulfilled promise when it comes to helping teachers catch up to the new realities of the world in which they are teaching. School districts across this country already understand that reality. When they look at the requirements under the No Child Left Behind Act, they understand that by the 2005–2006 school year, every classroom must have a highly qualified teacher in that classroom. The gap between getting to that point and where we are now is a very expensive one; and if we look at the education funding bill that the House will be considering tomorrow, there is an $8 billion difference between what is needed by school districts around our country and what is

provided by the majority in its bill to meet that need.

It does not make sense to raise standards and raise expectations and then fail to provide the funding and the money and the resources to meet those expectations. It is obvious that many of the teachers that are presently teaching around our country today are going to need sabbaticals, are going to need extra education, are going to need extra training in order to meet the new standards of being a highly qualified teacher.

I support raising those standards, but I do not support falsely raising expectations about what we are going to do for public education and then failing to meet those expectations. How are we in this predicament?

The budget forecast a few years ago said that this year for every $100 we are going to spend to run our government, we would have $125 worth of revenue coming in. Did not happen. Certainly the terrorist attack of 9/11 had a role in this. The recession has had a major role in this, but the two huge tax cuts enacted by the majority have also had a role in this. So, today, instead of having $125 of revenue for every $100 that we need to spend, we have about $80 of revenue for every $100 that we need to spend.

What gets cut? Environmental protection, health care, education. This is one more example of a choice the majority has made between the long-term fiscal health of the country by improving education and the short-term political gratification of enacting tax cuts.

This is the right bill. It makes a great promise, but the majority will fail to fulfill that promise because it continues to worship at the altar of irresponsible fiscal practices.

I urge support of the bill.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, H.R. 2211 is a good bill. As its name suggests, the Ready to Teach Act works to ensure that our children, our future, are taught by well-prepared and qualified teachers. It also supports our schools so that they are able to recruit and retain the teachers who give so much of themselves for the children of others.

We will pass this bill today; and in doing so, we all agree that the country needs the Federal Government to spend $300 million on teacher preparation and retention; but in fact, we will not spend that much on teacher preparation and retention. The President has asked that we spend only $90 million or 30 percent of what we today all agree is necessary. Why?

Yesterday we passed the defense spending bill that spends $8.9 billion on a missile system which does not work; and today we will pass an education bill that, if fully funded, would work, but we will not fully fund it.

There is money for education. We could reallocate the $8.9 billion for missile defense and put it into education. We would have money to hire and train thousands more qualified teachers. We would have money to buy 9 million more computers for our children and schools. We would have money to fully fund and expand the Head Start program, IDEA, and the No Child Left Behind Act.

Instead, we are spending too much, $8.9 billion, for a missile program that will not work, and we are underfunding the education account.

Mr. Chairman, as we walk in each day to vote, we walk under the canopy of the House, and there is a pediment that is supported by the pillars, and the pediment is called the ''Apotheosis of Democracy,'' and in the middle of it right at the apex there is a woman whose arm is outextended, and her arm is protecting a child who is sitting blissfully atop a pile of books. That sculpture, which is right at the center of our experience as we come in to vote every day, is entitled ''Peace Protecting Genius.''

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And the child genius is protected not with nuclear arms, but with the arms of eternal love and sitting atop a pile of books which represents knowledge.

We have to realize that our protection in this country and our security depends on education, and that it is peace which protects genius, and that it is peace which will lead us on a path towards sparing the tremendous amount of monies that are to be wasted by the Pentagon, and freeing it up so that we can put that money back into education to truly protect the future of this Nation and to enable the children of this Nation to be able to have lives that are rich, that are endowed with great education, and that lead to a world of peace.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

This is a bipartisan bill, and we do our best especially in the field of education when we work in a bipartisan way, and we did that in committee. There was not only civility in committee, but a great deal of enjoyment in writing this bill. This is a good start for the authorization of the remaining titles of the Higher Education Act.

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

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me thank the gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. GEORGE MILLER), and Members on both sides of the aisle for their work. I especially want to thank the gentleman from Georgia (Mr. GINGREY), a new member of our committee and new Member of Congress, for his authorship of the underlying bill.

We all know that one of the real keys to ensuring every child in America gets a chance at a good education is to ensure that every child has a highly qualified teacher in their classroom. There has been much effort around the country at improving the quality of teacher preparation programs. What we try to do in the bill we have before us today is to strengthen those programs and to bring greater accountability for those programs that need a little more oversight than they are getting today.

The goal here is to take young people and others outside of the profession and put them through rigorous programs that will benefit them and their students when they are in the classroom. There are just too many programs today around the country that are doing not as well as they could in terms of preparing teachers for tomorrow.

There has been a lot of discussion here about funding, because later on today the House is expected to take up the Labor-HHS appropriation bill, which includes the funding for education. As I said earlier, 2 to 3 years ago we were spending $28 billion a year on elementary and secondary education programs. Today we are spending $35.7 billion per year. Most of the money to fund primary and secondary education comes from State governments, local governments, and property taxes. The Federal Government's role is focused on helping needier students have a better chance at the same kind of education than our children received.

We are doing our share. Could we be doing more? Absolutely, we could be doing more. But we are here, as I said before, to make decisions, and I do think that we are meeting our commitments under No Child Left Behind. I do again suggest to all of our Members that this is a good underlying bipartisan bill, so let us support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, and other distinguished members, I rise today in order to speak about House Resolution 2211, a bill that shall reauthorize Title II of the Higher Education Act of 1965.

For our country to progress, we as representatives of the people, must adhere to the provisions of the Higher Education Act, especially in regards to the activities addressed in Title II of that document. Activities such as the disbursement of teacher quality enhancement grants for our States and grants preparing the teachers of tomorrow with the newest technology of today benefit society as a whole.

Besides maintaining the grant-given ability so crucial to the future of the United States, House Resolution 2211 would also create a new grant program for higher educational institutions that have historically served minority populations. Schools that largely cater to Native-American, African-American, and Hispanic-American student bodies will receive the funding needed to compete with our Nation's premiere universities by developing teachers that will improve the high academic standards of the United States.

In fact, I attempted to submit an amendment that would require the Secretary of Education to collect all grant repayments and redirect the funds to low-income and historically low-achieving school districts. I offered this amendment for the purpose of balancing the benefits conferred to low-income and needy

schools when exceptional students who complete teacher education programs opt to repay the amount of the scholarship awarded to assist them in completing education programs.

Additionally, teacher preparation programs will flourish under House Resolution 2211. Current law neglects to provide funding for the enhancement of institutionally based teacher preparation programs; this bill allows State and partnership grantees to use funds to strengthen and improve teacher preparation programs and will reauthorize institutions to strengthen technology instruction for teacher candidates.

We believe that the future of our youth is the future of our country; an investment in our children is an investment for America. Teachers are responsible for the development of the United States through their impact in our classrooms. It is greatly appreciated when teachers begin the process of intellectual development for our children, but there is an even greater appreciation when teachers continue working with those children throughout the years. Teachers are quite often the role models of the children who eventually go on to serve the United States through avenues of public service. House Resolution 2211 requires teachers who are part of the grant program to stay a minimum of two years, thus having a longer and more influential role in our country's future.

How will we know and how will we be able to gauge the improvement of our children, so that ''not child is truly left behind?'' House Resolution 2211 addresses such a topic. Under the bill, a State will require the grantees to report information regarding the extent to which substantial progress is made with the allocated funds and will also track the number of highly qualified teachers produced due to the grant program. With a statistical system able to verify the definite success, all Americans will see just how important this bill is for us.

House Resolution 2211, if passed, will last until fiscal year 2008. I am certain that the United States will see an improvement in the quality of our teachers, but more importantly, an increase in the quality of our Nation's future, the children, during that time.

This bill is a key component in a series of bills to reauthorize the Higher Education Act as we seek to meet the call of the No Child Left Behind Act, an act striving to place a highly-qualified teacher in every classroom in the United States.

Mr. Chairman and members, the United States is a great country. To continue on a path that America has been on for over two hundred years, the passage of House Resolution 2211 must be passed. When no child is left behind, as a country we can say that Congress has done its part in the development of each individual child. This is what the parents of America are asking for, and I believe we should comply with their demands.

I strongly urge my colleagues to support House Resolution 2211.

Mr. EMANUEL. Mr. Chairman, I rise in support of the Ready to Teach Act. This bill takes important steps toward one of the most important goals for our Nation—filling our schools with committed, talented teachers.

The shortage of qualified teachers in our country has reached critical levels, and it has a direct impact on the quality of education, especially in underserved areas. In urban districts, close to 50 percent of newcomers leave the profession during their first five years of teaching. This bill recognizes the importance of not only filling our schools with teachers, but providing these teachers with the resources and training that allow them to be successful and to make their students successful as well.

I want to call your attention to a school in my district, The Chicago Academy, as an example of the type of positive change that can be brought about by quality teacher preparation programs. The Chicago Academy is a joint program of Chicago Public Schools and a nonprofit organization. Academy for Urban School Leadership, which is taking groundbreaking steps to address the teacher shortage in underserved Chicago schools. The President of the Carnegie corporation called this institution ''a model for our Nation.''

The Chicago Academy creates a ''farm team'' of teachers for Chicago's underserved public schools, through a teacher residency program which involves an entire year of in classroom training, instead of the typical twelve-week student teacher segment of graduate programs in education. Each classroom of 24 students is shared by one experienced mentor teacher and two resident teachers, providing an unmatched student-teacher ratio for public schools.

In-classroom training is coupled with graduate work with faculty from National-Louis University. Residents are provided with a stipend for their participation in the program, and receive a Masters of Arts in Teaching at the completion of the year. In return, they commit to five years of service in underperforming Chicago schools.

In the Academy's first year of operation, 82 percent of students performed at or above national norms in reading—better than any other school in the neighborhood This school is proof of the way that a quality school changes a community. Families are moving out of the suburbs and into Chicago in order to send their children to the Academy. And this effect can extend to the underserved schools that will be supplied with these committed teachers.

The first class of 30 resident teachers graduated last month. Next year, a second Academy will open, and the current school will expand to include the eighth grade. As these new teachers transition into underserved Chicago schools, the number of students served by this program increases exponentially.

The values embodied by the Chicago Academy are those reflected in this important legislation. I commend Mr. GINGREY, Chairman BOEHNER, and Ranking Member MILLER for their bipartisan work to bring this reauthorization to the floor.

Mr. CASTLE. Mr. Chairman, I rise in support of H.R. 2211, the Ready to Teach Act, which will strengthen teacher training programs to ensure teachers are highly-qualified and ready to teach when they enter the classroom.

Eighteen months ago the President signed the No Child Left Behind Act into law and ever since, States and school districts across the country have been answering the call. The Ready to Teach Act follows the momentum of No Child Left Behind and meets its requirement to place a highly qualified teacher in every classroom—a requirement of great import, as the value of a qualified teacher on a student's ability to learn has been proven, over and over again. H.R. 2211 achieves this by making improvements to the Higher Education Act to help ensure teacher training programs are producing highly qualified teachers to meet the needs of America's students.

All States and nearly all teacher education programs in the country are affected by general accountability provisions in this legislation. Schools receiving Federal funds must report annually on the quality of teacher preparation, including information on the pass rates of their graduates on initial certification assessments. Higher educational institutions enrolling federally-aided students in their teacher preparation programs must report annually, detailing, among other things, the certification pass rates of graduates.

Unfortunately, this data has proven ineffective in measuring the true quality of teacher preparation programs. Current requirements have often been manipulated, leaving data skewed and often irrelevant. For example, if a student fails to pass the State certification exam, upon completion of the institution's program, the school will award them a degree in another field rather than in education. A school will only award students an education degree if that student has passed the state exam. That way, the school will always have a 100 percent pass rate. H.R. 2211 sets forth more useful information. This includes requiring a school to report on all students who have completed 50 percent of the program and requiring an average score of students rather than the pass rates.

As in current law, H.R. 2211 will continue to award State, partnership and teacher recruitment grants. In doing so, H.R. 2211 has evolved with the teaching profession and places updated requirements on these grants.

State grants will be used to increase the advancement technology in the classroom and increase the focus on rigorous academic content knowledge and scientifically based research. States will be given flexibility in identifying innovative methods for teacher preparation programs, such as charter colleges of education to provide an alternative gateway for teachers to become highly qualified.

Partnership grants allow effective partners to join together, combining strengths and resources to train highly qualified teachers and achieve success in the classroom. Among other things, partnership activities will help to ensure that teachers are able to address the needs of students with different learning styles, and receive training in methods of improving student behavior in the classroom.

Finally, teacher recruitment grants will help bring high quality individuals into teacher programs, and ultimately put more highly qualified teachers into classrooms. The Ready to Teach Act places a priority on applicants that will emphasize measures to recruit minorities into the teaching profession, providing a teaching workforce that is both highly qualified and diverse.

We are fortunate in the State of Delaware to have the University of Delaware's Elementary Teacher Education program. In many ways the University of Delaware has already begun to address the need to have a highly qualified teacher in our classrooms. They have been innovative and forward thinking always recognizing the importance of providing their students with a strong academic base as well as a practical experience.

In their freshman year at the University of Delaware, students participate in field experiences in the school setting. Freshmen have the opportunity to observe, tutor, and offer general assistance in the classroom. As sophomores and juniors, the experiences include planning, implementing, and assessing limited instructional units with small groups or an entire class. As seniors, students become engaged in an extended student teaching experience.

Technology is integrated throughout the curriculum and all students will graduate with the skills necessary to utilize technology in their instructional planning. The Elementary Teacher Education program's goal is to prepare teachers who are reflective practitioners serving a diverse community of learners as scholars, problem solvers and partners.

I am committed to ensuring No Child Left Behind is a success for America's children. The Committee and this Congress have been working since passage to ensure other laws in the education arena are aligned with No Child Left Behind. We have accomplished this with IDEA, Head Start and hopefully today with the Ready to Teach Act. I encourage my colleagues to support H.R. 2211.

Mr. HINOJOSA. Mr. Chairman, I believe that H.R. 221 is a step in the right direction. It builds on the improvements made to teacher preparation programs in the 1998 amendments to the Higher Education Act and provides a much needed focus on preparing a diverse teacher corps so that America's teachers reflect the students in America's classrooms.

To improve student achievement, schools of education must graduate teacher candidates that are prepared to teach our Nation's increasingly diverse K–12 student population. About 42 percent of all public schools in the United States have no minority teachers even though minority students make up more than a third of enrollment in U.S. public schools.

Minority teachers make up just 13.5 percent of all teachers. By the early 21st century, the percentage of minority teachers is expected to shrink to an all-time low or 5 percent. While 41 percent of American students will be minorities. Furthermore, some 2.4 million teachers will be needed in the next 11 years because of teacher attrition and retirement as well as increased student enrollment.

Improving minority teacher recruitment will help our Nation meet the challenge of addressing this severe nationwide teacher shortage.

Minority-serving institutions are uniquely equipped to help us address these shortages.

The Centers of Excellence established in this legislation could provide much needed assistance so that these institutions can increase the number of highly qualified teachers they produce. However, this can only happen if the resources are made available.

Unfortunately the majority and the Administration have elected to allocate our resources elsewhere—mainly to tax breaks for the elite—the wealthiest individuals in our nation. It is my sincere hope that we will provide the funding for all of these programs that we say are critical to the education of our children.

I urge my colleagues to support this legislation and to make a stand for the necessary investment in education.

The CHAIRMAN pro tempore (Mr. QUINN). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule, and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2211

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 ''Ready to Teach Act of 2003''.

SEC. 2. TEACHER QUALITY ENHANCEMENT GRANTS.

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended to read as follows:

''PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS

''SEC. 201. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student academic achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

''(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

''(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

''(b) DEFINITIONS.—In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

''(2) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(3) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(4) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i)(I) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

''(II) for which not less than 25 percent of the children served by the agency are from families with incomes below the poverty line;

''(ii) that is among those serving the highest number or percentage of children from families with incomes below the poverty line in the State, but this clause applies only in a State that has no local educational agency meeting the requirements of clause (i); or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 7, as determined by the Secretary; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

''(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

''(5) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(6) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(7) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(8) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(9) TEACHING SKILLS.—The term 'teaching skills' means skills that—

''(A) are based on scientifically based research;

''(B) enable teachers to effectively convey and explain subject matter content;

''(C) lead to increased student academic achievement; and

''(D) use strategies that—

''(i) are specific to subject matter;

''(ii) include ongoing assessment of student learning;

''(iii) focus on identification and tailoring of academic instruction to students's specific learning needs; and

''(iv) focus on classroom management.

''SEC. 202. STATE GRANTS.

''(a) IN GENERAL.—From amounts made available under section 210(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

''(b) ELIGIBLE STATE.—

''(1) DEFINITION.—In this part, the term 'eligible State' means—

''(A) the Governor of a State; or

''(B) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency.

''(2) CONSULTATION.—The Governor or the individual, entity, or agency designated under paragraph (1) shall consult with the Governor, State board of education, State educational agency, or State agency for higher education, as appropriate, with respect to the activities assisted under this section.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

''(1) meets the requirement of this section;

''(2) demonstrates that the State is in full compliance with sections 207 and 208;

''(3) includes a description of how the eligible State intends to use funds provided under this section;

''(4) includes measurable objectives for the use of the funds provided under the grant;

''(5) demonstrates the State has submitted and is actively implementing a plan that meets the requirements of sections 1111(h)(1)(C)(viii) and 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(viii) and 6319); and

''(6) contains such other information and assurances as the Secretary may require.

''(d) USES OF FUNDS.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) REFORMS.—Ensuring that all teacher preparation programs in the State are preparing teachers who are highly qualified, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by assisting such programs—

''(A) to retrain faculty; and

''(B) to design (or redesign) teacher preparation programs so they—

''(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Reforming teacher certification (including recertification) or licensing requirements to ensure that—

''(A) teachers have the subject matter knowledge and teaching skills in the academic subjects that the teachers teach necessary to help students meet challenging State student academic achievement standards; and

''(B) such requirements are aligned with challenging State academic content standards.

''(3) ALTERNATIVES TO TRADITIONAL TEACHER PREPARATION AND STATE CERTIFICATION.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

''(A) innovative approaches that reduce unnecessary barriers to State certification while producing highly qualified teachers;

''(B) programs that provide support to teachers during their initial years in the profession; and

''(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

''(4) INNOVATIVE PROGRAMS.—Planning and implementing innovative and experimental programs to enhance the ability of institutions of higher education to prepare highly qualified teachers, such as charter colleges of education or university and local educational agency partnership schools, that—

''(A) permit flexibility in meeting State requirements as long as graduates, during their initial years in the profession, increase student academic achievement;

''(B) provide long-term data gathered from teachers' performance over multiple years in the classroom on the ability to increase student academic achievement;

''(C) ensure high-quality preparation of teachers from underrepresented groups; and

''(D) create performance measures that can be used to document the effectiveness of innovative methods for preparing highly qualified teachers.

''(5) MERIT PAY.—Developing, or assisting local educational agencies in developing—

''(A) merit-based performance systems that reward teachers who increase student academic achievement; and

''(B) strategies that provide differential and bonus pay in high-need local educational agencies to retain—

''(i) principals;

''(ii) highly qualified teachers who teach in high-need academic subjects, such as reading, mathematics, and science;

''(iii) highly qualified teachers who teach in schools identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b));

''(iv) special education teachers;

''(v) teachers specializing in teaching limited English proficient children; and

''(vi) highly qualified teachers in urban and rural schools or districts.

''(6) TEACHER ADVANCEMENT.—Developing, or assisting local educational agencies in developing, teacher advancement and retention initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a highly qualified mentor teacher or exemplary teacher) and pay differentiation.

''(7) TEACHER REMOVAL.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to remove expeditiously incompetent or unqualified teachers consistent with procedures to ensure due process for the teachers.

''(8) TECHNICAL ASSISTANCE.—Providing technical assistance to low-performing teacher preparation programs within institutions of higher education identified under section 208(a).

''(9) TEACHER EFFECTIVENESS.—Developing—

''(A) systems to measure the effectiveness of teacher preparation programs and professional development programs; and

''(B) strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach as a result of such programs.

''(10) TEACHER RECRUITMENT AND RETENTION.—Undertaking activities that—

''(A) develop and implement effective mechanisms to ensure that local educational agencies and schools are able effectively to recruit and retain highly qualified teachers; or

''(B) are described in section 204(d).

''(11) PRESCHOOL TEACHERS.—Developing strategies—

''(A) to improve the qualifications of preschool teachers, which may include State certification for such teachers; and

''(B) to improve and expand preschool teacher preparation programs.

''(e) EVALUATION.—

''(1) EVALUATION SYSTEM.—An eligible State that receives a grant under this section shall develop and utilize a system to evaluate annually the effectiveness of teacher preparation programs and professional development activities within the State in producing gains in—

''(A) the teacher's annual contribution to improving student academic achievement, as measured by State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)); and

''(B) teacher mastery of the academic subjects they teach, as measured by pre- and post-participation tests of teacher knowledge, as appropriate.

''(2) USE OF EVALUATION SYSTEM.—Such evaluation system shall be used by the State to evaluate—

''(A) activities carried out using funds provided under this section; and

''(B) the quality of its teacher education programs.

''(3) PUBLIC REPORTING.—The State shall make the information described in paragraph (1) widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

''SEC. 203. PARTNERSHIP GRANTS.

''(a) GRANTS.—From amounts made available under section 210(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

''(b) DEFINITIONS.—

''(1) ELIGIBLE PARTNERSHIPS.—In this part, the term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a partner institution;

''(ii) a school of arts and sciences;

''(iii) a high-need local educational agency; and

''(iv) a public or private educational organization; and

''(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a public charter school, a public or private elementary school or secondary school, a public or private educational organization, a business, a science-, mathematics-, or technology-oriented entity, a faith-based or community organization, a prekindergarten program, a teacher organization, an education service agency, a consortia of local educational agencies, or a nonprofit telecommunications entity.

''(2) PARTNER INSTITUTION.—In this section, the term 'partner institution' means an institution of higher education, the teacher training program of which demonstrates that—

''(A) graduates from the teacher training program exhibit strong performance on State-determined qualifying assessments for new teachers through—

''(i) demonstrating that the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area or areas in which the teacher intends to teach; or

''(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

''(I) using criteria consistent with the requirements for the State report card under section 207(a); and

''(II) using the State report card on teacher preparation required under section 207(a); or

''(B) the teacher training program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, and—

''(i) in the case of secondary school candidates, to successfully complete an academic major in the subject area in which the candidate intends to teach or to demonstrate competence through a high level of performance in relevant content areas; and

''(ii) in the case of elementary school candidates, to successfully complete an academic major in the arts and sciences or to demonstrate competence through a high level of performance in core academic subject areas.

''(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

''(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher training or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student academic achievement;

''(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends; and

''(3) contain a description of—

''(A) how the partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e);

''(C) the partnership's evaluation plan pursuant to section 206(b);

''(D) how faculty of the teacher preparation program at the partner institution will serve, over the term of the grant, with highly qualified teachers in the classrooms of the high-need local educational agency included in the partnership; and

''(E) how the partnership will ensure that teachers in private elementary and secondary schools located in the geographic areas served by an eligible partnership under this section will participate equitably in accordance with section 9501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881).

''(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) REFORMS.—Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

''(A) retraining faculty; and

''(B) designing (or redesigning) teacher preparation programs so they—

''(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Providing sustained and high-quality preservice and in-service clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support for teachers, including preparation time and release time, for such interaction.

''(3) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach, and that promotes strong teaching skills.

''(4) TEACHER PREPARATION.—Developing, or assisting local educational agencies in developing, professional development activities that—

''(A) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, limited English proficient students, and students with special learning needs; and

''(B) provide training in methods of—

''(i) improving student behavior in the classroom; and

''(ii) identifying early and appropriate interventions to help students described in subparagraph (A) learn.

''(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

''(1) ALTERNATIVES TO TRADITIONAL TEACHER PREPARATION AND STATE CERTIFICATION.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

''(A) innovative approaches that reduce unnecessary barriers to teacher preparation while producing highly qualified teachers;

''(B) programs that provide support during a teacher's initial years in the profession; and

''(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

''(2) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

''(3) MANAGERIAL AND LEADERSHIP SKILLS.—Developing and implementing professional development programs for principals and superintendents that enable them to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards.

''(4) TEACHER RECRUITMENT.—Activities—

''(A) to encourage students to become highly qualified teachers, such as extracurricular enrichment activities; and

''(B) activities described in section 204(d).

''(5) CLINICAL EXPERIENCE IN SCIENCE, MATHEMATICS, AND TECHNOLOGY.—Creating opportunities for clinical experience and training, by participation in the business, research, and work environments with professionals, in areas relating to science, mathematics, and technology for teachers and prospective teachers, including opportunities for use of laboratory equipment, in order for the teacher to return to the classroom for at least 2 years and provide instruction that will raise student academic achievement.

''(6) COORDINATION WITH COMMUNITY COLLEGES.—Coordinating with community colleges to implement teacher preparation programs, including through distance learning, for the purposes of allowing prospective teachers—

''(A) to attain a bachelor's degree and State certification or licensure; and

''(B) to become highly qualified teachers.

''(f) SPECIAL RULE.—At least 50 percent of the funds made available to an eligible partnership under this section shall be used directly to benefit the high-need local educational agency included in the partnership. Any entity described in subsection (b)(1)(A) may be the fiscal agent under this section.

''(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than one Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

''SEC. 204. TEACHER RECRUITMENT GRANTS.

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 210(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsection (d).

''(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term 'eligible applicant' means—

''(1) an eligible State described in section 202(b); or

''(2) an eligible partnership described in section 203(b).

''(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

''(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

''(2) a description of the activities the eligible applicant will carry out with the grant, including the extent to which the applicant will use funds to recruit minority students to become highly qualified teachers; and

''(3) a description of the eligible applicant's plan for continuing the activities carried out with the grant, once Federal funding ceases.

''(d) USES OF FUNDS.—Each eligible applicant receiving a grant under this section shall use the grant funds—

''(1)(A) to award scholarships to help students, such as individuals who have been accepted for their first year, or who are enrolled in their first or second year, of a program of undergraduate education at an institution of higher education, pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

''(B) to provide support services, if needed to enable scholarship recipients—

''(i) to complete postsecondary education programs; or

''(ii) to transition from a career outside of the field of education into a teaching career; and

''(C) for followup services provided to former scholarship recipients during the recipients first 3 years of teaching; or

''(2) to develop and implement effective mechanisms to ensure that high-need local educational agencies and schools are able effectively to recruit highly qualified teachers.

''(e) ADDITIONAL DISCRETIONARY USES OF FUNDS.—In addition to the uses described in subsection (d), each eligible applicant receiving a grant under this section may use the grant funds to develop and implement effective mechanisms to recruit into the teaching profession employees from—

''(1) high-demand industries, including technology industries; and

''(2) the fields of science, mathematics, and engineering.

''(f) SERVICE REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall establish such requirements as the Secretary determines necessary to ensure that recipients of scholarships under this section who complete teacher education programs—

''(A) subsequently teach in a high-need local educational agency for a period of time equivalent to—

''(i) one year; increased by

''(ii) the period for which the recipient received scholarship assistance; or

''(B) repay the amount of the scholarship.

''(2) USE OF REPAYMENTS.—The Secretary shall use any such repayments to carry out additional activities under this section.

''(g) PRIORITY.—The Secretary shall give priority under this section to eligible applicants who provide an assurance that they will recruit a high percentage of minority students to become highly qualified teachers.

''SEC. 205. ADMINISTRATIVE PROVISIONS.

''(a) DURATION; ONE-TIME AWARDS; PAYMENTS.—

''(1) DURATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—Grants awarded to eligible States and eligible applicants under this part shall be awarded for a period not to exceed 3 years.

''(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under this part shall be awarded for a period of 5 years.

''(2) ONE-TIME AWARD.—An eligible partnership may receive a grant under each of sections 203 and 204, as amended by the Ready to Teach Act of 2003, only once.

''(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall—

''(A) with respect to grants under section 202, give priority to eligible States serving States that—

''(i) have initiatives to reform State teacher certification requirements that are based on rigorous academic content, scientifically based research, including scientifically based reading research, and challenging State student academic content standards;

''(ii) include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified and have strong teaching skills; or

''(iii) involve the development of innovative efforts aimed at reducing the shortage of highly qualified teachers in high poverty urban and rural areas; and

''(B) with respect to grants under section 203—

''(i) give priority to applications from broad-based eligible partnerships that involve businesses and community organizations; and

''(ii) take into consideration—

''(I) providing an equitable geographic distribution of the grants throughout the United States; and

''(II) the potential of the proposed activities for creating improvement and positive change.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which application shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

''(c) MATCHING REQUIREMENTS.—

''(1) STATE GRANTS.—Each eligible State receiving a grant under section 202 or 204 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

''(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 203 or 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each succeeding year of the grant.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

''SEC. 206. ACCOUNTABILITY AND EVALUATION.

''(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

''(1) PERCENTAGE OF HIGHLY QUALIFIED TEACHERS.—Increasing the percentage of highly qualified teachers in the State as required by section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319).

''(2) STUDENT ACADEMIC ACHIEVEMENT.—Increasing student academic achievement for all students as defined by the eligible State.

''(3) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession as a highly qualified teacher.

''(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the numbers of qualified individuals being certified or licensed as teachers through alternative programs.

''(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of highly qualified teachers in poor urban and rural areas.

''(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

''(A) improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach; and

''(B) promotes strong teaching skills.

''(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

''(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership receiving a grant under section 203 shall establish, and include in the application submitted under section 203(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

''(1) increased student achievement for all students as measured by the partnership;

''(2) increased teacher retention in the first 3 years of a teacher's career;

''(3) increased success in the pass rate for initial State certification or licensure of teachers;

''(4) increased percentage of highly qualified teachers; and

''(5) increasing the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of improving student academic achievement.

''(c) REVOCATION OF GRANT.—

''(1) REPORT.—Each eligible State or eligible partnership receiving a grant under section 202 or 203 shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

''(2) REVOCATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

''(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report annually the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

''SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional certification or licensure programs and for alternative certification or licensure programs, which shall include at least the following:

''(1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

''(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

''(4) The percentage of students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

''(5) The percentage of students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, disaggregated and ranked, by the teacher preparation program in that State from which the teacher candidate received the candidate's most recent degree, which shall be made available widely and publicly.

''(6) A description of each State's alternative routes to teacher certification, if any, and the number and percentage of teachers certified through each alternative certification route who pass State teacher certification or licensure assessments.

''(7) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs in the State, including indicators of teacher candidate skills and academic content knowledge and evidence of gains in student academic achievement.

''(8) For each teacher preparation program in the State, the number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

''(b) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (8) of subsection (a). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published and made available annually.

''(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

''(A) a comparison of States' efforts to improve teaching quality; and

''(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(c) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

''(d) INSTITUTION AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional certification or licensure programs and for alternative certification or licensure programs, the following information:

''(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of each student who has completed at least 50 percent of the requirements for the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of receiving a degree from the institution or completing the program.

''(ii) A comparison of the institution or program's pass rate for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average pass rate for institutions and programs in the State.

''(iii) A comparison of the institution or program's average raw score for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average raw scores for institutions and programs in the State.

''(iv) In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

''(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

''(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates, including materials sent by electronic means.

''(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(e) DATA QUALITY.—Either—

''(1) the Governor of the State; or

''(2) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency;

shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

''SEC. 208. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(a).

''(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

''(2) shall not be permitted to accept or enroll any student who receives aid under title IV of this Act in the institution's teacher preparation program.

''SEC. 209. GENERAL PROVISIONS.

''(a) METHODS.—In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

''(b) SPECIAL RULE.—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

''(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

''(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments or pass rates.

''(c) LIMITATIONS.—

''(1) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.

''(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

''(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

''SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

''(1) 45 percent shall be available for each fiscal year to award grants under section 202;

''(2) 45 percent shall be available for each fiscal year to award grants under section 203; and

''(3) 10 percent shall be available for each fiscal year to award grants under section 204.''.

SEC. 3. PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY.

(a) ELIGIBILITY.—Section 222(a)(3)(D) of the Higher Education Act of 1965 (20 U.S.C. 1042(a)(3)(D)) is amended by inserting ''nonprofit telecommunications entity,'' after ''community-based organization,''.

(b) PERMISSIBLE USES OF FUNDS.—Section 223(b)(1)(E) of the Higher Education Act of 1965 (20 U.S.C. 1043(b)(1)(E)) is amended to read as follows:

''(E) To use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 224 of the Higher Education Act of 1965 (20 U.S.C. 1044) is amended by striking ''each of fiscal years 2002 and 2003.'' and inserting ''fiscal year 2004 and each of the 4 succeeding fiscal years.''.

SEC. 4. CENTERS OF EXCELLENCE.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

''PART C—CENTERS OF EXCELLENCE

''SEC. 231. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are—

''(1) to help recruit and prepare teachers, including minority teachers, to meet the national demand for a highly qualified teacher in every classroom; and

''(2) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

''(b) DEFINITIONS.—As used in this part:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) an institution of higher education that has a teacher preparation program that meets the requirements of section 203(b)(2) and that is—

''(i) a part B institution (as defined in section 322);

''(ii) a Hispanic-serving institution (as defined in section 502);

''(iii) a Tribal College or University (as defined in section 316);

''(iv) an Alaska Native-serving institution (as defined in section 317(b)); or

''(v) a Native Hawaiian-serving institution (as defined in section 317(b));

''(B) a consortium of institutions described in subparagraph (A); or

''(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

''(2) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(3) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(4) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''SEC. 232. CENTERS OF EXCELLENCE.

''(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

''(b) USE OF FUNDS.—Grants provided by the Secretary under this part shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

''(A) retraining faculty; and

''(B) designing (or redesigning) teacher preparation programs that—

''(i) prepare teachers to close student achievement gaps, are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

''(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

''(A) teacher mentoring from exemplary teachers or principals; or

''(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

''(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

''(5) Disseminating information on effective practices for teacher preparation and successful teacher certification test preparation strategies.

''(6) Activities authorized under sections 202, 203, and 204.

''(c) APPLICATION.—Any eligible institution desiring a grant under this section shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

''(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be $500,000.

''(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

''SEC. 233. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 5. TRANSITION.

The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this Act.

The CHAIRMAN pro tempore. No amendment to the committee amendment is in order except those printed in House Report 108–190. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered 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.

It is now in order to consider amendment No. 1 printed in House Report 108–190.

AMENDMENT NO. 1 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, pursuant to the rule, I offer amendment No. 1.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GINGREY:

Page 6, line 25, strike ''(1)'' and insert ''(1)(B)''.

Page 7, beginning on line 11, strike ''shall, at the time of the initial grant application, submit'' and insert ''shall submit''.

Page 8, line 15, after ''qualified,'' insert ''are able to understand scientifically based research and its applicability,''.

Page 9, line 10, after ''teach'' insert ''that are''.

Page 10, line 7, strike ''and experimental''.

Page 18, line 4, strike ''fairly distributed'' and insert ''used''.

Page 18, line 9, strike ''and''.

Page 18, line 25, strike ''teachers'' and insert ''teachers, principals, and superintendents''.

Page 19, line 5, strike the period at the end and insert ''; and''.

Page 19, after line 5, insert the following:

''(4) contain a certification from the high-need local educational agency included in the partnership that it has reviewed the application and determined that the grant proposed will comply with subsection (f).

Page 19, line 17, after ''qualified,'' insert ''are able to understand scientifically based research and its applicability,''.

Page 24, after line 2, insert the following:

''(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.

Page 28, beginning on line 19, strike ''serving States''.

Page 29, line 3, strike ''include'' and insert ''have''.

Page 29, line 8, strike ''involve the development of'' and insert ''have''.

Page 32, line 22, strike ''receiving'' and insert ''applying for''.

Page 33, beginning on line 3, insert '','' after ''students''.

Page 36, strike lines 10 through 20 and insert the following:

''(5) For students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation program, which shall be made available widely and publicly.

Page 48, line 19, strike ''qualified'' and insert ''qualified, are able to understand scientifically based research,''.

Page 49, line 21, after ''teacher'' insert ''or principal''.

Page 50, line 7, strike ''test'' and insert ''and licensure assessment''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 310, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I yield myself such time as I may consume.

The manager's amendment to H.R. 2211, the Ready to Teach Act of 2003, makes refinements to the bill as reported by the Committee on Education and the Workforce on June 10, 2003. This has been a bipartisan bill every step of the way, and I believe it will enjoy broad support among my colleagues in the House. I will not take a great deal of time to describe the amendment in detail since it was drafted in consultation with our Democratic Member, and it contains mostly technical and clarifying changes as recommended by the Department of Education.

However, Mr. Chairman, I would like to take a moment to point out a few of the changes of this proposed amendment. As currently drafted, H.R. 2211 authorizes grants to design or redesign teacher preparation programs that are based on rigorous academic content, scientifically based research, and challenging State student academic content standards. This amendment adds language to ensure that teachers in these programs are able to understand the scientifically based research and how to apply that in their classrooms.

Under H.R. 2211, each partnership that applies for a grant must include at least a high-quality teacher preparation program at an institution of higher education; second, a school of arts and sciences; third, a high-need local education agency; and, finally, a public or private educational organization. In addition, this legislation requires that at least 50 percent of partnership grant funds be used to ''directly benefit'' partner local education agencies. This provision in the amendment is designed to ensure that each partner local education agency has the ability to influence grant activities, and guarantees that partnership activities focus on the needs of teachers and students in the classroom.

My amendment adds a provision to the bill to require that partnership grant applications contain a certification from the partner local educational agencies stating that they will ''directly benefit'' from the proposed grant activities. This amendment ensures that the partnership grant funds are used only to supplement, not to supplant, other Federal, State, and local funds that would otherwise be used for teacher preparation activities.

Finally, Mr. Chairman, my amendment ensures that teacher preparation program average raw score data that is reported to the State is also included in the State report card on quality of teacher preparation.

This amendment makes commonsense, noncontroversial changes to the legislation, and I ask for my colleagues' support. Support it because it improves the quality of the programs authorized under Title II of the Higher Education Act.

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

Mr. KILDEE. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not in opposition.

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

There was no objection.

Mr. KILDEE. Mr. Chairman, I do not intend to oppose this amendment. This amendment makes, indeed, important technical and clarifying changes to the bill, and I urge its support.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

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

Mr. GINGREY. Mr. Chairman, I demand a recorded vote, and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia (Mr. GINGREY) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 108–190.

AMENDMENT NO. 2 OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, as the designee of the gentlewoman from California (Ms. MILLENDER-MCDONALD), I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KILDEE:

Page 18, strike line 23.

Page 19, line 5, strike the period at the end and insert a semicolon.

Page 19, after line 5, insert the following:

''(F) how the partnership will design and implement a clinical program component that includes close supervision of student teachers by faculty of the teacher preparation program at the partner institution and mentor teachers;

''(G) how the partnership will design and implement an induction program to support all new teachers through the first 3 years of teaching that includes mentors who are trained and compensated by the partnership for their work with new teachers; and

''(H) how the partnership will collect, analyze, and use data on the retention of all teachers in schools located in the geographic areas served by the partnership to evaluate the effectiveness of its teacher support system.

The CHAIRMAN pro tempore. Pursuant to House Resolution 310, the gentleman from Michigan (Mr. KILDEE) and a Member opposed each will control 5 minutes.

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

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

This amendment would expand the bill to allow clinical and mentoring programs as part of the teacher preparation. I believe this amendment is a good addition to the bill, and I would urge its passage.

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

Mr. MCKEON. Mr. Chairman, although I do not oppose the amendment, I ask unanimous consent to claim the time in opposition.

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

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have worked with the minority on this amendment, we support it, and I ask that the membership also support the amendment.

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

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 108–190.

AMENDMENT NO. 3 OFFERED BY MR. HONDA

Mr. HONDA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HONDA:

Page 23, insert after line 15 the following:

''(7) TEACHER MENTORING.—Establishing or implementing a teacher mentoring program that—

''(A) includes minimum qualifications for mentors;

''(B) provides training and stipends for mentors;

''(C) provides mentoring programs for teachers in their first 3 years of teaching;

''(D) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the school day;

''(E) establishes an evaluation and accountability plan for activities conducted under this paragraph that includes rigorous objectives to measure the impact of such activities; and

''(F) provides for a report to the Secretary on an annual basis regarding the partnership's progress in meeting the objectives described in subparagraph (E).

The CHAIRMAN pro tempore. Pursuant to House Resolution 310, the gentleman from California (Mr. HONDA) and a Member opposed each will control 5 minutes.

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

Mr. HONDA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to begin by thanking the chairman of the committee, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for their leadership in crafting this legislation and the support for this noncontroversial bipartisan amendment.

I would also like to give a special thanks to the gentleman from Michigan (Mr. EHLERS) for working with us on this amendment.

This amendment, based on legislation I introduced earlier this year, the Teacher Mentoring Act, would permit the use of grant funds to be used for teacher mentoring programs and is supported by the American Federation of Teachers.

As a former teacher and principal, I can attest to the critical role teacher mentoring programs play in preparing and retaining teachers for the many challenges they will face. Teacher retention rates remain a critical problem for our Nation's schools.

According to the National Commission on Teaching and America's Future, nearly a quarter of new teachers quit by the end of their second year, and almost half leave within 5 years. This revolving-door phenomenon is particularly problematic in high-poverty schools, where the turnover rate is almost one-third higher than the national average. Teachers who leave the profession often point to support programs for beginning teachers as a key to increasing retention rates.

One critical source of support can be found through teacher mentoring programs that will pair new teachers with experienced educators serving as mentors. A large majority of school districts today have enacted teacher mentoring programs that have proven successful in retaining teachers. In fact, teachers without mentoring programs have been shown to leave the profession at a rate almost 70 percent higher than those with mentoring programs.

My amendment, Mr. Chairman, will help provide the necessary resources for these essential programs, and I urge all Members to support this bipartisan amendment.

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

Mr. MCKEON. Mr. Chairman, although I do not oppose the amendment, I ask unanimous consent at this time to claim the time in opposition.

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

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

This amendment, Mr. Chairman, was drafted in consultation with the Committee on Education and the Workforce, and we support it. It does include minimum qualifications for mentors, provides training and stipends for mentors, provides mentoring programs for teachers in their first 3 years of teaching, and provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the school day.

I served for 9 years on a school board before I came here, and we had a mentoring program there which was very beneficial. I think this is a strong amendment to the bill, improves the

bill, and I would ask the support of our colleagues for this amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. HONDA).

The amendment was agreed to.

□ 1330

The CHAIRMAN pro tempore (Mr. QUINN). It is now in order to consider amendment No. 4 printed in House Report 108–190.

AMENDMENT NO. 4 OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, as the designee of the gentleman from California (Mr. BACA), I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. KILDEE:

Page 23, after line 15, insert the following:

''(7) COMPUTER SOFTWARE FOR MULTILINGUAL EDUCATION.—Training teachers to use computer software for multilingual education to address the needs of limited English proficient students.

The CHAIRMAN pro tempore. Pursuant to House Resolution 310, the gentleman from Michigan (Mr. KILDEE) and a Member opposed each will control 5 minutes.

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

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will expand the bill to allow teachers to retrain using computer software for bilingual education. I believe this amendment is a good addition to the bill and urge its passage.

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

Mr. MCKEON. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose the amendment.

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

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment was also written with the committee, has the support of the committee, and I believe will be very beneficial to those multilingual children who need this special help; and I urge support for the amendment.

Mr. BACA. Mr. Chairman, I rise to support the amendment that will help address a growing problem in our Nation today. My amendment asks for more funding for teachers so that they can be trained to address the needs of students who are of limited English, or speak English as a second language.

In our school systems, the faces that fill our classrooms are diverse. No longer are our students simply Anglo, English-speaking, American born children. Rather, they are children from many different races and cultural backgrounds, speaking many different languages. But sadly, our teachers are not given the proper tools or training they need to address this growing diversity.

Our teachers are left to their own devices to try to communicate with a classroom of children who do not speak the same language as the instructor. Because we do not give teachers the resources to teach students with limited English skills, many students are being left behind all across this nation. Students with limited English skills are more likely to drop out of school.

We need to build their self-esteem and confidence; otherwise they are more likely to get involved with drugs and alcohol. They are more likely to commit crimes. We need trained teachers who are able to reach out to students with limited English skills and stop them from dropping out of school. Every child deserves an education! Every child deserves to be taught! Every child deserves the access to opportunity!

Education opens the door for opportunity, but for many children with limited English, the doors will always remain shut if they do not learn to read, speak, and write in English!

The need for qualified teachers who can teach students with limited English skills exists not only in states with large immigrant populations like California, Florida, and Texas, but it exists all across the United States! That is why funding to train teachers properly is so crucial!

Georgia, North Carolina, Indiana, Oregon, New Hampshire, and Missouri all reported an increase of over 40 percent in students with limited English! This is not merely a problem in California; it is a problem all over this country! And we cannot ignore it any longer!

Hispanics represent over 14 percent of the total population. It isn't fair to the teachers and it isn't fair to the students if we don't train them! That is why, even here in the Capital, many Congressional members are taking Spanish classes to learn the language and the ability to communicate to their new diverse constituents. School districts are suffering due to a lack of teachers properly trained in teaching English as a Second Language!

In North Carolina there are only 900 qualified teachers for 53,000 students with limited English! In Wisconsin, schools districts that may have had only 8 students with limited English now have as many as 65 today. In Idaho, almost 18,000 limited English students are enrolled in their public school system but research indicates that nearly 40 percent will drop out by the 10th grade!

The fact is that immigrants exist, they are increasingly settling in rural communities not accustomed to immigrants, and are sending their kids to schools that do not know how to educate these children. Our country is a nation of new faces who need and deserve an education.

Mr. Chairman, I urge my colleagues to support this amendment and help the countless school districts throughout our nation who need our help.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in House Report 108–190.

AMENDMENT NO. 5 OFFERED BY MR. MEEKS OF NEW YORK

Mr. MEEKS of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MEEKS of New York:

Page 26, strike lines 8 through 17 and insert the following:

''(e) ADDITIONAL DISCRETIONARY USES OF FUNDS.—In addition to the uses described in subsection (d), each eligible applicant receiving a grant under this section may use the grant funds—

''(1) to develop and implement effective mechanisms to recruit into the teaching profession employees from—

''(A) high-demand industries, including technology industries; and

''(B) the fields of science, mathematics, and engineering; and

''(2) to conduct outreach and coordinate with inner city and rural secondary schools to encourage students to pursue teaching as a career.

The CHAIRMAN pro tempore. Pursuant to House Resolution 310, the gentleman from New York (Mr. MEEKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I come before this body to offer an amendment to today's Ready to Teach Act. As we here in Congress continue to discuss year in and year out the education of our children, this Nation's future, I am pleased to offer an amendment that I feel will have a large impact not only on the diversity of schools today but also on the future academic achievement of our students.

My amendment proposes to encourage partnerships between educational entities and inner city and rural secondary schools. This partnership will be funded by allowable uses of funds, which will fund outreach and coordinate efforts that encourage inner city and rural youth to pursue teaching as a career.

The need for such collaboration is evident to both educational researchers and anyone who simply walks into nearly any public school in the Nation. Research shows that our educational system must increase its efforts to encourage a higher proportion of students of color and males into the postsecondary pipeline. Too often, students leak out of the college pipeline between their 9th and 12th grade years because they do not consider themselves college material.

My amendment helps prevent that from occurring. By forming partnerships between educational entities and secondary schools, an opportunity is created to identify those secondary students who find teaching attractive

and encourage them to remain focused on their studies.

Not only does my amendment encourage teaching as a career, but it also encourages diversity. Obviously, a teacher's effectiveness depends, first and foremost, on his or her skills and high expectations; yet we also know that students benefit in important ways by having some teachers who look differently or some who look like them, who share similar cultural experiences, who come from similar neighborhoods, and who serve as role models demonstrating that education and achievement are things to be respected. It is important to expose children to a diverse teaching staff and to diverse role models within each of our schools. Where we have a rural or inner city school with teachers unlike the students, we are giving students a stunted educational experience.

Mr. Chairman, as schools are redoubling their commitment to raising standards and closing achievement gaps, we need to seize every opportunity to boost the achievement of inner city and rural students.

This amendment provides us with an opportunity not only to change the demographics of the teacher workforce, but also to encourage students to continue their pursuit of an education and to reveal to them the nature of the work of teaching.

Mr. Chairman, I would like to thank the chairman and ranking member of the Committee on Education and the Workforce for their cooperation in allowing me to offer this amendment, and I request the support of all my colleagues as we seek to provide more educational opportunities to all our children.

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

Mr. MCKEON. Mr. Chairman, I ask unanimous consent to claim the time in opposition to this amendment, although I do not oppose the amendment.

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

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment was also drafted in consultation with the Committee on Education and the Workforce. We feel it makes the bill stronger. We strongly support it, and I urge my colleagues to support it.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. MEEKS).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. GINGREY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 printed in House Report 108–190 offered by the gentleman from Georgia (Mr. GINGREY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 4, not voting 14, as follows:

[Roll No. 339]

AYES—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—4

Flake
Frank (MA)
Paul
Sabo

NOT VOTING—14

Cramer
Cunningham
Edwards
Gephardt
Gibbons
Goss
Harman
Hastings (FL)
Janklow
Millender-McDonald
Moran (VA)
Owens
Oxley
Scott (GA)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. QUINN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1358

Mr. SABO changed his vote from ''aye'' to ''no.''

Mrs. CUBIN changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. CUNNINGHAM. Mr. Chairman, on roll-call No. 339, the Gingrey amendment to H.R. 2211, I am not recorded. Had I been present, I would have voted ''aye.''

(Mr. ABERCROMBIE asked and was given permission to speak out of order for 1 minute.)

CASTING OF VOTES

Mr. ABERCROMBIE. Mr. Chairman, I know it is the intention of the Chairman and leadership to expedite the casting of votes. I have risen on the floor in the past speaking on behalf of those, particularly in the Longworth Building, to request that we make some attempt either by way of signage, blinking lights sufficient to be able to attract attention. I am not sure of the precise manner, but it is virtually impossible during these months when we are being visited with the number of people that are in the buildings, particularly in Longworth, to make use of those elevators to get here in a timely fashion.

No Member wants to try to tell members of the public to get off elevators or not to come in. They make inquiries and so on, as they should. It is simply unfair to them. We have got to figure out a way to make at least one elevator eligible for exclusive use by the Members during the time in which a vote is taking place.

□ 1400

Simply to ring the bells and then expect people to know what that means, let alone to be able to follow up on it during the 15- or 16- or 17-minute period, is impossible.

I guarantee you, you are going to have people, as has happened recently and almost happened again today, that are going to miss votes and be upset about it, unless we are able to figure out some way to figure out the logistics associated with that.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, I think if you look at the historical context in which Members were allowed to vote, if you go back to the earliest House building, the Cannon Building, you will find that they went to the extreme position of having two sets of buttons, one with which the elevators operate exclusively when Members are to vote.

Clearly, in today's kind of relationship with people who visit, we do not want to impose our desire to move around the Capitol at our pleasure. But during the vote period, it seems to me that either we have people on the elevators, or we use modern technology to allow us to utilize those elevators.

Historically, they had people on them and separate buttons. You are just asking for a fair shot to get to the floor to cast your vote. I do not think that is unreasonable at all.

Mr. ABERCROMBIE. Mr. Chairman, reclaiming my time, I thank the gentleman, most especially because I like to be supportive of him as much as possible.

Mr. NEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from Alaska controls the time, or Hawaii.

Mr. ABERCROMBIE. It is a common mistake, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Hawaii, who looks like he is from Alaska.

Mr. ABERCROMBIE. Mr. Chairman, both the gentleman from Alaska and myself are shy and retiring types, and so it is often the case that we are mistaken for one another.

Mr. NEY. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman, who has been working very hard to resolve this issue and for whom I have great respect as a result.

Mr. NEY. Mr. Chairman, I want to point out just a couple of things. One, we have worked on this situation before. People are touchy politically I know about having someone on the elevators. In fact, there was a vote on this floor a few years ago where somebody thought it would save their election by trying to throw these people off. The bottom line is you need people on there to help. We have had some shortages. Let us not have a vote to do that kind of thing again.

The second thing is that the gentleman from Connecticut (Mr. LARSON) and I have been looking at this, and also the elevator repair, because people were stuck on elevators. We never again want that mixture of Members on the elevators.

Finally, let me just say that there is an appropriation in 2004. If we can get that moved up a little bit, we can get that sped up. The gentlemen are both correct.

In closing, I promise the gentleman, I will bring the plan personally to him and visit him in Anchorage.

The CHAIRMAN pro tempore. There being no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. QUINN, 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. 2211) to reauthorize title II of the Higher Education Act of 1965, pursuant to House Resolution 310, 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.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on 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.

RECORDED VOTE

Mr. BOEHNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 404, noes 17, not voting 13, as follows:

[Roll No. 340]

AYES—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette

Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—17

Bartlett (MD)
Bishop (UT)
Flake
Franks (AZ)
Gilchrest
Gutknecht
Hefley
Jones (NC)
King (IA)
Kingston
Manzullo
Otter
Paul
Rohrabacher
Tancredo
Taylor (NC)
Toomey

NOT VOTING—13

Cramer
Edwards
Gephardt
Gibbons
Goss
Harman
Hastings (FL)
Janklow
Millender-McDonald
Moran (VA)
Owens
Pickering
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Two minutes remain to vote.

□ 1424

Mr. ROHRABACHER changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, on rollcall Nos. 339 and 340, I was unavoidably absent. Had I been present, I would have voted ''aye''.

GENERAL LEAVE

Mr. BOEHNER. 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. 2211.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2211, READY TO TEACH ACT OF 2003

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2211, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

TEACHER RECRUITMENT AND RETENTION ACT OF 2003

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 309, I call up the bill (H.R. 438) to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 309, the bill is considered read for amendment.

The text of H.R. 438 is as follows:

H.R. 438

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 ''Teacher Recruitment and Retention Act of 2003''.

SEC. 2. ADDITIONAL QUALIFIED LOAN AMOUNTS.

(a) FFEL LOANS.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall not be more than $17,500 in the case of—

''(A) a secondary school teacher—

''(i) who meets the requirements of subsection (b); and

''(ii) whose qualifying employment for purposes of such subsection is teaching mathematics or science; and

''(B) an elementary or secondary school teacher—

''(i) who meets the requirements of subsection (b), other than paragraphs (1)(B) and (C);

''(ii) whose qualifying employment for purposes of such subsection is teaching special education; and

''(iii) who, as certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's training and has demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching.''.

(b) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall not be more than $17,500 in the case of—

''(A) a secondary school teacher—

''(i) who meets the requirements of subsection (b)(1); and

''(ii) whose qualifying employment for purposes of such subsection is teaching mathematics or science; and

''(B) an elementary or secondary school teacher—

''(i) who meets the requirements of subsection (b)(1), other than subparagraphs (A)(ii) and (iii);

''(ii) whose qualifying employment for purposes of such subsection is teaching special education; and

''(iii) who, as certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's training and has demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching.''.

The SPEAKER pro tempore. The amendment in the nature of a substitute printed in the bill is adopted.

The text of the amendment in the nature of a substitute is as follows:

H.R. 438

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 ''Teacher Recruitment and Retention Act of 2003''.

SEC. 2. INCREASED QUALIFIED LOAN AMOUNTS.

(a) FFEL LOANS.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)) is amended by adding at the end the following new paragraph:

''(3) INCREASED AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—

''(A) SERVICE QUALIFYING FOR INCREASED AMOUNTS.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall not be more than $17,500 in the case of—

''(i) a secondary school teacher—

''(I) who meets the requirements of subsection (b), subject to subparagraph (D) of this paragraph; and

''(II) whose qualifying employment for purposes of such subsection has been teaching mathematics or science on a full-time basis; and

''(ii) an elementary or secondary school teacher—

''(I) who meets the requirements of subsection (b), subject to subparagraph (D) of this paragraph;

''(II) whose qualifying employment for purposes of such subsection has been as a special education teacher whose primary responsibility is to provide special education to children with

disabilities (as those terms are defined in section 602 of the Individuals with Disabilities Act); and

''(III) who, as certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's special education training and has demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching.

''(B) ACCELERATED PAYMENT.—Notwithstanding the requirements of subsection (b)(1) and paragraph (1) of this subsection that 5 consecutive complete years of service have been completed prior to the receipt of loan forgiveness, in the case of service described in subparagraph (A) of this paragraph, the Secretary shall repay a portion of a borrower's loan obligation outstanding at the commencement of the qualifying service under this subsection, not to exceed a total of $17,500, in the following increments:

''(i) up to $1,750, or 10 percent of such outstanding loan obligation, whichever is less, at the completion of the second year of such service;

''(ii) up to $2,625, or 15 percent of such outstanding loan obligation, whichever is less, at the completion of the third year of such service;

''(iii) up to $4,375, or 25 percent of such outstanding loan obligation, whichever is less, at the completion of the fourth year of such service; and

''(iv) up to $8,750, or 50 percent of such outstanding loan obligation, whichever is less, at the completion of the fifth year of such service.

''(C) PROMISE TO COMPLETE SERVICE REQUIRED FOR ACCELERATED PAYMENT.—Any borrower who receives accelerated payment under this paragraph shall enter into an agreement to continue in the qualifying service for not less than 5 consecutive complete school years, or, upon a failure to complete such 5 years, to repay the United States, in accordance with regulations prescribed by the Secretary, the amount of the loans repaid by the Secretary under this paragraph, together with interest thereon and, to the extent required in such regulations, the reasonable costs of collection. Such regulations may provide for waiver by the Secretary of such repayment obligations upon proof of economic hardship as specified in such regulations.

''(D) HIGHER POVERTY ENROLLMENT REQUIRED.—In order to qualify for an increased repayment amount under this paragraph, section 465(a)(2)(A) shall, for purposes of subsection (b)(1)(A) of this section, be applied by substituting '40 percent of the total enrollment' for '30 percent of the total enrollment'.''.

(b) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following new paragraph:

''(3) INCREASED AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—

''(A) SERVICE QUALIFYING FOR INCREASED AMOUNTS.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall not be more than $17,500 in the case of—

''(i) a secondary school teacher—

''(I) who meets the requirements of subsection (b)(1), subject to subparagraph (D) of this paragraph; and

''(II) whose qualifying employment for purposes of such subsection has been teaching mathematics or science on a full-time basis; and

''(ii) an elementray or secondary school teacher—

''(I) who meets the requirements of subsection (b)(1), subject to subparagraph (D) of this paragraph; and

''(II) whose qualifying employment for purposes of such subsection has been as a special education teacher whose primary responsibility is to provide special education to children with disabilities (as those terms are defined in section 602 of the Individuals with Disabilities Act); and

''(III) who, as certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's special education training and has demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching.

''(B) ACCELERATED PAYMENT.—Notwithstanding the requirements of subsection (b)(1)(A) and paragraph (1) of this subsection that 5 consecutive complete years of service have been completed prior to the receipt of loan forgiveness, in the case of service described in subparagraph (A) of this paragraph, the Secretary shall repay a portion of a borrower's loan obligation outstanding at the commencement of the qualifying service under this subsection, not to exceed a total of $17,500, in the following increments:

''(i) up to $1,750, or 10 percent of such outstanding loan obligation, whichever is less, at the completion of the second year of such service;

''(ii) up to $2,625, or 15 percent of such outstanding loan obligation, whichever is less, at the completion of the third year of such service;

''(iii) up to $4,375, or 25 percent of such outstanding loan obligation, whichever is less, at the completion of the fourth year of such service; and

''(iv) up to $8,750, or 50 percent of such outstanding loan obligation, whichever is less, at the completion of the fifth year of such service.

''(C) PROMISE TO COMPLETE SERVICE REQUIRED FOR ACCELERATED PAYMENT.—Any borrower who receives accelerated payment under this paragraph shall enter into an agreement to continue in the qualifying service for not less than 5 consecutive complete school years, or, upon a failure to complete such 5 years, to repay the United States, in accordance with regulations prescribed by the Secretary, the amount of the loans repaid by the Secretary under this paragraph, together with interest thereon and, to the extent required in such regulations, the reasonable costs of collection. Such regulations may provide for waiver by the Secretary of such repayment obligations upon proof of economic hardship as specified in such regulations.

''(D) HIGHER POVERTY ENROLLMENT REQUIRED.—In order to qualify for an increased repayment amount under this paragraph, section 465(a)(2)(A) shall, for purposes of subsection (b)(1)(A)(i) of this section, be applied by substituting '40 percent of the total enrollment' for '30 percent of the total enrollment'.''.

SEC. 3. IMPLEMENTING HIGHLY QUALIFIED TEACHER REQUIREMENTS.

(a) AMENDMENTS.—

(1) FFEL LOANS.—Section 428J(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(b)(1)) is amended—

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

(B) by striking subparagraphs (B) and (C) and inserting the following:

''(B) if employed as an elementary or secondary school teacher, is highly qualified as defined in section 9101(23) of the Elementary Secondary Education Act of 1965; and''.

(2) DIRECT LOANS.—Section 460(b)(1)(A) of such Act (20 U.S.C. 1087j(b)(1)(A)) is amended—

(A) by inserting ''and'' after the semicolon at the end of clause (i); and

(B) by striking clauses (ii) and (iii) and inserting the following:

''(ii) if employed as an elementary or secondary school teacher, is highly qualified as defined in section 9101(23) of the Elementary Secondary Education Act of 1965; and''.

(b) TRANSITION RULE.—

(1) RULE.—The amendments made by subsection (a) of this section to sections 428J(b)(1) and 460(b)(1)(A) of the Higher Education Act of 1965 shall not be applied to disqualify any individual who, before the date of enactment of this Act, commenced service that met and continues to meet the requirements of such sections as in effect before such date of enactment.

(2) RULE NOT APPLICABLE TO INCREASED QUALIFIED LOAN AMOUNTS.—Paragraph (1) of this subsection shall not apply for purposes of obtaining increased qualified loan amounts under sections 428J(b)(3) and 460(b)(3) of the Higher Education Act of 1965 as added by section 2 of this Act.

SEC. 4. INFORMATION ON BENEFITS TO RURAL SCHOOL DISTRICTS.

The Secretary shall—

(1) notify local educational agencies eligible to participate in the Small Rural Achievement Program authorized under subpart 1 of part B of title VI of the Elementary and Secondary Education Act of 1965 of the benefits available under the amendments made by this Act; and

(2) encourage such agencies to notify their teachers of such benefits.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the further amendment printed in House report 108–189 if offered by the gentleman from California (Mr. GEORGE MILLER), or his designee, which shall be considered read, shall not be subject to a demand for a division of the question, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Ohio (Mr. BOEHNER) and the gentleman from Michigan (Mr. KILDEE) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. 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. 438.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 438, the Teacher Recruitment and Retention Act of 2003. I congratulate my friend and colleague, the gentleman from Columbia, South Carolina (Mr. WILSON), for introducing this bipartisan legislation and shepherding it through the committee process.

H.R. 438 is simple in its purpose and structure, but monumental in its potential to improve the lives of our Nation's students. The bill before us provides for increased loan forgiveness for highly qualified math, science, and special education teachers teaching in high-need schools. These teachers must agree to teach for 5 consecutive years in schools that many of our disadvantaged students attend.

In January of 2002, President Bush signed into law the No Child Left Behind Act, the bipartisan kindergarten through 12th grade education reform package that, for the first time, demands accountability and results in exchange for the billions of Federal dollars invested in the education of our

Nation's students. In No Child Left Behind, we call for a highly qualified teacher in every public school by the 2005–2006 school year. We have been providing resources to meet that goal and, in fact, a 35 percent increase in funding for teacher quality grants in the first year of No Child Left Behind, and the funding increases continue to come.

Now, with the bill before us today, we are building on that unequivocal financial commitment by increasing the loan forgiveness for teachers we need the most: in our high-needs schools. It is just one more way that this Congress is showing unwavering support for the Nation's schoolteachers.

Mr. Speaker, I think we can all agree that there are few more important issues in this country than education of our Nation's children. More importantly, we want our children to be taught by caring, committed, and educated professionals. This bill will enable high-need elementary and secondary schools to attract highly qualified teachers and get the best and brightest into our classrooms.

H.R. 438 will provide up to $17,500 in loan forgiveness for math, science, and special education teachers. These particular subject areas are facing extreme shortages, and our children are the ones who are suffering because of it. We must address this crisis in our classrooms. We recognize that teachers often face the greatest financial hardships in their early years of their career, and, for that reason, these teachers will begin to receive this assistance after the second year of teaching service is completed, which will continue annually through the completion of the required 5 years. This is yet one more way we are trying to assist teachers by reducing the financial burdens and in providing a more effective incentive for these much-needed teachers to remain in our poorer schools.

Mr. Speaker, a lack of highly qualified math, science, and special education teachers leaves our schools with large vacancies and shortchanges our children, and the success of our Nation depends on being able to compete in a global economy, and by providing a quality education to all of our children is where this must begin.

□ 1430

The National Science Foundation Director, Rita Colwell, said, ''The lack of competitiveness of U.S. K–12 students has much larger ramifications than simply providing enough mathematicians and scientists for laboratories.'' And I will continue, ''In these technological times, general scientific and mathematical literacy is crucial to the entire workforce and has implications for our economy into the future.''

We must continue our efforts to recruit and retain the best and brightest into the field, and, more importantly, in high-need subject areas. H.R. 438 provides the right incentive for students to enter teaching and for those who are currently teaching to stay.

I am particularly pleased that my colleagues on both sides of the aisle have worked closely with us to craft an amendment that recognizes a fundamental role that reading plays in a child's education. As the President has said, reading is the new civil right, and for that reason I am happy to support the amendment offered by our ranking member, the gentleman from California (Mr. GEORGE MILLER) that will include highly qualified State-certified reading specialists among those eligible for the increase in loan forgiveness. By recognizing that reading is the foundation of all other learning, this amendment will strengthen our efforts to improve results for students.

In addition, I strongly support this amendment because, despite the increased costs, it remains within our budget parameters without reducing the number of schools eligible that are eligible to receive this incentive. This is the key. It expands this vital resource without reducing opportunities for schools, which I think is the biggest downfall to other amendments that could have been offered to this bill today.

I want to urge my colleagues to support H.R. 438. A vote for this bill is a vote to support our Nation's students and our teachers, and H.R. 438 tells each and every one of them that their education, their future and the future of our country are vitally important, and that this Congress stands behind them.

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

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

Mr. Speaker, I rise in support of H.R. 438. This legislation does provide much needed loan forgiveness for math, science and special education teachers in high need schools. It is critical that we provide school districts with the resources they need to recruit and retain the best teachers for our children, especially in these vital subject areas. In addition, legislation that we are debating today was improved over the introduced version through the adoption of an amendment by our colleague, the gentleman from New Jersey (Mr. HOLT). This amendment provides for incremental loan forgiveness over the 5-year period of service as a teacher, rather than at the end of such service. This critical improvement will make loan forgiveness an attractive means to recruit and retain high-quality teachers in our most disadvantaged schools.

While H.R. 438 is a good start, we should be doing more. The scope of this bill is limited to math, science and special education teachers. These are critical areas in which we do have shortages of highly qualified teachers. However, we should also be extending loan forgiveness to other vital teaching areas such as Head Start teachers and all teachers who teach in our schools with extreme poverty. The gentleman from Massachusetts (Mr. TIERNEY) filed an amendment with the Committee on Rules to expand loan forgiveness to Head Start teachers. During the latest year I have data for, nearly 8,000 teachers left Head Start programs. Over half the teachers who left Head Start programs did so due to low salaries. Clearly, the need for loan forgiveness in Head Start is evident. However, the Committee on Rules blocked consideration of this amendment.

The gentleman from New Jersey (Mr. PAYNE) also filed an amendment with the Committee on Rules to expand loan forgiveness to all teachers in extremely poor schools. Title I schools, especially the most disadvantaged of these schools, have enormous problems recruiting and retaining teachers of all subjects. These schools are the least likely to have certified teachers or teachers who know the subject matter that they are teaching. These schools are also the most likely to have high teacher turnover rates. Unfortunately, the Committee on Rules blocked consideration of this amendment as well.

The unwillingness to even debate these amendments here on the floor comes at the same time we are tragically underfunding our Federal education programs. Whether it is the No Child Left Behind Act, IDEA or Pell grant, the administration has failed to meet their education funding commitments.

President Bush and the House and the Senate Committee on Appropriations proposed funding Title I at $12.35 billion. That is $6 billion short of the $18.5 billion promised in No Child Left Behind.

Repetition is the mother of study, so let me state again what I stated in the earlier bill, let me use this analogy again: An authorization bill, and this is a good authorization bill, is like that get well card which I will send to my friend who may be ill, and it does express my sentiments, and it expresses the value I have for my friend. But what my friend really needs is the Blue Cross card, and that is the appropriations bill. There is a real lag between authorization and appropriations. Just in Title I alone we are 30 percent below the bill that the President signed in Ohio, No Child Left Behind, and I think that we have to address that. We cannot address that here in the authorization bill. We did a good job in the authorization bill, a job that I think we enjoyed doing. But I think we as a Congress have to make sure that our appropriations come closer, if not match entirely, the authorization level.

The Republican budget resolution promised $2.2 billion for new IDEA funding. The House and Senate Committee on Appropriations have proposed less than half that amount. In addition, Pell grants have been frozen by the House and Senate Committee on Appropriations despite increasing college costs.

While I again want to reiterate that I will support this legislation, the administration and the Republican Congress are missing an opportunity to

meet our education funding commitments.

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

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

Mr. Speaker, I appreciate the support of the ranking member of the subcommittee on the bill we have before us today, but once again we get into this other issue, and that is education funding.

Now, we all know about 90 percent of the funds for primary and secondary education, K–12, come from State and local sources. Federal Government's role has been to go in and help high-poverty schools and students who come from high-poverty neighborhoods. And if you look at the funding levels from fiscal year 2001, we spent $28 billion in K–12 funding. If you are look at fiscal year 2003, some 2 years later, you will see that we are spending $35.7 billion. Now, that is a great example of letting the perfect become the enemy of the good.

I think most Members on both sides of the aisle believe that we have done more than anyone could ever have expected the Federal Government to do in terms of increasing our funding for K–12 education programs so that we can meet our commitment to leave no child behind. We are doing our share. Unfortunately, the States are having great difficulty with their budgets, and some are having to cut education programs that they would rather not. But we cannot make up for the shortfalls and the problems that the States are having. We are doing our share. I am sure they will find a way to do theirs.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON), the subcommittee chairman, the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I want to commend my colleague, the gentleman from South Carolina (Mr. WILSON), a valuable member of subcommittee, for his work and leadership on bringing this important piece of legislation to the floor.

I rise in strong support of H.R. 438, the Teacher Recruitment and Retention Act of 2003, which provides increased student loan forgiveness to those elementary and secondary public and private school teachers who teach math, science and special education in high-needs schools.

The bill is simple and straightforward. Under H.R. 438, teachers may receive up to $17,500 in loan forgiveness if they agree to teach for 5 consecutive years in Title I schools with a poverty rate that exceeds 40 percent. This legislation simply expands upon what is in current law for all teachers in an effort to meet the dramatic shortage of teachers in these critical areas.

There is no question that we face a critical shortage of qualified math, science and special education teachers across the country. The National Center for Education Statistics reported that in the 1999/2000 school year, 67 percent of public elementary and middle schools had vacancies in special education; 70 percent had vacancies in mathematics; 61 percent had vacancies in biology, and 51 percent had vacancies in the physical sciences.

Further, in a report called The Urban Teacher Challenge, virtually all of the Nation's largest urban school districts responding to a national survey reported to an immediate need for teachers in these high-need subjects; 95 percent reported an immediate need for math teachers; 98 percent report the need for science teachers; and 98 percent reported an immediate need for special education teachers.

With this kind of shortage, we must act quickly to do what we can to help fill this void. The Committee on Economic Development said in its recent report entitled Learning for the Future, Changing the Culture of Math and Science Education to Ensure a Competitive Workforce, ''Improving the math and science skills of our young people is an important step toward innovative-led economic growth in the coming decades. While producing a more scientifically proficient citizenry, widespread math and science achievement will also widen the pipeline of scientists and engineers who drive innovation.''

Mr. Speaker, the Teacher Recruitment and Retention Act takes a big step in moving toward filling the gap in these vital areas. It is clear that we believe that all teachers are vital to our children and to the future of this country. That is why we have maintained the current law which allows for all teachers who teach in high-need schools to receive up to $5,000 in loan forgiveness after 5 years of service. With limited Federal resources, we need to make difficult choices and set priorities. There is no question there is a critical need for math, science and special education teachers. There is no question that our children deserve the best education we can provide, and there is no question that this legislation will assist in meeting this goal.

Mr. Speaker, I urge my colleagues to vote yes on H.R. 438 and stand firm in a commitment to our Nation's children and teachers.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for yielding me time. I thank the chairman of the committee and the ranking member of the committee for a good bill.

H.R. 438 is a good bill as far as it goes, but it does not go far enough. One thing it does not do is provide loan forgiveness for Head Start teachers, and this is a big mistake. As the ranking member of the Subcommittee on Education Reform, which is the committee working on the Head Start reauthorization, our committee has heard witness after witness, and both Republican and Democrat agree on the importance of having teachers with 4-year degrees in the Head Start programs. In fact, one of the provisions in the Head Start reauthorization bill that has strong bipartisan support is a goal to have 50 percent of Head Start teachers with a BA degree by the year 2008.

□ 1445

This is another of the Republicans' classic case of not putting their money where their mouth is. We can talk all we want about a good goal and how much this goal will help our kids, but if the teachers cannot get their BA degrees and at the same time afford to teach in Head Start, then what does that goal mean?

Salaries for Head Start teachers are much lower than the salaries for other similar teaching positions. Currently, the average salary for teaching in a public school prekindergarten program is close to double the average salary of a Head Start teacher with the exact same education. I think that anyone who becomes a preschool teacher is a pretty selfless, devoted person, but let us get real. Very few people, no matter how devoted they are, can afford to choose a job that pays half of what another job pays for almost the exact same work.

If we would offer Head Start teachers help with paying their Federal student loans, that could make up for some of the salary difference. Student loan forgiveness would allow more teachers with 4-year degrees to teach in a Head Start program, and current Head Start teachers at the same time could go on and get their BA degrees while continuing to work at Head Start.

I worry that 5 years from now, unless we invest in these teachers, when we are again reviewing Head Start, Members are going to say, see, it does not do any good to try to get teachers with BA degrees into Head Start and use that as a mark against a Head Start program.

Democrats offered amendments to include Head Start teachers in H.R. 438 every step along the way when we were considering the Head Start bill; but regretfully, the majority defeated these inclusions on a party line vote over and over again. Including Head Start teachers in H.R. 438 would make it a much better bill.

Mr. Speaker, including Head Start teachers in the bill would help millions of low-income children get the head start that they need in life.

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

Another wonderful example of let us let the perfect become the enemy of the good. The President in his proposal, and Senator GRAHAM when he was a former House Member, made it clear that the focus here was to look at high-poverty schools and look at the basics, math, science and special education.

In committee, and I am sure on the floor today, we are going to hear calls

for, well, this is a good bill but: but we need loan forgiveness for Head Start teachers; we need loan forgiveness for librarians; we need loan forgiveness for reading teachers, and the list went on and on and on. If we were to have done all of those, one, we would have not the budget to do it or, secondly, so few schools would qualify that maybe one out of 10 schools under this bill would actually get some help.

Our job is to make decisions, and what we are trying to do here is to focus in on the highest needs in our poorest schools.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. WILSON), our good friend and a member of the committee and the author of this bill.

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to sponsor this important bill that is a product of the President's leadership and dedication to educate all of our country's children. I would like to thank the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. MCKEON), working with the gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. GEORGE MILLER), for their leadership and guidance on this issue.

H.R. 438, the Teacher Recruitment and Retention Act, is a straightforward bill which increases the amount of loan forgiveness for secondary math and science teachers and K through 12 special education teachers to a maximum of $17,500 from the $5,000 currently provided in the Higher Education Act for all teachers in qualified schools.

The purpose of this bill is to ensure our future workforce is scientifically literate and competent, skills that the Committee for Economic Development and the American Society of Mechanical Engineers have identified as keys to our country's ability to compete in the global marketplace. Unfortunately, our high school students consistently test toward the bottom in math and science compared to the rest of the world.

Teachers working in the schools that face the greatest difficulty in recruiting math, science and special ed teachers will be eligible for the increased amount of loan forgiveness. Teachers will begin to receive loan forgiveness after their second year of teaching, with annual payments thereafter. To further assist children in low-income schools, eligible teachers must be highly qualified as required by the No Child Left Behind Act.

I look forward to the day when a cohort of math, science and special ed teachers begins teaching in our neediest schools inspired by the incentives of this bill. Those teachers will clearly know they are part of a national program designed to ensure all American children are equipped with the life skills necessary to contribute and succeed in a technologically driven world economy.

This bill is a first step to help students teach. It would be great if no teacher had student loans; but those who do have debt, we need to make sure every student loan borrower has a real opportunity to consolidate their loans. Later, during the reauthorization of a different part of the Higher Education Act, we will need to make sure we repeal the single holder rule. It will be part of my commitment to teachers everywhere that they can have the benefit of competition from the more than 1,000 lenders in the program when they consolidate their loans and thus allow them to further reduce their debt burden by taking advantage of historically low, fixed-interest rates.

My goal with this bill is to ensure our Nation remains a competitive force in the world. I hope a secondary effect will be to send a strong signal that America honors and respects those who accept the calling to teach.

I want to thank the professionals of the Committee on Education and the Workforce for its hard work to make this bill professional and possible, especially Kathleen Smith, Rick Stombres, Holli Traud, Alison Ream, Jo Marie St. Martin, Kris Ann Pearce and Sally Loverjoy, along with Rachel Post of the gentleman from Michigan's (Mr. EHLERS) office and Laurin Groover, Dino Teppara and Trane McCloud of my office.

I urge my colleagues to support H.R. 438, the Teacher Recruitment and Retention Act.

Mr. KILDEE. Mr. Speaker, I, first of all, would like to commend the gentleman from South Carolina (Mr. WILSON), from Columbia, the principal author of this bill for his fine work on the bill; and I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend from Michigan for yielding me the time.

I also would like to congratulate the gentleman from South Carolina (Mr. WILSON) on his outstanding work on this bill. I thank the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. MCKEON), the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Michigan (Mr. KILDEE) for their great work in bringing this forward.

We are very much in favor of saying to teachers who teach math and science and special education in schools that are plagued with difficult challenges that they should get increased loan forgiveness. That is a great idea, and we are happy to support it.

We believe that that loan forgiveness should be extended further. Democrats offered amendments that would have extended that loan forgiveness to Head Start and other preschool teachers. It would have extended it to teachers in rural schools and some other areas.

The chairman of the full committee was on the floor a few minutes ago and said that we are here to make decisions and that the perfect should not be the enemy of the good. Implicit in his remarks, of course, are that there are trade-offs for decisions that we make. Let me explore the trade-off that I think the majority's unwisely making by excluding our amendments from this bill.

If we were to adopt the Democratic amendments that would provide this same loan forgiveness for teachers who teach in our preschool programs, who teach in our rural schools and in other areas that we raise as amendments, we could make the choice of reducing the tax cut that the majority passed in this House last month. If we were to do so, how much of a reduction in tax cut would we have to make? The answer is to fund additional loan forgiveness for Head Start teachers, for rural teachers, for these other teachers it makes reference to, for every $100 of the tax cut the majority passed, we would have to take away 30 cents. So for every $100 worth of tax cuts people would get, they would still get $99.70 of reduced taxes if we extended this benefit to those who teach our 3- and 4-year-olds prereading and premath, if those who go to rural districts worked especially hard to recruit teachers.

We commend the majority for bringing forth this bill, and we support it; but we must say, the benefits of extended loan forgiveness should not stop with this bill. What should stop is the raid on the Federal Treasury, as I said, the worshipping at the altar of fiscal irresponsibility. We support the bill, but we know that we could do more.

Mr. MCKEON. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. EHLERS), my good friend, one of the few scientists we have serving in the House.

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

I am very pleased to rise in support of this bill. It is something which is very badly needed, and the reason it is needed is very simple. The good jobs of the future are going to require a basic understanding of math and science. I will address specifically the math and science portion of the bill, although I recognize full well that special education also is in great need of teachers. This bill will address these issues through the loan forgiveness program.

Let me give some of the facts on why it is important that we improve our K–12 education in math and science. First of all, we have had a decline in undergraduate enrollments and graduation rates for the past 17 years in engineering. Currently, our graduation rates in all the physical sciences, which includes engineering, computer science, space science, physics and chemistry, are well below what they were 10 years ago. The only field that has higher enrollments is the life sciences.

If my colleagues ask why we are graduating fewer people, it is because the sciences are not being taught properly in the K–12 system, and the reason

is that many teachers, good hearted as they are and try as they may, have not had the proper training and they cannot do the job. So it is very important that we reward and attract better-trained teachers to these positions and also give them the tools to work with.

The teacher shortage in math and science is real. According to the latest figures, 70 percent of our schools have vacancies in mathematics teachers; 61 percent have vacancies in biology or life sciences; and 51 percent have vacancies in physical science.

Even when teachers are available, a high percentage are not adequately prepared to teach the math and science courses. At the current time, for junior and high schools combined, 57 percent of those who teach the physical sciences do not have either an undergraduate major or a minor in the subject they are teaching. So how can they be expected to inspire students to a career in science and engineering?

Inadequately trained teachers leads to students who are unprepared. According to the ''Third International Math and Science Study,'' 12th grade U.S. students' test scores rank at or near the bottom of all developed countries in math, science and physics achievement.

Teachers want to do the job right. They want to teach well. They want to be in the schools; but if they have not been properly trained and if they are feeling the lure of higher pay in industry for the skills that they do have, it puts the schools in an impossible situation. This is not true, incidentally, of all schools. This bill only addresses the problem in title I schools, but that is extremely important because these are the students who really need an opportunity in life; and if we want to give them a real opportunity in life, we have to train them properly, and that means training in the jobs of the future, training in math and science.

In conclusion, this is a good bill. I support it. I hope it passes. Above all, I hope it has the effect we anticipate.

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

Mr. EHLERS. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, I just want to take a moment to thank the gentleman from Michigan and his colleague, the gentleman from New Jersey (Mr. HOLT), before all of our colleagues, because these two scientists, who happen to both sit on our committee, have been relentless in their efforts to get Congress to fund math and science education; and whether it be in the bill that we have before us for title I schools or in broader programs that affect teachers in other schools, these two gentlemen have really, relentless does not even begin to describe their tenacity in ensuring that Congress steps up to what is needed to help math and science education in all of our schools. I just want to say thanks.

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Mr. EHLERS. Mr. Speaker, reclaiming my time, if I had known the gentleman was going to be so complimentary, I could have yielded more time.

I want to also finally compliment the sponsor of the bill, the gentleman from South Carolina (Mr. WILSON), who has done yeoman work in preparing a good bill, one that will really meet the needs of the children and provide jobs for them in the future.

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

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), and let me just say that it is interesting, as a Latin teacher, to stand here with a physicist on each side of me, the gentleman from Michigan (Mr. EHLERS) and the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my friend and colleague from Michigan for yielding me this time, and I am pleased to follow my other friend, the gentleman from Michigan (Mr. EHLERS). I want thank the chairman for his kind words, and the gentleman from Michigan (Mr. EHLERS) and I, I am sure, will continue to persist in seeing that science and math education are well represented in our legislative activities.

Over the next 10 years, as you have heard, Mr. Speaker, we will have to hire nationally more than 2.2 million teachers just to stay even, to make up for the number of people leaving the teaching force, even without making efforts to bring down the class sizes. The problem is especially acute in special education, where there is a chronic annual shortage of tens of thousands of teachers nationwide.

This bill will create incentives to help ensure that we have enough teachers, especially in the areas of math, science, and special education. Loan forgiveness is one of the most effective incentives available to us. In the subcommittee I offered an amendment to provide loan forgiveness incrementally over 5 years of teaching service, as opposed to the original bill that provided loan forgiveness only after a full 5 years. I am pleased that the committee included this incremental loan forgiveness in the final version of the bill. I think it will help with teacher recruitment and retention.

Many teachers, especially in the math and sciences field, leave in the first few years. By spreading this incentive, this loan forgiveness, over 5 years, I think it will provide an incentive for teachers to stay instead of leaving the profession or moving to school districts that can afford to pay more. And while I would have liked the bill to cover teachers working in more districts and teaching in other subjects beyond math and science and special education, I still support this legislation.

Now, I must say to the chairman, who said that to cover other districts or other subjects or to help with Head Start teachers, the money just was not available, please, I never want to hear that argument again this year. We have just been told by the majority over the last 2 years that there are several trillion dollars that they found, that are more than we know what to do with, and they have to be given back. It has to go back in the form of tax cuts. Well, that is several trillion dollars, with a T, that we are talking about.

Now, perhaps the majority thinks that the people who receive these tax cuts will pay to recruit teachers and will pay for their professional development, will pay for Head Start competitive salaries, will pay for special education, because, as the majority says, it is their money, they know how to use it better. And if I sound a little sarcastic, it is because I get very impatient with this argument. Trust me, we will not see these tax cuts end up in the hands of the Head Start teachers, we will not see these tax cuts coming back to provide for the training and professional development of teachers or for the recruitment of teachers.

This bill will, however, help, and, Mr. Speaker, I do support it.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), my good friend, the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate all those who were involved with this, particularly the gentleman from South Carolina (Mr. WILSON), the gentleman from California (Mr. MCKEON), the chairman, the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Michigan (Mr. KILDEE).

Things have changed in education, and they have changed a lot because of what we have done right here, and a lot of people, frankly, do not like it. The No Child Left Behind is a tough piece of legislation. For those who do not believe it, just go talk to your school superintendents and hear some of the complaints they have about it. It is tough because we have standards and assessments, we are doing testing, we are making demands, and if you do not make the mark, then you will be penalized for that. And indeed, it has taken a lot of steps to educate kids better than we ever have before, and that is very commendable.

One thing that has been missing in all of this has been identified in this legislation which we have before us is the fact that we need to have teachers, particularly in specialized areas, who will fill the niches of being able to teach in those areas and who are themselves prepared in those particular areas. This loan forgiveness in this excellent piece of legislation which we have before us which is going to give us, we hope, more science teachers, more math teachers, and more special education teachers and, perhaps, more reading specialists is of extraordinary importance to make sure that we are meeting the concerns and problems we

have with educating all of our young people. And for that reason, I think we should all support it in every way we can.

It adds to all that we have done in recent years in education. It is going to bring the best and the brightest to teaching. But by giving them loan forgiveness over a period of 5 years, first of all, they will be there for 5 years; and, secondly, it is my judgment that when they have taught for 5 years, they will look around and say, this is a good profession, and they will want to continue to teach after that.

This does cost money, and quite frankly, we on this side should be very proud of the increases which we have had in education that we have pushed for in the last 6 or 7 years. A lot of mention has been made that we are not doing enough about the funding of education. We have done a lot about the funding of education, increases of 16 percent a year for the last 6 or 7 years in the Congress of the United States.

The time has come to educate better. This legislation helps with that. Let us all support it.

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

Mr. Speaker, I have spent 27 years in the Congress and 27 years on the Committee on Education and the Workforce, formerly called the Committee on Education and Labor. And in those 27 years, I always felt and discovered that we do our best work especially in the area of education, sometimes we have some differences in areas of labor, but in areas of education we do our best work when we work together in a bipartisan way.

I think the last few months have demonstrated that we are able to bring to the floor a bipartisan bill. It was an exercise of civility and, as I mentioned earlier, actually enjoyable writing this bill. I think, again, we can demonstrate that bipartisanship does work, and it has worked here again today.

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

Mr. MCKEON. Mr. Speaker, I am happy to yield 1½ minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, I rise today to address the Chamber about the critical need to attract qualified teachers to the education profession.

Over the next decade, a large percentage of teachers will retire, depriving our schools and our children of the knowledge and leadership gained through years of experience. This problem affects both urban and rural schools, but especially high-needs schools with large numbers of children below the poverty level.

Teachers are saddled with the responsibility of educating our children in their classroom studies, teaching morals and values, and making them productive members of society. Our teachers are instrumental in influencing our children's development, and yet there is little acknowledgment or reward for this responsibility they carry.

As the husband of a kindergarten teacher and the father of three, I understand that a teacher who remains in the classroom and has a passion for teaching is a great benefit to our children. We need to find ways to attract young professionals to teaching careers by offering incentives to keep them in the teaching profession and develop them into talented educators. H.R. 438 encourages those going into the teaching profession to stay in a career they are passionate about while affording them the financial ability to do so.

Teachers are the foundation of our children's education and development, and, therefore, it is necessary to invest in the well-being of their careers. Mr. Speaker, I urge passage of H.R. 438.

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

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. KILDEE) also. I have enjoyed working together with him. I want to thank the gentleman from South Carolina (Mr. WILSON) for the great work he has done as a new member of the committee for bringing this bill to the floor. And I want to thank the gentleman from California (Mr. GEORGE MILLER) and the chairman, the gentleman from Ohio (Mr. BOEHNER).

This is just the start of what we are doing on reauthorizing the Higher Education Act. These are the two teacher bills that we are doing today. We will also be doing three more bills, hopefully get them wrapped up this fall, and then, when the other body does their work, we will be able to early next spring, hopefully, complete the higher education reauthorization.

With that, I would like to thank all those who have participated and ask that our colleagues all join us in support of this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 438, which aims to bring highly qualified teachers to low-income areas. I rise in support of the bill but I am disappointed that this may become yet another unfunded mandate by the other party. It is my hope that my colleagues on the other side of the aisle will not simply vote in favor of this bill now only to deprive the underlying programs of the financial support they need.

I support this bill, because the classrooms in our country are in great jeopardy and we must act to rescue them. All of our children deserve a good education that prepares them for the future as productive members of their society and of the global economic community. A proper education is needed in order to mold our children into future leaders. There is a lack of highly qualified teachers in math, science, and special education, which is leaving our children unprepared in going onto higher education and the workforce. This shortage of qualified teachers is mainly in rural and urban areas where many of the families are low-income. Many of these teachers are unqualified to teach these subjects and the new teachers that come to these schools, do lack expertise in science, math, and special education.

According to the National Center for Education Statistics in 1999–2000, 67 percent of public middle school and high schools had vacancies in special education, 70 percent had vacancies in mathematics, and 61 percent had vacancies in biology. This means that the vast majority of our public schools need teachers to teach these vital courses. The Committee for Economic Development also reported that almost a third of high school math classes are taught by teachers who did not major or minor in mathematics, and 45 percent of biology classes are taught by instructors who did not major or minor in biology. These statistics show that these courses are not taught by the teachers with the most experience and can help our children reach their full potential.

Given these overwhelming statistics, I would like to extend my support to the ''Teacher Recruitment and Retention Act''. This program will give qualified teachers loan forgiveness when thy commit to teaching in a low-income school for five years. A qualified teacher can receive loan forgiveness of up to $5,000 of the outstanding loan obligation after the fifth complete school year of teaching. Teachers must also meet the ''highly qualified'' criteria before receiving any loan forgiveness.

If we do not bring highly qualified teachers to these schools, we do a great disservice to our nation and children. We hurt our Nation by not adequately preparing our future leaders and our children by not giving them the best public education possible, which they truly deserve. Our economy is becoming very competitive and higher education is necessary to become successful in our society. It is our responsibility to fully educate our children in math, science, and special educations so they can help reach their full potential academically.

In addition, I offered an amendment in the Rules Committee yesterday, which unfortunately, was thwarted by the import of the Rule as debated this morning that also kept other very viable and important amendment proposals from consideration. The amendment proposed to add to the list of qualification criteria of FFEL loan forgiveness teachers who have attended Historically Black Colleges and Universities and those serving large portions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations to pursue continuous teaching careers. I offered this amendment for the purpose of creating an incentive for former students of Historically Black Colleges and Universities and those serving large portions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations to pursue continuous teaching careers. The increase in teachers from these backgrounds increase the diversity and cultural background of the pool of recruited and/or retained high quality teachers of applied subjects.

Therefore I stand in strong support of H.R. 438 and hope that my Congressional colleagues will also offer support for this legislation.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of the Teacher Recruitment and Retention Act and the principles behind it. I am pleased to see the House working to align the Higher Education Act with the goals of the No Child Left Behind Act, and I hope to see continued efforts to this end. By increasing the amount of student loans that may be forgiven for teachers in mathematics, science and special education that agree to teach in Title I schools for at least 5 years, we send a strong message of support to those teachers

who accept the challenges of teaching in some of our most disadvantaged schools—schools that do not have the resouces to attract and reward high quality teachers.

Supporting these teachers in every possible way is critical to the vision of No Child Left Behind. While H.R. 438 provides some relief to math, science and special education teachers in Title I school districts, more should and must be done. Ensuring that every child, regardless of his or her income or background, has highly qualified teachers—whether they are in elementary or secondary schools, head start or other pre-kindergarten programs—is essential to ensuring their achievement. I applaud the message and the meaning behind the Teacher Recruitment and Retention Act and I hope we will continue to show support for teachers that take on the challenge of service in underprivileged areas as we take up appropriations, Head Start reauthorization and other related legislation. I urge all my colleagues to support H.R. 438.

Mr. ISRAEL. Mr. Speaker, I rise in support of the Teacher Recruitment and Retention Act (H.R. 438), which will help improve the education of children attending public schools in high poverty areas.

Research has demonstrated that highly qualified teachers and high retention rates improve the performance of our schools. This will require additional incentives for our nation's college students to enter the teaching profession.

The Teacher Recruitment and Retention Act will increase the amount of student loans that can be forgiven from $5,000 to $17,000 for ''highly qualified'' math, science or special education teachers serving in schools with special needs.

For the past two years, Congress has been working to ensure that no child is left behind. We must also ensure that we do not leave minority teachers behind.

Currently minority students account for 33 percent of American public school enrollment. But minorities only account for 13 percent of America's public school teachers. It is estimated that more than 40 percent of the nation's public schools have no minority teachers at all.

This gap between the percentage of minority students and teachers will not close on its own. In fact, it will grow wider every day.

By the year 2025, minority students will account for half of American public school enrollment. But one bleak estimate has minority teachers representing just 5 percent of the future teaching force.

If attracting and retaining high quality teachers is necessary for our children to have a high quality education, and we continue to value equal opportunity and diversity in our public workplace, then more must be done to correct this disparity.

That is why I have worked to secure funding for innovative programs on Long Island.

In 2002, I secured $800,000 for a new Institute for Minority Teacher Training, based at St. Johns University, to attract a new cadre of minority math and science teachers.

Last year, I secured $400,000 in funding for Dowling College to continue the development of an innovative program to attract minority students from economically disadvantaged neighborhoods, help the students obtain an undergraduate degree, and return them to the same neighborhoods to teach in underserved public schools.

I am hopeful that this legislation will work in concert with my efforts on Long Island to ensure that our teachers become as diverse as the student body they mentor.

We cannot make the mistake of leaving minority teachers behind.

I urge my colleagues to join me in this effort by creating similar programs in their districts and by expanding incentives for people to teach in previously neglected schools.

Mr. OWENS. Mr. Speaker, I rise in support of H.R. 438, the ''Teacher Recruitment and Retention Act of 2003.'' The bill increases from $5,000 to $17,500 the maximum amount in which student loans can be forgiven for math, science and special education teachers in Title I schools. While the bill is clearly a step in the right direction, the Republican majority has failed once again to fully fund key education programs. Prior to the enactment of the ''No Child Left Behind Act'' (NCLB) President Bush and the Republican leadership promised to provide funding to place a ''highly qualified'' teacher in every classroom. Tomorrow the House will vote on the Labor-HHS-Education Appropriations bill which freezes funding for the Teacher Quality State Grant programs for FY04.

Several weeks ago the Republican leadership forced through a monstrous tax cut with the promise that vital domestic programs would not be cut. However, the bill which was reported out of the Appropriations Committee freezes funding for Teacher Quality State Grants at $2.9 billion in FY04, the bill falls far short of the $3.175 billion promised in the ''No Child Left Behind Act'' funding schedule. Overall, the Republican leadership is more than $8 billion below the amount authorized for the ''No Child Left Behind Act'' for FY04. The $24.3 billion authorized for FY04 is consistent with the Republican leadership's attack on domestic programs. The 1.6 percent increase over FY03 continues a downward trend for key education programs. Instead of rewarding ''corporate fat cats'' the Republican party should rescind the tax cut and support increased funding for key education programs.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 438, a bill to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education. The Higher Education Act of 1965 currently provides that teachers at schools designated as ''low-income'' may cancel up to $5,000 of his/her student loans. H.R. 438 would increase this amount to $17,500 for mathematics, science, and special education teachers.

American Samoa currently has 37 schools designated as ''low-income'' and I have encouraged our teachers to take advantage of the opportunity to have portions of their student loans forgiven. A good education is crucial to our children's development as individuals and as members of this community, and we need to begin with providing our children with quality teachers who are well educated and committed to teaching.

H.R. 438 will allow us to continue to recruit and attract qualified teachers committed to educating our children. I only hope that in the future we will be able to extend this increased amount to all teachers. I urge my colleagues to support H.R. 438.

Mr. THOMAS. Mr. Speaker, I rise today in support of the Teacher Recruitment and Retention Act, which would provide math, science, and special education teachers with up to $17,500 in Federal student loan forgiveness if they teach for 5 consecutive years in a Title I school.

Classrooms in poor areas are facing a crisis. A lack of qualified teachers in math, science, and special education is leaving schools without options and students without the educational opportunities they deserve. The shortage affects children both in urban and rural schools, and while the demand for teachers remains very high, the number of them entering classrooms remains low, particularly in depressed areas. There is an obvious need to provide incentives for educators to teach these subjects in lower-income neighborhoods.

If signed into law, the legislation before us will benefit children in nearly every part of my congressional district. The Bakersfield City School District, for example, has 41 eligible schools, the fifth-most of any district in California. Sixteen of the eighteen schools in the Lancaster Unified School District are eligible. The bill will also benefit schools in Atascadero, Mojave, California City, Taft, San Luis Obispo, and Ridgecrest, CA.

Our President said that, ''when it comes to educating our children, failure is not an option.'' As such, the goal of the Federal Government with regard to education should be to help bring good teachers to schools that desperately need them, and that is why I am a cosponsor of and look forward to voting for this legislation.

Mr. STARK. Mr. Speaker, each one of us has had a special teacher that touched our lives as children—a teacher who managed to capture our minds and create in us a hunger for more information.

Mr. Speaker, I rise here today in support of H.R. 438, the Teacher Recruitment and Retention Act of 2003, which will create incentives for our nation's best and brightest teachers to educate students in our poorest and most disadvantaged school districts.

It will also ensure that our children with special needs are taught by educators who are trained to work with their unique disabilities, so that they can succeed along with their peers in the classroom.

This legislation more than triples the maximum amount of Federal student loan forgiveness available for math, science and special education teachers who commit to teaching math, science, and special education in a low-income community school for 5 years.

This dramatic increase in loan forgiveness—from $5,000 in current law to $17,500—will provide schools with an effective tool to recruit and retain high quality teachers in areas of critical need.

Student loan forgiveness for high-need teachers, such as math, science, and special education, provides an effective incentive and can be a critical link in increasing the supply of these essential educators.

At a time when our States are facing a growing fiscal crisis with fewer resources available in their own budgets for recruiting teachers, this legislation will provide an additional recruitment tool for schools serving low-income students in inner cities and rural areas.

It is my hope that this legislation will also attract intelligent young men and women, including those from minority communities, to enter the teaching profession and to specialize in math, science, or special education.

Helping our States and local communities recruit excellent teachers can have dramatic results. Students in these schools are generally those that would benefit most from having a highly qualified teacher, and these schools often face the most difficulty in attracting quality educators.

Studies show that teachers with advanced degrees are less prevalent in high-poverty schools. Other studies also demonstrate that a knowledgeable and qualified teacher is a critical determinant in closing the achievement gap for students.

H.R. 438, the Teacher Recruitment and Retention Act provides a meaningful incentive to attract teachers in key subjects to Title I schools in our nation's inner cities and rural areas, where they are desperately needed.

The two bills that the House has considered today make critical reforms to help States and school districts ensure that every child has the chance to learn from a highly qualified school teacher.

H.R. 438, the Teacher Recruitment and Retention Act and H.R. 2211, the Ready to Teach Act demonstrate the commitment of the House to offer new tools to schools and communities by strengthening teacher training programs and creating significant new incentives for math, science, and special education teachers to educate students in disadvantaged school districts.

Mrs. CHRISTENSEN. Mr. Speaker, as a mother of a teacher, and the granddaughter of one of my disrict's most noteworthy educators, I rise today in support of H.R. 438, the Teacher Recruitment and Retention Act.

Our teachers lay the foundation for our future, and must be adequately compensated in whatever field they teach.

However, math, science, and special education are subjects in which many rural and urban school districts, including my own, are facing shortages. In fact the entire Nation faces such shortages.

According to the Center for the Study of Teaching and Policy, 31 percent of math teachers, 33 percent of life sciences teachers, and 57 percent of physical science teachers currently teaching grades 7–12 do not have a major or minor in the field they are teaching.

The U.S. demand for scientists and engineers is expected to increase at more than double the rate for all other occupations during the next decade. The need for a scientifically literate population is essential to boost our economy and strengthen our national security. Technology and the innovation it creates drive productivity and economic growth.

If the U.S. is to retain its competitive edge and maintain its leadership role in the world, we must do a better job teaching our children science and mathematics, as well as providing every child who has special needs the opportunity to develop and learn to his or her fullest potential.

To do this effectively a concerted effort must be made to recruit, train, reinvigorate, and retain teachers in these fields.

H.R. 438 provides an important step in meeting these challenges by expanding loan forgiveness provisions in the Higher Education Act to $17,500 for math, science, and special education teachers teaching in Title I schools.

I introduced similar legislation last Congress. H.R. 789 which would expand the eligibility of individuals to qualify for loan forgiveness for teachers in order to provide additional incentives for teachers currently employed or seeking employment in economically depressed rural areas, territories, and Indian reservations.

H.R. 438 does a part of that, and I am pleased to support it. I also look forward to joining Mr. THOMPSON on his Rural Teacher Recruitment and Retention Act and taking even further steps to better compensate teachers and to ensuring that all of our children are prepared to meet the challenges of this century.

Mr. HINOJOSA. Mr. Speaker, I am pleased that we are making teacher preparation the first order of business for the reauthorization of the Higher Education Act. Teachers are the common thread running through all of our education efforts.

Quality teaching is essential if we are to fulfill our promise to leave no child behind. Head Start, IDEA, bilingual education, adult education, and higher education, all depend on high quality instruction by well-prepared teachers.

I support loan forgiveness of up to $17,500 for math, science, and special education teachers. However, I believe the scope of this bill is too narrow.

It does not address other equally pressing priorities, such as early childhood education or the growing need for teachers for an expanding population of limited English proficient children.

During committee consideration, my colleagues and I attempted to expand the loan forgiveness programs, but we lost every amendment on a party-line vote.

We were told by the other side that increasing loan forgiveness for bilingual teachers and Head Start teachers was a worthwhile Federal investment, but they said because we have limited resources, we have to make choices.

I'm all for making choices; that's what we're here to do. Making choices means setting priorities. The Hispanic community, and the low-income community are asking us: When are our children going to be considered a priority?

Through the No Child Left Behind Act, we require that schools across the country close the achievement gap between limited English proficient children and their peers. This is absolutely the right thing to do. Unfortunately, there are not enough teachers to do the job.

According to the National Center for Education Statistics, there are approximately 4.5 million limited English proficient children in our schools, and the number is growing. Sadly, only 12.5 percent of the teachers who have these LEP students in their classrooms have had 8 or more hours of preparation in the last 3 years on how to teach students who are limited English proficient.

It is unfortunate that the majority has insisted on a budget and a series of tax cuts that have drained the treasury and knocked Hispanic and LEP children from the priority list.

My hope is that we will put resources behind all the good intentions of this legislation.

Mr. KIND. Mr. Speaker, as a member of the Education and Workforce Committee, I supported H.R. 438, the Teacher Recruitment and Retention Act of 2003 and I am pleased to have the opportunity to support it on the House Floor today.

The 1998 Reauthorization of the Higher Education Act established a loan forgiveness program for teachers in title I schools. Borrowers with no outstanding loan balance as of 1998 could receive up to $5,000 in loan forgiveness after teaching for 5 years in a title I school with at least 30 percent poverty.

This legislation would increase the amount of loan forgiveness for math, science and special education teachers from $5,000 to $17,500. It is critical that we ensure all classrooms have highly qualified teachers, especially in schools with high populations of students disadvantaged by poverty. This bill, however, could be significantly improved by expanding loan forgiveness to teachers of all disciplines in high poverty schools, to Head Start teachers, and to teachers in rural schools.

Rural schools across America are struggling as they attempt to provide a strong and sound educational experience for their students. Their remoteness, limited resources and small faculties present numerous challenges for school administrators and school boards. In addition, rural teachers in Wisconsin earn 11 percent less than teachers in urban school districts. School loan forgiveness for teachers in rural schools would allow new teachers to view careers in small rural school districts as positive professional options.

During committee consideration of H.R. 438, and again during Rules Committee yesterday evening, I offered an amendment that would have helped small rural school districts increase their competitiveness for recruitment of teachers. This amendment would have expanded the eligibility of the loan forgiveness provision to teachers in rural schools. Moreover, because this amendment did not increase the cost of the bill, I am disappointed that it was prevented from being considered on the House Floor.

Ensuring that all of our children have highly qualified teachers is critical to ensuring their achievement. In the 1999–2000 school year, over a fifth of secondary students took at least one class from a teacher who neither majored nor minored in that subject in college; over a third received instruction in at least one class from a teacher who was not certified in the subject nor had academic training in that subject.

Mr. Speaker, H.R. 438 will help put qualified math, science, and special education teachers in the classroom and although I am concerned that H.R. 438 does not go far enough in assisting our local schools and teachers, it is a step forward. Therefore, I urge my colleagues to support this bill and I hope we can continue to work to ensure that all our students have highly qualified teachers.

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

The SPEAKER pro tempore (Mr. OSE). All time for debate on the bill has expired.

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEORGE MILLER of California:

Page 2, line 24, strike ''and''; on page 3, line 24, strike the period and insert ''; and'' and after such line insert the following:

''(iii) an elementary or secondary school teacher who primarily teaches reading and—

''(I) who meets the requirements of subsection (b), subject to subparagraph (D) of this paragraph;

''(II) who has obtained a separate reading instruction credential from the State in which the teacher is employed; and

''(III) who is certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed to teach reading—

''(aa) as being proficient in teaching the essential components of reading instruction as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

''(bb) as having such credential.

Page 6, line 18, strike ''and''; on page 7, line 17, strike the period and insert ''; and'' and after such line insert the following:

''(iii) an elementary or secondary school teacher who primarily teaches reading and—

''(I) who meets the requirements of subsection (b), subject to subparagraph (D) of this paragraph;

''(II) who has obtained a separate reading instruction credential from the State in which the teacher is employed; and

''(III) who is certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed to teach reading—

''(aa) as being proficient in teaching the essential components of reading instruction as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

''(bb) as having such credential.

The SPEAKER pro tempore. Pursuant to House Resolution 309, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this amendment, along with the chairman of the committee, the gentleman from Ohio (Mr. BOEHNER). This is to provide loan forgiveness for those teachers who specialize in teaching reading.

Just last week we saw the scores on the National Assessment of Education Progress that were released by the Department of Education, and the scores obviously show that we have a long way to go. While the scores of fourth-graders were up slightly, the scores of eighth-graders were stagnant, and the scores for high school students were actually down. This is not acceptable, but I think it does demonstrate that in some areas we are making progress.

I think we also understand that one of the basic tenets of the Leave No Child Behind was that good, qualified teachers in areas of specialties were an absolute cornerstone to the success of this legislation. All of the data suggests to us that where a child is exposed in succeeding years to well-qualified teachers, those children do much better than the children who receive teachers who may or may not be qualified to teach the subject matters.

This legislation to provide loan forgiveness goes a long way in helping us to provide the incentives not only to attract individuals to teaching, but also to make sure that we have a chance to retain those teachers for a period of 5 years. As many Members have said, after 5 years, if the school districts are doing the other things they should be doing in terms of supporting these teachers and providing other efforts at retention, and providing professional development, making sure that teachers are not isolated throughout the school year, that they have a chance to talk with their peers and learn the skills of teaching and learn what they are doing right and what they are doing wrong, then those individuals will tend to stay.

It is not just about money, but, clearly, these teachers also have to make a rational decision about their futures and their careers. This effort to give loan forgiveness to teachers who specialize in math and science and reading, to provide over $17,000 of loan forgiveness over 5 years, I believe, can be very helpful to the retention of those teachers and to the attraction of those individuals to the teaching profession.

I believe this amendment is consistent with the idea that we are trying to do these in the areas of high need, where extra specialization is necessary, and to make sure that we start to develop a corps of individuals who are properly qualified to teaching.

Obviously, reading, whether you are going to be studying math or science or social studies, or whatever else you are going to be doing throughout your educational career, the ability to read is going to determine how successful you navigate your education as an elementary school student, as a high school student, and later, perhaps, as a college student. The ability to read is also identified by employers as a concern as to whether or not employees are flexible enough to learn additional skills as they move through a career and as jobs change so that they are able to adapt.

So this investment in these reading specialists, I think, goes a long way toward improving this legislation, and I believe will be very helpful to school districts who are trying to focus on the requirements and the incentives in the Leave No Child Behind on trying to improve reading at the earliest grade levels. One of the objectives of everybody on the committee is to improve the ability of young people to read so that they can learn to read, and then, as Secretary Reilly used to say, read to learn. We want to accomplish that.

It is also clearly the goal of the President in this bill with the sections that he pushed very hard for on reading and reading readiness in this legislation. And so I would urge my colleagues to support this amendment.

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

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent to take the time in opposition, even though I am not opposed to the amendment.

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

There was no objection.

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

Mr. Speaker, let me congratulate my good friend, the gentleman from California (Mr. GEORGE MILLER), the ranking member of our committee, on our ability to put this amendment together and bring it to the floor. As we were looking at the loan forgiveness bill and the budget we were given to work with it, we realized in committee that we had a little more room, and so the gentleman from California (Mr. GEORGE MILLER) and I had a discussion about these reading specialists.

□ 1515

They do provide a very important service in many of our poorer schools in terms of helping students to read, helping to train those others who teach reading, and I do think it is an important addition to the bill.

As the President said the other day and has said on a number of occasions, reading is the new civil right, a quote given to him by a lady on the campaign trail at one time. We all know if you cannot read, trying to learn any subject, trying to function in our society is not going to happen.

When we look at the test scores that the gentleman from California (Mr. GEORGE MILLER) referred to several minutes ago, they are basically flat. We have a real serious problem in many of our schools because kids are not being taught to read. Now this is somewhat incomprehensible to many of us; but we are engaged with our kids, or in the case of the gentleman from California (Mr. GEORGE MILLER), his grandchildren. We are working with our kids, exposing them to books and exposing them to reading. Unfortunately, many kids in America are not being exposed. Their parents have two jobs, or a single parent having to work. The extra focus that we put into No Child Left Behind on increasing the amount of funds available to target kindergarten through third graders is critical if we are serious about leaving no child behind. I congratulate the gentleman from California (Mr. GEORGE MILLER) on his amendment, and urge my colleagues to adopt it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON), a former chairman of the school board of the State of Georgia.

Mr. ISAKSON. Mr. Speaker, I commend the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. MCKEON), the gentleman from Michigan (Mr. KILDEE), and the gentleman from California (Mr. GEORGE MILLER) for their hard work on this legislation.

I came to the floor, though, because of some comments I heard in other speeches. I think there is unanimity that this is a great bill. There are some people who talk of its inadequacies and how it could do more, and there have been some who say we are not doing

enough because we have given tax breaks to rich people and we have not prioritized education, and I have to address that briefly.

Public education in America is paid for in my State and in most States, about 67 percent of the property tax bill that is paid in my State goes to education. About two-thirds of every dime that taxpayers pay goes to public education. Our State's budget for public education is $6 billion. The Federal Government in IDEA and title I puts about 7 percent in, and all those monies come from these taxpayers.

The fact that we gave a tax break to create jobs, growth and opportunity in this country inures itself to the benefit of education as much or more than what we are doing in this legislation because those taxpayers are school teachers. The tax break for a family of two or four making $44,000 a year, which ends up being $11,000 a year, can go to help pay that student loan off rather than send it to the government.

The corporation that takes benefits for expenses or takes benefits for advanced depreciation that is a partner in education is also somebody that is employing someone else who can buy a home and pay taxes to finance the schools. So I understand the argument, but to me it hurts that we take a bill that is quality and that is good and that everybody here would like to make a little better, and all of a sudden blame the very people who are funding education, who are paying for our teachers, who make it possible for us to have a nationwide public education system, end up being criticized that we cannot broaden the scope of the benefit we are offering in the forgiveness of the first $17,500 of those who go into 40 percent title I schools and teach math or science or special education.

Mr. Speaker, I wanted to come to the floor to say the American taxpayer is the reason we have quality public schools. America's school teachers are taxpayers, and the fact that our tax policy is for them to keep more of their money is just as much of an incentive to help them in the job that they perform to pay the taxes they pay as the forgiveness of a loan might have been. I enjoy working with every member of our committee, and I am proud to join with the other Members here today to see that we focus on our title I schools, we focus on quality teachers, and we focus on leaving no child behind.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank the gentleman from Michigan (Mr. KILDEE) for managing both of these bills on the floor today and for his contributions to this legislation. I want to thank the gentleman from California (Mr. MCKEON), the gentleman from Ohio (Mr. BOEHNER), the gentleman from South Carolina (Mr. WILSON), and the gentleman from Georgia (Mr. ISAKSON) for all their cooperation on this legislation. I think these bills are consistent with what we have been saying about the importance of teachers in the classroom. I think they finally put some resources in place to help those individuals who want to become teachers and who want to remain teachers, and I would urge passage of this amendment.

Finally, I would say when we see a young child who can read and master these strokes, it is a wonderful feeling. I was very happy when I saw that my granddaughter was actually excited because Harry Potter was almost 800 pages. She was worried that it might be only 300 to 400 pages, but she was excited that the latest book was almost 800 pages so she could rip through it and read it. To see that kind of excitement on a child's face who is comfortable with reading is something that we hope for all of our Nation's children. Hopefully, this amendment will provide a little bit of help to do that.

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

The SPEAKER pro tempore (Mr. OSE). Pursuant to House Resolution 309, the previous question is ordered on the bill and on the amendment by the gentleman from California (Mr. GEORGE MILLER).

The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on 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. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 311 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 311

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes. All points of order against the bill and against its consideration are waived. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

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

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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. 311 is a closed rule providing for the consideration of H.R. 2657, the Legislative Branch Appropriations Act of 2004. H. Res. 311 provides 1 hour of debate in the House on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against the bill and against its consideration, and it provides one motion to recommit with or without instructions.

Mr. Speaker, I want to begin by first noting the first-class work of the Legislative Branch Appropriations Subcommittee in bringing this legislation forward to the House floor. It was particularly refreshing to see the chairman of the subcommittee, the gentleman from Georgia (Mr. KINGSTON), and the ranking minority member, the gentleman from Virginia (Mr. MORAN), testifying in support of their work product before the House yesterday.

It is a fiscally responsible bill that will ultimately encourage greater productivity and meaningful savings, and the gentleman from Georgia (Mr. KINGSTON) is to be commended for his management oversight that will certainly ensure that organizational changes are administered better within the legislative branch's agencies.

Mr. Speaker, this is not the largest appropriations bill and it is not the most important. However, this appropriations bill is important because it sets the tone for what the House leadership and the Republican House are working towards in terms of fiscal responsibility, effective organization, and result-focused management across the Federal Government.

In brief, this appropriations bill provides $2.7 billion in funding for fiscal year 2004, including funding for the House, the Capitol Police, the Congressional Budget Office, the Architect of the Capitol, the Library of Congress, the Government Printing Office, and the General Accounting Office. It is important to note, however, that this $2.7 billion figure is 1.2 percent less in total dollars than in the current fiscal year. This decrease represents a reduction in funding of almost $34 million compared to the current fiscal year.

While Congress at times has demonstrated difficulty in restraining itself from spending money, it strikes me as a significant event that this bill before us today cuts the congressional

budget for fiscal year 2004. It is an indication that there is a continued commitment to make the government work more efficiently and that that commitment begins with ourselves in the legislative branch.

Mr. Speaker, this rule ensures the orderly consideration of the legislative branch funding legislation. I urge Members to support the rule so we may begin to debate this important legislation.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary 30 minutes.

Mr. Speaker, each week in the Committee on Rules, I see my colleagues using procedure to kill substance and stifle debate. And again last night, the Committee on Rules passed a closed rule on the Legislative Branch Appropriations Act. This closed rule prohibits all amendments.

I am again concerned to see that our obligation to debate and deliberate is sacrificed in the name of efficiency. The legislative calendar for the month of July is very full. We have much work to do, but this does not diminish or negate our obligations as Members of this body.

The Committee on Rules rejected an amendment to transfer funds from the general administration account in order to carry out the Technology Assessments Act. The closed rule prevents offering that same amendment from the floor. We lose the opportunity to consider the amendment and to discuss the Office of Technology Assessment for the Congress and the office's mission to consider the impacts of technology.

The closed rule also bars an amendment that would apply the Buy American Act to procurement of manufactured goods by the House. Who could disagree that we should buy American-made products for our offices, especially when unemployment is at 6.4 percent, the highest it has been in 9 years, and the economy continues to limp along?

Should we have an opportunity to discuss whether or not the desks in our offices, paid for by the American taxpayers, should be made in America? Sure we should.

Other issues in this bill merit discussion. The funding level for the Capitol Police is lower than in the 2003 fiscal year, and the funding is almost $80 million less than the Capitol Police requested. The closed rule provides only 1 hour of debate but will not allow this to be discussed. With the continual terrorist threats to the U.S., we should at least discuss the funding needs of the Capitol Police. We ask them to put their lives at risk every day to protect our staff, our visitors, and us; yet we refuse to take the time to discuss their funding levels.

H.R. 2657 provides the Architect of the Capitol no additional funds for the Visitors Center. Today's Washington Post published an article on the delays and cost overruns on this project, which we are all concerned about. The Committee on Appropriations expressed serious concerns about the management of the project; and, indeed, there are certainly questions to be asked.

We still have to ask questions about the expatriate corporations benefiting from this massive construction project. All of these serious concerns warrant further deliberation on the funding levels for the Architect of the Capitol; but, unfortunately, the Committee on Rules continues to trample on the rights of the minority. This venerable institution warrants a fair, open, and deliberative process in considering legislation; and I regret this is another opportunity lost.

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

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

Ms. SLAUGHTER. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

□ 1530

Mr. OBEY. Mr. Speaker, I originally had intended to vote for this resolution and this bill, but then about an hour ago my staff brought it to my attention something which they discovered about this bill. Buried in the bill, in fact, not in the bill at all, but in the budget for the House Administrative Office, is a $750,000 item that would begin to provide expanded dental care for Members of Congress and their staff July 4 of next year. No Member on this side of the aisle, to my knowledge, knew anything about it, and no member of our staff knew anything about it. I am only the senior Democrat on the Committee on Appropriations, and yet I did not know that that provision was at all tied into this bill.

So we called the majority staff and asked about it, and they told us that they did not know anything about it. I believe the person that my staff talked to on the majority side, but I do not know what that means in terms of who put that provision in the bill. I assume the tooth fairy. But somebody did. And until that provision is removed or until we have an assurance that it is going to be removed, and I understand that the majority is going to remove it, nobody on this side of the aisle intends to vote for this rule or the accompanying bill.

I happen not to have any objection to the idea that we provide dental coverage for every American in this country, but it was only 1 week ago when this Congress chiseled on Medicare benefits and chiseled on prescription drug benefits for retired seniors in this country, and for us to then find out that somebody has the bright idea that while we are chiseling on benefits for everybody else in this society, we are going to have an expanded medical benefit for Members of Congress is more than I am going to swallow.

And I want to say something else. I am tired of people in Congress who want to provide benefits for themselves who will not provide those same benefits for the people we represent. I will never forget the experience I had last year when I went to a town named Antigo to open a small dental clinic for low-income people, and there I met a young woman whose husband had been sick for months. I think he had MS, but I am not sure. And she told me that there had been about 67 dentists in that four-county area. Only half of them would take Medicaid patients because of the low reimbursement rates. She told she went to every single one of those dentists trying to get some help to have the braces taken off of the teeth of her oldest child; could not find a single dentist to do it. So she finally held the kid down while the father took the braces off with a pair of pliers.

I have had a bellyful of Washington politicians who want to deny people like that the needed healthcare, and yet will countenance this kind of end run in this bill today. I do not know who knew about this, but, by God, somebody knew about it, and I do not believe it was anybody on our committee on either side of the aisle. But it is a disservice for whoever tried this. It is a disservice not just to the taxpayer, but to every single Member of this House on both sides of the aisle because those Members, after they voted for this bill, they would have found out that they had voted blindly for a bill which allowed this to happen, and the public would have been justifiably angry, and the Members would not have been to blame.

So I am glad that this is going to be taken out, but I am mad as hell that this ever happened. And I know the gentleman from Florida had nothing to do with it, and I know his staff had nothing to do with it, but I wish to God whoever did would 'fess up.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I share the gentleman's concern about this, and we are going to fix it. It should not have happened. No Member knew about this, and I am not sure yet who was responsible for it, but we will find the person who was responsible, and they will be dealt with appropriately. That is not right. The Members should not have something snuck up on them that they were not aware of. So I share the gentleman's concern. We are going to fix it very quickly

here, and we will do our very best to find out just exactly how this happened and why.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his comments and his assurance. I know he is an honorable man, and I know that he would not have sneaked anything like this through. I want to know who did this, but I do not want it passed off to some low-ranking staffer in this place. Somebody got an order from somebody to do it, and every last Member of this House has a right to know who gave that order.

I thank the gentlewoman for yielding me this time.

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

I could not be more in agreement with the gentleman from Wisconsin (Mr. OBEY). We do have an amendment here we are going to ask unanimous consent to be added to the bill that would put limitation and delete that language so that no expansion of that service be available.

Let me just add this. This is not the first time I have seen this happen. Some years ago I was involved in the settlement of some final appropriations bills, and language was put into the bill to dramatically change the Native American health system, and it was found and stripped out, and it found its way back into the bill. When that happens at any level, the person who is responsible for it ought to be fired at that moment. I hope we can do that in this case.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I was prepared to say as I did at the Committee on Rules that we do not really have a problem with this rule or this bill. It, in fact, is the first appropriations bill, at least that I am told, that is less than the previous year. That is because we are suspending some of the funding on the Capitol Visitors Center to make sure we have a full handle on all the additional expenditures, and we are not going forward quite as fast as the Capitol Police chief would like, but it does not imply necessarily any criticism in either respect. So this should have not been a problem. This should have been a rule that we could have probably voiced.

Not now. What we have is a serious affront to the institution. This was found by our appropriations staff person going through the bill. The majority staff was not even told about it. The Chair of the subcommittee was not even told about it. And it is just the kind of thing that makes the entire institution look bad.

We just had a bill yesterday that was not a bad bill. We wanted to make sure that current Federal employees were treated the same as Federal retirees, but it is a very sensitive issue given the fact that we just passed a prescription drug program under Medicare that many of us feel is very inadequate. So when it is compared to the benefits that Federal employees get and the members of the legislative branch get, it looks even worse. But the proposal we have here to provide dental and vision benefits just for the legislative branch, the executive branch does not have them, is the kind of feather-bedding, of taking care of ourselves, of self-serving legislation that comes back to haunt us on both sides of the aisle. And I agree with the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Georgia (Mr. LINDER), that this is serious stuff, and that we have got to find out where it happened and make sure it does not happen again.

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

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LINDER

Mr. LINDER. Mr. Speaker, I ask unanimous consent that the pending resolution be amended by the form I have placed at the desk.

The SPEAKER pro tempore (Mr. OSE). The Clerk will report the amendment.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. LINDER:

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes. The bill shall be considered as read for amendment. The amendment specified in section 2 shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 2. The amendment refereed to in the first section of this resolution is as follows:

Page 6, after line 22, insert the following:

SEC. 102. None of the funds in this Act may be used to provide supplemental dental or vision health insurance benefits for Members and employees of the House of Representatives.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, I would like to yield to the gentleman from Georgia (Mr. LINDER) to explain the impact of this amendment.

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

Mr. OBEY. Further reserving the right to object, I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, the impact of this amendment would just delete any possibility that any increases or expansions of dental care or vision care will be expanded.

Mr. OBEY. Mr. Speaker, further reserving the right to object, I thank the gentleman for that explanation.

Mr. Speaker, I want to make it clear I do not oppose any member of this society being able to have dental coverage or vision coverage under their insurance program. I would be very happy if my employees had it. I think all employees ought to have that coverage. I think all Americans ought to have that coverage. So I do not want this language to be misinterpreted as meaning that we are opposed to the idea.

I think what we are all opposed to is the idea that this bill would slip this into law without having an open public debate about it so that it can be honestly dealt with and above-board in open-door sunlight fashion.

And I would like to yield to the gentleman again to comment on this. I would like him to explain to the House exactly what the process will be so that every Member can be confident that they know what they are doing when they vote on both the rule and the bill.

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

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, as we have just learned in the last hour or so, and the chairman has just learned it here, someone somewhere slipped language into the leg branch bill that expands dental and vision health insurance benefits for Members and employees of the House. And I agree with the gentleman from Wisconsin. A fair and open discussion of expansion of these benefits for everyone is a legitimate course for this House to take and vote up or down, but to hide it in a bill and slide it in is simply inappropriate.

This language is eliminating language on the leg branch bill, and it says that none of the funds in this act may be used to provide that expansion of dental or vision benefits. It puts a limitation on those benefits where they are correct right now in the current form.

Mr. OBEY. Mr. Speaker, further reserving the right to object, I would simply like to make one correction. My understanding is that it is not actually the language in the bill which provides this. My understanding is that the key language was contained in the budget of the Chief Administrative Officer, which is financed by this bill. So we actually have to go to that document in order to discover the offending language.

Mr. LINDER. Mr. Speaker, I believe the gentleman is correct, and if he would not mind yielding to the chairman of the subcommittee, he has something to say on it, too.

Mr. OBEY. Further reserving the right to object, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding, and I want to say he is correct. There is no

specific language that just says funding in it. And I also want to say that as the chairman of the committee, it certainly would fall on me to know about this language. I have to confess I did not know about it, but I will certainly take responsibility and support the agreement to remove it.

□ 1545

I will also agree with the gentleman from Wisconsin that it may be a topic that at some point we should discuss. But, in the meantime, we should do it in open forum and not through the back door in this manner. This was put in as one of the administrative agency's budgets, but we do certainly agree to take it out.

Mr. LINDER. If the gentleman would yield further, I think we know where to start now.

Mr. OBEY. Mr. Speaker, continuing my reservation, I thank the gentleman.

I just want to clear up one procedural question. I think Members need to know which action will adopt the language which strikes this from the bill. Will it be the adoption of the rule, or the passage of an amendment after the bill is under consideration?

Mr. LINDER. If the gentleman will yield further, it will be the adoption of the rule will strike the language.

Mr. OBEY. If Members want to assure this provision is not in the bill, and if they want to be on record voting against any possibility that this will happen under this bill, they will vote for the rule.

Mr. LINDER. That is correct. The adoption of the rule will put in place limiting language that will prevent any expansion of those benefits.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OSE). Without objection, the amendment is adopted.

There was no objection.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

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

The SPEAKER pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

LIMITING GENERAL DEBATE ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that any general debate in the Committee of the Whole on H.R. 2660 be limited to 3 hours, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, could the gentleman provide us with the text of the motion? I think we know what he wants to do, but we do not have a copy. I would like to make certain that there is no inadvertent confusion.

Mr. YOUNG of Florida. If the gentleman would yield, the purpose of the unanimous consent, since the rule is basically silent on the amount of time, is to guarantee, pursuant to our agreement, 3 hours in general debate, to be divided 1½ hours on your side and 1½ hours on our side. This is the unanimous consent request that would be required to accommodate that agreement.

Mr. OBEY. Mr. Speaker, continuing my reservation, I presume that that will also allow us to reach a second agreement.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield further, this does not address the other agreement on any time limit. We would have to propound that as well. This just guarantees that we would have 3 hours of general debate.

Mr. OBEY. Mr. Speaker, I understand what the gentleman is doing.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 312 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 312

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. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived except section 217(b). Where points of order are waived against part of a section, points of order against a provision in another part of such section may be made only against such provision and not against the entire section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. 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 gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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, House Resolution 312 is an open rule which provides for 1 hour of general debate, equally divided between the gentleman from Ohio (Mr. REGULA) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), on H.R. 2660, the fiscal year 2004 Labor, Health and Human Services, and Education, and Related agencies appropriations bill.

The rule waives all points of order against consideration of the bill and against provisions in the bill, except as specified in this resolution. After general debate, any Member wishing to offer an amendment may do so, as long as it complies with the regular rules of the House.

The bill shall be read for amendment by paragraph, and the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule permits the minority to offer a motion to recommit, with or without instructions.

Mr. Speaker, we have before us today the Labor, Health and Human Services appropriations act for fiscal year 2004, a funding package that makes good on our promises to America's children, workers and families. Before I summarize the main components of this package, a larger context must be established so that Members of both sides of the aisle fully understand what we are debating here and what is at issue today.

When Members of Congress met in subcommittee and in committee to write this appropriations package, planning the most effective and efficient way to fund many of these domestic programs for education, for health care, for labor, they did not pick random funding levels. Setting funding levels was not decided by a game of darts or ''eenie, meenie, minie, moe.''

A war in Iraq, a slowly recovering economy, and limited government revenues placed very clear and very real limitations on the resources, and the need to be fiscally responsible with the taxpayers' dollars was great. Despite these challenges, the gentleman from Florida (Chairman YOUNG) and the gentleman from Ohio (Chairman REGULA) and their colleagues created a funding plan that reflects our priorities, meets our goals, and places the greatest funding in the areas we need it most.

So when they drafted a plan to fund teacher quality grants, they thought of the millions of students who learn something new each day when they are taught by well-qualified teachers; and when they created a package to give assistance and training to dislocated workers, they thought of the many unemployed men and women who diligently search for a new job, but always seem to meet a dead end; and when they thought to craft a plan to help critical agencies such as the Centers for Disease Control and the National Institutes of Health, they thought of America's communities, which need increasing assistance in fighting the growing threats of terrorism, especially those of bioterrorism. As a result, we have seen dramatic increases in both agencies, even after NIH's funding has doubled over the past 5 years.

When they considered the significance of programs, such as the Low Income Home Energy Assistance Program, they thought of all the families who are forced to forego other needs in order to afford heat for their homes during cold winter months; and when they created a plan to provide comprehensive nutrition programs for women, infants and children, they thought of the thousands of soon-to-be and new mothers who wanted to provide the best possible care for their children and themselves by eating right and living healthy lives.

Mr. Speaker, I mention these things at the risk of sounding repetitive, because the debate over this appropriations plan is likely to turn quite heated. These Members of Congress that I have mentioned, the ones who have worked so hard under the constraints of very finite resources, may not be rewarded here today. Instead, they may very well be maligned by many of our colleagues from the other side of the aisle who will suggest that this plan is cruel and that those that have created it are uncaring.

So when these opponents begin to suggest that the amount of money is indicative of the size of a person's heart, I would ask them to ponder a quote by one of our former presidents, Ronald Reagan, who said, ''The size of the Federal budget is not an appropriate barometer of social conscience or charitable concern.'' And that is so true.

Do we have limited resources to spend? Yes. Can we still meet America's needs with those limited resources? Absolutely. And is more money always the best answer or the only answer? Absolutely not.

For example, in 1994, when my colleagues from the other side of the aisle controlled Congress, the Labor-HHS appropriations plan increased education spending by a mere 2 percent, and even then there were no additional education reforms. The message of their plan was more spending equals better education; more dollars equals better education.

Now, fast forward to 2002 when the Republican-controlled Congress increased funding by 18 percent: 2 percent when they had it, 18 percent when we have it. And we also implemented the landmark No Child Left Behind plan to allow local school districts more flexibility in exchange for greater accountability and for student achievement.

Our message: more efficient and effective spending equals a better education.

Mr. Speaker, funding America's priorities can be both generous and responsible, and this appropriations package is proof positive of that fact. It provides significant increases for vital programs and services while maintaining wise stewardship over taxpayers' dollars.

One issue that I have championed for many years, greater funding for children's medical hospitals, received significant increases in this bill, and I want to thank both the chairman and the ranking member for recognizing the need for continued support for those working to improve children's health and end critical and deadly diseases.

But all Americans are touched in one way or another by this legislation. The gentleman from Ohio (Chairman REGULA) has provided tremendous leadership, working tirelessly to assure that Congress spends generously, but wisely. As a result of that fact, as the gentleman from Ohio (Chairman REGULA) says, we should call this legislation the Hope Act, because it provides hope for nearly every single person in America it touches.

□ 1600

Hope for new medical cures, hope for stronger schools, hope for a new job. Whether you are an at-risk youth who will be able to attend an after-school program, or whether you are a senior who will benefit from increased efficiency and improved service in receiving your Social Security benefits, or whether you are a child who will receive better care from the extra assistance for children's hospitals and the teaching that goes on in them, the message that this appropriations plan sends out is very clear. Our priorities are the same, and our commitment is unwavering: quality education, adequate quality health care, safe work environments, and secure jobs. These are our goals, and they are reflected in this funding package.

I urge all of my colleagues to pass the rule and approve the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Priorities, Mr. Speaker. Again and again the majority has used legislation and procedural tactics to force its priorities through the body. The majority passed another massive tax cut for the wealthiest people that provided no relief for low-income families with children and allowed practically no debate on the bill. They passed a hollow plan to write a blank check to the pharmaceutical companies and called it a prescription drug plan, again allowing little debate.

Last night the Committee on Rules demonstrated that tax cuts for the wealthiest Americans are more important than education, the goals of the No Child Left Behind Act, public health, the needs of older Americans, and help for those who are suffering due to the impotent economy. H.R. 2660 falls far short of the funding levels needed to sustain important programs that should be our priorities.

The bill increases education funding, but the increase falls $700 million short of the funding increase promised in the budget resolution for the 2004 fiscal year. These funding levels do leave children behind. H.R. 2660 provides an increase in Title I spending, but it is approximately $300 million less than the $1 billion promised in the budget. Because the programs designed to leave no child behind are again underfunded, school districts will lose money, and our children will lose educational opportunities.

My district in New York will lose more than $700,000. The Niagara Falls City School District will lose over $100,000, and Buffalo City schools will face a loss of almost $900,000.

Only $1 billion of the $2.2 billion budgeted for special education is appropriated. Pell grants allow 307,234 students to attend New York colleges and universities, yet the funding for Pell grants is frozen at current levels. And the current levels of funding cover less than 40 percent of the cost of a college education at a 4-year public university.

The legislation also funds public health programs, which are truly some of the most important services that the Federal Government provides. However, H.R. 2660 provides few additional

resources for health services and public health. Quality health care is out of the reach of far too many Americans. Recent press accounts have highlighted severe problems with the oversight of the State Medicaid programs, and States face financial crises. Over 3 million people in New York depend on Medicaid, and, across the Nation, 4 million children rely on State Children's Health Insurance Programs, SCHIP, for health care. In New York, over a half a million children rely on SCHIP. There are no increases in funding for childhood immunization grants or for the program that provides the scholarships for nursing students, despite the serious shortage of nurses in this country.

Despite these tax cuts which were made, actually what we are doing is shifting the burden to the middle class, and then, obviously, the programs that we care about are being cut, and while we are doing that, issuing these tax cuts that were supposed to do such wonderful things, the economy slowly staggers along. And the result of the stagnant economy is that 6.4 percent of all Americans are unemployed. That is the highest number in almost a decade. We have the largest deficit we have ever had in our history, and more than 9 million Americans who want to work and support their families cannot find work.

Are we going to help these millions of Americans until they are able to find jobs? No. We either freeze the funding levels for programs to help low-income Americans at the same level as last year, or it reduces funding levels. And because of inflation, the bill would leave the victims of poor economic policy with fewer resources.

Natural gas prices are rising and will likely be 50 percent higher by this winter, but the funding for the Low-Income Home Energy Assistance Program was slashed by 10 percent. This bill will literally leave 635,000 New York households that rely on LIHEAP in the cold. And believe me, last year it was cold.

Before the July 4 recess, the older Americans were given a hollow promise of insurance coverage for the astronomically high cost of prescription drugs. Now, H.R. 2660 comes back again to take a swipe at elderly Americans. Almost 200 million older, home-bound Americans rely on Meals-on-Wheels. The allocated funding levels for the Meals-on-Wheels program would force serious cuts in the services, resulting in 4.6 million fewer meals delivered. Our priorities are not providing fewer meals to home-bound elderly Americans.

Last night the Committee on Rules passed an open rule for the consideration of the Labor, Health and Human Services, and Education appropriations for the 2004 fiscal year. Also last night the committee rejected an amendment to add $5.5 billion to this appropriations bill. The additional funds could be added by reducing the tax cuts from $88,000 a year to $60,000 for those making more than $1 million. Because the majority refused to grant a waiver in the open rule, the amendment is out of order. The $5.5 billion in additional funds from the big tax cut would go to education, to public health, to services for low-income and elderly Americans, and more. Meals-on-Wheels would keep rolling. Education funds would go to the children and make sure that truly no child is left behind, and would provide the health care immunization shots for children, and it would keep houses warm during the icy winter.

Every day we as elected representatives make choices. The appropriations process requires us to make difficult choices sometimes. But the Federal Government, we know, has a finite amount of money, and we must choose wisely how to allocate the resources. The appropriations process for the 2004 fiscal year is incredibly more difficult because Federal funds have been severely depleted. The billions of dollars in tax cuts given to the wealthiest Americans have depleted it. This House has chosen to fund millionaires rather than fund programs for elderly Americans, the 9 million people unemployed, and children's minds and bodies. That is the wrong choice.

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

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to my very distinguished colleague from the grand State of California (Mr. DREIER), the chairman of our Committee on Rules.

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

Mr. DREIER. Mr. Speaker, let me begin by complimenting my colleague, the gentlewoman from Ohio (Ms. PRYCE), who chairs our Republican Conference, on her superb statement. I think she really hit the nail on the head when she quoted Ronald Reagan, making it clear that the commitment in one's heart to priorities is not based on the size of the Federal budget.

It is interesting that as I listened to my friend, the gentlewoman from Rochester, New York, go through the litany of concerns that she has with this bill, and we are regularly hearing from the other side of the aisle that we are spending too much, we are concerned about the deficit, and they try to paint it as if Republicans only are the ones who are responsible for spending. I know that there are many who believe that this tax cut; because one of her closing lines here, I was struck with that, that we somehow are appropriating dollars, and that is how I inferred it, because she said we are spending dollars on millionaires and cutting off those who are in great need.

Nothing could be further from the truth. What we have done, Mr. Speaker, and I know that my friend, the ranking minority member of the Committee on Appropriations, is focused on this tax cut, we put into place a jobs and growth plan, which, frankly, is already beginning to work. We know that the best way to ensure that we have the resources necessary to deal with these issues is for us to make sure that we get the economy growing.

The challenge that we face fiscally here is that we have seen a slowdown that began the last two quarters of the year 2000, and we are emerging from that. Virtually every economist has acknowledged that the economic recession that took place in the early part of 2001 was, in fact, the shallowest economic recession since the Great Depression. Why? In large part due to the fact that we put into place an economic growth plan, and it is one which I think we should stick by.

Now, let us talk about the bill and this legislation itself. I know that my friend, the gentlewoman from Ohio (Ms. PRYCE), has very appropriately pointed to the hard work and success of the chairman of the full Committee on Appropriations, the gentleman from Florida (Mr. YOUNG) as well as the chairman of the subcommittee, the gentleman from Ohio (Mr. REGULA). We obviously are living with very, very challenging fiscal constraints that have been imposed on us by the budget which passed this House, and the gentleman from Ohio (Mr. REGULA) was one who, as has been said by the gentleman from Florida (Mr. YOUNG), willingly stepped forward as a subcommittee chairman and chose to, without complaint, live within the strictures imposed by the 302(b) allocations that, in fact, do have limitations on the amount that can be spent. But it is important to note that his pursuit of vigorous reforms and dealing with priorities will, in fact, allow those very important needs to be met.

Now, the gentleman from Ohio (Mr. REGULA) likes to refer to this as the Love Thy Neighbor bill, because with 280 million Americans, virtually everyone is touched by some aspect of this bill, whether it has to do with health issues, education issues, we can go right down the line. We all as Americans are touched by this. So it is for that reason, as we look at a wide range of these very important, serious, challenging societal needs, that he has come forward with a fiscally responsible measure that will allow us to address those.

I would like to take just a moment, Mr. Speaker, to talk about one of those needs. He very generously allowed my colleague, the gentleman from Texas (Mr. SESSIONS), and me to join with the very capable writer and commentator George Will in testifying before his subcommittee about the need for us to ensure that the National Institutes of Health has the resources necessary to deal with the challenge of Down Syndrome. I have friends, included among them George Will and the gentleman from Texas (Mr. SESSIONS), and my former staff director of the House Committee on Rules, Vince Randazzo, who have in their family children who are

faced with the challenge of Down Syndrome. And I believe that the recognition that the gentleman from Ohio (Mr. REGULA) has made in reporting out this measure will go a long way towards dealing with that challenge for future generations.

Mr. Speaker, we can go all the way down the line in looking at all of the diseases that exist; we can look at all of these different issues. And we know that there are some who have talked about the idea that we may not be providing the same kind of increase for the National Institutes of Health that have been provided in the past. Since 1994 we have doubled the level of spending for expenditures for the National Institutes of Health, and the gentleman from Ohio (Chairman REGULA) has very appropriately said that with large Federal bureaucracies, it takes a while to absorb many of these resources that are provided. So while my friend from Rochester talked about the fact that we should be increasing funds for this and this and this and this, all of these issues, which are obviously priorities and are a concern to all of us, we have to recognize that within the structure that is there today, we have got to allow these resources that have been increased dramatically over the past several years, as I said, since we won the majority, doubled at the National Institutes of Health, we have to allow it to be absorbed. That is why I think when I talked about reforms earlier, that is the kind of thing that the gentleman from Ohio (Mr. REGULA) is pursuing in his measure.

So, Mr. Speaker, as the gentlewoman from Ohio (Ms. PRYCE) said, we are going to hear a lot of rhetoric as the debate begins on this measure. There are going to be a lot of people who will try to paint those of us who are supporting the very important work of this committee as being less than concerned about those who are in need. Nothing could be further from the truth. We are doing it responsibly, we are doing it within the fiscal constraints that have been set forward, and we are doing it with a great deal of compassion.

So I urge my colleagues to support this rule and to support the very important measure that the gentleman from Ohio (Mr. REGULA) has worked so hard on.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 1 minute.

I am afraid my good friend, the chairman of the Committee on Rules, did not pay very much attention to what I was saying. I do not recall at any point saying that we would like to add more money. What we were talking about were the extraordinary cuts that have been taken to programs that people have learned to really rely on. It has always been the basic tenet of this government that we want to make sure that everybody has the opportunity to rise equally, have an opportunity to have good education, have the opportunity to enjoy good health.

What we have done in this measure, and I continue to say that the reason the resources are not there are because of the tax cuts, is that we are taking away the rights of many children to go to Head Start, to get a good education that we want them to have; we are taking away their SCHIP program, which provides health insurance for them, and what is very disturbing, too, is that the elderly have already taken hits.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California.

□ 1615

Mr. DREIER. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I would say, I know as I see the chairman of the subcommittee here, this view that somehow Draconian cuts are going to take place that jeopardize the opportunity for people to be in the Head Start program dealing with SCHIP and a wide range of things I believe is a real stretch. Let us look at this bill, which I believe is going to pass and be successful, and I believe it is a measure that will, in fact, meet those very important needs that are out there.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds.

The gentleman from California (Mr. DREIER) better hope for that because otherwise America will be pretty disappointed to find that they have been left behind, not just the children but the elderly, the middle class, all the rest of them, and certainly the unemployed.

Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, we have heard a lot of rewriting of history in the last hour or so. I want to make one thing clear, if House Republicans had their way and if we had passed the bills which originally passed the House under Republican leadership the last 5 years, instead of increasing education funding by $19 billion over that 6-year period, we would have decreased it by $15 billion. That is the bottom line summary of the facts.

Now, let me get to the problem with this rule. Over the last 2 years, Congress has provided more than $2 trillion in tax cuts; a huge percentage of those tax cuts have been targeted to the top 1 percent of earners in this country. The majority party has pretended that there are no consequences and no cost to those tax cuts. Well, there are. First of all, every single dollar is paid for with borrowed money. That means that for the fiscal year in which this bill is going to be effective, we will pay $26 billion more in interest. That makes no sense. For less than half of that, you could fix every appropriations bill that we are going to pass.

Consequence number two of the trillions of dollars in tax cuts is that there is no money left on the table except table scraps to deal with the problems of Medicare, to deal with the problems of prescription drugs, and to deal with other needed investments.

Of the 13 appropriations bills that will come before the House this year, this is the bill that contains most of the funds for those needed investments. And I think we need to take a look at what is happening to this bill because this is the bill that demonstrates where the chickens come home to roost because of the cost of the outlandish tax packages that this House has passed.

Now, in order to get moderate Republican votes for the original budget resolution, the Republican majority in this House promised that they would provide significant funding for title I and special education in order to get the votes of those moderates. So they promised that they would raise that funding to a very high level. The problem is that for title I we have a bill today which is almost $400 million below that funding level. And for special education we have a bill which is $1.2 trillion, below the amount promised in the Republicans' own budget resolution. So it is apparent that what happened is that they could not afford both to pay for their tax cuts and keep their promises on education, so they are breaking their promises on education.

Secondly, the President said when we passed No Child Left Behind, ''no more money until we reform the programs.'' So we reform the programs. I voted for those reforms. And guess what? The check is not in the mail. The money now is not coming. This bill is going to be $8 billion for education below the amount that was promised for the funding scheduled for No Child Left Behind. In addition, this bill contains a number of other problems. It brings the 5-year progress that we have had in doubling NIH to a halt.

You ask the people who are going to contract cancer, Parkinson's, Lou Gehrig's disease, MS, you ask them this year whether they think an $88,000 tax cut for a millionaire is more important than continuing our efforts to double again NIH medical research. I know the answer you will get because they are in my office every day begging for help.

In addition to that problem, if you take a look at some of the other problems, this committee cuts LIHEAP, the low-income heating assistance program, by $200 million below the President's budget and below last year. It cuts 3 million congregate meals for senior citizens under the Old Americans Act. It adds 200,000 people to the backlog that the Social Security Agency will experience in trying to meet disability claims, for instance. And it comes up $400 million dollars short, well, I have already said $400 million short, in basic title I programs.

The problem with this House and the problem with this rule is that if this rule is adopted, nobody in the House can fix the problems in the bill that I

have just described because the rule locks us in to past decisions on tax cuts, and it says, ''Sorry, boys and girls, you cannot do a blessed thing about it except fiddle around the edges.''

So, Mr. Speaker, I am going to ask people to vote ''no'' on the previous question. If it goes down, I will offer two amendments, one would close the gap between No Child Left Behind and other education funding. It would raise $5 billion in additional funding for education for needed funds for health care, and I would offer a second amendment which would provide $2.9 billion in increases by increasing every State's share that they receive from the Federal Government under Medicaid so that we can guarantee that not a single poor child will be tossed off the Medicaid or SCHIP rolls in any State of the Union.

The budget process has been managed in a way that is trying to hide the impact of those tax cuts on education, on health care, on workers. This amendment reestablishes those linkages for all to see. In a democracy, you should not hide from your choices. You should make them quite clear. What a vote for this rule will do is to lock in the decision that we have made to have our kids pay for tax cuts for millionaires. That is a lousy choice. Anybody who makes it ought to be ashamed of themselves.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from the State of Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman for yielding me time. I thank the gentleman from Ohio (Mr. REGULA) and the gentleman from Florida (Chairman YOUNG) who have worked and labored over this bill for quite some time. I want to thank them for their dedication to a number of key principles in this bill; but I first must take some exception because it seems no matter what we are talking about on this floor, it is always not enough. There is never enough provided for the bills that they would like to pass on to the taxpayers.

We keep hearing about deficits, and I know they know a lot about deficits on the other side because for 40 years they rolled the deficits up to a $5.7 trillion mortgage on America's future. We talk about giving some tax relief to American taxpayers, but we have a disconnect because we talk in this Capitol like it is our money rather than theirs.

Now, the first case of anthrax and the first death of anthrax happened in my county, in Palm Beach County, JFK Medical Center. So I know firsthand the efforts our local public health officials and the CDC and others had in grappling with this emerging concern and epidemic, at least at that time, a concern that panicked many Americans. And thanks to the gentleman from Ohio (Mr. REGULA) and this committee, they have added substantially to the budgets for the Centers for Disease Control, for Community Health Centers, for the National Institutes of Health. In almost every one category we look at, significant and substantial increases in every category. Monies for special education grants, more money for title I. Prioritizing Reading First fully funds the program at the requested level of $1.15 billion. Improving teacher quality. It is not about how many teachers we have. It is the quality of those teaching. My father was a teacher and principal in the public school systems, so I know a little bit of what I speak. And when I see the improvements to help teachers grapple with the ever-changing dynamics, we are particularly proud of the fact that this bill does, in fact, have increased funding. Yes, an increase of 4 percent from fiscal year 2003.

Now, I guess if the other side had their choice, it would be 20 percent; and we would pass the bill on to those same taxpayers that they are seeming so critically concerned about when it comes to deficit spending. If you are in college and you have a Pell grant, we are maintaining that level at the highest maximum grant in the program's history. Infectious diseases, enhances CDC resources for preventing and controlling emerging infectious diseases. Threats such as SARS, West Nile Virus and monkey pox; 24 million of new, additional dollars in that category alone. Homeland security, bio-defense program supported at $1.625 billion dollars in NIH. Ryan White increase of $24 million for a total funding of $2 billion.

How can anyone say this bill does not meet the test of time? Faith-based and community initiatives increasing the compassion capital fund at $50 million, and mentoring children of prisoners at $25 million. Abstinence education, which is important.

So as we scan the bill and as people listen to our voices, I hope they will not be dissuaded by some of the harsh rhetoric. Yes, we are having some tax relief for taxpayers. We are, in fact, having a chance to give those very hardworking Americans a chance to make their ends meets, to pay their bills, to be able to spend on their families. I do not think that there is anything wrong with a firefighter and a teacher who work side by side, husband and wife, who are raising kids, to have a little bit of tax relief. In fact, I do not hear anybody from the other side of the aisle offering to rebate their tax funds to the Treasury. I think it is fair to help balance the budget. I think it is fair to help fund programs that are important to America. I think it is important to give tax relief to American families.

I think we can do it all. This is not about single choices. This is about balancing our priorities and our needs. This bill, the full committee bill on Labor-HHS and Education does that dramatically, does it efficiently, does it effectively, and provides for the kind of programs that I think Americans have long come to expect of their Federal Government.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me time. I would ask my friend from Florida to read the administration's position on the bill where they say, and I unfortunately do not have the time to read, insufficient funding. We fear that we cannot fully carry out the administration's request. We believe that Pell grants are underfunded. We believe that five or six or seven or eight programs are underfunded.

That is the administration, that is not us, asking that more money be spent.

Mr. Speaker, today the Republican Party might as well admit when the television cameras are on and the press and American people are watching, it says one thing, but then as soon as the photo opportunities are over, it says another. This Labor-HHS-Education appropriations bill is an unmitigated betrayal of the bipartisan commitment to education in the No Child Left Behind Act. This bill falls $8 billion short of the funding authorized in that act signed by President Bush, congratulated by President Bush, and promised by President Bush to America and to the States, an increase that after inflation is tantamount to a funding freeze.

Just 2 months ago in the conference report on the Republican budget, this Republican majority promised a $3 billion increase for the Department of Education. That is not what we said we ought to spend. That is what you said you ought to spend. Today, it has underfunded that commitment by $700 million on the promise they made 90 days ago, the smallest percentage increase in 8 years. Just 2 months ago, this Republican majority promised to increase IDEA funding by $2.2 billion. Today it would provide less than half of that promise made less than 3 months ago.

□ 1630

This Republican majority promised to increase title I by $1 billion. Today, it would provide $334 million less than promised.

This bill abandons the commitments to the No Child Left Behind Act. It cuts low-income heating assistance, slashes unemployment programs, and breaks our commitment to face the nursing shortage.

The majority's refusal to allow the gentleman from Wisconsin (Mr. OBEY) to offer two amendments tells us precisely where its priorities lie. It lies with America's millionaires, not the millions of children that will be left behind by the failure on this bill.

They would give a tax cut, the Obey amendment, hear me now, the Obey amendment would give a tax cut for people making more than $1 million a year of $44,000. That is more than over half of what Americans make in a year. That is what the Obey amendment

would do, give them a $44,000 tax cut instead of $88,000.

Let us put our priorities where our hearts are said to be. Vote against this rule. Vote against this bill.

Ms. PRYCE of Ohio. Mr. Speaker, we reserve our time on this side for the time being.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in opposition to this rule and in opposition to the Labor-HHS-Education appropriations bill.

This bill shortchanges the American people in so many ways it is difficult to keep track of them all: the No Child Left Behind Act, $8 billion short; the Individuals With Disabilities Act, $1.2 billion short. It cuts LIHEAP funding below $200 million this year. It freezes the Maternal and Child Health Block Grant and the Childhood Immunization Program. It cuts health professions funding, money used to train doctors and nurses, by $30 million.

When our States are being forced to cut their education budgets, this bill freezes the maximum Pell grant and all other forms of Federal student financial aid.

What are we doing here, Mr. Speaker? I will tell my colleagues what this bill is going to do to Massachusetts. The children of Massachusetts will lose over $130 million in title I grants for what was promised in the No Child Left Behind Act. Children with disabilities in Massachusetts will lose over $29 million in IDEA grants below what was promised. Massachusetts will lose $6.3 million in teacher quality grants. UMass Memorial Healthcare will lose millions of dollars that the hospital uses to train doctors who serve in low-income areas, and the children of military personnel based in Massachusetts will lose $4.8 million in Impact Aid.

But the majority seems to have little concern for the children of Massachusetts or their hardworking parents or for the children and families of our country, and children around the world are not treated much better. This bill will cut the International Labor Affairs funding from $147 million to $12 million. The only purpose of that office is to help end the abuse of child labor around the world.

It is too bad that the children in my district and the children across the country and the children around the world do not make millions of dollars in dividend income. If they did, the Republicans would find the money to take care of them.

Mr. Speaker, this appropriations bill is a scandal, and our children deserve much more than a list of broken promises. I urge my colleagues to vote ''no'' on the previous question, to give the gentleman from Wisconsin (Mr. OBEY) the opportunity to fix this mess. If that fails, I urge a ''no'' vote on the rule and a ''no'' vote on the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 4½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am always glad to be present at the annual exhibit of inconsistency on the Republican side. When we talk about this bill, first of all, they denounce us for claiming that additional funding is important in showing we support programs. They then go on to brag about how much additional funding they have provided for the programs.

I must say I sometimes do agree that simply throwing money at problems is not necessarily a good idea. I just wish I was not one of the only few Members who thought that yesterday when we did $400 billion in about 3 minutes for the Defense Department, not all of which is exquisitely well spent.

Here, as I said, they brag about how much they spend and then try to denigrate spending as a measure. Dollars are not some totem. They are a measure of resources, and the dollars we make available are the resources we are making available.

As was pointed out previously, it is the Bush administration that is disappointed in many aspects of this bill, and I am quoting them directly. I am reading the statement of administration policy. There is six disappointeds, eight underfundeds and a lot of other negative words, but here is the one that I think most impressive to those advertisers of compassion on the other side.

The committee reduced the administration's request for the Social Security Administration by $168 million. Without these resources, SSA may not be able to reverse the steady increase in the backlog of disability claims.

Understand what the Bush administration has said. Vote for this bill and we will almost certainly increase the backlog of our disabled fellow citizens who cannot get money on which to live. Yeah, I think more money would be a good thing here. I agree with the administration. Let us understand what is at stake here.

The chairman of the Committee on Rules said he congratulated the chairman of the appropriations subcommittee, who I must say many of us admire and do not want to get him in trouble by expressing how much we sympathize with the dilemma that he is in; but revealingly, the chairman of the Committee on Rules said he credited the chairman of the appropriations subcommittee for agreeing to abide by these constraints. Good for him, he agreed to abide by these constraints.

Let us technically point out, and I love the gentleman, I know what pressure he is under, but he voted for these constraints he is abiding by. They talked about the Federal budget as if it had descended from the sky, the House budget resolution; and somehow these wonderful people in the House who would really love to help not build up the backlog on disability found themselves constrained by this thing called the budget. Apparently it came in a horror movie, stepped off the screen and it constrained them. They voted for it. They imposed this restriction on themselves, and that is the game we are playing.

We have the Republican majority first say in the specifics that they are for a lot of programs. Then to pay for the tax cut, what happens is this, they go to these constituencies and tell them how much they support these programs. They then give into ideological pressure and vote for very large tax cuts while we are fighting two wars.

Now, the notion that we can finance two wars with three tax cuts has not previously been known in human history; but having done that, they are now unable to fund the programs that they told people they loved. So what do they do? They pass a tax cut. Then they pass a rule which does not allow them to consider the tax cut when they vote to underfund the programs. This is a perfect example of tying their own hands.

It is what I have called before the reverse Houdini. Unlike Houdini, who was tied in knots and had as his act getting out of the knots, my Republican colleagues, particularly those compassionate ones, tie themselves in knots and then their public act is to say, boy, would I love to help you if I was not tied up in these knots. Well, it is the tax cut that keeps you from funding Social Security so that you do not get the build-up in disability that the President talks about. It is the tax cut that you voted for.

What we are asking for is let us do priorities. Let us not have the tax cut done months ago, a budget done months ago, and now act as if those things which you voted for and you gave us are somehow acts of God that bind us. Let us reopen this and let us deal as rational human beings. Let us put on the one side Social Security disability and the other important programs, Downs Syndrome, et cetera; and let us put on this side the tax cut for the rich, and let us make rational decisions about which is more important.

Ms. PRYCE of Ohio. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore (Mr. BASS). The gentlewoman from Ohio (Ms. PRYCE) has 12½ minutes remaining. The gentlewoman from New York (Ms. SLAUGHTER) has 6½ minutes remaining.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, the funding level in the Labor-HHS-Education appropriations bill is woefully insufficient. It fails to meet the needs of school, and our children will end up paying the price. While the majority has talked again

and again about reforming and improving education, they have not provided the funds to do so.

This bill underfunds Impact Aid for school districts that are serving our military families in this country by $583 million that are required by the No Child Left Behind Act. It is irresponsible to take credit for passing the No Child Left Behind Act, but then refuse to provide the money to fund the programs, especially to the level that Congress and the President committed to just 2 years ago.

There are thousands of men and women from my district at Travis Air Force Base who deserve to have better schools for their children while they are fighting in Operation Iraqi Freedom. They deserve a top-notch education for their kids.

I urge my colleagues to oppose the rule for the Labor-HHS-Education appropriations bill and demand that we fully fund Impact Aid.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I am proud of the gentleman from Ohio (Mr. REGULA) and what we have done. These are considerable tough times, and it is not due to a tax break ''for the rich'' that the left on every bill states, but you can never spend enough money; but I think we have done a pretty good job.

If we take a look at, for example, IDEA was mentioned. I was a subcommittee chairman, and we authorized IDEA when we were in the minority. The maximum was 6 percent funding that the Democrats ever put forth for IDEA, 6 percent. We are up to over 18 percent since we have taken the majority.

Title I, we have increased the funding for title I; and Mr. Speaker, I sorely resent comments from the left that state that the only thing we want to do is help the rich.

I am dedicated on education and medical research; and I work very, very hard in that direction. What I am upset at, the money that we raise for California not only in formula but for the additional funds that we are sending California for title I, Governor Gray Davis is taking the additional money that we sent to California and putting it in county mental health. He has taken away the money.

When they talk about tax rates for the rich, in 1993, when they had the majority, they taxed the middle class when they said they would not, and they said well, only Democrats voted for that, no Republicans. Why did Republicans not vote for that tax increase? They cut military COLAs, which they demagogue every day on this floor. They cut veterans COLAs, which they demagogue. They increased the tax on Social Security, and they took every dime out of the Social Security trust fund, and they taxed the middle class the highest tax ever, which also hurt the military. There is no occasion they want tax relief. They always want a tax increase for additional spending and big government programs.

New York cost $200 billion just to rebuild. That does not include $83 billion just in lost revenue; and then we look at the airline industry, we look at the hotel industry, we look at the stock market and what has happened. Yes, there is depreciation of funds along with the war on terrorism. Maybe we can take the money back from New York and fund all these programs. I do not want to do that because they needed that money, but for that other side and the left to come out and say that Republicans only care about the rich, it hurts because they know it is not true, but it is political gamesmanship before an election.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I just want to correct something the gentleman just said.

The fact is, going all the way back to 1978, there has never been a year when the Democratically controlled Congress provided a federal contribution for IDEA less than 7½ percent. In fact, in 1979 it was 12½ percent; in 1983, 9½ percent.

The fact is everybody understands, this is the same Republican majority that tried to eliminate the Department of Education, that tried to shut the government down in order to force deep cuts in education. They had to be dragged kicking and screaming into supporting education increases in 5 out of the last 6 years, and now they are taking credit for the funding increases which the Democrats forced on them mostly during the Clinton years.

I do not mind them rewriting history, but I certainly hope they do not expect us to believe it.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the maximum amount that the Democrats, when we were in the minority, ever funded IDEA was 6 percent. Regardless of the percentage that they increased it, the total amount was 6 percent. We are up to 18 percent. Do not try and rewrite history.

□ 1645

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership in managing the rule on this very difficult bill.

Mr. Speaker, I rise in strong opposition to the previous question and to making the Obey amendment in order. I thank the gentleman from Wisconsin (Mr. OBEY) for his great leadership for America's children and families and for his giving us an opportunity today to reverse a decision that the Republican leadership has made that is detrimental to those children and those families.

I do this with great regret, Mr. Speaker, because I have the deepest admiration, and he knows it, for the chairman of the subcommittee, the gentleman from Ohio (Mr. REGULA). I had the privilege of serving under his leadership on the committee and watched him in action for a number of years. I know that his priorities are in the right place. Unfortunately, the priorities of this bill are not in the right place. And how could they be when the Republicans in the weeks leading up to now have bled, have starved the budget of the resources to meet the needs of America's children.

The previous speaker said, oh, you never have enough money. This is not about endless money. This is about money promised by President Bush in the Leave No Child Behind bill. Instead, the legislation that will come before us under this rule, if this rule passes, would leave millions of children behind because of the $8 billion shortfall in the President's own Leave No Child Behind bill.

We see here a continuation of the pattern of the credibility gap, of the rhetoric, versus the harsh realities of the budget, and those realities are made all the more harsh because of the tax cut. The gentleman from Wisconsin gives us an opportunity this afternoon to correct the situation, somewhat.

The Obey amendment would simply say that if you make $1 million a year, your tax cut will be $44,000 a year instead of $88,000 a year. That is an additional tax cut. With that money, we can put around $5 billion into the Labor-HHS bill and help to redress some of the shortfalls contained herein, and also help with children's health in addition to the education provisions.

Earlier today, the Democratic staff of the Committee on Appropriations in our office put forth a report, which I hope that everyone will take advantage of, which is entitled GOP Funding Bill Shortchanges America's Children by Underfunding Key Education Priorities. Instead of giving $88,000 and instead giving $44,000 to those making $1 million a year, we can instead fund the following programs. And let me just talk about how the GOP shortchanges children, and then we can talk about redressing it.

The Republican Labor-HHS bill cuts education for America's children by a total of $9.2 billion below the levels authorized by the President's No Child Left Behind Act and the IDEA Reauthorization Act, with the key highlights as follows: IDEA, funding for children with special needs. Parents, children, school districts, teachers, anyone concerned about education throughout the country are crying out for the Federal Government to keep its promises to children with special needs. As a result of this bill, America's children with disabilities will lose

$1.2 billion in IDEA grants below the level promised in the Republican IDEA Reauthorization Act. In their own bill. The rhetoric, the reality, the harsh credibility gap.

Shortchanging after-school learning opportunities. As a result of the GOP bill, America's children will lose $750 million in after-school program funding below the level called for in the No Child Left Behind bill, the President's own No Child Left Behind bill.

Failing to fund highly qualified teachers in every classroom. Under the bill, America's teachers will lose $350 million in teacher quality grants below the level called for in the President's No Child Left Behind bill. It goes on and on and on.

Sadly, as my colleague, the gentlewoman from California (Ms. TAUSCHER), mentioned, as a result of this bill, America's children will lose $583 million in Impact Aid grants below the level authorized. And this is for children of military personnel, another blow to military personnel and their children. As you know, they do not make enough and are unworthy of the expanded tax credit, but that is another bill, another day. Part of the pattern, however.

The list goes on and on about how the GOP funding bill shortchanges children in America, and we have it broken down State by State for those who are interested in this information. So I thank the gentleman from Wisconsin for giving us an opportunity to correct some of that. But this is tragic.

Education does more for our economy, educating American people, early childhood, K through 12, higher education, postgrad, lifetime learning for our workers does more for our economy than any tax cut, tax credit, tax gimmick, tax break that you can name. It returns more money to the Treasury than anything you can name. It is more dynamic, to use the Republican word in budgeting, than any initiative you can name. It is also not only good for our economy, it is fundamental to our democracy to have an informed population, an educated population. It is good for our international competitiveness as well. But most of all, it is important to the self-fulfillment of our children.

And so we have a series of broken promises that the Obey amendment would correct. This is a defining vote for the Republican Party. If they vote for this bill, then all the statements that they make claiming to support education are simply unreal. Republicans cannot proclaim their commitment to our Nation's schools and then withhold their support for funding to the level that the President has in his own bills. They cannot tell our children and parents, we care about schools, and then watch our decaying classrooms fill with greater numbers of unprepared children.

Kids are so smart. You cannot tell children that education is important to their self-fulfillment and to their lives and to their livelihood later in life, you cannot tell them it is important that they should place a value on it if we do not place a value on it. Children get a mixed message when they hear us say it is important, but not important enough for us to give you the smaller classes, indeed the smaller schools that all the scientific evidence says is good for you; that we do not give you the schools that are wired for the future; the after-school programs, the qualified teachers, the funding for disadvantaged children and the funding for children with disabilities. If it is important, then it should be important in our spending priorities as well as in our investments.

Just 3 months ago the Republican budget resolution promised $1 billion for Title I, but the bill on the floor today falls $334 million short of this promise, denying quality instruction to 140,000 disadvantaged schoolchildren. The Republican budget resolution also promised a $2 billion increase for special education, but this appropriation bill, as I mentioned earlier, provides $1 billion, a 55 percent discrepancy between what they promised and what they propose to deliver. The Obey amendment provides the full amount promised in the budget resolution for both Title I and special education.

This is a great bill, usually. This is a great opportunity. In our service on that committee, anyone who ever served there always called this the people's bill. It dealt with Labor, Health and Human Services, and Education. It is lamb-eat-lamb. There is no place to go get money in the bill to correct some of the mistakes in it, because everything in the bill is good. And under these circumstances, everything is being starved, so you have to put additional funding in the bill.

The gentleman from Wisconsin has given us a way to do that. Without his correction, we are stuck. We are stuck with a bad bill that is underfunded, leading to underinvestment in our children's education.

And in terms of other aspects of the bill, in terms of health, patients and advocates for cancer, diabetes, Alzheimer's and AIDS have all been clear: We must strongly support increased research at the National Institutes of Health. The fruits of medical research are truly miraculous. Despite this proven record of success and the opportunity to fund vital research, the Republican bill provides the smallest increase for NIH in more than 15 years. The only amendment provides substantially more funding to advance the science that is helping us find cures.

Mr. Speaker, in conclusion, I want to say that the Obey amendment helps Republicans keep their own promises and takes advantage of important opportunities to help the American people. The Republican leadership should be thanking the gentleman from Wisconsin. They should be thanking him. Instead, they will not even allow a vote on his proposal. What are they afraid of? Are they afraid that they are going to have to shrink one of their big tax cuts in order to invest in America's children? Probably.

I urge my colleagues to vote ''no'' on the previous question and vote to support the Obey amendment.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 additional minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, it is almost laughable. The gentlewoman from California talks about Republicans cutting education. Well, we have increased education higher than they ever did.

Mr. Speaker, they cannot stand it. The Republicans have taken over the issue of education and prescription drugs, and they just cannot stand it. It is killing them.

The gentlewoman talks about the poor military. In 1993, the gentlewoman from California voted to cut military COLAs when they were on food stamps. She voted to cut veterans' COLAs. She voted to increase the tax on Social Security and take the money out of the Social Security Trust Fund. The gentlewoman from California's highest rating on defense is 36 percent. Her average is 16 percent. Sixteen percent.

I would say to the gentlewoman from California, if she is so interested in helping the military, two-thirds of a military bill is pay and allowances.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. PELOSI) for a response.

Ms. PELOSI. Mr. Speaker, I said the other night in the debate on Medicare that on this floor of the House people can misrepresent the facts, and that is okay; but if you call them on it, you can be questioned on questioning the veracity of your colleague.

Well, I seriously not only question the veracity of my colleague, I challenge him, because I have voted for every defense bill practically since I have been here. And the gentleman from Pennsylvania (Mr. MURTHA), my colleague, can testify to that, as can all of the chairmen of the Committee on Appropriations Subcommittee on Defense. So either the gentleman knows not of what he speaks, or he seriously is misrepresenting the facts.

Ms. PRYCE of Ohio. Mr. Speaker, I am most pleased to yield such time as he may consume to the gentleman from Ohio (Mr. REGULA), my distinguished colleague, the dean of the Ohio delegation, and the chairman of the Subcommittee on Labor, Health and Human Services, who has done such great work to bring this bill to the floor of the House.

□ 1700

Mr. REGULA. Mr. Speaker, I want to say to the gentlewoman from California (Ms. PELOSI) that she made two statements I agree with. She said this is a good bill, perhaps not as much as

they would like, but it is good given the constraints we have; and, secondly, education is a high priority. We agree it is a high priority, so much so in the last 8 years we have doubled the money that went to education, and we have tripled the money for the special needs children. Members need to keep that in mind.

Also, keep in mind we are not debating a tax bill. That is behind us. That was a Committee on Ways and Means issue. We are debating a bill within the budget constraints given to us, an allocation which is about $138 billion. We have tried, and I want to say that the minority members as well as the majority members had input in trying to allocate the priorities and the resources in the best possible way.

Now, we have heard about the letter from the administration, and I understand that because the administration has priorities that are somewhat different than the Members of this House. But if I read the Constitution correctly, the House of Representatives has the responsibility for setting policy, not executing it, but setting it. So if there is some difference, it is because we reflect 435 Members' priorities and 280 million people. This literally is the people's House. As such, in this bill we have tried to reflect the things that are important to the people of this Nation given the constraints.

I want to say for the gentleman from Florida (Mr. YOUNG), the gentleman worked diligently to get some additional funding so we could meet the needs of the people of this Nation. I think we should not lose sight of that. This is a good bill. I hope all Members between now and tomorrow will familiarize themselves with what is in this bill. A ''no'' vote will be a vote for $1 billion less for special needs children. A ''no'' vote will be a vote against $680 million give or take for education. A ''no'' vote will be a reduction in impact aid, and on and on. It will be a reduction in an amount for NIH.

Let me point out that it was this Republican majority that doubled the NIH budget over a period of 5 years. They have the highest number of projects, research projects, ever in history, something like 34,000 grants that have been made to do research on the medical health of this Nation. Let us remember that a lot of good things were done. This bill does have hope, and it has compassion; and that is our responsibility, to give the people of America hope that there will be better things ahead, and it does, and that we have compassion.

I do not want to debate totally the bill tonight, we will have plenty of time for that tomorrow, but I just point out that our colleagues both on the majority and the minority side will familiarize themselves with what this bill does. We tried to be fair and I think the minority members of the subcommittee will agree that every opportunity was made to have witnesses and hear testimony from all aspects of America. If Members could sit in the hearing room and see the row of wheelchairs and needs of kids, we have tried to address that. We probably had more hearings than any other subcommittee because we are trying to represent the problems that challenge 280 million Americans, whether it is health care, whether it is people who have lost their job and want an opportunity to get some new skills, or whether it is the education needs of our young people. I think we have reflected that. It is the people's bill.

Mr. Speaker, I would point out again that we have doubled education in the last 8 years. We have tripled the money that goes to special needs. We have increased the commitment to math and science. We have heard a lot about that, that we need more math and science teachers; and we have addressed that in the bill. We have addressed the fact that we need more highly skilled teachers in the classroom. We all can see that classroom teachers can make a world of difference. We have recognized that in the bill that is before Members.

I would point out that in terms of NIH, we have recognized their needs. Actually, a lot of construction is taking place out there, so we have focused resources, given a 6 percent increase in program funding, which is an important element to ensure that the requests that come to NIH for research can be met. That is why we have the greatest number of research projects going on right now in the history of NIH. That is a tribute to the Republican leadership in doubling the budget of NIH.

The Centers for Disease Control, we put substantial increases there because that agency has a special responsibility in terms of homeland security; and they are addressing it, and they recognize that infectious diseases are a real threat to this Nation. A former Senator said at a breakfast I was at that the greatest threat is bioterrorism, and we have tried to recognize that by giving CDC a substantial increase in funding. CDC is the watchdog in the sense that they are always looking out to keep these things away from America's shores and to give help to others.

One of the things that we are trying to do with this bill is to streamline the health care delivery system. We have said let us make it seamless, every way from CDC to the local State health agencies to the local agencies so if there is a problem in a community, there is an immediate response all the way to CDC. Again, we are putting a protection in place for the health of American citizens.

As far as job training, in this bill we increase the amount that goes to the Department of Labor to help the communities across the Nation have job training programs so they will be able to help those that are displaced because of imports, because of a shifting consumer market in products, again a recognition of the needs of people. This really is a people's bill. This really is a fair balance. I do not think that it is partisan. I think in constructing this we took the $138 billion that were available and said what can we do in the fairest possible way to meet the needs of education, health research and to meet the needs of those who need job retraining. I hope Members in the minority will look at what is in this bill and realize how valuable it is to the American people, and they will think twice before they vote against all of these programs that are very important to the people of this Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY) for a unanimous consent request.

(Mr. OBEY asked and was given permission to revise and extend his remarks, and to insert tabular material.)

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

Mr. Speaker, we have a rather strange procedure going on here. We are going to be called in to vote on the previous question on one rule and on the rule for legislative branch. I do not know in what order, but I want to give a little talk about this.

First, I want to urge Members to vote ''no'' on the previous question on the HHS bill. If that previous question is defeated, I will offer an amendment to the rule that will make in order the Obey substitute to restore funding for the numerous programs which have been shortchanged in this bill. It will also make in order the Obey amendment to restore cuts to States for their child health care programs under Medicaid and SCHIP. Both of these amendments were submitted to the Committee on Rules last night and rejected by the majority.

H.R. 2660 provides funding for some of our most vital services, services that touch the lives of every American family, from education to preschoolers, from low-income families to college tuition assistance, to Meals on Wheels for the elderly and medical research; and as critical as they are, we have drastically underfunded them in this bill. The Obey substitute will help restore some of the desperately needed funds.

The second Obey amendment will help financially strapped States provide child health care to the uninsured children. The cost of both of the amendments will be offset by reducing the 2004 tax cuts for those with incomes in excess of $1 million, cutting their tax break from $88,000 to $44,000. We believe the millionaires can spare a few dollars to help restore the funding.

Whether or not Members are Republicans or Democrats, they should be concerned about the lack of an adequate funding for the critical programs and services in this bill. Virtually every American is affected by this bill, whether it is health care, education, medical research for the elderly, LIHEAP, so on. The Obey amendments

would help fix the terrible funding deficiencies in the bill and help States provide health care to children who are not covered by health insurance. Again, they would do so with no additional cost to the deficit.

I urge Members on both sides of the aisle to vote ''no'' on the previous question. A ''no'' vote will not stop the House from taking up the Labor-HHS-Education appropriations bill, but a ''yes'' vote will prevent the House from considering the important amendments. Please vote ''no'' on the previous question.

Mr. Speaker, I need to explain that we have another vote coming up on another appropriations bill. That is the rule for the Legislative Branch Appropriations Act, which we hope will come first. We are not certain. We are urging a ''yes'' vote on that rule so that Members can go on record of voting to self-execute out the language that was put into the bill by unknown persons or persons unknown which would expand dental and vision coverage for Members and employees of the House. Again, we urge a ''yes'' vote on that to go on record to self-execute that, and a ''no'' vote on the previous question, which we believe will be called first.

I ask unanimous consent that the text of the amendments be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. SWEENEY). Is there objection to the request of the gentlewoman from New York?

There was no objection.

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

Mr. Speaker, in closing, this really is the Hope Act. This bill will provide the needed funding to supply people with new skills and new opportunities, hope for a better job. It will lay the groundwork for new medical cures, hope for the gift of life, and it will provide for stronger schools and a better education, hope for a brighter future. The message is clear and our commitment is unwavering. Quality education and health care, safe work environments and secure jobs, these are our goals and are reflected in this funding package. I urge my colleagues to support this open rule and adopt this important legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 312—RULE ON H.R. 2660

FISCAL YEAR 2004 LABOR/HHS/EDUCATION APPROPRIATIONS

At the end of the resolution, add the following:

Sec. 2. Notwithstanding any other provision of this resolution, the amendments printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Obey of Wisconsin or a designee. The amendments are not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

Sec. 3. The amendments referred to in section 2 are as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R.—, AS REPORTED (LABOR, HHS, AND EDUCATION APPROPRIATIONS, 2004) OFFERED BY MR. OBEY OF WISCONSIN

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,614,039,000 plus reimbursements, of which $1,582,858,000 is available for obligation for the period July 1, 2004 through June 30, 2005, except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2003 until expended; of which $1,000,965,000 is available for obligation for the period April 1, 2004 through June 30, 2005; and of which $30,216,000 is available for the period July 1, 2004 through June 30, 2007 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided,* That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of such Act, $305,993,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,155,152,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further,* That, notwithstanding any other provision of law or related regulation, $60,000,000 shall be for carrying out section 167 such Act, including $56,000,000 for formula grants and $3,600,000 for migrant and seasonal housing, including permanent housing, and $400,000 for other discretionary purposes: *Provided further,* That funds appropriated under this heading in Public Law 108–7 for migrant and seasonal farmworkers housing shall be made available only under the terms and conditions in effect June 30, 2002, and shall include funding for permanent housing: *Provided further,* That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further,* That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further,* That notwithstanding any other provision of law, funds awarded under a grant issued by the Department of Labor pursuant to section 173 of such Act on June 30, 2001, to the San Diego Workforce Partnership may be used to provide services to spouses of military personnel.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2004 through June 30, 2005, and of which $100,000,000 is available for the period October 1, 2004 through June 30, 2007, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $440,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002 (Public Law 107–210)), $1,338,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $142,520,000, together with not to exceed $3,472,861,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2004, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2006; of which $142,520,000, together with not to exceed $768,257,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2004 through June 30, 2005, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided,* That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2004 is projected by the Department of Labor to exceed 3,227,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further,* That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further,* That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III

of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2005, $467,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2004, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $115,824,000, including $2,393,000 to administer welfare-to-work grants, together with not to exceed $56,503,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $128,605,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2004, for such Corporation: *Provided,* That none of the funds available to the Corporation for fiscal year 2004 shall be available for obligations for administrative expenses in excess of $228,772,000: *Provided further,* That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $395,697,000, together with $2,056,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided,* That $1,250,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further,* That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further,* That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided,* That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further,* That balances of reimbursements unobligated on September 30, 2002, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further,* That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2004: *Provided further,* That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $39,315,000 shall be made available to the Secretary as follows: (1) for enhancement and maintenance of the automated data processing systems and telecommunications systems, $11,618,000; (2) for automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $14,496,000; (3) for periodic roll management and medical review, $13,210,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further,* That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275 (the ''Act''), $300,000,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Act for the first quarter of fiscal year 2005, $88,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $55,074,000, to remain available until expended: *Provided,* That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2004 to carry out those authorities: *Provided further,* That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2004 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2004 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $32,004,000 for transfer to the Employment Standards Administration, ''Salaries and Expenses''; $23,401,000 for transfer to Departmental Management, ''Salaries and Expenses''; $338,000 for transfer to Departmental Management, ''Office of Inspector General''; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $462,356,000, including not to exceed $91,747,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the ''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided,* That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2004, to collect and retain fees for services provided to

Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further,* That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further,* That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2004 to September 30, 2005, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $276,826,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2004 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $442,547,000, together with not to exceed $75,110,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund; and $2,570,000 which shall be available for obligation for the period July 1, 2004 through September 30, 2004, for Occupational Employment Statistics, and $5,400,000 to be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2).

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,333,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2005, and $48,565,000, for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $387,801,000; together with not to exceed $317,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided,* That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further,* That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further,* That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further,* That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $193,443,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2004, of which $2,000,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $26,550,000, of which $7,550,000 shall be available for obligation for the period July 1, 2004 through June 30, 2005.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $57,000,000, together with not to exceed $5,899,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, $18,000,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

This title may be cited as the ''Department of Labor Appropriations Act, 2004''.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V, and sections 1128E, 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $6,639,413,000, of which $39,740,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided,* That of the funds made available under this heading, $248,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further,* That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further,* That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further,* That no more than $45,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further,* That of the funds made available under this heading, $273,350,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further,* That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further,* That $785,759,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further,* That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $117,831,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: *Provided further,* That $65,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further,* That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further,* That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,389,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided,* That for necessary administrative expenses, not to exceed $3,472,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including purchase and insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,803,927,000, of which $206,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $293,763,000 for international HIV/AIDS shall remain available until September 30, 2005, including not less than $150,000,000, to remain available until expended, for the ''International Mother and Child HIV Prevention Initiative'', and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided,* That in addition to amounts provided herein, $13,226,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics surveys: *Provided further,* That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further,* That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further,* That the Congress is to be notified promptly of any such transfer: *Provided further,* That not to exceed $17,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 20 States: *Provided further,* That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: *Provided further,* That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further,* That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,816,568,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,930,136,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $389,780,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,701,959,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,527,588,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,340,707,000: *Provided,* That $100,000,000 may be made available to International Assistance Programs, ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,937,179,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,264,806,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $664,061,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $644,229,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,042,110,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $509,879,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect

to deafness and other communication disorders, $388,465,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $136,959,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $436,364,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,008,676,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,406,489,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $487,698,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $291,866,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,176,402,000: *Provided,* That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further,* That $123,154,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $118,944,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $194,781,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $66,563,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $323,390,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided,* That in fiscal year 2004, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $453,743,000: *Provided,* That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further,* That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further,* That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further,* That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further,* That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further,* That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $216,300,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,375,400,000: *Provided,* That in addition to amounts provided herein, $16,000,000 shall be made available from amounts available under section 241 of the Public Health Service Act to carry out national surveys on drug abuse.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided,* That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed $303,695,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $130,892,197,000, to remain available until expended.

For making, after May 31, 2004, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2004 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2005, $58,416,275,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $95,084,100,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,698,025,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided,* That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further,* That $65,000,000, to remain available until September 30, 2005, is for contract costs for the CMS Systems Revitalization Plan: *Provided further,* That $56,991,000, to remain available until September 30, 2005, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further,* That not less than $129,000,000 shall be for processing Medicare appeals: *Provided further,* That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2004 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2004, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $3,292,970,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2005, $1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided,* That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $2,250,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), and for carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $461,853,000, of which up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000 (Public Law 106–386, div. A): *Provided,* That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2004 shall be available for the costs of assistance provided and other activities through September 30, 2006.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,200,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided,* That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: *Provided further,* That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: *Provided further,* That $9,864,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided,* That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

DISABLED VOTER SERVICES

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, $15,000,000, of which $13,000,000 shall be for payments to States to promote disabled voter access, and of which $2,000,000 shall be for payments to States for disabled voters protection and advocacy systems.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,742,968,000, of which $43,000,000, to remain available until September 30, 2005, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2001 and 2002; of which $6,815,570,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2004 and remain available through September 30, 2005; and of which $735,860,000 shall be for making payments under the Community Services Block Grant Act: *Provided,* That not less than $7,250,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: *Provided further,* That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further,* That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further,* That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further,* That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further,* That $88,043,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $26,413,000 is for the transitional living program: *Provided further,* That $35,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $100,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,068,300,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2005, $1,767,700,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,449,495,000, of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions; and of which $2,842,000 shall remain available until September 30, 2006, for the White House Conference on Aging.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $343,284,000, together with $5,813,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided,* That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2004(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further,* That of this amount, $49,675,000 is for minority AIDS prevention and treatment activities; $18,400,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects; and $5,000,000 is to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,497,000: *Provided,* That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $30,936,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $2,483,000: *Provided,* That in addition to amounts provided herein, $18,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out

national health or human services research and evaluation activities: *Provided further,* That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term ''pay of members'' shall be construed to be synonymous with retirement payments to United States Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $1,896,846,000: *Provided,* That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,286,156,000; Office of the Secretary, $64,820,000; and Health Resources and Services Administration; $545,870,000; *Provided further,* That at the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures: *Provided further,* That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

In addition, for activities to ensure a year-round influenza vaccine production capacity and the development and implementation of rapidly expandable influenza vaccine production technologies, $100,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.25 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this or any other Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided,* That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided,* That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further,* That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2004 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2004 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2003, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2003 State expenditures and all fiscal year 2004 obligations for tobacco prevention and compliance activities by program activity by July 31, 2004.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2004.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2004, the Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health

and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. (a) In addition to the authority provided in section 214, in order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2004, the Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(b) The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

SEC. 216. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) CMS PROGRAM MANAGEMENT ACCOUNT.—The amount otherwise provided by this Act for ''Centers for Medicare and Medicaid Services—Program Management'' is hereby reduced by $98,000,000.

(b) MEDICARE CLAIMS PROCESSING FEE.—

(1) IN GENERAL.—Notwithstanding section 1842(c)(4) of the Social Security Act, each claim submitted by an individual or entity furnishing items or services for which payment may be made under part A or part B of title XVIII of such Act is subject to a processing fee of $2.50 if the claim—

(A) duplicates, in whole or in part, another claim submitted by the same individual or entity; or

(B) is a claim that cannot be processed and must be returned by the medicare claims processing contractor involved to the individual or entity for completion or correction.

(2) DEDUCTION AND TRANSFER.—The Secretary of Health and Human Services shall deduct any fees assessed pursuant to paragraph (1) against an individual or entity from amounts otherwise payable from a trust fund under such title to such individual or entity, and shall transfer the amount so deducted from such trust fund to the Program Management account of the Centers for Medicare & Medicaid Services.

(3) AVAILABILITY.—Fees collected under this subsection shall remain available until expended. Such fees shall be available for obligation in a fiscal year only in the amount specified in the appropriation Act for such fiscal year.

(4) WAIVER AUTHORITY.—The Secretary of Health and Human Services may provide for waiver of fees for claims described in paragraph (2) in cases of such compelling circumstances as the Secretary may determine.

(5) EXCLUSION OF FEES IN ALLOWABLE COSTS.—An entity may not include a fee assessed pursuant to this subsection as an allowable item on a cost report under the Social Security Act.

(6) EFFECTIVE DATE.—This subsection shall apply to claims referred to in paragraph (1) submitted on or after a date, specified by the Secretary of Health and Human Services, that is not later than 3 months after the date of the enactment of this Act.

SEC. 218. The amount appropriated in this Act for ''Centers for Disease Control and Prevention—Disease Control, Research, and Training'' is hereby reduced by $49,982,000, to be derived from the amounts made available for administrative and related information technology expenses: *Provided,* That the Director of the Centers for Disease Control and Prevention shall determine the allocation of the reduction among Agency activities, and shall submit to the Committees on Appropriations a report specifying the proposed allocation.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2004''.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA'') and section 418A of the Higher Education Act of 1965, $14,841,311,000, of which $7,277,510,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005, and of which $7,383,301,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided,* That $7,607,282,000 shall be available for basic grants under section 1124: *Provided further,* That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2003, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further,* That $1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further,* That $1,920,239,000 shall be available for targeted grants under section 1125: *Provided further,* That $1,791,759,000 shall be available for education finance incentive grants under section 1125A: *Provided further,* That $235,000,000 shall be available for comprehensive school reform grants under part F of the ESEA: *Provided further,* That from the $9,500,000 available to carry out part E of title I, up to $1,000,000 shall be available to the Secretary of Education to provide technical assistance to State and local educational agencies concerning part A of title I.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,403,324,000, of which $1,192,000,000 shall be for basic support payments under section 8003(b), $66,668,000 shall be for payments for children with disabilities under section 8003(d), $54,708,000 shall be for construction under section 8007 and shall remain available through September 30, 2005, $72,000,000 shall be for Federal property payments under section 8002, and $17,948,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, part A and subpart 6 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); part B of title II of the Higher Education Act; the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, $6,141,812,000, of which $4,490,947,000 shall become available on July 1, 2004, and remain available through September 30, 2005, and of which $1,435,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided,* That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further,* That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further,* That $390,000,000 shall be for subpart 1 of part A of title VI of the ESEA: *Provided further,* That no funds appropriated under this heading may be used to carry out section 5494 of the ESEA.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $121,573,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G and section 1504 of title I, parts A, C, and D of title II, and parts B, C, and D of title V of the Elementary and Secondary Education Act of 1965, $807,959,000: *Provided,* That $74,513,000, to become available on July 1, 2004 and remain available through September 30, 2005, for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall be allocated and expended in the same manner as the funds provided under the Fund for the Improvement of Education for this purpose were allocated and expended in fiscal year 2003: *Provided further,* That up to $1,500,000 of the funds provided under the Advanced Credentialling program may be reserved by the Secretary to conduct an evaluation of the program.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out civic and physical education activities, safe and drug-free schools and communities programs, and partnerships in character education programs, authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $820,068,000, of which $138,949,000 shall become available on July 1, 2004 and remain available through September 30, 2005, and of which $330,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005 for the academic year 2004–2005: *Provided,* That $468,949,000 shall be available for subpart 1 of part A of title IV and $155,180,000 shall be available for subpart 2 of part A of title IV, of which $4,968,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further,* That of the amount made available for subpart 3 of part C of title II of the ESEA, up to $12,000,000 may be used to carry out section 2345 of the ESEA and $3,000,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out title III, part A of the Elementary and Secondary Education Act of

1965, $750,000,000, of which $626,258,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $12,249,790,000, of which $6,890,762,000 shall become available for obligation on July 1, 2004, and shall remain available through September 30, 2005, and of which $5,072,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided,* That $11,400,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: *Provided further,* That $1,490,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further,* That the amount for section 611(c) of the Act shall be equal to the amount available for that section during fiscal year 2003, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,999,165,000: *Provided,* That the funds provided for title I of the Assistive Technology Act of 1998 (''the AT Act'') shall be allocated notwithstanding section 105(b)(1) of the AT Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $16,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $53,867,000, of which $367,000 shall be for construction and shall remain available until expended: *Provided,* That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $100,600,000: *Provided,* That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education and Family Literacy Act, and subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $2,094,475,000, of which $1,294,725,000 shall become available on July 1, 2004 and shall remain available through September 30, 2005 and of which $791,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005: *Provided,* That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further,* That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further,* That of the amounts made available for the Adult Education and Family Literacy Act, $9,438,000 shall be for national leadership activities under section 243 and $6,517,000 shall be for the National Institute for Literacy under section 242: *Provided further,* That $175,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2003, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities and of which not less than 95 percent shall become available on July 1, 2004, and remain available through September 30, 2005, for grants to local educational agencies: *Provided further,* That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $14,911,432,000, which shall remain available through September 30, 2005.

The maximum Pell Grant for which a student shall be eligible during award year 2004–2005 shall be $4,200.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (''HEA''), as amended, section 1543 of the Higher Education Amendments of 1992, title VIII of the Higher Education Amendments of 1998, section 117 of the Carl D. Perkins Vocational and Technical Education Act, and the Mutual Educational and Cultural Exchange Act of 1961, $1,985,991,000, of which $2,000,000 for interest subsidies authorized by section 121 of the HEA, shall remain available until expended: *Provided,* That $9,935,000, to remain available through September 30, 2005, shall be available to fund fellowships for academic year 2005–2006 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further,* That $994,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further,* That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further,* That up to 1 percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities: *Provided further,* That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Applied Technology Education Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $242,770,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $774,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by Public Law 107–279, $500,599,000: *Provided,* That of the amount appropriated, $185,000,000 shall be available for obligation through September 30, 2005.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $434,494,000, of which $13,644,000, to remain available until expended, shall be for building alterations and related expenses for the relocation of Department staff to Potomac Center Plaza in Washington, D.C.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $91,275,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $48,137,000.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $120,010,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation

of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the ''Department of Education Appropriations Act, 2004''.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $65,279,000, of which $1,983,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $352,836,000: *Provided,* That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2006, $330,000,000: *Provided,* That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further,* That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

Of the amounts made available to the Corporation for Public Broadcasting for fiscal year 2004 by Public Law 107–116, up to $80,000,000 is available for grants associated with the transition of public broadcasting to digital broadcasting, including costs related to transmission equipment and program production, development, and distribution, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives; and up to $20,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934, as amended, for replacement and upgrade of the public television interconnection system: *Provided,* That section 396(k)(3) shall apply only to amounts remaining after allocations made herein.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $43,385,000, including $1,500,000, to remain available through September 30, 2005, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided,* That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further,* That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further,* That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,774,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out the Museum and Library Services Act of 1996, $238,126,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $9,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,830,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $243,073,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,421,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,115,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $119,000,000, which shall include amounts becoming available in fiscal year 2004 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $119,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2005, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $101,300,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,600,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $21,658,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $26,221,300,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2005, $12,590,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $8,410,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further,* That unobligated balances of funds provided under this paragraph at the end of fiscal year 2004 not needed for fiscal year 2004 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further,* That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $120,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2004 exceed $120,000,000, the amounts shall be available in fiscal year 2005 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2002 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $25,000,000, together with not to exceed $65,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $17,200,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure

by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 515. (a) Of the total amount appropriated for ''Education for the Disadvantaged'' in title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Pub. L. 108-7, div. G)—

(1) the portion becoming available on July 1, 2003, is hereby increased by $2,244,000,000; and

(2) the portion becoming available on October 1, 2003, is hereby reduced by $2,244,000,000.

(b) The rescission made by section 601 of the Miscellaneous Appropriations Act, 2003 (Pub. L. 108-7, div. N) shall not apply to the amounts of the increase and reduction specified in this section.

SEC. 516. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 517. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 518. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall be reduced by 32 percent.

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004''.

AMENDMENT TO H.R. —, AS REPORTED
OFFERED BY MR. OBEY OF WISCONSIN

(Amendment to FY 2004 Labor-HHS-Education Appropriations Act)

Add at the end, before the short title, the following new title:

TITLE VI—MEDICAID ADJUSTMENT FOR STATE MAINTAINING COVERAGE OF CHILDREN UNDER MEDICAID AND SCHIP

SEC. 601. (a) Notwithstanding any other provision of law, but subject to subsection (b), the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) of a State shall be increased by 1 percentage point for each quarter in fiscal year 2004 if the standards and methodologies of the State for determining eligibility for individuals under age 21 during that quarter both under title XIX of such Act and under the State's child health insurance plan under title XXI of such Act are no more restrictive than those in effect in the State on July 1, 2001.

(b) The increase in the Federal medical assistance percentage shall not apply—

(1) with respect to disproportionate share hospital payments described in section 1923 of the Social Security Act;

Ms. PRYCE of Ohio. 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 on the resolution.

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

Ms. SLAUGHTER. 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 clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 312 will be followed by 5-minute votes on:

adopting House Resolution 312, if ordered;

adopting House Resolution 311, as amended;

passing H.R. 438; and

approving the Journal.

The vote was taken by electronic device, and there were—yeas 223, nays 200, not voting 11, as follows:

[Roll No. 341]

YEAS—223

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
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
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

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
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
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
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Ballenger
Cramer
Edwards
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Owens

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1739

Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, and Mr. WEINER 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 resolution was agreed to.

A motion to reconsider was laid on the table.

(Mr. OBEY asked and was given permission to speak out of order for 1 minute and to revise and extend his remarks.)

IMPACT OF UPCOMING VOTE ON RULE ON LEGISLATIVE BRANCH APPROPRIATIONS ACT FOR FISCAL YEAR 2004

Mr. OBEY. Mr. Speaker, I take this time to speak out of order so that the gentleman from Florida and I might be allowed to explain a procedural matter before the House.

Mr. Speaker, it is important that Members who were not on the floor for an earlier discussion not be mousetrapped on the coming vote. I think it is important for them to understand the following, and I want to ask the gentleman from Florida (Mr. YOUNG) and the gentleman from Ohio (Mr. NEY) whether this is correct.

It is my understanding that a vote for the rule on the legislative branch appropriations bill will enable Members to express their desire that the previous provision which was discussed on the floor in the earlier vote, which would have had the effect of expanding dental care for Members of Congress and our staffs, will be eliminated from that bill. So if Members want to be on record opposed to that proposition, they will need to vote ''yes'' on the rule.

I would ask the gentleman from Florida if that understanding is correct.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, the gentleman is exactly correct. We made a correction that was necessary; and as the gentleman from Georgia (Mr. LINDER) when he presented the rule acknowledged, we agree with that. A vote for the rule not only passes the rule, but it also eliminates the matter that we were concerned about.

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

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, the gentleman was on the floor when this happened and knows that we tried to explain at the time that the amendment to the rule was effectively a striking amendment that said that, if the rule passes as amended, in no way will any expansion of vision or dental benefits occur.

The gentleman made it very clear he would not mind debating that on the floor of the House and having an open discussion of it and maybe passing an expansion of vision and dental benefits, but to pass this rule as amended would allow us not to sneak it in. So to pass this rule as amended is a striking amendment to prohibit any expansion of benefits without a vote by the House.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman for that explanation.

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

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, the gentleman is correct. As has been described by the two previous speakers, I want to frame very quickly one side of this that I think we need to discuss.

Someone asked who put this in, that they ought to be fired. I did it. Now, anyone that can fire me, there are some 600,000 people in the 18th congressional district, so I want to make that clear. This has transcended about a year and a half period of time.

□ 1745

I want to frame the argument here, and that is that it extends to the full staff, Democrat and Republican or Independent or Natural Law Party or whatever they are, of the entire House.

Now, when I say that, I would argue to anybody in this country that the staff of this House on either side of the aisle are not second-class citizens of this country, and they have the right to dental and eye vision as any other person, and I hope we can take care of the entire country that way. But to single out the staff of the U.S. House, as we have for a period of years, I do not think is fair. I hope down the line we can discuss this.

Now, as far as someone not knowing what went where, this was not done at midnight, I discussed this, I brought it forth. So there are some misunderstandings, and I accept that, but I hope that we can also, in the calmness of debate on this down the road, realize that our people have every right to some type of benefit, and they have children, and they have families. And again, I hope we can help the entire country also, but let us not penalize the U.S. House.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman for those comments. I would simply point out that as was pointed out on both sides of the aisle, the issue was not whether our staff should have those benefits or that we should have those benefits; I want every American to have those benefits. The issue is whether or not that provision should be slipped into this bill without the knowledge of the Committee on Appropriations on either side of the aisle, without any single Member of this House, except the Member who just spoke, knowing about it, evidently. We simply did not want Members to wake up after they have voted for this bill to find out that they were going to be subjected to a 30-second TV spot because something had been slipped into the bill. Not a single reference was made in the budget justifications to this item.

So the point that the gentleman from Georgia (Mr. LINDER) and I were making is not that this benefit should not be provided. It should not be provided without Members of Congress knowing what it is they are voting on, and it should not be provided without open, public debate.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Virginia, the ranking member of the subcommittee of jurisdiction.

Mr. MORAN of Virginia. Mr. Speaker, I thank the ranking member of the Committee on Appropriations. As the gentleman said, I am the ranking member on the Subcommittee on Legislative branch appropriations, and the gentleman from Georgia (Mr. KINGSTON) is the Chair of the Subcommittee on Legislative branch appropriations.

One of the most objectionable things about this, and I know the gentleman from Ohio (Mr. NEY) recognizes this at this point, is that we had a full set of hearings; Mr. Eagan testified, as did all of the officers of the House. At no point was it ever mentioned that this provision was going to be added. So neither the gentleman from Georgia (Mr. KINGSTON) nor I were aware that this was part of the bill.

I grant my colleagues, it is not a whole lot of money, but it could have a whole lot of political impact if we get hit with a 30-second ad, and any of us on either side of the aisle are liable for this, that here we just passed a prescription drug benefit, and there are a lot of people complaining about limited coverage under Medicare, and then, within the same week, we take care of ourselves by expanding benefits for dental and vision. That is the problem.

Again, we have no question but that the gentleman's intentions were not only honorable, but we appreciate the fact that the gentleman was looking out for all of the Members of the House, the staff, and their families, et cetera.

But in the course of the discussion, the debate that occurred earlier today, we wanted to emphasize, we are not opposed to expanding and adding this coverage; it is just that we do not want to do it just for ourselves, particularly at this point in time. It just does not seem to be the principled way to go about it. And we would love to have that; at least on this side of the aisle we would love to have that coverage, but for everybody, not just for us.

Mr. OBEY. Mr. Speaker, I appreciate the indulgence of the House at this late hour. I yield once more to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I appreciate the gentleman yielding.

I just want to make this clear: It was in a document. I appreciate what the gentleman is saying about we will work on this, but this was in a document that I requested, in the CAO's document. So maybe it was not mentioned. It was not intentional, but it was in a document that was presented. The CAO's budget was in writing, and I need to make that clear.

I thank the gentleman for yielding.

Mr. OBEY. Mr. Speaker, reclaiming my time, the point is simply that it is up to Members how they want to vote, but if Members want to be on record opposed to that expansion under these provisions, they would vote ''aye'' for the rule.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY). Without objection, the remaining votes in this series still will be conducted as 5-minute votes.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the de novo vote on agreeing to the resolution, House Resolution 311, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 411, noes 13, not voting 10, as follows:

[Roll No. 342]

AYES—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOES—13

Clay
Engel
Eshoo
Holt
Jones (OH)
Kennedy (RI)
LaTourette
Miller, George
Mollohan
Murtha
Rahall
Towns
Wynn

NOT VOTING—10

Cramer
Edwards
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Owens

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1759

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.

□ 1800

TEACHER RECRUITMENT AND RETENTION ACT OF 2003

The SPEAKER pro tempore (Mr. SWEENEY). The pending business is the question of passing the bill, H.R. 438, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 7, not voting 10, as follows:

[Roll No. 343]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Duncan
Flake
Franks (AZ)
Hefley
Hostettler
King (IA)
Paul

NOT VOTING—10

Cramer
Edwards
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Owens

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1807

Mr. GRAVES changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 54, answered ''present'' 1, not voting 17, as follows:

[Roll No. 344]

AYES—362

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra

Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—54

Baird
Baldwin
Berry
Brady (PA)
Capuano
Carson (OK)
Costello
Crane
DeFazio
DeGette
Delahunt
English
Fattah
Filner
Gillmor
Green (TX)
Gutknecht
Hefley
Hill
Hinchey
Israel
Jones (OH)
Kennedy (MN)
Kucinich
Lewis (GA)
LoBiondo
Matheson
Matsui
McDermott
McGovern
Miller, George
Oberstar
Olver
Pastor
Peterson (MN)
Ramstad
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Shadegg
Slaughter
Stenholm
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—17

Cramer
Duncan
Edwards
Fossella
Gephardt
Gibbons
Gingrey
Goss
Harman
Harris
Janklow
Millender-McDonald
Moore
Ose
Owens
Rogers (MI)
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1815

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1815

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING H.R. 1950, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

Ms. PRYCE of Ohio. Mr. Speaker, the Committee on Rules may meet the week of July 14 to grant a rule which could limit the amendment process for floor consideration of H.R. 1950, the Foreign Relations Authorization Act for fiscal years 2004 and 2005.

The Committee on International Relations ordered the bill reported on May 8 and filed its report in the House on May 16. The Committee on Armed Services ordered the bill reported on June 26 and filed its report in the House on June 30. The Committee on Energy and Commerce ordered the bill reported today.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by noon, Monday, July 14.

Members should draft their amendments to the combined text of the bill as reported by the Committee on International Relations, the Committee on Armed Services, and the Committee on Energy and Commerce, which will be available for their review on the Web site of the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

GENERAL LEAVE

Mr. KINGSTON. 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. 2657, and that I may include tabular and other extraneous material.

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

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004

Mr. KINGSTON. Mr. Speaker, pursuant to House Resolution 311, I call up the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2657 is as follows:

H.R. 2657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,014,464,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $17,094,000, including: Office of the Speaker, $2,048,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,965,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,390,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,684,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,259,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $460,000; Republican Steering Committee, $862,000; Republican Conference, $1,448,000; Democratic Steering and Policy Committee, $1,542,000; Democratic Caucus, $768,000; nine minority employees, $1,380,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $354,000; and Cloakroom Personnel—minority, $354,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $514,454,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $106,058,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2004.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $24,926,000, including studies and examinations of executive

agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2004.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $158,324,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $18,632,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $5,471,000; for salaries and expenses of the Office of the Chief Administrative Officer, $113,141,000, of which $9,400,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $3,847,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $5,000,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $926,000; for the Office of the Chaplain, $153,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,560,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,263,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $6,233,000; for salaries and expenses of the Corrections Calendar Office, $948,000; and for other authorized employees, $150,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $193,608,000, including: supplies, materials, administrative costs and Federal tort claims, $3,975,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $188,533,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $690,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISION

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2004. Any amount remaining after all payments are made under such allowances for fiscal year 2004 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. None of the funds in this Act may be used to provide supplemental dental or vision health insurance benefits for Members and employees of the House of Representatives.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,805,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $8,112,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,566,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,236,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $3,511,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 58 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Eighth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $189,913,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $21,917,000, of which $1,745,000 shall remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2004 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2004 for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,255,000, of which $304,700 shall remain available until September 30, 2005: *Provided*, That the Executive Director of the Office of Compliance may have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $33,820,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $84,513,000, of which $11,660,000 shall remain available until September 30, 2008.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $23,307,000, of which $7,863,000 shall remain available until September 30, 2008.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $6,886,000, of which $585,000 shall remain available until September 30, 2008.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $54,564,000, of which $19,498,000 shall remain available until September 30, 2008.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $81,543,000, of which $36,652,000 shall remain available until September 30, 2008: *Provided,* That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2004.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $34,750,000, of which $16,877,000 shall remain available until September 30, 2008.

CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $3,308,000, of which $2,075,000 shall remain available until September 30, 2008.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $6,062,000, of which $25,000 shall remain available until September 30, 2008: *Provided,* That this appropriation shall not be available for any activities of the National Garden.

ADMINISTRATIVE PROVISION

SEC. 1101. (a) Except as provided in subsection (b), none of the funds provided by this Act or any other Act may be used by the Architect of the Capitol after the expiration of the 180-day period which begins on the date of the enactment of this Act to employ any individual as a temporary employee within a category of temporary employment which does not provide employees with the same eligibility for life insurance, health insurance, retirement, and other benefits which is provided to temporary employees who are hired for a period exceeding 1 year in length.

(b) Subsection (a) shall not apply with respect to any of the following individuals:

(1) An individual who is employed under the Architect of the Capitol Summer Employment Program.

(2) An individual who is hired for a total of 120 days or less during any 5-year period (excluding any days in which the individual is employed under the Architect of the Capitol Summer Employment Program).

(3) An individual employed by the Architect of the Capitol as a temporary employee as of the date of the enactment of this Act who exercises in writing, not later than 180 days after such date, an option offered by the Architect to remain under the pay system (including benefits) provided for the individual as of such date.

(4) An individual who becomes employed by the Architect of the Capitol after the date of the enactment of this Act who exercises in writing, prior to the individual's employment, an option offered by the Architect to receive pay and benefits under an alternative system which does not provide the benefits described in subsection (a), except that under such an option the Architect shall be required to provide the individual with the benefits described in subsection (a) as soon as the individual's period of service as a temporary employee exceeds 1 year in length.

(c) Nothing in this section may be construed to require the Architect of the Capitol to provide duplicative benefits for any employee.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $366,520,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2004, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2004 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided,* That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: *Provided further,* That of the total amount appropriated, $11,236,000 shall remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further,* That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further,* That of the total amount appropriated, $905,000 shall remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): *Provided further,* That of the amount appropriated, $500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which amount $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further,* That of the total amount appropriated, $1,380,000 shall remain available until September 30, 2008 for the acquisition and partial support for implementation of a Central Financial Management System: *Provided further,* That of the total amount appropriated, $11,060,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: *Provided further,* That of the total amount appropriated, $2,762,000 shall remain available until September 30, 2008, for the development and maintenance of the Alternate Computer Facility.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $47,290,000, of which not more than $23,321,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2004 under section 708(d) of title 17, United States Code: *Provided,* That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That not more than $6,343,000 shall be derived from collections during fiscal year 2004 under sections 111(d)(2), 119(b)(2), 802(h), and 1005 of such title: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than $29,664,000: *Provided further,* That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further,* That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $93,590,000: *Provided,* That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $51,706,000, of which

$14,812,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 1201. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1202. (a) For fiscal year 2004, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $105,589,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) During fiscal year 2004, the Librarian of Congress may temporarily transfer funds appropriated in this Act under the heading ''LIBRARY OF CONGRESS—SALARIES AND EXPENSES'' to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided,* That the total amount of such transfers may not exceed $1,900,000: *Provided further,* That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $91,111,000: *Provided,* That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further,* That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further,* That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $34,456,000: *Provided,* That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2002 and 2003 to depository and other designated libraries: *Provided further,* That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $5,000,000 for working capital. The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided,* That not more than $7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further,* That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,189 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): *Provided further,* That activities financed through the revolving fund may provide information in any format.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $458,533,000: *Provided,* That not more than $4,806,200 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2004: *Provided further,* That not more than $1,200,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2004: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further,* That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

ADMINISTRATIVE PROVISION

SEC. 1301. (a) At any time during fiscal year 2004 or any succeeding fiscal year, the Comptroller General may accept payment from the Securities and Exchange Commission for the performance of any audit of the financial statements of the Commission which is conducted by the Comptroller General.

(b) Any payment accepted under the authority of subsection (a) shall be credited to the account established for salaries and expenses of the General Accounting Office, and shall be available for obligation and expenditure upon receipt.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, $13,000,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2004 unless expressly so provided in this Act.

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided,* That the provisions in this Act for the

various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act to pay awards and settlements as authorized under such subsection.

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. During fiscal year 2004 and any succeeding fiscal year, any entity in the legislative branch which is a member of the Federal Accounting Standards Advisory Board may use funds made available to the entity for the fiscal year to finance an appropriate share of the costs of the Board for the year.

This Act may be cited as the ''Legislative Branch Appropriations Act, 2004''.

The SPEAKER pro tempore. Pursuant to House Resolution 311, the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. KINGSTON).

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

I wanted to say that the legislative branch bill is somewhat the inside baseball bill, the operating budget for the U.S. Capitol. It includes not just the legislative branch per se but the Capitol Hill Police, the Library of Congress and the Government Printing Office, the General Accounting Office and many other important government agencies which we all depend on.

The gentleman from Virginia (Mr. MORAN), the ranking member, and I have worked very closely on our bill this year, and its total spending is $2.7 billion, which is a decrease of about $34 million below last year, or about 1.2 percent. It is 10 percent below the actual request. Every agency has had to take reductions, and we have had to say no to many of our friends to get to this number, but we think that we have been fair across the board.

For example, this bill does not require any reductions in the current force, and it fully funds the traditional COLA of the leg branch employees at a level of 3.7 percent.

The other thing the bill does, along with keeping a very tight line on the fiscal side of it, is that it does not provide any new authorizations. So we are not changing anything in this bill. It is what we refer to as a clean appropriations bill.

One issue that has come up is the U.S. Capitol Police, and they do a great job; and we all here in Congress depend on them, not just every day but really every hour, to keep the U.S. Capitol safe. This is a unique building in that it is a historical building. It is a tourist site in itself; and then, in addition to that, Members of Congress are conducting business in it. So we have lots of people, a mom, dad, the three-and-a-half kids who come up from Peoria, as the gentleman from Illinois (Mr. LAHOOD) would always remind us; as well as the 435 Members of Congress and 100 Members of the Senate conducting business here and hearing from all kinds of constituency groups. Yet throughout all of it, the Capitol Hill Police keeps it safe so that the tourists, the business people and those in government and all the employees can enjoy a safe working environment.

Since September 11, we have funded 512 new positions for the Capitol Police. That is a 37 percent increase in a year and a half. The salary account has grown from $113 million in fiscal year 2002 to a requested level of $218 million in fiscal year 2004, so a 93 percent increase in a 2-year period of time for the salary account.

General expenses for the police have climbed from $6.7 million in 2001 to a requested level of $72 million in fiscal year 2004, a 975 percent increase. All this has already been done. This is all in the name of security, and we absolutely have supported it.

In addition, there has been another $167 million that has been appropriated in supplemental funds. This committee, on a bipartisan basis, can take pride that the Capitol Hill Police Department has moved into the 21st century with a 20 percent increase in salaries over the last 2 years and a lot of other changes that are beneficial to the police officers in terms of recruitment, hiring and retention. But the budget request for fiscal year 2004 includes an increase of 25 percent for the salary account and an increase in general expenses of 158 percent.

Increases cannot be sustained at the allocation that we have been given. So at this time we are not going to increase more staffing, as we want them to absorb the growth that we have already given them.

Another issue that we spent a lot of time on in committee is the Capitol Visitors Center. The Capitol Visitors Center is something that started out at one level, and is now at a completely different level in terms of spending. The scope of the job changed because we have put in some additional office spaces and because of some security concerns. Yet at the same time we, on this committee, are very concerned that the spending has gotten out of hand.

We have not put in a $48 million estimation for additional expenses. We understand the other body has done so; but at this time, the House bill has not and we intend to have a lot of discussions about that before we move forward on it. At present, there are still 37 items, according to a recent GAO study, which are unknown in terms of additional expenses. So our committee is trying to get a good grip on the Capitol Visitors Center—but we are very, very concerned about some of the expenses.

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

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

Mr. Speaker, I rise in support of the bill. There has been a pretty good level of bipartisan cooperation on this bill, and it is reflected in the vote that we are going to have. I doubt that there will be many, if any, voting against this bill, even though I am told by the Committee on Rules last night, this is the first time that an appropriations bill or an appropriations subcommittee has reported a bill that was funded at a lower level than the previous year. Is the gentleman aware of that?

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

Mr. MORAN of Virginia. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I am not aware of it, but I certainly am proud of it.

Mr. MORAN of Virginia. We do not expect that to happen with every bill.

We had a fairly tight allocation, discretionary caps were pretty tight; but I think that it serves the Nation well. We are $290 million below the President's request and $34 million below last year's funding level; but given the limitations of the allocation, I think that the chairman and the members of the committee on both sides of the aisle have been prudent and fair.

Sufficient funds have been provided to cover all mandatory expenditures, and the budget assumes the full 3.7 percent COLA increase for salaries. I support the chairman's decision to withhold making any new appropriation for the Capitol Visitors Center and slow down the pace of the Architect's other construction projects because a recent GAO review took issue with the Capitol Visitors Center projected cost estimates.

That GAO review found that the total cost of the project could potentially climb to as high as $395 million,

read $400 million, when it started out at about $300 million. I think that it behooves the Congress to take a very close look. We are going to have another hearing on it, and we do not intend to scrimp on the funding of it. Since it is going to be done, we want it done right, but we want to make sure we have a full handle on all of the cost increases.

So we are going to withhold any new funds and reevaluate how we should proceed. We need to gain better control over potential cost overruns and engage in those substantive discussions, particularly with the House and Senate leadership.

I also want to touch on another topic, as the gentleman from Georgia (Mr. KINGSTON) did, and clarify to the Members of the House that this bill supports and respects the men and women in law enforcement who serve on the Capitol Police force. They have toiled under stressful and difficult circumstances, particularly since September 11, 2001; but since that date, the Capitol Police have seen their manpower grow by 37 percent. So until a strategic plan, which the subcommittee directed the police to undertake last year, is completed and shared with the members of the subcommittee and open to review by outside experts, this bill postpones action on this portion of the police chief's request. That is the responsible way to deal with the request in my view, and I agree with the chairman again.

Should the Capitol Police's full workforce increase be merited, the funds will be there. In the meantime, full funding for overtime pay for the police, the COLA increase, the longevity differential, the special training, the specialty pay and all the other recruitment and retention incentives are all preserved and fully funded in this bill.

The employees in the agencies who work for us are indispensable, if we want this legislative body to continue to perform and to perform well.

Mr. Speaker, the bill before us today is a sound bill. It is tight, but it is responsive to addressing the needs and the obligations of the entire legislative branch. That is why I support it and encourage my colleagues on this side of the aisle to vote for it as well. I trust that it will be unanimously approved, and with that, we only have I think three more speakers.

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

Mr. KINGSTON. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. LAHOOD).

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

Mr. LAHOOD. Mr. Speaker, I do not know if this is the most boring bill in the House; but it is certainly one of the most boring, there is no doubt about it. Maybe that is why it is going to get almost a unanimous vote, but I really came to the well of the House today to say thank you to so many people who work in this institution who we all take for granted.

We show up here every day. We have these folks taking down all of our words, and we can pick up the CONGRESSIONAL RECORD and read it. We have all of these folks that are behind me who show up every day and do all the work and we take all the credit.

□ 1830

And there are many, many thousands of people like that in this House who do a great job for the Members and do a great job for the public, and that is what this bill is all about. It is taking care of the 10 major offices and funding the 10 major offices that make all of us look good as Members of Congress: The staff in the Architect's office; and when we need legal advice, there are people here who give us legal advice; when we need medical attention, there are people who can give us medical attention, and the list goes on and on.

As a former staffer, I want to say thank you to all of the staff who work hard in this institution to make the 435 Members and the 100 Members in the other body look good. They do not get the appreciation, they do not get the thanks that is so well deserved. And they do work hard, and they make this place tick. They make it operate. When we are gone, they are still here. And when we are gone, they really continue to keep the Capitol open.

I know that it is fashionable to take our hats off to the Capitol Hill Police, and I certainly want to do that. They work really hard, and they provide the protection. But there are lots of other people, hundreds of other people in this Capitol who do such great work for so many of us and for the public who come here. We owe them a big debt of gratitude for what they do, and that is what this bill is about, to say to them we want to continue to fund the work that you do to give you a little bit of an increase and to say thank you for what you do.

I also want to make mention of two other items. One is the Capitol Visitors Center. I know that we are going to have some additional hearings on that. I know we are going to have some additional meetings on it. I know that there is a big hole in front of the Capitol, and a lot of people wonder what it is all about. It is the responsibility of this subcommittee to take charge of that and to really have responsibility for it.

I know it has been sort of a leadership-driven project, but it is up to the Congress to come up with the money to fund this, and we do have the responsibility for it. I think we take that responsibility seriously, and we want to make sure it is done correctly and done right, and that it turns out to be a state-of-the-art visitors center, but done in a way that comports with the fiscal concerns that I think many of us have about what it will cost when it is complete.

The other issue I want to raise is one that is near and dear to my heart, and I am someone who has been pushing for this. Again, as a former staffer, I think it is important, and that is the idea that in this bill there is language and there is money to continue to study what it would take to put a footprint for a staff gym. Again, many of the people who work in this building and work long hours do not have access to the kind of facility that would allow them to get the kind of exercise that is necessary to stay healthy.

As an interim step, we were able to develop an agreement with Gold's Gym where any staffer can go to any Gold's Gym in the metropolitan area and have access to those facilities at a very, very reasonable cost. And I want to thank the staff who have made those arrangements possible. But in the end, my goal is to make sure that right here on the Capitol campus there is a facility for our staff so that they have a facility available so they can stay healthy and stay in good shape, just as the Members have available to them a very nice state-of-the-art facility for themselves both on the House and the Senate side. I really want to make sure that goal is achieved. We are making progress on it, and I think we will continue to make progress as we move ahead.

I know a lot has been said about the Capitol Hill Police, and I certainly support them. I want to say a word about the Chief of the Capitol Hill Police because he is from Illinois. I think Terry Gainer is doing a great job. I think we are fortunate to have such an outstanding law enforcement person in charge of the Capitol Hill Police. I have known Terry since he was the director of the State police in Illinois, where he did a great job. He then came to the city of Washington and worked with the chief of police and did a great job there, and now he is right here in our midst, and I think doing a good job, and I want to compliment him. And even though he was not allowed everything he wanted in this bill, I think people want to continue to work with Chief Gainer and continue his efforts to make sure that our facilities are secure.

So I compliment the chairman and the staff and the ranking member, the gentleman from Virginia (Mr. MORAN), for the work in our subcommittee, and I think we have done good work, and I encourage all Members to support the bill.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself 1 minute, before I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), because up front I want to acknowledge the committee staff, since the gentleman from Illinois (Mr. LAHOOD) has referenced them. We have some terrific staff people on this appropriation subcommittee: Liz Dawson, who does a wonderful job; Chuck Turner; Kelly Wade; Jack O'Neill on the personal staff of the gentleman from Georgia

(Mr. KINGSTON); and, of course, our appropriation staff, Dave Pomerantz, Tom Forhan, and my own staff person Tim Aiken.

I want to say right up front that they have done a great job on this bill. Even though it might not be the most exciting bill, it has as fine a staff as you would want to find on the Hill.

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

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

Mr. HOYER. Mr. Speaker, I thank my good friend, the gentleman from Virginia (Mr. MORAN), for yielding me this time, and I want to thank the gentleman from Georgia (Mr. KINGSTON) for his leadership on this bill.

This is an institutional bill. This is a bill which is designed to allow the legislative body to carry out its constitutional functions of overseeing a mammoth executive department and to make sure that, in fact, we have checks and balances. So although it may not be exciting, it is critical, as all of us, I think, on this floor know, to the exercise of our constitutional responsibility. So I clearly rise in strong support of this legislation.

Obviously, any measure that trims spending from a previous fiscal year does so by proposing reductions in some programs. I would like to comment on a few provisions that are particularly important. One arm of Congress for which H.R. 2657 proposes a 1.3 percent reduction is the United States Capitol Police. We have all talked about that. Many of my colleagues know that on the Committee on House Administration and on the Subcommittee on Legislative for a number of years, I have been a strong supporter, as most people in this body have, of the Capitol Police. It symbolizes, it seems to me, the safety of democracy in many ways. Of course, as all of us know, tragically, a few years ago, we lost two members of the Capitol Police force, Officers Gibson and Chestnut, protecting democracy and this House, these visitors that come to their Capitol, and, yes, the Members and staff who work here.

Mr. Speaker, I have looked at this budget very carefully, and I am confident that the proposed $212 million that have been appropriated for the time being are sufficient. I know the committee wanted to ensure that that was the case, and I thank them for their careful study and review, and the gentleman from Virginia (Mr. MORAN) has said the same thing.

Since 1997, and particularly since the tragedy of 9/11 and the tragedy that occurred to us in this Capitol, Congress has substantially increased the size and budget of the Capitol Police. I believe that was warranted. In 1997, we appropriated $75.39 million, almost .4 million. In 2003, we appropriated $240 million, a very substantial increase, appropriate given the security concerns.

Make no mistake about it, these large increases were essential to make up for deficiencies that we saw and that we were confronted with when we discovered tragically in 1998 the Capitol Police needed more resources to secure all access points and protect not just the lives of the people who work here, but also, as I said, the visitors.

The events of 9/11 were another wake-up call that no American landmark is off limits to terrorists, including the Capitol complex. Most of us believe that that plane that those brave passengers brought down in the fields of Pennsylvania was, in fact, being directed at this Capitol dome, one of the great symbols of freedom in the world.

Let me speak about Chief Gainer. Chief Gainer does not come from Maryland, but he is still a very good fellow, as the gentleman from Illinois (Mr. LAHOOD) said. I want to thank he and his able staff. These increases have been invested in a wide range of essential programs by Chief Gainer and his people; an expanded force, better equipment, protective infrastructure, and improved training. But as the report accompanying H.R. 2657 points out, there is concern over the continuation of such large growth for the Capitol Police without a comprehensive strategic plan.

I think that report is correct. Fortunately, a strategic plan is being developed. Once completed, it will help the Capitol Police deploy their resources in the most efficient manner possible with the greatest protection possible.

A second area that is getting a reduction is the Architect of the Capitol. As many know, the Committee on Appropriations has been concerned about the level and quality of the project management and acquisition planning in the Architect of the Capitol's organization, particularly with regards to the construction of the Capitol Visitors Center. I am a strong supporter, as I think all of us are, of this facility, but the committee is correct in being concerned about the construction schedule and the construction cost. Later this month an oversight hearing on the CVC will be held. I am confident this hearing will help us make more informed spending and policy decisions with regard to the visitors center.

One matter that should concern every Member of this body, in addition to the visitors center, is the fair treatment of workers, including temporary workers, employed by the legislative branch. I want to thank Liz Dawson and the staff of the committee both on the majority side and on the minority side for continuing to focus on this. Section 133 of the Legislative Appropriations Act of 2002, which became law on November 12, 2001, prohibits the Architect of the Capitol from employing temporary workers for long periods without providing eligibility for employee benefits.

Mr. Speaker, this is not happening. Much to my dismay, the Architect has not implemented section 133 more than 2 years after it was the law of the land, despite the clearest of congressional intentions and the fact that the General Accounting Office has determined that section 133 provides the Architect with the authority to treat temporary workers fairly. This is unacceptable behavior.

During markup 2 weeks ago, I offered an amendment which was adopted by voice vote which restates section 133. My expectation with this amendment is simple: That Mr. Hantman will finally appreciate that Congress meant what it said 2 years ago when it instructed his office to fairly treat temporary workers.

One provision of today's measure that does distress me, and I follow up with what the gentleman from Illinois (Mr. LAHOOD) said, I agree with him 100 percent, we need to thank our staffs, incredibly talented, skilled, critical people to the accomplishment of our objectives and our responsibility. But in this bill, unfortunately, the raise we have given them is less than the raise that we give to all other executive employees.

I am very hopeful that before we complete consideration of this bill, in the final analysis our employees will be given the 4.1 percent increase that I hope that all the executive department will be given and that we have already given to the military. Our staff is incredible. We ought to say thank you. But in addition to that, we ought to ensure that they are treated at least as well as we expect our executive department employees to be treated as it relates to the COLA.

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

Mr. HOYER. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I say to my friend from Maryland that I believe it is the intent of this committee to conform with whatever the other Federal employees end up getting in terms of COLAs.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman.

The SPEAKER pro tempore (Mr. HEFLEY). Time of the gentleman from Maryland (Mr. HOYER) has expired.

Mr. KINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate that.

I say to the gentleman from Georgia that I know what he says to be the case. I meant no criticism, but the gentleman from Illinois (Mr. LAHOOD) had observed, and I wanted to make sure our employees knew, that we are going to treat them as well as we are hopefully also going to treat the executive employees, and so I appreciate the chairman's comment on that.

I do also, with the time the gentleman from Georgia yielded to me, want to again congratulate him and the committee on the mass transit benefit program that he has included in this bill.

With that, Mr. Speaker, let me say that I appreciate the work of the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN). They have brought a good bill to the floor that all our Members can support and that will serve this institution and the American people.

□ 1845

Mr. KINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in strong support of this legislation, and I especially want to thank the gentleman from Georgia (Mr. KINGSTON), the gentleman from Virginia (Mr. MORAN), and the gentleman from Illinois (Mr. LAHOOD) for what has been included as a key project in this legislation.

We are beginning the work of a staff gym in the Congress. I served in the Pentagon, and there we have the Pentagon Officers Athletic Club. It is not a very nice facility, but it keeps the men and women during their headquarters tour in shape before returning to the field or sea. Such facilities are not available to congressional staff. Most large employers with over 5,000 employees in my district have on-site gyms. We employ over 10,000 people in the Congress and have no such facility.

As a former staff member, I think it is time we build a staff gym. We have spent taxpayer dollars for promotion programs on fitness or to fight obesity; we should do that here in Congress. This bill sets aside $100,000 to design a 4,000-square foot facility with male and female showers, lockers and a weight room. It will be ready for the staff in 8 months. We also are looking to expanding shower facilities for runners in Longworth and Cannon. We will have a more complete and permanent facility by July 2004.

This means that men and women who work here in the people's House will be fitter, will handle stress better, and will serve the long hours under low-pay conditions for longer working for our constituents.

Mr. Speaker, I want to reiterate my thanks to the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN) and the gentleman from Illinois (Mr. LAHOOD), but especially to Liz Dawson and Reed Bundy of our staffs who made this new facility a reality.

Mr. MORAN of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. SCHIFF) for a colloquy.

Mr. SCHIFF. Mr. Speaker, I intended to offer an amendment to the Legislative Branch Appropriations Act that would allow Members to use their representational allowances to promote, sponsor and conduct congressional science competitions among high school students in their district. The very popular Congressional Arts Competition, which allows Members to sanction art competitions within their districts, has been successfully conducted for over 20 years. This competition helps to encourage young people to pursue their artistic education and ambitions and promotes the idea that art should be an integral part of our lives; yet no such congressional competition exists to reward the achievements of young scientists, as I learned last year when I had hoped to conduct such a competition in my district which is, I am proud to say, the home of Cal Tech and JPL and some of the finest scientists on the Earth. House rules prohibit any Member from conducting any competitions except for the Congressional Arts Competition.

Science is integral to our society and to our American spirit of ingenuity and innovation. Science fuels our technological entrepreneurship and has been the basis for remarkable technological advances in the span of only a few decades, including space exploration, biotechnology and medical advances to seek cures to human disease and afflictions, and tremendous gains in computing power, telecommunications, and information management.

As Members of Congress, we must do our part to advance scientific knowledge and scientific explanation as core values of our society. One important way we can engender a sense of excitement about scientific inquiries is to reward the achievements of young scientists by allowing Members to conduct congressional scientific competitions in each of our 435 districts. I look forward to working with my colleagues on this important issue at the earliest possible opportunity.

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

Mr. SCHIFF. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding and say I believe this is a very interesting proposal. I think it is a promising idea and something there is probably a lot of good bipartisan support for.

I have sponsored the Congressional Arts Awards Program in my former district for 10 years and have always been amazed by the talent that is out there amongst 15-, 16-, and 17-year-olds, and so I would like to see the brilliance that is there from the 15-, 16-, and 17-year-olds as well.

I remember when I had a science project. We wanted to study if there were more protozoa in a stream where water was moving or a pond where it sat still; and we could not conclude anything, but it was very interesting. My sister studied phototropism and geotropism, and I still remember her project as well.

I am always amazed when I go to State science fairs to see the brilliance of these kids and what they are doing. I think this has a lot of potential. It is really an issue that the Committee on House Administration needs to look at, and so I would like to join the gentleman in seeking their guidance and possible action from that committee because we probably would not need to do an appropriations. I am not sure, but we do need to talk to the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) and seek their guidance on it.

I believe that Members could use their existing Members representational allowances so we probably would not appropriate more money, but we will see about that. I want to assure the gentleman that I think we can find a way that Members can sponsor such a high school science competition awards program in their district.

Mr. SCHIFF. Mr. Speaker, reclaiming my time, I agree with the gentleman from Georgia (Mr. KINGSTON). The intention is not to seek any additional appropriations, but rather to allow Members to use their existing allowances to host, if they choose, science competitions in their districts.

I think we have seen the dramatic success of the arts competition in stimulating interest in the arts. This would be a way of heightening the awareness of the importance of science in our lives and getting young people engaged. We need more scientists in this country, and this is a good way to tap into that young talent.

I can tell my colleague had a greater head start than I did. I think my science project when I was in school consisted of how to drop an egg from a light tower in a contraption that would not allow the egg to break, which is a little less sophisticated than counting the number of protozoa in a pond. Nonetheless, there are great opportunities for us to reach into our districts, tap into that talent and cultivate the future scientists that will lead this Nation forward. I look forward to working with the gentleman.

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

Mr. MORAN of Virginia. Mr. Speaker, I yield 8 minutes to the gentleman from New Jersey (Mr. HOLT) for a colloquy.

Mr. HOLT. Mr. Speaker, I rise to enter into a colloquy with the gentleman from Georgia (Mr. KINGSTON), the gentleman from Virginia (Mr. MORAN), and the gentleman from New York (Mr. HOUGHTON).

Mr. Speaker, yesterday I submitted an amendment to the Legislative Branch Appropriations Act bill to provide $7 million to revive the Office of Technology Assessment as authorized by the Technology Assessment Act of 1972. During its 23 years of existence, OTA provided Congress with highly respected, impartial analysis of complex scientific and technological issues and their impacts on current legislation. When OTA's funding was eliminated in 1995, Congress lost a valuable and unique resource.

Although my amendment was not ruled in order, I would like to use this opportunity to discuss with the chairman the need for more scientific advice in Congress.

Mr. Speaker, science and technology have pervaded almost every aspect of

our society. Most, if not all, of the bills that come to the floor of the House include technological components. Technology has played and will continue to play an important role in many of the issues such as economic development, homeland security, and environmental stewardship, which this body has dedicated so much time and money to address.

Mr. Speaker, if the OTA were still in existence, it is likely we would have received I think in a timely way reports that address the importance of research in early childhood development as it relates to Head Start or technology needed to ensure intra-operability of first responder communication devices in high-rise buildings, scientific evidence regarding the safety of genetically engineered food, or a comprehensive assessment of the technology available to ensure the safety of our airlines and shipping ports.

Would my colleagues, the ranking member on this committee and the chairman and the gentleman from New York (Mr. HOUGHTON), agree that many issues such as these that we deal with on a daily basis are highly technical and that we could use more help in evaluating the merits of such legislation dealing with such matters?

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Speaker, I appreciate the efforts of my colleague from New Jersey and agree that the Congress could use more scientific expertise. I regret that this amendment was not made in order. I had urged the Committee on Rules to make it in order.

I do have some concerns about how the Architect would absorb a $7 million cut, but I think Congress would benefit from a restored capability to conduct more technology assessments. Unfortunately, I do not think that the support is there within this body to recreate the original Congressional Office of Technology Assessment.

As my colleague knows, I have worked with the gentleman from Georgia (Mr. KINGSTON) to establish a core competency within the General Accounting Office through a pilot program to conduct technology assessments. The pilot program's first report using biometrices for border security was both timely and helpful as Congress used some of the report's findings in crafting legislation to create the Department of Homeland Security.

Technology assessments can help us craft better policies and laws. There is report language accompanying this bill which directs the GAO to conduct three more technology assessment studies in fiscal year 2004. I would like to work with my colleague to explore ways that we can increase this capability for technology assessment in the Congress and establish a more stable foundation and a more certain future.

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

Mr. HOLT. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I would agree with the gentleman from New Jersey (Mr. HOLT) and the gentleman from Virginia (Mr. MORAN) and understand the need for scientific advice to Members of Congress on complex issues, and I support reports that assist Congress with its work.

For this reason, the committee has funded since fiscal year 2002 technology assessments to be completed by the General Accounting Office; and once again, the report accompanying this bill requires the GAO to allocate funding for three studies related to issues facing Congress. With a staff of over 3,200 employees, GAO is in a position to contract for scientific assessments, and an independent expert determined in fiscal year 2002 that the GAO approach and results were sound.

Mr. HOLT. Mr. Speaker, I thank the chairman and the ranking member for their efforts in directing the GAO to conduct three pilot technology assessments, and I am sure they would agree with me that three reports is not nearly sufficient to meet the needs of Congress.

I would suggest that we need a capacity to conduct upwards of 40 reports a year. Now, whether housed in the GAO or in a re-funded OTA, we need to provide the support to ensure a sustained capacity in-house to conduct a significant number of studies and maintain a professional staff to accomplish this objective. Currently, we are not providing the GAO with sufficient funds to achieve this objective.

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

Mr. HOLT. I yield to the gentleman from New York.

Mr. HOUGHTON. Mr. Speaker, I would like to underscore the point made by my colleagues, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Virginia (Mr. MORAN), that Congress as a whole currently lacks the scientific base to assess the technologies that are crucial for our national security, economic prosperity and personal and environmental health of this Nation.

I would also like to underscore that scientific expertise is unique in that it can be provided in an inherently nonpartisan way; and I can attest to that personally, having been on the OTA board. The OTA board was governed by a bipartisan technology assessment board. There were six House members, six Senate members, both parties equally represented, and the OTA had a reputation for producing reports that were often cited by both sides of a debate; and they were very, very helpful.

In essence, we need to start, I think, in getting serious about rebuilding the capacity in the legislative branch to provide this nonpartisan technical expertise to Congress in a timely manner.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from New Jersey. I believe it would be beneficial for our subcommittee to get advice from a bipartisan group on exactly these scientific issues. It would be useful to receive recommendations on what would be the most efficient, timely, and useful way to make sure that the core capability that has now been created can be placed on a more stable foundation and have a more certain future for a support agency such as the OTA to provide scientific advice to Congress.

□ 1900

Mr. HOLT. Mr. Speaker, reclaiming my time, I would like to thank the three gentleman for agreeing to enter into this discussion on the importance of providing balanced bipartisan technology assessment, an approach to begin the process that will allow this Congress and our successors to utilize more of the empirical, fact-based, scientific and technical expertise needed to shape a sound public policy.

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

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

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

I wanted to emphasize on behalf of the gentleman from Virginia (Mr. MORAN) and me the great work that our staff has done. Liz Dawson and Tom Forhan have done a great job on this bill. Chuck Turner, Kelly Wade, Jack O'Neill, Tim Aiken have all worked very diligently with us, and the gentleman from Virginia (Mr. MORAN) and I and all the committee members appreciate everything they have done.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2657)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - LEGISLATIVE BRANCH					
HOUSE OF REPRESENTATIVES					
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	1,979	2,048	2,048	+69	---
Office of the Majority Floor Leader	1,899	1,965	1,965	+66	---
Office of the Minority Floor Leader	2,309	2,390	2,390	+81	---
Office of the Majority Whip	1,624	1,684	1,684	+60	---
Office of the Minority Whip	1,214	1,259	1,259	+45	---
Speaker's Office for Legislative Floor Activities	446	460	460	+14	---
Republican Steering Committee	834	862	862	+28	---
Republican Conference	1,397	1,448	1,448	+51	---
Democratic Steering and Policy Committee	1,490	1,542	1,542	+52	---
Democratic Caucus	741	768	768	+27	---
Nine minority employees	1,337	1,380	1,380	+43	---
Training and Program Development:					
Majority	290	290	290	---	---
Minority	290	290	290	---	---
Cloakroom Personnel:					
Majority	340	354	354	+14	---
Minority	340	354	354	+14	---
Subtotal, House Leadership Offices	16,530	17,094	17,094	+564	---
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail					
Expenses	476,536	523,454	514,454	+37,918	-9,000
Committee Employees					
Standing Committees, Special and Select	114,421	107,558	106,058	-8,363	-1,500
Committee on Appropriations (including studies and investigations)	24,200	24,926	24,926	+726	---
Subtotal, Committee employees	138,621	132,484	130,984	-7,637	-1,500
Salaries, Officers and Employees					
Office of the Clerk	20,032	19,387	18,632	-1,400	-755
Office of the Sergeant at Arms	5,097	6,471	5,471	+374	-1,000
Office of the Chief Administrative Officer	105,363	123,053	113,141	+7,778	-9,912
Office of the Inspector General	3,947	4,147	3,847	-100	-300
Office for Emergency Planning, Preparedness and Operations	6,000	6,000	5,000	-1,000	-1,000
Office of General Counsel	894	926	926	+32	---
Office of the Chaplain	149	153	153	+4	---
Office of the Parliamentarian	1,464	1,560	1,560	+96	---
Office of the Parliamentarian	(1,279)	(1,363)	(1,363)	(+84)	---
Compilation of precedents of the House of Representatives	(185)	(197)	(197)	(+12)	---
Office of the Law Revision Counsel of the House	2,168	2,263	2,263	+95	---
Office of the Legislative Counsel of the House	5,852	6,233	6,233	+381	---
Corrections Calendar Office	915	948	948	+33	---
Other authorized employees	146	150	150	+4	---
Technical Assistants, Office of the Attending Physician	(146)	(150)	(150)	(+4)	---
Subtotal, Salaries, officers and employees	152,027	171,291	158,324	+6,297	-12,967

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2657)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	3,384	3,975	3,975	+591	---
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	---	---
Government contributions	172,673	190,240	188,533	+15,860	-1,707
Miscellaneous items	690	690	690	---	---
Subtotal, Allowances and expenses	177,157	195,315	193,608	+16,451	-1,707
Total, Salaries and expenses	960,871	1,039,638	1,014,464	+53,593	-25,174
Total, House of Representatives	960,871	1,039,638	1,014,464	+53,593	-25,174
JOINT ITEMS					
Joint Economic Committee	3,658	3,988	3,805	+147	-183
Joint Committee on Taxation	7,593	8,112	8,112	+519	---
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	2,981	2,236	2,236	-745	---
Capitol Guide Service and Special Services Office	3,035	3,511	3,511	+476	---
Statements of Appropriations	30	30	30	---	---
Total, Joint items	17,297	17,877	17,694	+397	-183
CAPITOL POLICE					
Salaries	174,533	218,268	189,913	+15,380	-28,355
General expenses	27,917	72,242	21,917	-6,000	-50,325
Wartime supplemental	37,758	---	---	-37,758	---
Total, Capitol Police	240,208	290,510	211,830	-28,378	-78,680
OFFICE OF COMPLIANCE					
Salaries and expenses	2,157	2,518	2,255	+98	-263
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	31,892	33,993	33,820	+1,928	-173
ARCHITECT OF THE CAPITOL					
Capitol Buildings and Grounds					
General administration	58,957	158,570	84,513	+25,556	-74,057
Capitol building	32,985	52,368	23,307	-9,678	-29,061
Capitol grounds	8,302	6,986	6,886	-1,416	-100
House office buildings	60,564	66,779	54,564	-6,000	-12,215
Capitol Power Plant	128,671	106,557	85,943	-42,728	-20,614
Offsetting collections	-4,371	-4,400	-4,400	-29	---
Net subtotal, Capitol Power Plant	124,300	102,157	81,543	-42,757	-20,614
Library buildings and grounds	37,277	47,108	34,750	-2,527	-12,358
Capitol police buildings and grounds	63,885	2,970	3,308	-60,577	+338
Botanic garden	6,063	10,919	6,062	-1	-4,857
Total, Architect of the Capitol	392,333	447,857	294,933	-97,400	-152,924

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2657)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
LIBRARY OF CONGRESS					
Salaries and expenses	361,644	380,386	366,520	+4,876	-13,866
Authority to spend receipts	-6,850	-6,850	-6,850	---	---
Subtotal, Salaries and expenses	354,794	373,536	359,670	+4,876	-13,866
Copyright Office, salaries and expenses	38,971	48,290	47,290	+8,319	-1,000
Authority to spend receipts	-29,472	-29,664	-29,664	-192	---
Subtotal, Copyright Office	9,499	18,626	17,626	+8,127	-1,000
Congressional Research Service, salaries and expenses	88,250	96,267	93,590	+5,340	-2,677
Books for the blind and physically handicapped, Salaries and expenses	50,632	51,706	51,706	+1,074	---
Total, Library of Congress	503,175	540,135	522,592	+19,417	-17,543
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	89,557	91,111	91,111	+1,554	---
Office of Superintendent of Documents					
Salaries and expenses	29,468	34,456	34,456	+4,988	---
Government Printing Office Revolving Fund	---	10,000	5,000	+5,000	-5,000
Total, Government Printing Office	119,025	135,567	130,567	+11,542	-5,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	456,031	472,627	464,539	+8,508	-8,088
Offsetting collections	-2,980	-6,006	-6,006	-3,026	---
Total, General Accounting Office	453,051	466,621	458,533	+5,482	-8,088
OPEN WORLD LEADERSHIP CENTER					
Payment to the Open World Leadership Center Trust Fund	---	14,815	13,000	+13,000	-1,815
CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT					
Payment to Russian Leadership development Trust Funds	12,915	---	---	-12,915	---
TITLE II - GENERAL PROVISIONS					
John Stennis Center	298	---	---	-298	---
Congressional Award Act	248	---	---	-248	---
Grand total	2,733,470	2,989,531	2,699,688	-33,782	-289,843

Mr. NUSSLE. Mr. Speaker, I rise today in support of H.R. 2657, the Legislative Branch Appropriations Act for Fiscal Year 2004. This is the fourth bill we are considering pursuant to the 302(b) allocations adopted by the Appropriations Committee on June 17th. I am happy to report that it is consistent with the levels established in H. Con. Res. 95, the House concurrent resolution on the budget for fiscal year 2004, which Congress adopted as its fiscal blueprint on April 10th. Conforming with a long practice—under which each chamber of Congress determines its own needs, appropriations for the other Body are not included in the bill as reported to the House.

H.R. 2657 provides $2.669 billion in new budget authority, which is within the 302(b) allocation to the House Appropriations Subcommittee on Legislative. Outlays of $2.875 billion are also within the subcommittee's allocation. The bill contains no emergency-designated new budget authority, nor does it include rescissions of previously-enacted appropriations.

Accordingly, the bill as reported, complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority.

I commend Chairmen KINGSTON and YOUNG for bringing another appropriations bill to the floor that is consistent with the Budget Resolution.

Mr. OBERSTAR. Mr. Speaker, H.R. 2657 appropriates nearly $295 million to the Architect of the Capitol for fiscal year 2004. The Committee on Transportation and Infrastructure, on which I serve as Ranking Democratic Member, is the authorizing committee with jurisdiction over the Architect's activities relating to the Capitol, the House and Senate Office Buildings, and the Capitol Grounds.

Let me state at the outset that I have great respect for the Architect, Mr. Alan Hantman. In the wake of the September 11 terrorist attacks and the release of anthrax in some of the House and Senate Office Buildings, Mr. Hantman's office did a tremendous job in ensuring the safety and security of the Congress, those working in the Capitol buildings, and the visiting public. He has rightly made the security of everyone who works in and visits the Capitol his number one priority. In addition, Mr. Hantman has initiated a program to maintain and renovate the Capitol building and has promoted the construction of the Capitol Visitor's Center—a place where the American people can come and learn more about the inner workings of their government. The U.S. Capitol, and all that it represents, is the citadel of democracy, and the Architect has done a fine job of caring for it.

However, the knowledge of these accomplishments only serves to heighten my great disappointment in the Architect over the manner in which his office has proceeded with unauthorized construction activities, specifically and most recently the demolition of the Tip O'Neill House Office Building. The Architect of the Capitol never sought a specific Committee authorization for the demolition of the O'Neill Building. Moreover, in December 2002, then-Economic Development and Public Buildings Subcommittee Ranking Member JERRY COSTELLO and I wrote to the Architect to express our concern that the Architect's office was not authorized to demolish the O'Neill Building and to request a description of the demolition project and specific cost estimates for the project. The Architect has never answered our letter.

Whether it is regarding the demolition of the Tip O'Neill House Office Building, cost overruns of the Capitol Visitor's Center, or the construction and maintenance of the Capitol buildings, the Architect has a responsibility to be responsive to all Members of this Body, including Democratic Members of the Transportation and Infrastructure Committee.

I understand that earlier this year, the Architect wrote to Transportation and Infrastructure Committee Chairman DON YOUNG and stated that with regard to the O'Neill Building site, the Architect of the Capitol will make no further changes to the site ''without the authorization and approval from the appropriate governing authorities.'' I take that to mean that he will seek the Transportation and Infrastructure Committee's approval before undertaking any new construction on the site, and I continue to expect a full response to the inquiry that Ranking Member COSTELLO and I made last December. Moreover, I will urge the Subcommittee on Economic Development and Public Buildings of the Transportation Committee to conduct an oversight hearing on the Architect's construction program.

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

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

Pursuant to House Resolution 311, the bill is considered read for amendment. The amendment printed in section 2 of that resolution is adopted, and the previous question is ordered.

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

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

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

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

The vote was taken by electronic device, and there were—yeas 394, nays 26, not voting 14, as follows:

[Roll No. 345]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller

Wexler	Wolf	Young (AK)
Whitfield	Woolsey	Young (FL)
Wilson (NM)	Wu	
Wilson (SC)	Wynn	

NAYS—26

Becerra	Hulshof	Petri
Berry	Jones (NC)	Ramstad
Brown (OH)	Kennedy (MN)	Royce
Doggett	Kind	Ryan (WI)
Flake	Kleczka	Sensenbrenner
Goode	Lofgren	Shimkus
Graves	Lucas (KY)	Stearns
Green (TX)	Matheson	Tanner
Green (WI)	Paul	

NOT VOTING—14

Cramer	Goss	Murtha
Edwards	Harman	Owens
Fossella	Janklow	Pickering
Gephardt	Millender-McDonald	Portman
Gibbons		Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1921

Mr. BROWN of Ohio and Mr. FLAKE changed their vote from ''yea'' to ''nay.''

Mr. JACKSON of Illinois changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall vote Nos. 337, 338, 339, 340, 341, 342, 343, 344 and 345. If present I would have voted "nay" on rollcall vote Nos. 337, 338 and 341 and "yea" on rollcall vote Nos. 339, 340, 342, 343, 344 and 345.

REPORT ON H.R. 2673, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 2004

Mr. BONILLA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–193) on the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

DISTRICT OF COLUMBIA FISCAL YEAR 2004 BUDGET REQUEST ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–99)

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 Appropriations and ordered to be printed:

To the Congress of the United States:

Consistent with my constitutional authority and sections 202(c) and (e) of the District of Columbia Financial Management and Responsibility Assistance Act of 1995 and section 446 of the District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's Fiscal Year 2004 Budget Request Act.

The proposed Fiscal Year 2004 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For Fiscal Year 2004, the District estimates total revenues and expenditures of $5.6 billion.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 9, 2003.*

SPECIAL ORDERS

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

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TIME TO FACE THE FACTS ON IRAQ

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

Mr. MCDERMOTT. Mr. Speaker, last fall I stood out in front of the Cannon Building and said I believed that we might indeed be misled by our leaders in the stampede to go to war against Iraq. When I was in Iraq a few weeks later, I was interviewed by ''ABC This Week'' and asked if I stood by that statement. I said I did. I got death threats for saying that.

Well, folks, it is time to face the facts. The American people were misled and Members of Congress were misled. But who misled us? Apparently we were misled by the White House speechwriters. I do not know.

I do not question that the motive was to do what they sincerely believed would be the best thing for our country. I do not question that they believed and still believe going to war against Iraq was the right thing to do.

But for those who would not have supported this war save for the official dossiers and intelligence and information they relied on, my friends, you were misled.

Those who believed that whatever the President said would have been carefully confirmed and who never doubted that what the President said in the State of the Union Address would have been gone over with a fine-tooth comb, my friends, you were misled.

So far, 212 young Americans have died in Iraq. Someone will die tonight and tomorrow and the day after. And now what? Now the administration does not even claim that weapons of mass destruction will be found. Instead, we are told that evidence of a program that would have eventually created weapons will be found.

This afternoon, today, according to Reuters, Mr. Rumsfeld, the Secretary of War, told the Senate Armed Services Committee that there was nothing new going on in Iraq. He said there was ''no dramatic new evidence,'' just old evidence seen in a new light.

Is that the impression you had? I ask, because that is not what I heard. I heard urgency. I heard new revelation after new revelation. I heard that we were in imminent danger.

The fact that nothing that we expected, nothing like storehouses of terrifying weapons has been found, certainly backs up Mr. Rumsfeld's contention.

What we found are mass graves in Iraq, body upon body, people killed for no reason by the government of Saddam Hussein. So this is where the administration is turning to justify its actions in Iraq.

The United States has never, never invaded a foreign country simply to get rid of an evil dictator. That is not what our young people signed up to give their lives for. That is not what our taxpayers have given their money for. That is not what America does. At least until now.

Well, our troops in Iraq, these fine young people went into the service to protect America, not to bring democracy to someone else's country, not to stop human rights abuses or get rid of dictators, because if that was the basis of our military policy, there are a lot of governments out there that we would be ready to overthrow.

□ 1930

Not to get rid of a bad guy because we are tired of messing around with containment. They enlisted to protect our country. What did our country need protection from? From biological and chemical weapons that could be launched within 45 minutes? Apparently not. From a nuclear arms program that was not just an aspiration of a madman, but was so far along that it was importing uranium from Niger? Apparently not. The President denied

that today. From gallons of nerve gas and rooms full of test tubes and trailers full of equipment so sophisticated that biological and chemical weapons could be pumped out on Saddam's command? Apparently not that, either.

We had a policy with regard to Iraq. It was a frustrating policy, but it was working. It is the same policy President Reagan used on the Soviet Union: containment. We had an embargo in place that the rest of the world supported. We had U.N. inspectors in place that the rest of the world supported. They did not have as long to look for weapons as our people have now had, but they were looking, and while they were in Iraq, Saddam was not going to be able to fulfill any of his evil dreams.

Containment worked from the end of the Gulf War until the day we invaded. If you believe that the United States should go to war to get rid of dictators who would most likely want to have weapons of mass destruction if they were not watched closely, I will give you a list. If you believe the United States should go to war to get rid of dictators who have people tortured, I will give you another list. If you believe that the United States should go to war bringing democracy to someone else's country is a mission worth the lives of our young soldiers, I will give you a list.

But if you share the belief of John Quincy Adams, the sixth President of the United States, that our country is blessed, in part, because ''she does not go abroad in search of monsters to destroy,'' I say to my colleagues, we were all misled, and it is time for us to have a bipartisan committee, select committee, to look at this issue and find out who was it that misled us?

I read in the paper today that Mr. Blair gave us some bad information, and our President took it, swallowed it hook, line and sinker, and now says, I did not know; it was Blair that gave me this bad information. Mr. Blair answered questions for 2½ hours before the Parliament of the United Kingdom. We ought to have that kind of thing going on here.

COMPETITIVE TENSION WILL LOWER DRUG PRICES FOR AMERICANS

The SPEAKER pro tempore (Mr. GERLACH). 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 high price that Americans pay for prescription drugs relative to the rest of the world. I have with me a chart, and some of my colleagues have seen this chart, and I apologize, it is a little hard to read for the Members who are watching in their offices on C-SPAN, but what it really shows us are 10 of the most commonly prescribed drugs that I and my staff purchased when we were in Germany about 2 months ago at the Munich Airport Pharmacy, and then a comparison of what those drugs sell for here in the United States.

Let me just read for my colleagues what some of those prices are. Cipro, a drug that we learned a lot about when we had anthrax here in the Capitol complex, is a very effective antibiotic, made by a company called Bayer. They also make aspirin and a lot of other drugs. The price in Germany for 10 tablets, 250 milligrams: $35.12. That same Cipro here in the United States: $55.05.

A drug that my father takes, Coumadin, is a blood thinner. Some of my colleagues say, well, we cannot open up markets because people might get rat poisoning. Mr. Speaker, Coumadin is rat poisoning. It was developed at the University of Wisconsin veterinary schools, and it sells under the generic name of Warfarin. But Coumadin in the United States, and my father takes it, the price for 100 tablets, 5 milligrams in the United States: $89.95. In Germany you can buy that same Coumadin for $21.

Glucophage is a very commonly prescribed drug for people who have borderline diabetes. In the United States the price is $29.95 for 30 tablets. In Germany we bought that drug for $5.

Another drug that we paid for, the taxpayers, you paid for this drug, Tamoxifen, a very amazing anti-breast-cancer drug, we paid about, I think the number was over $500 million through the NIH to develop and take the drug through phase 2 trials. We pay in the United States $360. They buy that drug in Germany for 60 bucks. Now, we paid for the development, and now, apparently, we are paying for the marketing, the advertising and, ultimately, for the profit on that drug.

The bottom line is these 10 drugs bought in Munich, Germany, the total price in dollars: $373.30. Those same drugs bought here in the United States: $1,039.65.

My colleagues do not have to take my word for it. Today, like Diogenes, I finally found an honest person inside the administration who will talk honestly about what we pay for drugs. She is an IG, an inspector general, in the Department of Health and Human Services. Her name is Dara Corrigan. She testified before the Committee on the Budget today. She said that Medicare last year spent about $8.2 billion on drugs, drugs that are administered in hospitals. She said, according to her research, that the Medicare people paid $1.9 billion more than they would have had to pay for the same drugs had they bought them through the VA.

Now, I asked her, had they or anybody done any comparisons between how much Medicare is currently paying or will pay as we move down the road towards a prescription drug benefit under Medicare; how much would they pay if they could have bought those drugs from pharmacies right off the rack in Germany or Switzerland or some other industrialized country?

The bottom line is this, I say to my colleagues: We need to do something about this, because it is not so much shame on the pharmaceutical industry, although it is hard for me to defend this. I am a Republican; I believe that profit is a good word. But profiteering is a bad word, and somehow we have to come to grips and create a market environment so that we have competitive prices, because Americans deserve world-class drugs, but they deserve to be able to buy those drugs at world-market prices.

So my answer may not be the best answer, but at least it is an answer: to bring an element of competition, competitive tension, into the prices that we pay relative to the rest of the world.

I believe that Americans should pay their fair share of the cost of research, and I am proud of the fact that we do pay our fair share. In fact, I think we ought to be able to subsidize, we ought to be willing to subsidize the people in sub-Saharan Africa, but I do not think we ought to have to subsidize the starving Swiss.

This is not just about economics, it is not just about the prices we pay. There is a moral undertone to this. I think, I say to my colleagues, it is time for us to take a very clear stand. The rumor is we may actually get a vote on this in the next week or 10 days. When we do, we are going to be asked, will we stand with the large pharmaceutical companies, or will we stand with our consumers? I hope we will give the right answer.

U.S. CAN NO LONGER AFFORD TO IGNORE AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, for the next week, Africa will be on page 1 news due to the President's trip to the continent. Then, once again, news on Africa will most likely recede to the back pages of our major newspapers and disappear for good. However, what many Americans do not realize is the increasing importance of Africa to the world and the United States.

Americans now import more than one-quarter of their oil from the African continent. In the coming years, due to new major oil discoveries in the Gulf of Guinea off the west coast of Africa, the percentage of African oil Americans consume will most likely rise. It will rise because there are quantities of untapped oil reserves on the continent, and it will rise because the United States realizes that oil from the Middle East can easily fall prey to the vagaries of wars and politics.

Africa is so important to us, in part, because it is a continent rich in natural resources. Copper, diamonds, gold, and wood are all in abundance throughout the continent. The Congo River itself has enough potential hydroelectric power to supply the electrical needs of the whole continent. And the

continent still has abundant rainforests which have been described as the lungs of the world.

We as Congresspeople can no longer afford to ignore Africa or view it solely through the lens of disaster and peril. Yes, we cannot deny that there are serious health problems in Africa with HIV/AIDS and malaria leading the list. There is crushing poverty throughout the continent. Africans living on less than $1 a day now number over 315 million, according to a recent World Bank survey. Serious conflicts in the Congo, where not thousands, but millions have perished, and West Africa still plagues the continent and puts a serious drag on the development of human resources and capital.

We cannot afford to ignore Africa, because people are beginning to realize that failed states and crushing poverty are fertile breeding grounds for terrorists and criminal groups. We cannot afford to ignore Africa, because the world is smaller and more interconnected. From the war on terrorism to the supply of crucial resources, from the campaign against threatening diseases to the opportunities for economic trade and investment, Africa is a key global player. We cannot afford to ignore Africa, because we now ignore it, and if we continue to do it, it is at our own peril.

Africa really matters in many ways. Not all of the news coming out of Africa is gloomy. Trade and investments with Africa are growing. U.S. exports totaled over $5.8 billion last year, while U.S. imports were $18 billion. Nigeria alone is the fifth largest supplier of oil to the U.S. Despite appearances, Africa is more peaceful today than in the 1980s and the 1990s. Democracy is also taking root in many parts of Africa.

But Africa needs increased resources to deal with the multitude of problems. U.S. assistance to Africa has been stagnant for many years, and real development assistance to the continent is less than $500 million. Although total U.S. assistance to Africa may total about $2 billion, a large chunk of this is for humanitarian and health-related programs. Many programs, including the areas of agriculture, democracy, conflict resolution, trade, and investment have suffered from significant cutbacks. In short, Africa needs increased assistance if it truly is to be brought into the mainstream world economy.

The Congressional Black Caucus has been a staunch advocate and played a pivotal role in strengthening the cultural, political, and economic ties between Africa and the United States.

I am therefore concerned, but not surprised, that President Bush did not seek out the guidance and assistance of the CBC before making his sojourn to Africa. This is not surprising because, as our chairman recently noted, ''the President has declined all of our offers to meet with him since our last discussion of January 31, 2001.''

In closing, I want to make a few remarks on the President's proposal to send in U.S. peacekeepers to Liberia. First, I recognize the longstanding historical ties between the U.S. and Liberia. I do not believe it will be as difficult to win the hearts and minds of Liberians who are predisposed to look upon the U.S. with favor. I generally support the concept of a peacekeeping mission to Liberia. However, I believe that a U.S.-led peacekeeping mission should be placed under the auspices of the United Nations. The United States by itself cannot be the policeman of the world, and our forces are already spread thin by our other significant commitments around the world. Any U.S. action in Liberia will have greater credibility if they have the seal of approval of an international body.

We must also think through very carefully our commitment to place U.S. forces in Liberia. We must have a mission that is clearly defined, and we must have an exit plan that is articulated and understood by the American public. I also believe that any plan to introduce U.S. forces in Liberia should be subjected to serious congressional oversight and approval.

The devil is in the details. The administration must first clearly articulate its methods and goals before any U.S. troops are put on the ground.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

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

TRIBUTE TO RICHARD BRANDITZ IGLEHART

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

Mr. FARR. Mr. Speaker, I rise here on the floor of the United States House of Representatives in the Capital of this country to pay tribute to one of California's most beloved public servants: Alameda County Superior Court Judge Richard B. Iglehart, who passed away in Istanbul on July 2 while attending a State Department-sponsored conference. He was just 60 years old. He was a friend, a brother, a colleague, and he leaves behind so many wonderful people. He is survived by his beloved wife Judith Iglehart; his son, Matthew Iglehart; his stepsons, Christopher and Scott; his sister Barbara; his brother-in-law Hans; Alan Iglehart, a brother; six nephews and nieces, aunts and cousins, and his former wife, Dee Iglehart.

I met Dick in Santa Clara Law School. Before that, he had gone to Piedmont High School and UC Berkeley where he was a Beta and played rugby. He served in the Army in Germany as an officer in the 3rd Armored Cavalry. After graduating, he went to Santa Clara Law School where I met him.

□ 1945

He ended up being a career prosecutor who became the chief assistant district attorney in Alameda and also in San Francisco Counties. He became the chief assistant for the criminal division in the California attorney general's office under Attorney General John van de Camp. Dick also served as the counsel to the Assembly Public Safety Committee. He was a California district attorneys association lobbyist and was an Assembly Fellow.

He worked unceasingly to rid California and the Nation of assault weapons. He was instrumental in helping pass legislation lowering the penalties on marijuana possession. He changed the laws, making it easier for child sexual assault victims to testify in court. He was an expert on sentencing procedures, the California three strikes laws, Proposition 36, and serial killers, and an early champion for using DNA as a testing in criminal trials.

He taught at Hastings, and he also gave courses for continuing education of the bar. He lectured at the FBI Academy, Berkley Center for Study of Law and Society, and he often spoke at the local high schools.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE), who is in the district that Dick is from so she can also pay tribute. While she is coming to the microphone, I will say that while we are here on the floor there is a memorial service in her district at Piedmont at the Piedmont Community Church.

Ms. LEE. I want to thank the gentleman for yielding and just say tonight that I join with the gentleman from California (Mr. FARR) and all of our colleagues in remembering and celebrating the life of a great human being, a giant, a constituent, my friend, Richard Iglehart.

While serving as a member of the Assembly Public Safety Committee in the California legislature, I had the real privilege of working very closely with Dick when he was chief counsel to the committee. And I came to rely on his thoughtfulness, his fairness and his wisdom. When working with Dick, I was always deeply impressed with his ability to do simple things simple and he always did what he said he would do.

Dick's passionate and unshakable belief in our system of justice provided the foundation for everything that he accomplished in his legal career. His vast knowledge of the law and our government earned him the respect of defenders and prosecutors, liberals and conservatives, Democrats and Republicans. Dick met people where they were and brought them along. He took the time to help them see things from a different perspective or to shed light on a complicated subject. He was a true mentor, and it was my great and very good fortune to have been really one of his students. I will miss his kind words of encouragement and support.

One could not know Dick without knowing of his love and his devotion to his wife, Judy, and his family. He was a good friend to so many of us. Words cannot express my sympathy and sorrow at his untimely death. Let us

honor and celebrate Dick's legacy by rededicating ourselves to the ideals and the values that he championed. My thoughts and prayers are with the Iglehart family this evening as the memorial service is taking place at this very moment.

He will always hold a special place in my heart and in the heart of many.

Mr. FARR. Mr. Speaker, I thank the gentlewoman very much. We would like to say to the family, we love you, Dick. We will see you around and give a hug to our friends in heaven, and we will keep the torch burning.

Christine Pelosi said Dick taught us to put a human face on the criminal justice system for terrified and traumatized victims and witnesses, while understanding that today's defendants could well be yesterday's or tomorrow's victims. Dick had the legal acumen, rock-solid integrity, and sense of humor that helped us address those sad realities, and to manage the pressure to succeed as prosecutors and grow as legal professionals. But Dick was more than just a boss ''he was a great big bear of a man who always stuck up for us young prosecutors, particularly the women, when judges of opponents tried to rough us up. Having his confidence in us made us all the more able to successfully prosecute the tough cases.''

Attorney Michael Weiss said: ''He asked me if I had ever thought about being a prosecutor. I told him that I had briefly entertained the idea. He told me that he had spent nearly his entire career in law as a prosecutor and that he couldn't remember a day when he didn't look forward to going to work.'' ''My days working for Dick were some of my best. And to this day, his words continued to inspire me: to find a quality in my work that makes it something I look forward to, everyday.''

HONORING BOB STUMP

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

Mr. KOLBE. Mr. Speaker, I take this time this evening to rise and say a few words about our late colleague, the beloved chairman of the House Committee on Armed Services and before that the chairman of the Committee on Veterans' Affairs. A few words might be the operative thing to say here this evening about Bob Stump because Bob Stump did not talk very often on the floor. In fact, in these 5 minutes I think I will say more words than I ever remember Bob Stump saying other than on a bill which he presented to the floor to the Congress of the United States.

He may have been a man of few words, but he was not a man of little action; and he was not a man of little commitment. Many others have spoken either here on the floor or at the ceremony where his portrait was unveiled or his funeral service just a few days ago in Phoenix about many aspects of his life.

I would like to talk for a moment about a couple of the personal things that I remember about Bob Stump. I knew him before he came to the Congress and long before I came to the Congress when he was the president of the Arizona State Senate. I did not serve with him in the Senate. I came to the Senate at the time that he left there to come to the United States Congress. But he served in that Senate with Sandra Day O'Connor who later became a Justice of the United States Supreme Court. They were on opposite sides. He was president of the Senate. She was the minority leader in the Arizona State Senate at that time. But they always had a great deal of respect for each other, and I think it was this respect that characterizes the way that everybody felt about Bob Stump through the years.

He came to the Congress in 1976 and served here for 26 years. I think in the entire time that Bob Stump served in the Congress he had one press conference, and that was the press conference where he announced that he was switching from a Democrat to a Republican. When Bob moved from a seat on that side of the aisle to a seat on this side of the aisle, he really did not change at all. He was the same person that he had always been, a fiscal conservative, a hard-nosed individual who believed strongly in national defense and somebody who cared passionately about veterans. He, himself, was a veteran and he knew the sacrifices that veterans had made and he knew the commitment that this country had made to providing for health care for our veterans. And Bob Stump continued in his service here in the House of Representatives doing it with little fanfare.

Bob Stump came to the office every morning at about 5 a.m., and he would open all the mail. He had his desk in his office like most of us had, but he also had a desk in the back room, and it was there that he spent most of the time, opening the mail, working with his staff.

He did not have a lot of staff people, about half of the number most of us had. And yet he took care of his constituents. He always listened to them, always met with them, always found time to be available for them. And on weekends he faithfully went home to the district, and he faithfully went to his farm and worked the cotton crop on the farm. He looked after his constituents. They always felt that they could be in touch with Bob Stump. He never lost touch with his constituents.

He was an unassuming person who asked for very little recognition or glory. He called everything exactly as he saw it. He never minced any words. When you asked Bob Stump about something, you knew exactly where he stood. But I think it is his commitment to veterans and a commitment to a strong national defense reflected in the work he did on the Committee on Veterans' Affairs and later as chairman of the Committee on Armed Services that he will always be remembered for.

He may not get his name etched in stone and, indeed, future generations of veterans and those who served in the armed services may never know his name, but they will be indebted to him. They will be indebted to him for the health care system we have for veterans and the quality of health care we provide in the veterans hospitals all over this country. So there will be many who will never have known his name, but they will be in great debt to him as those of us in the House of Representatives are in debt to him for his unfailingly hard work, his unassuming stance, his willingness to call it like it was, and his dedication and his commitment to this institution.

We will miss Bob Stump, but we are grateful for the time that we had with him, and we are grateful for his service to his country and to the veterans of this Nation.

LET THE TRUTH BE KNOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I always have risen to the floor at this time to try to speak on the unfinished business of this House. Just for a quick moment I am going to speak at length about the first issue at another time, but I do want to join with my colleagues that are raising the concern about whether or not evidence substantiated representations that were made by the President of the United States on the determination or the actuality of weapons of mass destruction. I hope to be able to debate that question at a later time and to reiterate my call for an independent commission and as well a special prosecutor.

I leave just a singular sentence, and that is that the truth should be known and the truth should be known not only by this body and the other body, but the truth should be known by the American people.

Mr. Speaker, today I rise, however, to recount for my colleagues the final results of the resolution of inquiry before the House Committee on the Judiciary today. And after a vigorous debate, I am sad to say that the House Committee on the Judiciary reported unfavorably this resolution of inquiry. It is a simple inquiry and it is broader than what you may have heard over the weeks and days on the Texas incident regarding the redistricting plan that has gone haywire, 55 Democrats, legislators, civilians, who decided that the legislative process was so broken that they had to leave for Ardmore and the belief by this body and Members of this body that it was a Federal offense and abuse of power by the use of Federal resources, this resolution simply

asked that the Attorney General be directed within 14 days to be able to present all of the facts so that, again, the truth could be known.

I am disappointed that even after a vigorous debate, even after narrowing the resolutions, even after the gentleman from Michigan (Mr. CONYERS) offered an amendment to suggest that issues dealing with congressional staff, issues dealing with any other staff that could be utilized, a fair amendment, even after encountering a debate with our colleagues on the other side of the aisle that we would be willing to compromise so that the truth would be known why we had leadership of this House calling the FBI to go after individuals who were only expressing their viewpoint in objection to a runaway legislative process in the State of Texas.

That resolution was voted down, but we will not be stopped because it is important that the Committee on the Judiciary and this House not be known as the cover-up House of 2003. This body, dominated by Republicans, refused to pull back on the Articles of Impeachment on the President of the United States, William Jefferson Clinton, though many of us spoke against it. And their view was, the truth must be known.

Now, when there has been an enormous suggestion and allegations of abuse of power, the use of the FBI, when we have newspaper reports and testimony or statements made by legislators who heard from the FBI, who heard from Homeland Security, we still cannot seem to get, if you will, the truth that should be told.

So frankly, Mr. Speaker, I am hoping that there may be a reconsideration and we are going to offer another resolution of inquiry to be able to ensure the actual truth be told to the people of this House.

Mr. Speaker, I yield to the distinguished gentleman from Michigan with respect to this issue because his amendment was a very advanced amendment, cooperative and collaborative amendment in the committee; and I would be happy to yield to the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. Speaker, the judiciary considered a resolution of inquiry into a matter involving the Texas legislature when many of the members removed themselves in an attempt to prevent a redistricting scheme that would have been obviously very detrimental to African American and Hispanic Americans.

ORDER OF BUSINESS

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take the time allocated to me now.

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

There was no objection.

COMMITTEE OF INQUIRY

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

Mr. CONYERS. Mr. Speaker, this event is not the basis for which the Committee of Inquiry was created because even though there was so much harm and possible violation of the voter rights of Americans in Texas, that was not what the Committee of Inquiry was gathered to do.

□ 2000

The committee of inquiry introduced by the gentleman from Texas (Mr. GREEN) was merely to inquire as to whether or not Federal funds, resources, or personnel had been used in trying to locate the missing members of the Texas legislature during June 11 through June 19, and that was all.

It was claimed by the distinguished majority leader of the House, himself from Texas, that this was a Federal matter, and that there was a justification because redistricting was involved that the Congress had every right to inquire. Whether he is correct or not is not central to the question of whether we should determine whether Homeland Security resources, whether Federal U.S. marshals, whether members of the FBI, whether personnel in the Department of Justice in Washington were used in trying to identify the whereabouts of members of the State legislature. That is all we wanted to do.

In an incredible debate, which fortunately has been reported to the American people and is preserved for all posterity, in a totally party vote, every Republican voted that they did not want to inquire, they did not want to know, they did not want to find out if Federal resources were used. They did not have any interest in knowing if there were any Federal statutes that were broken, whether there were any possible violations of the law.

This is the Committee on the Judiciary of the United States whose responsibility it is to protect the Constitution and its amendments and preserve democracy for the people of the United States of America, a rather striking position, but one that is not over because we did not prevail in the great Committee on the Judiciary in the House of Representatives.

This is a matter, as the gentlewoman from Texas (Ms. JACKSON-LEE) has admonished us, is not going away. We are not packing up our tents and forgetting about this. We have got to show to people that the Department of Justice is accountable, that the FBI is accountable, that the United States marshals are accountable and that indeed the Members of Congress have a responsibility to know if Homeland Security has now been turned into a partisan operation for any purpose that anybody in charge happens to think it is.

This is very important because with this kind of attitude there is going to be a great difficulty for the American people to have any confidence in Homeland Security whatsoever.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. If the gentleman will remember a COINTELPRO was utilized against Dr. Martin Luther King, Jr. It was a different time. This is a simple inquiry as to whether or not we find ourselves with a modern day COINTELPRO of 2003, whether Federal resources were used to track civilians who had not violated any law, and as my understanding, Dr. King and civil rights activists, it was determined that the COINTELPRO was excessive, that he was not a terrorist, he was not a threat. If anything, he was healing this land. He was bringing us together.

So I would say that it is appropriate for the FBI, of which we have oversight, to themselves want to be known to the United States of America as the institution that it is, with high regard for integrity and high regard for its commission.

PROVIDING AID FOR AFRICA

The SPEAKER pro tempore (Mr. GERLACH). Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, it is always a good thing when the President visits a neglected continent, and so I am very glad that President Bush finally got to Africa; but we must recognize and understand the history of the United States policy and the United States involvement with Africa in order to use this moment to develop a positive, forward-moving agenda that is mutually beneficial.

First of all, the United States has significantly in the past contributed to the underdevelopment of Africa and has been benefited from the geopolitical manipulation of Africa and its leaders, and that is a fact. In the past, the United States has endorsed and funded the regimes of dictators. It has secured and disbursed loans that have left Africa Nations to this day struggling with debt; and it has created a cycle of dependence that has left Africa importing resources, aid, and military support from others. That is a fact.

This cycle of dependency, however, can be broken if the United States would work with Africans instead of against them. Peace, however, is a prerequisite for development. There can be no nation-building without peace. Strengthening Africa's peacekeeping capacity is the only solution to limiting outbreaks of civil conflict and preventing them from spreading to other parts of the region.

In turn, our investment in peace would not only protect our foreign aid investment but would also strengthen and secure an environment for African democracy.

Today, Africans are getting poorer and hungrier, and conflict and HIV and AIDS really threaten the survival of entire nations that the breakdown of African communities is causing and the breakdown of state and regional governance. This breakdown really has created an opportunity for opportunistic individuals, companies and nations, including the United States, to exploit the absence of state authority and governing institutions and the natural resources vital to the economic and development and growth of a nation.

According to World Bank reports, poverty in Africa remains rampant. During the 1990s, the numbers of poor people on the continent living on less than $1 per day, $1 mind you per day, rose from 241 million to 315 million in 1999. The World Bank now estimates that by 2015 this number will be approximately 404 million. Why are the numbers of poor and impoverished Africans going up? We have to ask the question of our own government, is the United States really committed to ending global poverty and promoting democracy?

I am pleased again, as I said earlier, that President Bush is visiting the African continent, but I just wonder why he is not visiting a hunger-stricken country like Ethiopia or Zambia.

Development assistance continues to be underfunded in our budget. Budgets of international programs, especially for Africa, have been moved into budgets for rebuilding Iraq. I believe that the United States should rebuild countries that it bombs, but it should not rob Peter to pay Paul. For this one country, the United States will invest over half a billion dollars for a little over 24 million people in Iraq, while the entire foreign assistance budget for 54 African countries, with over 858 million Africans, will be a measly $2 billion. That is an embarrassment and a real dismal dismissal of our history, heritage, and international significance for Africans and African Americans worldwide.

As I said earlier, I believe that the United States should help rebuild countries that we bomb and destroy, but we should find new money to do this. Otherwise, rebuilding a nation such as Iraq comes at a price.

The Bush administration has proposed decreases in several critical accounts in the 2004 Africa budget which will negatively impact Africa's long-term economic and political development efforts. So it appears that rebuilding Iraq, of course, is much more vital to the international community than the lowered nutritional status of Africans and the higher incidence of preventable illnesses like HIV and AIDS.

I urge our appropriators here to minimally step up to the plate and fully fund the $3 billion in HIV and AIDS money that we authorize tomorrow while the President is in Africa so that he can at least deliver on his promise to attack the HIV/AIDS pandemic in a real way.

RESTORING CIRCULARITY TO MEXICAN MIGRATION PATTERNS

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

Mr. FLAKE. Mr. Speaker, I rise today to discuss the untenable situation facing our country as a result of our current immigration policies. I certainly do not believe that our Nation's borders should be left wide open. Especially today, in light of terrorist threats, we must keep track of who is entering and leaving the country. We can try to tighten up our border enforcements even more than we already have; but as long as the U.S. offers aliens more opportunity for work, people will risk their lives to cross the border.

From 1986 to 1998, the number of tax dollars that Congress appropriated for the INS increased eightfold and for the Border Patrol sixfold. The number of Border Patrol agents assigned to the southwest border doubled to 8,500.

The end result of this huge increase in enforcement efforts? More than 7 million illegal aliens reside within U.S. borders. How can we honestly tell the taxpayers that this strategy has been a success?

The increase in border enforcement has made it less likely that undocumented workers who have successfully entered the country will return home. Crossing the border is risky, so illegal workers are increasingly reluctant to repeat the trip more often than necessary once they are here. Also, smugglers are expensive. So workers must remain in the U.S. longer to pay for the high cost of crossing the border.

Before the Immigration Reform and Control Act, or the IRCA, became law in 1986, the average trip of illegal immigrants entering the U.S. lasted 3 years. After IRCA, the average trip length has risen to 8.9 years. It seems that increased border enforcement has been effective at keeping illegal immigrants in the United States.

The enormous rise in trip length has had a devastating effect on the cost of public service, particularly in my home State of Arizona. The longer illegal immigrants stay in the U.S., the more it costs local governments to provide services like health care, education, and criminal costs.

Another disturbing trend is the loss of life experienced by those who are attempting to enter the U.S. According to the Border Patrol, 146 aliens died in my home State of Arizona in 2002 while attempting to enter the country from Mexico. Nearly every day the desert claims another life of an illegal immigrant attempting to cross the border, most likely those seeking work or a chance for making a better life for themselves and their families.

Is the answer to this problem to abandon any hope of enforcing our borders and swinging the door wide open to anyone who wishes to enter the country? Of course not. We can enforce our borders in a smarter way and greatly reduce the flow of illegal migration across them.

Rather than denying the reality of labor migration, we should instead work to regularize it and manage it within a legal framework so as to promote economic development abroad, minimize costs and disruptions for the United States and maximize benefits for all affected. Congress can and should consider an initiative that would alleviate many of the burdens that Arizona and the rest of the country suffer due to the problem of illegal immigration.

A temporary foreign worker program would direct the flow of workers into legal channels and promises to aid the government in getting a handle on who is here and who is crossing the border.

I support a program that would allow these workers legal entry into the U.S. so that they can perform the jobs that U.S. employers are offering. This legal framework would allow the U.S. to collect taxes and would provide the workers a safe and legal way to return to their homes and families.

I would submit that such a system would be far preferable than the status quo that we have today.

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

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PRESCRIPTION DRUGS AND MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LORETTA SANCHEZ) is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I come tonight to talk about prescription drugs and Medicare. The bill the House passed just 2 weeks ago is simply the first step toward the Republicans goal to privatize Medicare.

□ 2015

They want to do this for a few reasons, but their most important reason for doing this is that, I think, they firmly believe, or I would even say blindly believe, that the private sector and the free market solution is always better than a government one.

The free market is an incredible tool, and it has advanced many areas of human endeavor, but for it to work, it must have one important component, and that is the bottom line, or profit.

Without that critical component, the free market system is useless.

Medicare was created in 1965 precisely to address the failure of the markets. It was not profitable to treat our seniors with a free market health insurance solution. The market solution to insuring the elderly was simply not to insure them, because, after all, they get sick too often, and insurance companies would have to pay. If you want to make money in the medical insurance game, you insure young, healthy people, not old people.

Luckily for America's seniors, the Democrats controlled Congress, and we set up Medicare. We valued our elders. And even though the markets wanted to leave them behind, we did not. We protected them, and we treated them with the compassion and the dignity they deserved in their old age.

So why do the Republicans want to privatize Medicare so badly? Do they not remember what happened before Medicare, when we left the health of our aging parents and grandparents to the free markets? Are they so swept up in their blind faith in the market that they believe somehow it will just take care of things, even though we already have tried that and we know that it does not work?

Taking care of the elderly is not profitable, nor should it be. Profit is not always the most important thing. These are the people who reared us. They are the people who took care of us when we got sick. They are the people that taught us right from wrong. The Republican proposal is a slap in the face to our parents and to our grandparents.

Every provision of the Republican bill is designed to be a handout to insurance and prescription drug companies, not to give our seniors a better health care plan. The prescription drug plan laid out is available only through private insurance companies and HMOs. There is no provision, no provision to hold down the prices drug companies can charge. It does not ensure that all seniors will be eligible for this coverage, which has been a hallmark of the Medicare program.

And if that was not bad enough, their proposal would increase seniors' costs for doctors' visits by raising the Part B premium and indexing it to inflation. This provision is included for only one reason, one reason, and that is to move people out of traditional Medicare and to force seniors into managed care plans, into HMOs.

Now, I tried to offer a substitute amendment to this bill that would have provided a real prescription drug benefit for Medicare beneficiaries, but it was ruled out of order by the Committee on Rules, out of order because they did not like it, at 4:00 in the morning, in the dark of night, only hours before we voted on the bill.

My amendment would have provided one simple type of coverage, catastrophic coverage against excessively high drug costs for seniors. There were no premiums. There were no copays. There was no coverage gap. The crux of the plan defined the out-of-pocket spending limit to 6 percent of the adjusted gross income of the beneficiary, with any additional costs being picked up by Medicare.

My plan provided annual spending targets, which would be guaranteed not to exceed the $400 billion level that President Bush had set. It also called upon the Secretary to encourage the use of prescription drugs and contractual arrangements with pharmacy benefit managers to help control prescription drug costs.

This idea of bringing down the cost of a drug is in sharp contrast to the outrageous, noninterference clause found in the bill that passed this body 2 weeks ago, designed to ensure that drug companies can charge whatever excess price they want for the drugs they choose.

It is clear to me and to my Democratic colleagues, and it will become clear to America's seniors and their families, where the Republicans' loyalties lie. The story has been the same since the start of the 108th Congress. From homeland security to education, from veterans' benefits to the child tax credit, and now, finally, to health and to the well-being of our parents and grandparents, the Republican message is clear: If you are not a powerful corporation, if you do not give money to Republicans, they do not care about you.

THE MIDDLE EAST

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

Mr. HOEFFEL. Mr. Speaker, I rise tonight to address the situation in the Middle East. Our government has embarked on a journey promoting the so-called roadmap to peace, and I sincerely hope that the road we are taking is straight and wide and safe, but I am deeply worried.

I support the concept of the roadmap, and I support the idea of a two-state solution to the Israeli-Palestinian conflict, but I do not believe the timing is right. Neither the Bush administration nor the Israeli Government, under pressure from the Bush administration, has required enough of the Palestinians for us to continue successfully on the road at this time.

Simply put, we need the Palestinians to crack down on terror, and they have not done it. In today's Washington Post it was reported that the administration has reversed years of American policy and decided to provide $20 million directly to the Palestinian Authority. The amount of money is not huge, but the symbolism is.

The theory behind the policy change has some merit, as it hopefully would strengthen the hand of Prime Minister Abbas. But I believe we must demand and see a much greater commitment toward peace and the end of terrorism from the Palestinians before we reward them with money or support that could, in fact, be used against the Israeli people.

In my opinion, before we seriously pursue the roadmap and before we send $20 million to the Palestinian Authority, the Palestinian Authority should take concrete action to arrest terrorist leaders, to confiscate terrorist weapons, to dismantle terrorist organizations, to change the cultural bias that allows anti-Semitism to be taught in the schools and broadcast on radio and TV, and to stop honoring suicide terrorists with public posters and street names.

Until the Palestinian Authority cracks down on terror, the Palestinian cause should not be rewarded with a Palestinian state. We can make progress in the Middle East, we must make progress in the Middle East, but with this progress we must demand effective action from the Palestinians to stop terror. This will protect the innocent as we move down that road to a just and lasting peace in the Middle East.

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

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HEAD START

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, tonight I want to discuss one of the best programs in America, a program that is 38 years old and has served the children of America extremely well. This program has been commended, lauded and talked about by Presidents Clinton and Bush, Sr., and even President Ronald Reagan commended the Head Start program.

This program has never served all of the children who need this program. As a matter of fact, we only serve about 60 percent, I believe, of the children who need the Head Start program. We find

this diverse program in various communities around the country. We find it in the inner cities, in suburban areas, and even in rural communities. And for those communities who are fortunate enough to have the Head Start program, we hear nothing but praises from the parents, from the people who work in the program, from community leaders and elected officials.

Head Start was instituted under the War on Poverty some 38 years ago because the educators and researchers discovered that to the degree that we are able to provide young children with a Head Start experience, they will be better prepared for kindergarten and for education. When they started this program, preschool was only available to the upper middle class, for the most part. Certainly poor people could not afford to give their children a preschool experience, nor could working parents really afford to do that.

So little children who did not have access to preschool programs did not have the opportunity to take trips to the zoo. As a matter of fact, they did not have opportunities to take trips to farms. They did not have opportunities to take a ride on a train. They found that most of the children, particularly in poor communities, had never been 20 miles away from home. So Head Start came into being under the War on Poverty, and what a wonderful program it has been.

This program was developed a little bit differently than regular education. It was decided that Head Start would address the whole child and the family and the community. In Head Start, children get a physical examination. In Head Start, children get nutrition. They get breakfast, and they are served lunch. In Head Start, not only do children have physical examinations, receive proper nutrition, but one of the most important components of Head Start is the parental involvement component of Head Start.

I know about this program, because 38 years ago I had the great opportunity to work with the Head Start program. I started with Head Start at its inception, and I started as an assistant teacher in the classroom, working with the children. But I soon learned that I really wanted to work with the parents, and I eventually became the Supervisor of Parent Involvement and Volunteer Services.

I had the opportunity to welcome parents to the Head Start site. I had the opportunity to get parents involved with the inspection of the program, in helping determine the budget of the program, in helping to give input to the teachers.

Parents soon learned that they really did have a lot to give. Many parents who thought, because they were not educated, that they could not be of assistance to their children, but they soon learned that they could determine their children's educational destiny.

What a wonderful experience it was, seeing parents getting more involved with their children, and children becoming alive. We found children with learning disabilities, learning disabilities that never would have been detected had they not come to Head Start. We found that there were children who did not see well, whose parents would never have had the money for eye examinations and who received corrections. We discovered that there were children with emotional and mental difficulties, and, for the first time, they had access to psychological and psychiatric help if it was needed.

□ 2030

Now we are at a point in time where this administration wants to change Head Start. Some of our Members are saying if it is not broke, do not fix it. That is absolutely true. Why do we have this administration now wanting to take our precious Head Start program and block grant it to the States?

They are simply saying we want to get the Federal Government out of the business of running Head Start programs. What they are saying is we want to dump it into the laps of the States. Please do not send it to California. We have a $38 billion deficit. If this administration block grants Head Start to California with no mandates, I will tell Members what will happen to Head Start. They are going to siphon off the money to help pay the bills.

As we look around the country, we are finding that many of our States are in great difficulty. This administration is not only talking about block granting Head Start, but also section 8 housing programs, everything they can get their hands on, divesting itself of the running of programs that are so vital to this country. I do not want this administration to make the mistake of dismantling this program.

Mr. Speaker, all I can say in closing is we have to fight to keep Head Start. We have to make sure that this program is available to the children, not cut back, not block granted, but expanded so more children will have the opportunity for this wonderful experience.

DEPARTMENT OF JUSTICE COVER-UP

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

Mr. FROST. Mr. Speaker, I want to take a few moments to discuss what happened in the House Committee on the Judiciary. The Committee on the Judiciary on a straight party-line vote rejected the resolution of inquiry presented by the gentleman from Texas (Mr. GREEN) asking that the Congress investigate the Department of Justice activities in Texas regarding the Texas legislators who broke a quorum several months ago.

Why is this so important? Because to restore the integrity of the Justice Department, Congress must investigate the Department's involvement in helping Texas Republicans in a strictly partisan political matter. Congress must unveil the facts and clear the air quickly because if the redistricting scheme of the gentleman from Texas (Mr. DELAY) somehow succeeds, these same Texas Republicans will be asking the same Justice Department to certify that its new plan does not disenfranchise African Americans and Hispanics in my State of Texas.

Earlier this year, as I mentioned, Texas Republican leaders abused Federal law enforcement for political purposes in a manner Americans had not seen since Richard Nixon and Watergate 30 years ago. In May when Texas State legislators blocked the gentleman from Texas's (Mr. DELAY) unprecedented redistricting scheme with a legal parliamentary maneuver, breaking a quorum which Republicans have done in the U.S. Senate and which Abe Lincoln did in the Illinois legislature in the last century, they violated no State or Federal laws.

In their response, Texas Republican leaders treated Federal law enforcement as their own personal political police force. The gentleman from Texas (Mr. DELAY) acted as if the Department of Justice was an arm of the Republican Party. The majority leader in the U.S. House of Representatives, which is charged with overseeing the Justice Department, publicly urged the FBI and the U.S. marshals to arrest these legislators in Oklahoma and drag them back to Texas. The gentleman from Texas (Mr. DELAY) privately contacted the Department of Justice, a fact that he denied at first.

Mr. Speaker, an FBI agent in Corpus Christi, Texas, tried to track down the Texas Democratic legislators and indicated they were conducting surveillance. The Justice Department is stonewalling, and so Congress must investigate and do so immediately.

Mr. Speaker, what happened in the Committee on the Judiciary today on a party-line vote was wrong and should not stand.

TRIBUTE TO SERGEANT FIRST CLASS GLADIMIR PHILLIPE

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

Mr. PAYNE. Mr. Speaker, I rise to ask my colleagues here in the House of Representatives to join me in honoring a true American hero, Sergeant First Class Gladimir Phillipe, who made the ultimate sacrifice for our country when he lost his life in Iraq two weeks ago.

At a funeral service over the Fourth of July weekend at St. Joseph the Carpenter Church in Roselle, New Jersey, hundreds of friends, family, and members of his community came to pay their last respects to this outstanding young man who strived to achieve the American dream.

The son of Haitian immigrants and one of nine children, Sergeant Phillipe wanted to

move forward in life and to make a meaningful contribution to his country. His family is hard-working and close-knit; his father is a machine worker for a manufacturing company in New Jersey. Sergeant Phillipe joined the Army in 1988, a few years after graduating from Elizabeth High School. He served admirably in both Bosnia and the Persian Gulf. He also distinguished himself by serving as an interpreter during President Clinton's trip to Haiti in 1998.

As we remember the inspirational life of this fine young man, let us offer our thanks for his service to our country. Let us also extend our deepest sympathy to his family—his father, Renisse; his stepmother, brothers and sisters, and his son, Cassidy.

DEBATING THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I wanted to say tonight rather than the usual monologue by one Member, and of course it depends on who the Member is as far as the interest level; and usually if it is your own monologue, you find it very interesting, but the rest of Congress and the American people may not agree, and so the gentleman from Texas (Mr. STENHOLM) of the infamous Blue Dog Caucus has suggested that we have a debate about the budget and spending and other matters of great importance before this House.

With that in mind, I want to yield to the gentleman from Texas and his team, and then our team will speak. Our team looks like the gentleman from Texas (Mr. BURGESS) and me, and hopefully other Members will be running down here as they see it is our turn at bat.

Mr. STENHOLM. Mr. Speaker, we thank the gentleman for yielding, and we look forward to having a discussion on the issue of our Federal debt, national debt, deficits, what is causing them. We look forward to this discussion tonight, and it will be informal and hopefully it will be productive; and to those watching, hopefully it will be interesting.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. HILL) to introduce our team.

Mr. HILL. Mr. Speaker, we have assembled a team of Blue Dogs. First of all, we want to thank the gentleman from Georgia (Mr. KINGSTON) for agreeing to debate us. We think that it is good for the American people and good for this institution. Honest disagreements and spirited debates are sometimes put aside just for the sake of political bickering, and we hope tonight we can carry on a dialogue that will be fruitful for the American people.

We would like to begin our opening remarks, and I yield to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. KINGSTON) for participating in this.

We bring this issue to the Nation's attention because I think there is no greater threat to our country's future than our Nation's worsening financial situation.

On March 17, 1994, about 9 years ago, then Member of the House, the gentleman from Illinois (Mr. HASTERT), said, ''I will not stand by and watch Congress recklessly squander the future of our children and grandchildren. In light of Congress' exhibited inability to control spending and vote for fiscal responsibility, it is imperative that we have a balanced budget amendment to compel Congress to end its siege on our financial future.'' That quote comes from the CONGRESSIONAL RECORD of March 17, 1994.

It might be interesting to note that in the 1,650 days that the gentleman from Illinois (Mr. HASTERT) has been Speaker of the House, not only has the deficit gone up, but Members of this body, conservatives like the Conservative Action Team over on the Republican side, the Blue Dogs over on this side, have not been given a single opportunity to vote on a balanced budget amendment to the Constitution.

What we have had is a number of opportunities to reduce revenues to our Nation, any number of opportunities to increase spending. All told, the Bush budget that passed on May 9, 2 years ago, caused the largest decrease in Federal revenues in 50 years and the largest increase in spending in 20. I would hope that the American people would pay particular attention to that because we are always told it is those liberals, those guys from Massachusetts who are increasing spending.

I would remind the American public, since 1994 those liberals do not run the House. Guys like the gentleman from Illinois (Mr. HASTERT) do. I also remind the American public, and I am sorry this is so small and I hope the cameraman would work with me on this, but the fact of the matter is, and I hope the gentleman from Georgia (Mr. KINGSTON) is forthright in addressing this, since May 9, 2001, the Federal deficit has increased by $1,260,853,144,608. Most of my colleagues probably over the course of their life have written a thousand-dollar check for rent, a house note. If you wrote that check a thousand times more, you spent a million. If you wrote a thousand million-dollar checks, you spent a billion; and if you wrote a thousand billion-dollar checks, you have gotten up to the trillion.

You have increased the Federal debt more in 25 months than in the first 200 years of our country, and yet do you ever hear them say we are proud of running up that big deficit and squandering that much more interest on the national debt? That is why we are here tonight because I know that is not what you told your constituents when you sought this office.

As a matter of fact, the gentleman from Georgia (Mr. KINGSTON) on May 9, 2001, the day this budget became law said, ''We are going to first put our priorities on top, Social Security, Medicare, education. Then we are going to take care of the normal functions of government, our obligations for roads and bridges and for all departments, national parks, fish and wildlife. Then what we are going to do is pay down the public debt. This, Mr. Speaker, is the first budget that we have been able to pass I believe that actually does pay down the public debt to a zero level which I think is extremely important. Then we get the leftover amount.''

The gentleman did not pay down the debt. It was increased by a trillion dollars. In the course of that time, we now owe the Social Security trust fund $1.4 trillion. There is not a penny in it. This is no lockbox or account number. Ask your Congressman the account number for Social Security. There is nothing but IOUs.

We owe the Medicare trust fund, and this is direct line on people's taxes, $284 billion. There is no lockbox. There is no account. There is nothing but IOUs.

We owe the military retiree system $176 billion; and even more interesting, we owe the Federal employees who contributed to their own retirement fund $600 billion.

Now the President this week is talking about weakening the safeguards in the retirement system in the private sector. Well, heck, maybe he ought to do what Congress did and just steal it all, because there is not a penny in that account.

It gets even more frightening when we think about who we owe that money to. The gentleman from Georgia (Mr. KINGSTON), let us talk about your place in history. Just during those 2 years under the budget of President Bush, which you and your colleagues have passed, I voted against them, we have increased the national debt over $1 trillion. You have increased the debt by $544 billion in the past 12 months. In just over 2 years, you have borrowed $371 billion from Social Security to cover your deficit spending. You have borrowed $167 billion from Medicare, people's payroll taxes, military retirement, Federal employees retirement, that should have been paid into accounts that should have been saved for them. Instead, they have been used to pay for your deficits.

In 2 years you have borrowed $259 billion from foreign investors to pay for your deficits. That includes $50 billion from Communist China. We owe them. And it includes $82 billion to Japan. We now owe $1.25 trillion to foreign nations and their investors, including $119 billion total to the Communist Chinese thanks to your budget deficits. Our children have to pay back China, Japan, foreign creditors; and then they have to pay back Social Security, Medicare, and their retirement funds. They have to repay these debts, and until they repay them, they are going to continue to squander $1 billion a day on interest.

Mr. Speaker, the gentleman from Georgia (Mr. KINGSTON) used to be for a

balanced budget amendment. What happened? We have one that has been languishing for 1,650 days. We have a discharge petition sitting at the desk that I have begged you and your colleagues to sign so we can have an up-or-down vote on it so the American people can know who is really for a balanced budget.

□ 2045

Because you know what? Because now the gentleman is going to tell me we are at war. Doggone it, we had the Revolutionary War, then the War of 1812, then the Mexican-American War, the Civil War, the Spanish-American War, World War I, World War II, Korea, and Vietnam, and in all that time they borrowed less than $1 trillion. In 25 months you guys have borrowed $1 trillion.

So do not tell me it these unique challenges to our times. Americans have always had challenges, but previous Americans always rose to those challenges. Previous Americans like us who were lucky enough to be home when somebody else is fighting a war were at least willing to pay for those wars. That has changed under this administration. This administration says we are going to ask the 21- and 25-year-olds to go fight this war right now, and, by the way, when they get home, we are going to stick them and their kids with the bill.

Tell me that is right. Tell me that is why you really ran for Congress was to bankrupt the country. And under your budget, under your budget the debt will increase to $13 trillion, and interest payments will once again be the largest expenditure of our Nation, spending more money on interest on the national debt than even on national defense. Tell me that is why you came here. Tell me that is what it is all about is to stick your kids and your grandkids with bills you are not willing to pay.

I have asked before how many of the Members would buy a car and tell the dealer they don't care what it costs because their kids are going to pay for it? How many of the Members would buy a house in Savannah or in Florida or any of the States that they come from and say I do not care what it costs, I do not care what the interest payments are, I do not care what the note is because my grandkids are going to pay for it? That is precisely how you are running this Nation. If you will not do that to your kids individually, then collectively let us not do that, and that is why we are asking you tonight to sign the discharge petition for the balanced budget amendment and let us start getting this country back on the path that you promised them you would and I promised them I would. The problem is I cannot do it without your help.

Mr. KINGSTON. Mr. Speaker, let me respond on a few points that the previous speaker made. And I wanted to say that, as the gentleman knows, the passage of laws is not always perfect, and it is not always neat, particularly when we are in the majority and have to make some decisions and keep the train moving.

My preference on the budget, incidentally, was the one introduced by the gentleman from Pennsylvania (Mr. TOOMEY), H. Con. Res. 95, which actually balanced the budget in 4 years and reduced spending far more than the Republican budget that passed and far more than the Blue Dog budget that passed. And I would point out to my colleague that if we are bringing up past votes, there was not one Democrat who voted for that budget, which was the model in fiscal restraint. So rather than stand here and just point fingers, I want to talk about some of the realities that we are faced with.

I note the gentleman from Florida (Mr. BOYD) is here from the Committee on Appropriations. I think there are six things that help get spending out of control in the House that hurts all of us. One of it is that we do not go to zero-based budgeting. Every year appropriations starts out where they left off last year. This has been the case for many years in the Congress no matter which party is in charge, and I would love to see us go back to zero base when these agencies come in to justify their budgets and ask do they really need it? One of the examples is the western forest fires. When they have a forest fire disaster, and we fund firefighting at a certain level, the next year if we reduce that because we have handled the fire, we get called for cutting forestry money. And the gentleman from Florida (Mr. BOYD) and I have to battle that all the time.

The other thing that I want to mention, the second issue that helps drive up the cost is the matter of mandatory spending, and I would think that is a little bit ironic because we are the U.S. Congress, and things do not have to be mandatory when someone is the one setting the rules. But mandatory is basically the automatic spending, and here is the budget breakdown for the year 1980, and the part in green is the mandatory spending, the Medicaid, Social Security and so forth. And the discretionary, the red part, which is almost 50 percent of the pie, that is the amount that we actually can vote on and squeeze and twist and do different things, whereas this is all kind of on automatic pilot.

As the years have gone by, and that was again 20 years ago, this is fiscal year 2002, and the mandatory portion has gotten bigger and bigger. The discretionary portion, which is the part we can control far greater, it has gotten smaller. And what that means is the part where there is honest debate we control a lot better. The part where everybody is afraid to touch Social Security, except for the gentleman from Texas (Mr. STENHOLM). I want to commend him on the work that he and the gentleman from Arizona (Mr. KOLBE) have done over the years.

Veterans spending, Medicare spending and so forth, these are all issues that we tend to shy away from in terms of honest debate, but look at these charts just to show the impact of these. Here is the veterans spending since 1995. And I am not making a judgment on if the spending is worthwhile or not. I am just saying this is the reality of that big portion of the chart. Veterans.

Here is Medicaid. That is the healthcare for the poor, straight up during the period since 1995.

Here is Medicare, the healthcare for the seniors. It has gone straight up.

And I would say one of our big problems is if we are really going to get a serious handle on spending, we have got to quit using veterans and senior citizens and the poor as our partisan wedge shield that is going to scare the other party into not touching it, because if we are really serious about this stuff, we have got to get into that.

I have three other points that I wanted to make, but I wanted to introduce the gentleman from Minnesota (Mr. KENNEDY).

Does the gentleman want to react to the previous speaker, because I kind of have a track here myself.

Mr. KENNEDY of Minnesota. Mr. Speaker, I certainly would. But if the gentleman would like to continue, I would be happy to jump in later.

My concern is we are hearing a lot about the debt, and we care about the debt, but what is the goal? Is the goal to get it in balance no matter how it is, and how we get there really does not make any difference, whether it is raising taxes, as there is included in the Blue Dog budget; or is it controlling spending? And I think the real challenge we need to do is that there is a difference in terms of how we achieve that, and I believe that the way that we need to get to the balanced budget is we need to kick-start this economy, get it moving north, generate tax revenue as well as we need to control that spending, and that is where we need to have some more talking. The gentleman from Georgia (Mr. KINGSTON) is right on how do we control spending mandatory and discretionary. So I would be happy to talk about that more.

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

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

Mr. STENHOLM. Mr. Speaker, when we talk about spending, this is the record on spending, and we have to remind my friends on the other side of the aisle since 1994, they have been in charge. It is not Democrats that have been in charge, but you have been in charge. And, therefore, if we are talking about spending, spending is going up. And the Blue Dogs agreed with President Bush and with you in the budget on total spending this year in the budget. We are not asking one dime more to be spent than what the gentleman is talking about spending. This is the record of spending, and it is going up.

Mr. KINGSTON. Mr. Speaker, actually I am glad the gentleman mentioned this, because we are the majority party, we take responsibility for governing. There is no question about that. We get the credit if it is good. We get the blame if it is bad. But let us also admit that often the forces that cause more spending and cause us to get away from the budget, which has always driven me up the wall where we passed a budget in March, but we actually passed the final spending bills in the fall of the year, and by then March is ancient history. No one is really worrying about the budget. They just want to go home and cut a deal, and often it is the other body or the White House that causes large increases.

On the topic that the gentleman is talking about, the Republican spending, let me say what the Democrat record is in claiming that nearly every single appropriation bill that we have is not enough money, and I have a copy of some of the amendments that I will get into that the gentleman from Wisconsin (Mr. OBEY) offers every single time on appropriation bills, and the gentleman knows how this business is. The gentleman wants to say we are the majority to help with the Democrats, but it is not just a matter of numbers. The gentleman has split philosophies in his party. The gentleman has some extremely liberal folks; we have some extremely conservative people. And every time they pick up a group here, they lose some votes here. So as they are trying to pass a bill, they get a net 3, but they swap around 9 or 10 votes, and that is one of the things that drives up spending that I want to talk about that.

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

Mr. KINGSTON. Mr. Speaker, I am kind of losing track of the time here, but just to keep it going, I want to yield to the gentleman from Florida, but I also want to be sure that we are not going to shortchange me at the end of the evening.

Mr. BOYD. Mr. Speaker, I thank the gentleman from Georgia for yielding. I assume that the gentleman and Mr. HILL will keep track of the time, along with the Speaker.

I know that the gentleman from Georgia (Mr. KINGSTON), my appropriator friend, has spoken about mandatory spending, which I think the American people know which is required spending by Congress unless there is a law change, and the gentleman very eloquently addressed that. Of course, that law could be changed by the majority party in the House and the Senate, which are Republicans, but they have chosen not to change that to bring in check some of this mandatory spending.

But let us talk about the discretionary spending side, because there have been some accusations made certainly by the gentleman from Minnesota (Mr. KENNEDY) about the discretionary spending and how the real answer to solving this problem is to hold down discretionary spending. I do not think I could agree more, but I want to lay the facts on line.

Here are the facts in this chart. This chart starts in 1993 over on the left side with the blue bar graphs and ends up on the right side with the red bar graphs in 2003, a 10- or 11-year period. In 1993, we had a Democrat-controlled White House, Democrat-controlled Senate and House, and we see that discretionary spending, and these are raw numbers, raw numbers, went down 8.4 percent, 10.4, 11.2, .5. This is the year that we achieved the balanced budget agreement, working together. The Republicans had taken control of the House and the Senate in 1995. So then with achieving a balanced budget agreement, discretionary spending began to go up; still a Democrat administration, but a Republican-controlled House and Senate.

Here is what happened in 2001 when the new administration came in. Look at these numbers. These are the facts, Mr. Speaker. These are the raw numbers. Discretionary spending grew at a rate of 1.6 percent, I think, during this 8-, 9-year period. During this last 3-year period, I think that growth rate is in the neighborhood of 8 to 9 percent.

So I would say to the gentleman from Minnesota (Mr. KENNEDY) that the old argument about the key is holding down spending, we agree with him. The problem is that since the Republicans have control of the White House, the House and the Senate, that the discretionary spending has began to skyrocket. So I think we ought to make sure that the public understands what the real numbers are here.

Mr. KENNEDY of Minnesota. Mr. Speaker, I would add that a big part of the difference which would make that chart look radically different is we have not felt that defense spending is discretionary spending, and all of that and more of the decreases were done on the back of reducing our preparedness to respond to emergencies. If we took defense spending, left it out of that chart, we would see, I am sure, during the Democrat-controlled periods, a fairly significant increase in the discretionary period spending. A big part of the spending that we have had to do in the last several years in response to tragedies that this country has suffered has been to rebuild our military capabilities, prepare our homeland for defense against terrorist attacks.

So I think if we smoothed out that, we would see a story that is very consistent with what I put forth, that we need to control spending. We need to do it in a way that we are not doing it on the backs of the security of the American public.

□ 2100

Mr. MARIO DIAZ-BALART of Florida. If I may, I think one of the things you cannot do is have it both ways. You cannot come to the floor of the House one day and accuse the Republicans of not spending enough, which was exactly what happened here during the Medicare bill debate, which is exactly what happened during the budget debate; and then later say we are spending too much. Which one is it? Do you believe that we are spending too little, or do you believe we are spending too much?

I happen to believe that, if anything, we are spending too much. But I think what you cannot do is have it both ways. That is what I kept hearing, since I have been here, anyway.

Mr. BOYD. If we could, the gentleman from Tennessee (Mr. TANNER), would you like to jump in on that point?

Mr. TANNER. The gentleman from Georgia (Mr. KINGSTON) referred awhile ago to mandatory spending. There is no more mandatory spending than interest on the national debt. What we are doing as Americans, not Democrats or Republicans, but as Americans who represent the American people here, all 435 of us, with the charts that the gentleman from Mississippi (Mr. TAYLOR) showed, we are building in a tax increase on the American people that is structural, because we are borrowing so much money today.

You are spending money. You are just not spending it today; you are spending it tomorrow. And you are spending it in the form of interest, additional interest, on the debt, because that is mandatory spending. The interest has to be paid. And when you talk about mandatory spending, you are building in more mandatory spending and have in the last 25 months than any of the Democratic numbers there would indicate.

So I just want to say, mandatory spending is a problem; but interest is certainly a part of that.

Mr. MARIO DIAZ-BALART of Florida. If the gentleman would yield, again, what I am saying, though, is you cannot have it both ways. Because what I have heard, and I know I am relatively new here, what I have heard consistently in the Committee on the Budget, is Republicans are not spending enough. Every single proposal, by the way, including the Blue Dog proposal, spends more. Yet my dear friend, the gentleman from Florida (Mr. BOYD), whom I respect immensely and whom I have a friendship with, now says that we are spending too much. Which one is it? Which one is it?

Mr. STENHOLM. We want to keep it based on the facts tonight, and the Blue Dog budget did not spend one dime more than the Republican budget.

Mr. BOYD. If I might respond to my friend from Florida (Mr. MARIO DIAZ-BALART), and, by the way, he and I served in the Florida legislative body for 15 years and he is my friend, I would say we are not here asking to have it both ways. We are here to set the record straight and show what the numbers are.

We are here so when someone gets up and says, oh, it was those liberals over

there that had the high spending numbers, we are here to show you that is not the case. In fact, quite the opposite was the case. The discretionary spending levels increased by an average of 1.6 percent for 8 years in the previous administration, and in this administration they have increased by 8-plus percent on an average basis.

I want to make one more point on the need to pay down the debt. I want to quote. It says: ''We also feel that we need to pay down the debt. We have a debt of $5.4 trillion, which costs the American families on average for a family of four about $2,000 a year. That is $2,000 for college tuition, for house payments, for a nice vacation, for a car, for whatever the need of the family is. Now it just goes to pay interest on the debt. It does not even pay down the principal.''

That was a statement by the gentleman from Georgia (Mr. KINGSTON) on March 3, 1999. Do you know what? I agree with the gentleman from Georgia (Mr. KINGSTON) in that statement. That is the basis of the Blue Dog philosophy and theory, is that we ought to balance the budget and pay down the debt.

Mr. MARIO DIAZ-BALART of Florida. If the gentleman will yield for a second, it is nice to say those things; but on the floor we had votes on the budget, and the votes on the budget were a partisan vote. I may be wrong, but I think the Blue Dogs voted against the Republican budget, and the argument there was that we were not spending enough money.

If you look at the Blue Dog budget, here is the Blue Dog budget. In 2006 to 2011, it raises taxes by $124 billion. By the way, it would not make the tax cuts permanent. There is the vote.

So it is very nice. We can say anything and it kind of gets diffused in the air, but the facts are the facts. I am glad you said that, sir. Let us talk about the facts. The votes were there. We had two budgets: a much larger budget, the Democratic budget, and a smaller, tighter, more responsible budget, and you all did not vote for that. Those are the facts.

Mr. TURNER of Texas. If the gentleman will yield, first of all, as we said on this side, the Blue Dog budget did put us back on a course toward a balanced budget and would have balanced much quicker than the budget that the Republican majority adopted. And when you look at spending, I think what we have to acknowledge in terms of the Federal fiscal condition, the tax cuts and spending both increased the national debt.

If you look at the results since January of 2001, when President Bush came into office, 58 percent of the deterioration in the national debt, the increase in the national debt is attributable to tax cuts; 28 percent is attributable to increase in defense spending; and 22 percent attributable to the war against terror and Iraq. That is from the Congressional Budget Office. So what we believe is that it is dangerous for this country to continue down the road of increasing the national debt.

I want to read to you from an article by one of your own in the ''New Yorker,'' June 8 of this year, an article written by Peter Peterson. Mr. Peterson is the chairman and cofounder of the Blackstone Group, the chairman of the Federal Reserve Bank in New York, a former Secretary of Commerce under President Nixon; and here is what he had to say about your borrow-and-spend policies:

He said, ''Since 2001, the fiscal strategizing of the Republican Party has ascended to a new level of fiscal irresponsibility. For the first time ever, a Republican leadership in complete control of our national government is advocating a huge and virtually endless policy of debt creation. The numbers are simply breathtaking. When President Bush entered office, the 10-year budget balance was officially projected to be a surplus of $5.6 trillion, a vast boon to future generations that Republican leaders firmly promised would be committed to their benefit by, for example, pre-financing the future costs of Social Security. Those promises were quickly forgotten.''

He goes on to say: ''In just 2 years, there has been a $10 trillion swing in the deficit outlook. We are now looking at almost a $5 trillion projected debt. Coming into power,'' he says, ''the Republican leaders faced a choice between tax cuts and providing genuine financing for the future of Social Security. What a landmark reform that would have been. They chose tax cuts. After September 11, they faced a choice between tax cuts and getting serious about the extensive measures needed to protect this Nation against terrorist attacks. They chose tax cuts. After war broke out in the Middle East, they faced a choice between tax cuts and galvanizing a Nation behind a policy of future-oriented burden sharing. Again and again, they chose tax cuts. The recent $10 trillion deficit swing is the largest in American history other than during years of total war.''

This is one of your own. This is a Republican speaking here, speaking the truth.

Mr. SMITH of Michigan. If the gentleman would yield, I would strongly suggest that this kind of debate is excellent, and I compliment the Blue Dogs and certainly the gentleman from Georgia (Mr. KINGSTON). But may I suggest that maybe we are going about the debate the wrong way. Instead of trying to blame each other, let us start looking at how we might work together.

We all know that there is tremendous pressure coming from lobbyists and user groups that want more spending for their particular interests. Lobbyists in this Nation's Capital are very effective. We realize it takes a lot of money to get reelected now. I have got a chart here, but, still, we are all to blame. We all have our special interests.

The Blue Dogs said, let us increase entitlement spending and borrow $400 billion for adding prescription drugs to Medicare. That is because there is a demand out there, and there are enough people that think that it is going to be to their advantage on getting reelected or that it is a good thing to do. But the fact is, that even that kind of a program, which seems to have some merit, tremendously puts a burden on future generations.

So how do we deal with prescription drugs, which is very popular, especially with seniors? How do we deal with some of the Republican proposals for increased spending to try to come together?

There are enough Republicans and enough Democrats that, instead of arguing across the aisle, if somehow we could decide on some of the issues we agree on. The increase in the total debt held by government continues to go up, regardless of the administration.

When there is a Democrat President, we heard a lot of claims that the reason that we had balance in that couple of years was because of the leadership of the White House, and now we are hearing claims that the increased debt and spending is because of the same kind of spending leadership that we might have in this White House.

How do we come up with the kind of policy that is willing to deal with a $9 trillion unfunded liability for Social Security, an estimated $7 trillion unfunded liability if we add prescription drugs to Medicare, and the willingness to continue to spend more money?

I agree with the Blue Dogs, and the Blue Dogs have done a great service, I think, during some of the minority years that Republicans were in the minority, of adding some votes to some of the spending projects that would put some limitations on it.

So it is, of course, my frustration that we do not deal with some of the unfunded liabilities. The unfunded liabilities are just as important to the burden that we are putting on future generations as any increase in discretionary spending or in what we consider the debt subject to the debt limitation.

In fact, we should be holding this discussion based on the total obligation of our kids and our grandkids, and that includes not only the debt and the tremendous interest that we are paying on the debt; I think somebody mentioned $1 billion a day on the debt. But that is at the lowest interest rates we have seen in many years. If interest rates go back to normal, then we are going to be looking at half a trillion dollars a year in interest rates, if not more.

The solution I have might be that we just start working together, instead of blaming each other, to maybe come up with some of the resolves that we should all be working together on.

Mr. KINGSTON. The gentleman from Texas wants to speak a little bit about

the issue you mentioned about the lobbying groups in town who are out fighting for their little chunk of the pie, because I think his approach to fiscal restraint in the form of tax reform makes some sense. I wanted to make sure the gentleman from Texas (Mr. BURGESS) has an opportunity to speak.

Mr. BURGESS. I thank the gentleman for yielding. Actually, the gentleman from Georgia (Mr. KINGSTON) brought it up so eloquently right at the start of his discussion, about zero-based budgeting. Of course, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. TURNER) know this, because in our home State of Texas, the State legislature this session faced a $9 billion deficit. They passed a budget with no tax increase by using a zero-based budgeting system.

To tell you the truth, gentlemen, my hat is off to the legislature and the Governor, both sides of the aisle, for getting that down in our home State of Texas. As we see the situation in California deteriorate, perhaps we will be able to attract some of those businesses that are looking for a more favorable tax climate in which to relocate.

The gentleman from Florida (Mr. MARIO DIAZ-BALART) said it so well, you cannot continue to say, day in and day out, and we heard it tonight here on the floor of this House, you are not spending enough on veterans, you are not spending enough on Head Start, you need to take that $400 billion for Medicare and just pay for the catastrophic coverage.

Gentlemen, you cannot have it both ways. You had an opportunity to join with the Republicans at the time the budget was passed and vote for H.Con. Resolution 95. I wish you had. I wish we could have partnered on that. But it was not to be. That was a budget that provided some real cuts, that we could have been proud of.

I am sorry the gentleman from Mississippi (Mr. TAYLOR) left, because, yes, that is why I came to Congress. But it was not to be. We had a compromise on the Republican side, and, at the end of the day, we got a budget passed.

I am a proponent for some significant tax reform in this country. I think we can tinker around the edges all we want. But until we get some type of tax reform that gives us a single rate that gives us fairness across the board, I honestly do not see that we are going to be able to get back to any type of fiscal sanity in this country.

□ 2115

I think the President is on the right path. I think he is using the incremental changes to bring us to essentially a flat tax, which I support.

I think when we look at what was happening with the economy from March of 2000, this economy was in a slide. We had Chairman Greenspan cutting interest rates hand over fist, as fast as he could, and he could not stop the slide. The slide was arrested. The deficit was much more shallow than it otherwise would have been because of the courage of George Bush and my Republican colleagues all. Because I was not here then, I cannot take credit for it. But, Mr. Speaker, the tax cuts that were passed in 2001 I think did an excellent job of stopping that slide into deficit.

Well, I will not go into all of the points that I was going to try to make tonight, but I think some excellent ones have been made on this side. I am certainly willing to work with anyone. I do not think a discharge petition solves one single problem, and I, in fact, resent the fact that it was brought up here tonight. That was not the purpose that I came to this floor, to be beaten about the head with the issue of discharge petition. We know what that is.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, we heard about some things where we could work together. I agree with the gentleman. My Democrat colleagues cannot have it both ways. You cannot have it both ways. You cannot on one side of your mouth say that we are not spending enough and, on the other side of your mouth, when there are no votes on the table, say that we are spending too much, which we keep hearing from our colleagues on the Democrat side.

My colleagues will recall a couple of things that the gentleman may agree with me on. The chairman of the Committee on the Budget wanted to do a 1 percent cut in waste, fraud, and abuse.

Mr. BURGESS. That is correct.

Mr. MARIO DIAZ-BALART of Florida. Does the gentleman recall if he got any Democratic support for that?

Mr. BURGESS. To the best of my knowledge, I do not recall any.

Mr. MARIO DIAZ-BALART of Florida. Again, we have to talk about the facts. Let us talk about the facts.

When our dear friends on the Democratic side just said a little while ago, kind of equating tax cuts with government spending, the thing that it really boils down to is what the differences are. There is a huge difference between more government spending and tax cuts. More government spending are Washington bureaucrats spending the taxpayers' money. Tax cuts is allowing taxpayers of this country, hard-working men and women of our country, and small businesses, to keep more of their money. So we have a huge philosophical difference when my colleagues equate tax cuts with more government.

Mr. TURNER. Mr. Speaker, my point was that we can increase the national debt by either spending or by greater tax cuts, and we are in a position right now where we are projecting a $5 trillion deficit over the decade. Ten years from now the national debt will be twice as what it is under the Republican budget. Today it stands at a little over $6 trillion. In 10 years it is going to be $12 trillion. We will be paying interest in excess of the largest category of Federal spending, and that is defense, in 10 years.

So do not say that the differences are we are against tax cuts, or we are for spending and we are against tax cuts. We would love to cut taxes just like you do, but we believe you have to be intellectually honest about it. Just as Mr. Peterson said in this article in the New Yorker, and I will quote, ''For some supply side Republicans, the pursuit of lower taxes has evolved into a religion; indeed, a tax cut theology that simply disregards any objective evidence that violates the tenets of the faith.'' He says, ''The star of the government at the source strategy is not only hypocritical, it is likely to fail with great injury to the young.''

So what we are doing is passing on a debt. We are passing on a debt to a future generation by the blind pursuit of an irresponsible fiscal policy, and the Republicans are in charge, and the Republican Party is doing it.

Mr. KINGSTON. Mr. Speaker, could you tell us how much time we have left?

The SPEAKER pro tempore (Mr. GERLACH). Fifteen minutes remaining.

Mr. KINGSTON. Total?

The SPEAKER pro tempore. Yes, total.

Mr. KINGSTON. Seven-and-a-half per side.

Why do we not go into debt a little bit and borrow some from the next group? Just a joke, guys. We need to figure out our strategy for our 7 minutes to close.

Mr. BOYD. Mr. Speaker, I think the comments of the gentleman from Michigan (Mr. SMITH) comments were great, and I think there are some things that we can agree upon. The problem is, of course, that just us agreeing upon them does not make them happen. The majority party in the House and the Senate has to help make that happen. We cannot do it just because we agree upon it.

I will tell my colleagues that the basis of those agreements, I say to the gentleman from Michigan, I think are twofold. One is the chart I had up earlier. Or here is the statement here by the gentleman from Georgia (Mr. KINGSTON). It says, I think we should preserve Social Security, we should protect it. We should put 100 percent of the surplus back where it belongs into Social Security. This was during the days of the lockbox vote, which the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Michigan (Mr. SMITH) and others know a whole lot about. Probably the gentleman from Florida (Mr. MARIO DIAZ-BALART) and the gentleman from Texas (Mr. BURGESS) know less because they were not here in the days when we were talking about the lockbox.

All of these guys, all of us guys voted for the lockbox, as you did. We would agree.

The other statement was one that we should pay down the debt. That is what Mr. KINGSTON said on March 3. We agree.

Now, the only thing we would ask is, you said those things, then let us figure out how to do them. And my Republican colleagues are in control, not us. Zero-based budgeting, a great idea, I say to the gentleman from Texas (Mr. BURGESS). We cannot do that. Your party has to do it, as long as it is in the majority control of the House of Representatives.

Mr. BURGESS. Mr. Speaker, if the gentleman will yield, again, we had an opportunity, you had an opportunity to partner with us on H. Con. Res. 95 and would not do it. Not a single Democratic vote, as the gentleman from Georgia (Mr. KINGSTON) so accurately pointed out, not a single Democratic voted on that budget, which would have led us to a balanced budget within 4 years' time.

Mr. BOYD. Mr. Speaker, I recall that in 1997 when the White House was controlled by a Democrat, and the Republicans were in control of the House and Senate, we sat down in a very thoughtful way, in a compromise way, everybody, and said, how do we do this? And we did it with spending caps, and we lived up to that.

So I yield.

Mr. KINGSTON. Mr. Speaker, what I wanted to do with whatever time is left on our side was give 2 minutes to the gentleman from Minnesota (Mr. KENNEDY), 2 minutes to the gentleman from Michigan (Mr. SMITH), and 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART); as I understand it, the gentleman from Texas (Mr. BURGESS) does not want any more time. And since you all have about equal time, I know you have some folks that want to speak.

Mr. Speaker, would it be possible for you to tell us at 2-minute intervals? Could you just maybe tap your gavel every 2 minutes?

The SPEAKER pro tempore. The gentleman regulates the time that has been yielded under a special-order speech.

Mr. KINGSTON. The gentleman who controls the time has no watch because I went skiing with it this weekend. Does anybody have a watch over there? All right. I have a very expensive watch here. Okay.

Mr. TANNER. Mr. Speaker, you all go for 2 minutes, and then we will go for 2 minutes.

Mr. KINGSTON. Mr. Speaker, people who are watching this are saying, no wonder they cannot get their money straight.

I yield to the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, again, I agree that we should look at positive ways to agree. I would like to yield 10 seconds to anybody there who will answer: Would you all agree to that 1 percent cut that we tried to do? Would you vote for it?

Mr. TANNER. Yes, I think you will find agreement over here. But I will tell my colleagues something. I think that has been pointed out here on both sides of the aisle.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I do not have a lot of time, but you did not vote for it, you did not support it.

Mr. TANNER. Mr. Speaker, you did not support the Blue Dog budget either that would have resulted in $21 billion less in interest over a period of time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, if I could reclaim the time, I did not support the Blue Dog budget because it increased taxes, and those are the facts. I did not support the Blue Dog budget because it raised taxes on hard-working American people to fund more bureaucracy and more bureaucrats, while ours cut taxes. I did not support the Blue Dog budget because it did not make the tax cuts permanent. You better believe I did not support it.

I am asking a specific question which I cannot get a specific answer to because we keep hearing two different sides of the solution. None of the Democrats supported the 1 percent cut on waste, fraud, and abuse. Those are the facts. That is the reality. This is the party that has got a balanced budget, that cuts taxes on the working people, that does not raise taxes, and, unfortunately, the Blue Dog budget did.

Now, when you strip that budget down, it is not a Blue Dog budget, it is just a dog budget, it is a sad dog budget because it increases taxes on the American people to fund more bureaucracy. I think, again, if you want to work together, support, for example, that 1 percent tax cut on fraud and abuse that none of you, none of you did in committee. Those are the facts.

Mr. TANNER. Mr. Speaker, the Blue Dog budget did not increase taxes. What the Blue Dog budget did was it put some of the tax cuts that were supposed to go into effect into the future off the table.

I have heard the Republicans over and over again say we need to go to a zero-based budget, and if you have a spending increase that is not as much as you want, that that is some kind of cut, that that is what the Democrats say. Well, you cannot say that a tax cut that is not yet in effect, if it does not go in effect, is a tax increase. You cannot have it both ways on that one.

But let me just point out, I agree with the gentleman from Michigan (Mr. SMITH). Let me say what I think anybody, any reasonable, sane person listening to this would have to conclude, and that is this country is on an unsustainable financial glidepath. The Republican budget that you are so proud of borrows in the next 10 years, in your budget cycle that you passed without our votes, that is true, because it borrowed another $6 trillion; the interest difference that we will pay as Americans, the mandatory spending that we have, because your budget passed and not the Blue Dog budget, amounts to $421 billion over the next year.

I will give my colleagues 2 examples that just happened in the last 2 weeks. You added $80 billion in borrowed money on the child care matter. Mr. Speaker, $80 billion at 4 percent interest is $3.2 billion a year in interest. By just that one bill, you spent $32 billion that night over the next 10 years.

Then you had the medical savings account. You borrowed $174 billion for that bill. Just that bill alone is increased mandatory spending in interest over the next 10 years of $68 billion. You are spending money, you are just not spending it tonight. You are spending it over the next 10 years. Those two bills alone are $100 billion in additional spending, mandatory spending on interest.

Now, you can talk about spending all you want, but spending is spending, whether it is on interest, which is the most wasteful spending of all, because no one gets anything. And, as the gentleman from Mississippi (Mr. TAYLOR) pointed out earlier, we are borrowing money from foreign nations who may or may not agree with us, and when they call those notes, we have a real problem.

So I am going to quit. Let us agree to do this again. We all know we have a major problem. And unless we can agree that we are on an unsustainable financial path, I do not know where we go.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I am not sure I have a whole 2 minutes, but the Blue Dogs are probably not average for your conference, for your caucus. You are probably more conservative than the average of the total Democrats in the House. Probably this group is about average for the conservative ideas of the Republicans.

But we have 20 Republicans that are very concerned about some issues that maybe increase spending in particular areas. So if we are going to end up accomplishing anything, we have to maybe work together. If the rest of your conference thought the Blue Dog budget was going to pass, my guess is they would not have voted for it. So maybe we need to sneak up on this side and sometimes give you enough votes to pass that Blue Dog budget if we can agree on, ahead of time, with this side of the aisle on what is the reasonable budget.

But we do not like taxes because taxes sort of depress economic expansion. But on the other side of that story, we have to have enough intestinal fortitude, we have to have enough guts, to say that if we are going to spend the money today, we should pay for it.

What we have to do also is live up to coming up with legislation that is going to deal with Social Security, to keep Social Security solvent. Most of my colleagues have not signed any Social Security bill. The gentleman from Texas (Mr. STENHOLM) has gone and walked the tight wire on Social Security, as I and some others have, and

that is what we are going to have to do. My guess is this next campaign is going to say, let us try to get together and work with Social Security. We should do it ahead of time.

But in conclusion, I agree. Let us do this again, and let us try to limit the blame from each side and try to work together for some conclusions of how we might work together to accomplish our goals and what my Democrat colleagues suggest are their goals.

□ 2130

Mr. STENHOLM. Let me just try to end it on the same positive note, and I appreciate the gentleman from Michigan's (Mr. SMITH) contribution to this tonight and the major points they made. We are not here to blame. That is not the point. We were here to point out we have got a problem. Now, you can explain it away all you want to about the various, and we can have our political stump speeches which we heard from the gentleman from Florida (Mr. MARIO DIAZ-BALART) a moment ago on that line. And that is great, but that does not change the fact that where we started with the gentleman from Mississippi (Mr. TAYLOR) is we are going to owe $13 trillion at the end of the 10-year period following the budget that you passed. Yes, we did not support it. I do not support it tonight.

When you talk about spending our budget, the Blue Dog budget spent $400 billion less than the budget that you passed that you are so proud of, $400 billion on interest. Yes, we did not cut taxes as much as you did because we said, let us not cut them until we see whether there is money to cut them with. And that was before the war. After the war we said, we ought to be fiscally responsible and not borrow additional money. It will be the first time since 1812 that the United States Congress did not raise taxes in order to pay for a war. First time. But we are saying we ought to be conservative. And it is not conservative to move ahead as the direction you are moving.

Now, there are some things we can agree on. I do not know why we eliminate the pay-go provisions. I do not know why we said that if you bring a tax cut or a spending increase, you do not have to come in with offsetting revenue or expenditure. I do not know why you dropped that, because we agree with that. You can put together a pretty good majority of people to do that. These are things that I would like to see us discuss next week when we do this again.

But let us end it on the same note that the gentleman from Michigan (Mr. SMITH) put out. We are not here to blame, but by the same token we are here to set the record straight. And there were some statements made here about the Blue Dog statements that are not factual. If you are going to come to the floor and speak about what we do or do not do, then keep it on the facts. Then we will take our share of the blame.

Mr. KENNEDY of Minnesota. I would just say we are for reducing the debt. We did pay down $453 billion of debt from 1998 to 2001. We are for having that deficit come down. How did it get there? Eighty percent of the change from where we were when we had surplus and where we find ourselves with the projections now is driven by the economy. So are we just going to assume that we do not have an ability to get that economy rolling forward, again? We could, we believed, by spurring the economy through tax relief.

We spend a lot of time talking about the government's budget today, and we have not talked about the families' budget and the aggregate of the families' budget in terms of national economy. And when you look at Reagan tax relief after he passed that tax relief, we had a 60 percent increase in tax revenue. If we get the economy picking up like we are hoping to with 25 percent increase in the stock market in the recent past, that can get that deficit paid off sooner rather than later.

As a person who spent a lot of time balancing budgets, a person who was on the finance side of business for 20 years, as a retailer, when we face a tough economy, what did we do? Did we raise prices?

Yes, this may be the first time since 1812 or whatever, but the last time anybody tried to raised taxes during a depression was Calvin Coolidge, and I do not think we necessarily want to follow that example.

We need to, as a retailer would, say how can we lower the costs in the economy? That is what we have done. We need to say, how can we cut back on spending? And we need to join together to take a good, hard look. Yes, the gentleman from Texas (Mr. STENHOLM) says you reduce spending on interest by $400 billion, but you are spending on other categories, all but 110 billion of that.

I think those are the healthy discussions we need to say we need to not just have the tax relief the economy needs to spur, but we need to take a good hard look, working together to get control of this spending, to get our budgets back in line, not just for our governments, but for the burden on the American family and the burden on the economy. And I look forward to continuing this discussion and debate.

Mr. TURNER of Texas. I think what this all really comes down to is whether you believe that it is important for the future of this country to try to have a balanced budget. Every State in the Union has it, every city council, every school board, and every family certainly tries to. And if you incur debt, you figure out how to pay it back within a reasonable period of time. Your budget does not do that. In fact, the chart to my right shows the Republican budget in action. It shows it in fiscal year 2004 we will be paying in the red $338 billion in interest.

The SPEAKER pro tempore (Mr. GERLACH). The gentleman's time has expired.

Mr. TURNER of Texas. Mr. Speaker, I request unanimous consent for 5 additional minutes.

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

There was no objection.

Mr. TURNER of Texas. But as the charts shows, under your budget in 2013, the interest on debt we will be paying, the most wasteful government spending, is $656 billion in 2013. That is more than we will be spending under our budget on all of national defense, which is shown in the blue, which is $529 billion in fiscal year 2013.

So the reality is that those of us on the Blue Dog side tonight believe that deficits do matter, and that it is wrong to pass on this kind of debt burden and this kind of interest payment to the next generations. And as the gentleman from Michigan (Mr. SMITH) said, it is important for us to work together. But to work together we have got to have an agreement that there are two ways that this debt continues to rise, and that is by spending or by continual pursuit of tax cuts that we cannot pay for. And I am one who believes it is wrong to ask those young men and women to go over there and fight for us in Iraq and tell them when they come home and get in their good years of earnings that they are going to have to pay the costs of that war because we charged it.

So I really think that we have got a philosophical difference here with your side of the aisle saying that I have never seen a tax cut that I do not like, and we will cut taxes no matter how much we can afford to cut them.

We Blue Dogs love tax cuts, and we want every tax cut we can afford. And back when we had a projected $5 trillion surplus, I voted with you for that tax cut. But it is different now. We are projecting a $5 trillion deficit over the decade.

So I say to you that deficits do matter. They are morally wrong because it is charging the cost of government to our children, and it, according to the economists, will result in higher interest rates in the years ahead. And for the average family who is trying to borrow money to buy a home, borrow money to buy a car, borrow money to send their kids to college, just a 1 percent increase in interest over the next decade can literally means thousands of dollars in costs to that family. So we just ask you to work with us and try our best to end up reducing our debt.

I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I want to respond real quickly on the tax cuts thing because, as you know, one of big problems we have is controlling spending on a bipartisan basis, and there is a lot of pressure, no matter what it is, there is not enough for education, not enough for seniors, not enough for the poor, not enough for the farmers. You name the group, this town is geared up in that direction.

One great advantage of tax reductions, it is not just a matter of stimulating the economy, we do believe in economic growth and jobs. I think the more money that the people have, and it is not a matter of us affording the tax cuts, it is a matter of can the working folks pay for all the government we are giving them. The more you look at what tax cuts do for the economy, the more jobs that are created.

This is just the Standard and Poor's increase since we passed the latest round of tax reductions. Here is the Dow Jones increase. All these mean more jobs out there, more people paying into the system, and revenues will go up. But the best part is the money does not come to Washington, so we do not spend it.

I think that is something that we will continue to debate about, and I want to say this has made some progress tonight.

I did not know that we had abandoned the pay-go system that the gentleman from Texas (Mr. STENHOLM) had mentioned. I want to work with you on that.

The balanced budget amendment, it would be an awkward position for me to sign the discharge petition, but philosophically I do support it. I want to help you get that bill to the floor, and I want to pledge that.

I am glad we are all mutually interested in zero-based budgeting. Let us move in that direction.

Another issue, if we could get away from just the terminology ''mandatory spending'' and say, hey, that is automatic, we are too lazy to debate it year in and year out, nothing is mandatory for the U.S. Congress. That might be something that we can work together on.

The gentleman extended this debate invitation originally. Let me right here extend one to you, and let us schedule for next week or whenever we can do it.

With that, I yield back and thank the gentlemen for all participating.

Mr. TURNER of Texas. We thank the gentleman from Georgia (Mr. KINGSTON).

BLUE DOG ECONOMY

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

Mr. STENHOLM. Mr. Speaker, I will be happy to yield some of my time to anyone, but just a summary, and I appreciate the return gesture from the gentleman from Georgia (Mr. KINGSTON) regarding doing this again.

I wish we could do it every week, find a time to talk about not just perhaps this issue, but some of the other issues in which we have found ourselves in some very, very strict partisan differences.

Just a few clarifying comments. The first one is when I hear mandatory spending being out of control, since when? Since when can 218 Members of the House of Representatives not control any spending that we wish to control?

I commend the gentleman from Michigan (Mr. SMITH). He is one of the few Members on either side of the aisle that has been willing to talk about Social Security and making some of the hard choices that have to go into eventually saving Social Security for my grandchildren. And I look forward to working with him on that endeavor. I wish we had had that on the floor last year. I wish we had it on the floor this year. I hope we have it on the floor next year. I get disturbed when we say we cannot do that again until after the 2004 elections. That bothers me because 2011 is getting awfully close to where we need to be.

Now, when my friends on the other side of the aisle come in and say that the Blue Dog budget raised taxes, that is not speaking the truth. Now, I want to be very careful on this. I like to quote Will Rogers when I hear some of these quotes. ''It is not people's ignorance that bothers me so much. It is them knowing so much that ain't so—that is the problem.''

And there were some statements that were made tonight that were just not true, and to stand here on the floor as we do in debate after debate and say the Blue Dogs raised taxes, we did not. We cut taxes. And to say that Blue Dogs spent more, we did not. We adopted the exact same spending levels that the gentleman from Iowa (Mr. NUSSLE) had in H.R. 95. And to say that we spent more, we spent less because we spent $400 billion less on interest because we did not borrow that additional money to give it back to the people. Since when can we give back something we do not have?

Discretionary spending this year will hit the lowest level since I have been in the Congress. In fact, it will be the lowest level of discretionary spending since 1958. Now, that is a pretty good record if you want to control spending. But our point was that you cannot have it both ways. We have heard it that we want to have it both ways. I would say you want to have it both ways because you want to ignore the debt going up, but you want to talk about controlling spending. Well, if you are going to talk about that, then do it. But you do not have the votes to do it or you would have done it.

The enforcement is something that I know the gentleman from Iowa (Mr. NUSSLE) is not for. I know the gentleman from Texas (Mr. BARTON) is for it. And pay-go worked when we had it. When you came to the floor and you talked about increasing spending, you had to find someplace to find the money.

Well, the bottom line is this: We are in a direction of a train wreck; the perfect storm, as some have described it. How long can America keep buying $500 billion from the rest of the world, more than the rest of the world is buying from us, without the law of economics taking over? How long can we borrow $400 or $500 billion a year, which under the budget that we are now under that we did not vote for, that we object to, how long can we borrow $300 billion without something happening to the economy of this country?

Now, everything is on track for November of 2004, but there is a lot of folks worrying about 2005. And I think we have a consensus here tonight from most of those that participated on both sides that we would like to work together to change the direction.

□ 2145

The old rule of Confucius, of Garfield, or whoever it was that I like to give credit to, when you find yourself in a hole, the first rule is to quit digging; and it is very disturbing when week after week we continue to dig the deficit hole deeper, yes with tax cuts, yes with tax cuts, from money we do not have, and if you believe that that is any different in creating the deficit, then you are a supply-sider and you are a true supply-sider; but when we start talking to solve this problem, we have reached out the hand many times, but it has never been taken in the last 8 years, unless we happen to agree with a narrow band of thought that says supply side economics is the way to go and that the theory, the theory is if we just reduce the revenue we will starve government.

Spending on defense is spending. Spending on agriculture is spending. Spending on anything is spending, and total spending is going up more than our revenue.

A MEDICARE PRESCRIPTION DRUG PLAN IS NEEDED

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I do not expect to use all the time unless I am joined by some of my Democratic colleagues, but the purpose of my being here this evening is to talk about the need for a Medicare prescription drug plan; and as my colleagues know, just before the break, before the July 4 break, we did here in the House pass a Republican Medicare prescription drug proposal and another bill was passed in the other body that was sponsored by the Republican leadership, and I just wanted to say as emphatically as I could this evening that I believe very strongly that neither of these proposals, which would now go to conference, that neither of these proposals accomplish the goal of providing America's seniors with a prescription drug benefit that is worth having.

I say that because I think it has to be understood that the effort to provide a prescription drug benefit is basically an effort to, in my opinion, or at least

it has been sold as such by the President and the Republican leadership, as an effort to try to get almost all seniors involved on a voluntary basis in a prescription drug program that they would see as meaningful, that covers most of their drug expenses, and if we look at the bills that were passed by the Republican leadership in both Houses of Congress, they do not do that.

Essentially what happens is that seniors have to pay out more in terms of premiums than they would get for the most part. If we have a voluntary program that most seniors do not sign up for, which is I believe strongly what would happen if either of these proposals became law, then we would not end up with the universality that is necessary for an insurance program like Medicare where, in the case of the existing Medicare program that pays for your hospital bills and your doctor bills, 99 percent of seniors sign up. If 10 or 15 percent of the seniors sign up for the proposal that has been passed in either House, effectively the program would be a failure because most seniors would not join. You would not have an insurance pool that actually went across the board and covered all seniors, and I am very fearful that that is what would result from either the bill that was passed here in the House, proposed by the Republican leadership, or the bill that was proposed by the Republican leadership in the other body.

I see that I have been joined by one of my colleagues, and I just wanted to say before we get into a little dialogue hopefully among the Democrats that the Democrats proposed in the House a substitute bill which most Democrats supported and a few Republicans, I believe, that basically would be along the lines of the existing Medicare program and would be the opposite in the sense that I believe 99 percent of seniors would sign up for the program because it is generous enough to provide prescription drug coverage that most seniors would want to take advantage of.

Essentially what we did in our Democratic alternative to the Republican bill was to model the program on the existing Medicare program. Under the existing Medicare program part A, seniors' hospital bills are paid for. Under the existing Medicare program part B, seniors' doctors' bills are paid for, and if I could use that as a model because that is essentially what the Democrats used as a model.

Under part B, right now you pay a certain amount which I think is maybe $45 a month premium. You have a $100 deductible so when if you go in January and your doctor bill is a little over $100, that first $100 is not paid for. That is the deductible, but after that, 80 percent of your costs are paid for by the Federal Government, and you have a copayment of 20 percent for your doctor bills.

It makes sense to go that route because most seniors, 99 percent, realize that part B is worth having. So they pay the $45 a month, and they get 80 percent of their costs after the $100 deductible paid for by the Federal Government, and it is a good bargain. You are paying so much a month, but you are getting a lot back in terms of value.

So we as Democrats said, well, let us do the same thing. This has been a very successful program, part B; 99 percent of the seniors sign up for it. This has been a very successful program when it comes to paying the hospital bills or your doctor bills. Let us follow the same example with regard to prescription drugs, and our Democratic alternative, or substitute, said that seniors would pay $25 a month premium. They would have a $100 deductible, just like part B; and 80 percent of the cost of their prescription drugs would be paid for. There would be a 20 percent copay, up to $2,000. Once a senior expends $2,000 out of pocket for the copay, then 100 percent of the costs are paid for by the Federal Government.

I do not understand why this is so difficult to comprehend and why the Republican leadership or the President cannot simply go along with this. It is modeled after a very successful Medicare program. Seniors will quickly understand that it is a good benefit. They will sign up for it. I guarantee 99 percent of the seniors, if not close to 100 percent, would sign up for this type of a program and take advantage of it.

Instead, the Republicans say now we cannot do that for various reasons. We can get into that if my colleagues like; but they say, oh, no, no, we cannot do that. They come up with a very complicated, confusing, in my opinion, way of trying to administer a prescription drug benefit that relies on private plans that for the most part says that you have to join an HMO or some kind of managed care program to get any kind of drug benefit, which means that you lose your choice of doctors and possibly your choice of hospitals. They do not provide, as I said before, any kind of meaningful benefit even with the privatization and the fact that you are forced into an HMO.

I just wanted to give an example of why I think that these two, both the House version and the Senate Republican version, are unworkable and just briefly.

This is the Senate bill which some people feel is better, but I do not really think is. It is maybe slightly better than the House bill, but not anything that anybody would sign up for.

Under the Senate bill, a beneficiary would pay $420 a year in premiums, would have a $475 deductible, and after the deductible is met, a beneficiary in Medicare would share the costs. In other words, 50 percent of your drug bills would be paid for by the Federal Government, 50 percent you pay out of pocket, up to $4,500 in total drug expenses, and then there is what we call a doughnut hole. If your drug bills are from $4,500 to $5,800, you pay 100 percent of the costs, and then after that, over $5,800 you pay 10 percent.

Now, when I say seniors will not want this, keep in mind what you are talking about here. You are talking about a premium that you have to pay per month. You have not a $100 deductible, but a $275 deductible; but then only 50 percent of your costs are paid for by the Federal Government. You have to pay the other 50 percent and there is this doughnut hole at some point where the Federal Government does not pay anything. Why in the world would you sign up for it?

I talked to my seniors during the July 4 break. I met a lot of them. I asked them a lot of the question, would you sign up for that. Most of them said no. The only way you would sign up is if your drug bills were so expensive and you had enough money to not only pay the premium but also to pay the 50 percent copay; and most seniors, unless they are in certain financial circumstances and they have a huge drug bill expense, they would not do it.

The House bill is even worse. Under the House bill, there is $420 in premium, $250 deductible; and after the deductible is met, the beneficiary in Medicare would share drug costs 80/20, like I said with the Democratic bill, 80 percent paid for by the Federal Government, but only up to $2,000 in total drug expenses. After that, from $2,000 to $4,000 or to $4,900, the senior pays 100 percent of the costs. Again, why in the world would you sign up for such a thing?

Essentially, if you look at the situation in the House version, the majority of seniors fall into the doughnut hole, and most seniors under the House or the Senate bill would end up paying more out of pocket than they would benefit from the Federal Government.

So what we have been saying, Democrats, is the Republicans are essentially involved in a sham here. The President says, oh, okay, we are going to provide prescription drug benefits. The House Republicans and the Senate Republicans say we are going to do it, but the benefit is not worth what you pay out. You have to join private plans for the most part, which means an HMO, and you lose your doctor. You might even lose your choice of hospital. Why in the world would you sign up for it?

If you do not adopt the type of program like the Democratic substitute, which is modeled after the existing Medicare program, the bottom line is you do not have a program that has any meaning to seniors, and I am just afraid we have this huge hoax that is being played upon us by the Republican leadership and the President. If something actually comes out of the conference and is signed into law, people are not going to know they are getting something that is meaningless. They will not even find out till 2006 what it really means because it does not go into effect for another 3 years; and in the meantime, I guess the President and the Republicans can go around and

say we have done something for prescription drugs, but they really would not have done anything at all.

I see my colleagues are here; and I would like to yield, first of all, to the gentleman from Washington who is a physician and member of the Committee on Ways and Means and has been a leader on this issue, and I have to say to my friend that I know he has been active for universal health care, and we do not have a majority in this House to pass a universal health care, but I support it because I really believe that ultimately we have to have a health care program that does not just deal with drugs but deals with all health care and that everyone can take advantage of. So I admire his work, and I would like to yield to the gentleman.

Mr. MCDERMOTT. Mr. Speaker, I want to commend the gentleman for having this, staying up here at 10 o'clock at night, talking about this issue because I think the people need to understand the idea of universal health care is that everybody puts into the pot, and then when they get sick, they take out of the pot. Nobody, when they pay for their health insurance, stands around saying, gee, I hope I get sick so I can take something out of the pot. That is not the way people think.

We have given universal health care to senior citizens. We have said anybody over 65 in this country is eligible for Medicare, and we put them all in together; and they put all their money in together collectively, and we put together a Medicare program that has worked very well since 1964. It has not required people's children to pay for anything. They have been able to have their own dignity. They had their own card. They paid for their own health care during all that period.

I sat on the Medicare commission. I was one of the 16 people sitting on that commission for a year back in the mid-1990s, and there is a determined effort by the Republicans to privatize Medicare.

What does privatize mean? It means to separate all the American people from one another and make them deal individually with this particular problem in their life, their health care.

□ 2200

They would be given a voucher, and they could privately go out to a private insurance company and find somebody who would give them a benefit.

Now, if we were to take my mother and myself, my mother is 93 and I am 65, if we were to take those two people and say, send them out with the same amount of money, we know that they are going to get different benefits. Well, they have tried this. They have offered the Medicare through an HMO, and people went and joined, and then the HMO closed, and they lost all the benefits. And people have been jerked around over the last 4 or 5 years by this whole process, but they are determined. And this bill is the real final effort to do that.

It is kind of like when I was a little kid. My mother wanted me to take cod liver oil. There was some vitamins in it, and she wanted me to have those. But cod liver oil tastes terrible, so she would always mix it with orange juice. That is exactly what they are doing here. They want people to take the cod liver oil of privatizing health care, and they are filling the glass with orange juice, which is the drug benefit.

So that is the first thing people have to understand. The drug benefit is not intended to give them a drug benefit, it is to get them to drink the cod liver oil, the privatization of Medicare.

Now, how did they design this? Why do I say they do not intend to give a drug benefit? Very simple. They said, well, let us put up $400 billion. Now, that sounds like a lot of money to people. I mean, it sounds like a lot to me. But if we are going to fix the problem right, to do the deal right, it is going to take way more than that, probably twice that amount. But they just said, well, we will put $400 million in, and we will kind of mix it around so people will not see what we are really doing.

Worst of all, as my colleague pointed out, this does not go into effect until 2006. They can put advertisements on television in the next campaign in 2004, or in 2006 they can put advertisements out and say, we gave you a drug benefit, because it will not go into effect until 2006. Now, most Americans look at politicians and they say, I do not know if I can trust them or not, and I want to see what actually happens. Well, when you put something out there so far, the people will never know that what they see advertised in the 2004 campaign, with all these millions of dollars of ads from the drug companies and from the Members of Congress who voted for this, that, in fact, it was never intended to work.

Now, I will tell you why I know that. I was walking through the tunnel between the Capitol and one of the office buildings today, and one of the Republican Members said to me, do you think this bill is ever going to come out of the conference committee? Do you think the Senate and the House will ever solve it and bring a bill back to the floor? I said, no. He said, I do not think so either, and we hope it does not. This was a Republican talking. We hope it does not. I said, you do? He said, well, it is not a good plan. It does not solve the problem.

So they know it does not solve the problem, but they want to say, I voted for a pharmaceutical benefit, and my opponent opposed it. Or my opponent does not think it is good, but I wanted to give pharmaceuticals to senior citizens. They have no interest in the reality of this bill.

Now, I think there is a couple of things that are really sort of buried in this bill that people have to understand. They said we do not want the Secretary of Health and Human Services to negotiate for all the 40 million old people in this country. We want each little insurance company to negotiate with the drug companies as best they can. Every other country in the world that has an industrialized country like us, France, Germany, Canada, anybody, the government negotiates for everybody. My colleagues know that that works better.

If I were to go into a store and say, I want to buy 100 loaves of bread, I will get a better price. It is going to be less per loaf than it would if I were to buy one loaf at a time. But the Republicans set this up so that Tommy Thompson, the Secretary of Health and Human Services, cannot go and negotiate for them. They made it impossible to save money, or save big money.

We know what happens in the Veterans' Administration, we get a 50 percent discount because they negotiate a price for every veteran. All 5 million of them get the benefit of a negotiated price for 5 million people. But when it comes to seniors, we say, no, no, you are on your own, Grandma. You can go 1 at a time or 2 at a time or 10 at a time, or whatever, but you cannot have the benefit of this. I think that alone should make people sort of wonder about this.

The second thing they do is that they say, well, you can go into a Medicare HMO, some kind of health maintenance organization, and get your benefits, if they will take you; or you can stay in regular Medicare with your doctor that you have known for the last 30 years and knows everything that has ever happened to you, so that when you go in the doctor does not have to say, well, let us start with when you were 6 years old; when did you have the mumps; when did you have the measles?

You know, when you get to be 65, or like my mom, 93, who remembers what year it was that you had the measles? You want a doctor that knows you and that you have dealt with for 30 or 40 years, so that they say, well, Mrs. McDermott, how is X, or whatever the problem is that they have been following. Seniors do not want to have to start over again with a new physician.

But they say if you stay in Medicare, you are going to have to pay more for the drugs. Now, the problem with that is that drives up the premium. Right now the premium for seniors is something under $60. HCFA, the Health Care Financing Administration, that administration says that the premiums next year, if this bill goes into effect, would go up to $90 a month for nothing. It would just go up $90. Why? Because the sick people would stay in Medicare, the old standard Medicare, and the healthy ones would go get into these HMOs where they could get a better deal. So sick people who want to stay with their doctor are going to be stuck paying more money than people who are younger and healthier and are acceptable into some kind of an HMO.

I believe, and what the gentleman is saying, is that it should be a Medicare benefit that everybody gets in the

whole United States. It does not make any difference whether you live in Ohio or New Jersey or Washington or Atlanta, Georgia, or wherever, you ought to get the same benefit. It should not be dependent on whether you can find an HMO that negotiates better or anything else.

For instance, maybe a parent would like to move from Tennessee, where they had a pretty good deal, to Montana where their kids are living. They want to move to Montana because they want to be near the grandkids. That is what my parents did. My parents left Oklahoma in 1972 to live with us in Washington State when my dad retired and there were grandkids. My mother said, hey, we are going out to be near the grandkids. Well, why should there be any difference in the benefit between Oklahoma and Washington State?

This bill will guarantee that there is a difference. It may be better, it may be worse. My parents would not have anything to say. Anybody who moves under this new system will have no idea what they are going to.

And then there is this question of a donut hole. Frankly, the bill mystifies me in that it seems to imply that the Republicans think that old people are not paying attention; that somehow we are going to whistle this past them, and they will not see what this is about. My colleague explained it. First of all, the Democratic plan is the only one that says what the premium will be, $25 a month, and there is a $100 deductible. They spell it out in the law. The Republicans do not give us that. They say there will be a premium, and there will be a deductible, but people are buying a pig in a poke right off the bat. Then you pay for that, and, at a certain point, you do not get any benefits. You are still getting your monthly bill for your premiums. You have to keep paying those premiums. Meanwhile every bit of drugs you pay for you have to pay all out of your pocket.

Now, I tried to explain this at a couple of retirement homes in Seattle, and people just say, that does not make any sense. What are they trying to do? What is this about? The minute you explain to people what this really does, it falls apart flat. And yet they are coming in here, pressing this bill and talking about all the things they have done. But people should remember that it is not passed until it goes into effect. And there, I think, is going to be a very big fight between the Senate and the House on this issue because the Senate does not want to privatize health care. They are resisting the idea of putting the orange juice with the cod liver oil. They said, no cod liver oil. This is orange juice.

They are doing a drug benefit over there, and in some ways that makes it a little better. It is not as generous maybe as ours is, but neither one of them works very well. The only bill that really works is the one the House Democrats put out which gives people a fixed payment and a fixed deductible and a fixed amount that they have to pay 'til whenever.

And nobody wants this benefit. This idea that you are going to get an insurance company running in to offer an insurance policy to all the seniors, just ask yourself, and you do not have to be a rocket scientist to know why this will not work, who buys an insurance policy? You do not buy an insurance policy unless you have a car, right? You do not buy fire insurance if you do not own a home. Why would you buy this, paying month after month for a drug benefit, if you did not need any drugs? As soon as you need them, boy, you want to run in right away and get it. But why would seniors, if they had something else or they were tight with money, they would say, why should I buy it?

So the only people who are going to buy are people who have big drug bills. Maybe they have cancer and their cancer treatments are very expensive, or maybe they have had a kidney transplant and they have drugs that are very expensive. There are a whole raft of conditions which require people to spend an awful lot on pharmaceuticals. Those are the people who are going to buy it. So an insurance company is sitting there saying to themselves, no way.

The way insurance companies work is you sell a premium to everybody, and then you hope nobody gets sick so you can give all the money that is left to your stockholders. That is how they work. It is no mystery, and it is not wrong. It is the way they operate. Well, why would you want to take in a bunch of sick people who want drugs and give them a drug benefit?

Well, the government, these guys recognize that. They realize the insurance industry will not do it. So what they said was, I know what, we will let them offer the plan, and then we will take 99 percent of the risk. The Congress will take it. And if there is any profit to be made, the insurance company can take it out the door.

This is absolutely a fraud for the government to use all of its money and not try and control it, not look for the fraud and the waste and the abuse; turn it over to the insurance company, who has no risk. None. There is no explanation for why they would come up with a plan like this except that they hope it does not pass.

And I hope it does not pass. I would like a real bill to pass, because God knows people are really having trouble, and there are so many things we could do that would not be hard to do.

I see my colleague has brought some things here about the Canadian plan, and I will just say one or two more things and then turn it over to her.

The Canadian Government did not go through any big plan or anything, they just passed a law that said that the price you pay in Canada is going to be the average of the G–7 countries. Now, the G–7 countries are the seven most vibrant economies in the world, Japan, Germany, France, Great Britain, the United States, and so forth. So whatever the price is in Germany, they write that down, write down the price in France, add them all together and divide by seven, and that is the price in Canada. They never pay above the median. They always pay in the middle.

Now, that is why people leave my State on buses on a weekly basis to go up to Canada. Anybody who lives near the Canadian border knows about this. Or they have pharmacies up there, and they mail in up there, and they have it all worked out so they can get them filled and have them sent back. What the pharmaceutical companies are doing now, just to show you how much they hate that, they have cut off the amount of drugs going to these pharmacies in British Columbia, which is north of Washington State.

□ 2215

Mr. Speaker, they say to them you could not possibly sell this many drugs in British Columbia, so we are only going to give you 40 percent of your order so they cannot ship the other 60 percent down to the United States. They are cutting off their supply. It is incredible the lengths to which the pharmaceutical industry will go.

In closing, in case Members would like to shed a tear for pharmaceutical companies, the Fortune 500, which is the 500 biggest companies in the United States, 10 of those companies are pharmaceutical companies. Those 10 companies last year had a profit of $38 billion. That was 50 percent of all 500 companies. Ten companies produced 50 percent of the profit of the whole of the Fortune 500.

Now, I believe in research, and I believe in all of the things that pharmaceutical companies do, and I am not against pharmaceutical companies; but I think enough is enough. I think my colleague who has some Canadian prices here will make a very interesting case on this point.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR), who has been a leader on this issue.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for organizing this Special Order tonight, and certainly the people of New Jersey have sent the right Member here to fight this great fight. It is a privilege to stand here also with the gentleman from Washington (Mr. MCDERMOTT), who is such a critical member of our Committee on Ways and Means and knows more about this probably than any other Member of the House, and has fought so hard to maintain the Medicare program that our Democratic forebears created, and we proudly stand on their shoulders. To stand here with both you gentlemen tonight is truly an honor.

I wanted to mention, as the gentleman from Washington (Mr. MCDERMOTT) said, the pharmaceutical companies around this Nation are making unbelievable profits off the pocketbooks of our senior citizens and their

families, and to also mention that the reason we have such a terrible bill before us in the House and why we were denied the opportunity to offer a Democratic alternative, we were not even given a chance to debate our alternative, is because these very same pharmaceutical companies helped elect the people who have created this bill for the Congress.

And an organization like PhRMA gave 95 percent of its political contributions last year to one political party, the party that prevailed by one vote here in this House 2 weeks ago in getting this very flawed bill before us. Now, the Republican Party has produced a bill that is really a trick on the senior citizens of this country. It is a trick because of the language they use in the title that does not bear out real substance on the inside. Let me give a couple examples just to refine what my colleagues have talked about tonight.

I think the gentleman from New Jersey (Mr. PALLONE) talked about the Democratic bill, which we were not allowed to offer, had a maximum premium per month for our seniors of $25. The Republican bill that passed starts out at $35 a month, but it does not have a cap so we really do not know what that monthly premium is going to be.

The Democratic plan is a defined benefit plan. You know exactly what it costs, and you know exactly what you get from it. The Republican plan is what we call a defined contribution plan. You only get so much, and then you do not know how much more you are going to have to pay. It is very unpredictable.

In the Democratic plan, which we were not allowed to offer, and imagine, a measure that affects over 40 million Americans and we were not even allowed to offer our alternative. I say to the majority, what are they afraid of? The deductible under the Democratic plan is $100 for seniors. Under the Republican plan, it is $250. Under the Democratic plan after you have paid your $2,000, if you reach that level which we call a catastrophic level, then you do not pay anything after that. We pick up the costs, the people of the United States through the premiums. Under the Republican plan, they make seniors pay an additional $1,500 beyond the $2,000 cap that we have in our bill, which means that it is going to cost seniors much more money under that plan.

So you pay a higher monthly cost, and we are not really sure how high that will go under the Republican plan. You pay a higher deductible. You have to pay costs over $2,000, up to $3,500, and the reference that the gentleman from Washington (Mr. MCDERMOTT) made to the fact that the Democratic bill provided for negotiated pricing for different drugs, the Republican plan prohibits us from negotiating the best price like we do already for the Department of Veterans Affairs and for the Department of Defense.

This is just a chart of some of the drugs that people buy. Norvasc, seniors in my district are very familiar with Norvasc which is used for high blood pressure. The general price at a drugstore is $182.99. The Canadian price is $152.82. Through our negotiated pricing through the Department of Veterans Affairs, we have gotten a price of $102.11. We wanted to get the same kind of negotiated pricing in the bill that was debated 2 weeks ago. We were not allowed to even offer the amendment.

I went up to the Committee on Rules, which met after midnight so nobody in America could really see what was going on, and we had to wait until 4:30 in the morning only to be denied the opportunity to offer this best-price amendment. We were trying to get not just Canadian prices, but even better prices on many of these drugs based on negotiated pricing. Our amendment was not even allowed to be offered.

So the Republican plan is really a tricky plan, and you have to read the fine print. The differences are very striking.

Let us say you live in a part of the country that has no plans. Let us say these private insurers who do not seem to be flocking to provide regular coverage under Medicare, if a plan does not exist in your part of the country, under the Democratic plan there is a fall-back government prescription drug plan that you can opt for. It requires that in the bill so no part of America would remain uncovered. The Republican bill does not provide that kind of fall-back where two private drug plans might fail to emerge, and we know they probably will fail to emerge.

I was home over the weekend talking to seniors, and one woman said, I belong to an existing HMO in this community for prescription drugs, but right now my coverage stops at $600. I cannot get anything beyond that. If my drugs cost more than $600, I have to pay that. So the current plans that exist are very, very inadequate.

I wanted to just take a moment to give, again, very specific information about the difference between the Democratic bill that we were not allowed to offer and the Republican bill which passed here by one vote in the middle of the night as they twisted arms, and we could see it happening right down that aisle.

If a senior's yearly drug costs are $1,500 for prescription drugs, their out-of-pocket expenses under the Democratic plan would be $680. Their out-of-pocket costs under the Republican plan would be $920, which means that seniors whose drug costs are up to $1,500 a year would pay $240 more a year under the Republican plan.

If a senior's yearly drug costs are $3,000 a year, their out-of-pocket expenses under the Democratic plan would be $980, but their out-of-pocket costs under the Republican plan would be $2,020. So the Republican plan costs seniors $1,040 more if their drug expenses go up to $3,000. What if their drugs cost $4,500 a year? Under the Democratic plan, their out-of-pocket costs would be $1,280; but under the Republican plan, their out-of-pocket costs would be $3,520. So the Republican plan costs seniors $4,500 more if their drug costs go up to $4,500 a year. So the sicker they get, the more it costs them under the Republican plan.

I must say, I have a lot of seniors in my district and they do not earn more than $8,000 under Social Security. The Republican plan is an unaffordable plan. What if you are so sick that your drug costs are over $12,000? Under the Democratic plan, your out-of-pocket costs would be $2,300. Under the Republican plan, your costs would be $3,920. So the Republican plan would cost seniors in that case $1,620 more a year.

So under the Democratic bill, as I have explained here, we tried to provide for negotiated pricing to match the Canadian prices and even better them in some instances. We were not allowed the opportunity to offer our amendment, and that is a major cost-saving amendment because it would use the power of group buying which every housewife in America knows about. Anybody who does shopping knows if you buy 12 cans of something, it is less expensive per unit than if you buy one. We are trying to do the same for 40 million people across this country. Imagine the savings involved, and the premium costs are less and guaranteed under the Democratic plan. Under the Republican plan, they start at $35 and raise it. The deductible is more affordable under the Democratic plan; under the Republican plan, it is more expensive.

If I can just perhaps summarize why the Republican plan might be so bad and why it really is a trick on our seniors, it is because fundamentally the Republican Party has never supported Social Security and Medicare. Back when Social Security was first created by this Congress long before I was born, and we go back to the Committee on Ways and Means votes, there were no Republican votes to create Social Security back in the 1930s when you go into the record of what happened back in that Committee on Ways and Means room.

When it got to the floor, enough people were embarrassed that they voted for it. Some did, not all. But back in committee where the real decisions are made, there was not a single Republican vote in the committee for Social Security.

On Medicare, when President Johnson fought for the creation of Medicare, and I was a young girl then, Senator Bob Dole said in 1995, ''I was there fighting the fight, voting against Medicare in 1965 because we knew it would not work.''

Well, for several generations of senior citizens, indeed, it has worked. It has helped keep American families from going to the poor house and going bankrupt; and it has given American seniors a level of security they never

knew before in American history. To me, Social Security and Medicare are the aorta of the Democratic Party of which I am proud to be a member.

I look at some of the other quotes that have come from contemporary Republicans. One of the Members from the other body in charge of Republican policy said back in May as this debate got underway, ''Congress should gradually end the traditional Medicare program as an option for new beneficiaries in the future, leaving them to choose from a variety of private plans. I believe the standard benefit, the traditional Medicare program has to be phased out.'' This was in The New York Times, May 21, 2003.

In this body, the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), according to MSNBC stated, ''To those who would say that our bill would end Medicare as we know it, our answer is we certainly hope so. Old-fashioned Medicare isn't very good.'' He said that June 25, 2003.

I would just like to say to the gentleman from California and to the gentleman from the other body, for our family and for 114,000 Ohioans in my district and for over 1.5 million Ohioans around our Buckeye State, we believe Medicare should be here to stay. We are here to strengthen it, not to weaken it; and we do not want to trick our seniors. We want to provide them with a guaranteed, affordable benefit that is voluntary if they wish to participate in something that is available to all.

It is a great pleasure to be here this evening to put on the record the truth and the actual costs of both plans and to say to the gentleman from New Jersey (Mr. PALLONE) thank you so very much for allowing me to join you this evening and to say I was somewhat offended this week when we came back here and our colleagues yesterday passed a measure in this House to give Members of Congress better prescription drug coverage than we are willing to give every single senior citizen that is out there.

□ 2230

Members of Congress make over $150,000 a year. Some do not accept all of that. A lot of people donate some of that to charitable causes. But what is interesting is that the Republican majority in this House snuck through a bill here yesterday that would actually ask senior citizens to pay 100 percent of their drug costs, between $2,000 and $3,500 a year, but yet they did not apply that same measure to themselves the other night. They are going to take that cost away from themselves. It is really a tragedy. Why should Members of Congress exempt themselves from the same regimen that they are asking of senior citizens across this country who do not earn anything like $150,000 a year? It is simply wrong.

I thank the gentleman from New Jersey (Mr. PALLONE) for allowing me to participate with him this evening and for his continuing leadership on this really critical, I call it aorta, issue for our country and our party.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman from Ohio. I know the hour is late, but I just would like to comment on a few facts that she mentioned because I think they are so important and also relate to what our colleague from Washington said a little earlier.

First of all, yesterday when the Republicans, I guess it was the Republicans who represent a lot of Federal workers, the gentleman from Virginia and a couple of others that represent these districts where there are a lot of Federal workers, and I suspect what happened is that they went home during the break and probably got a lot of complaints from the Federal workers in their district that they did not want to leave the Federal program that they had as retirees, which has a very generous prescription drug benefit, and be transferred into this Medicare program that the Republicans are now offering in the House and the Senate. So the first thing they did, as the gentlewoman said, when they came back on Tuesday was to bring up this bill that said that there was no way that any Federal employee, including Members of Congress, of course, would be forced into this new Medicare program; that they would be allowed to keep their generous benefits that they have now.

I cannot argue with that. I certainly do not want any Federal employee, because I have some as well, to lose the benefits that they have under the Federal employee plan in order to join what the gentlewoman and I both know is this lousy Medicare program that the Republicans are putting forth, but it is such hypocrisy. Not only in voting for that are Members of Congress protecting themselves, but the Republicans are essentially admitting if they have a significant number of Federal workers that the proposal they put forward for Medicare prescription drugs is a lousy plan, and they want to make sure that the Federal workers do not have to join it.

I can understand that. I mean, I agree. But why do they not admit as Republicans that the reason they are proposing this bill is because the plan they proposed for all the other seniors stinks essentially? We tried to get them to admit that, and of course they would not. They just, oh, no. That is a good program. We are proposing a good program for all the other seniors, but the Federal workers should not have to join it just in case maybe it is not a good program. But I agree with the gentlewoman, the hypocrisy of that was just unbelievable.

And I mentioned one statistic yesterday that I thought was interesting. It said the most popular plan among Federal workers is the Blue Cross/Blue Shield standard option. And the Congressional Research Service estimates that drug benefits under that plan are worth about 50 percent more than the proposed Republican Medicare drug benefits. So there we go. Why would anybody want to give up their drug plan under Blue Cross/Blue Shield and have it worth 50 percent less?

Ms. KAPTUR. Mr. Speaker, would the gentleman yield?

Mr. PALLONE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, for many of the plans that exist around the country today, one of the real threats of the Republican plan is that employers who are offering drug plans today would choose to close those down and try to put their retired employees in this flawed plan that the Republicans have proposed. So it is actually a disincentive for private employers to continue offering the kind of coverage that they have traditionally. And there are many, many retirees who receive prescription drug coverage through their employer, but this plan really provides a way for them to cash out those better plans into a lesser plan, and we have already seen with the Federal employees that they were very worried about that. So Members of Congress very craftily made sure that they were covered, but they left seniors in America behind. They took care of a few thousand people, including themselves, but then they left 40 million Americans behind in the bill that has come out of this House.

Very interesting. That is not really what we are elected to do. We are supposed to be here to represent the 280 million Americans who sent us here, not to feather-bed here first and take care of our own first and ignore everybody else that is out there. But that is literally what happened here this week.

And for the Federal employees we should have a plan for all seniors that are as good as what they get, not the reverse.

Mr. PALLONE. Mr. Speaker, if I could comment on two things that the gentlewoman mentioned. Yesterday when we had the debate on the bill that would protect Members of Congress and Federal employees, the gentleman from Ohio (Mr. STRICKLAND), one of the gentlewoman's colleagues, got up and pointed out that when the Senate passed their drug prescription drug bill before the break, they actually put in an amendment at the initiative, I think, of some Members that said that in no circumstances could Members of Congress get a more generous benefit than the rest of the seniors. And there was a quote in an article that the gentleman from Ohio (Mr. STRICKLAND) brought on the floor where one of the Republican Members was saying that he did not have to worry, that he voted for that amendment because had he a guarantee that that amendment would never survive the conference, and that whatever bill came out of conference that we would finally vote on and go to the President, if there is such a bill, would not have that provision in it. So it was just amazing.

The other thing the gentlewoman said, too, is that during the break, and I brought it with me, but I am not going to look for it now, there was an article on the front page of The New York Times that said that with regard to the major employers, the major companies that have negotiated through unions or whatever or maybe just on their own, have given generous prescription drug benefits to their retirees are actually now lobbying Congress in this conference committee when it starts to make sure that those provisions are still in there, because that is exactly what they want to do. A lot of the major corporations want to be able to drop the benefits for their retirees because they say it costs them too much and push them into the Republican Medicare prescription drug plan, which will not provide them with any real benefit. So they are actually lobbying now in the next few weeks to make sure that that provision is preserved so that they can drop the benefits and say, we do not need to provide our retirees with benefits because they are going to be under this new Republican Medicare prescription drug program.

Two other things that the gentlewoman mentioned that I thought were so important. She talked about how in the Republican bill that passed here in the House they have this noninterference clause which the gentlewoman was trying to get an amendment to take out, and of course it was denied by the Republicans on the Committee on Rules; that the language specifically says that the Secretary of Health and Human Services, the Medicare Administrator, cannot negotiate price reductions, which, as the gentlewoman points out, would save so much.

The reason that I think that is so significant, first of all, there is no question that if we were able to do that, we would probably have 30 or 40 percent reduction in prices from what we have now. I mean, everything I have ever seen shows that. So we say, why are the Republicans not doing this? The gentlewoman kind of hinted at it when she said they are doing the bidding of the drug companies, and the drug companies give them all this money, and so naturally they do not want to put it in.

What the Republicans keep saying is that the reason why they are providing a bill that does not have as generous the benefits as what our Democratic substitute had was because they have to fit within this $400 billion budget. If they come up with this money, they say, we have to fit this bill into this $400 billion over a 10-year budget, this pot of money that we have; so we cannot do what the Democrats want because that would cost a lot more, maybe twice as much, to provide a meaningful benefit. But as the gentlewoman pointed out, if we were actually able to get rid of that noninterference clause and have the Secretary negotiate price reductions like they do with the Veterans Administration or with the Department of Defense and the military, we would bring the cost down so much that, in my opinion, the Democratic bill would not even cost any more because we would be saving the money by negotiating the price. But the reason they will not do that is because they are in the pockets of the drug companies, and the drug companies are never going to go for anything like that.

The other thing I wanted to say, too, is that we operate, and it is a little bureaucratic, under this scoring system that is done by the Congressional Budget Office that if they have a bill, they send it to CBO, the Congressional Budget Office, and they tell them how much it is going to cost. So the Democratic bill is like $800 billion, and the Republican bill is like $400 billion. Again, I think if we did what the gentlewoman wanted, which is to have the negotiated price reductions, we would probably bring the Democratic bill down to close of what the cost of the Republican bill is.

But beyond that I wanted to put out, because I think this is so important, and the gentleman from Washington (Mr. MCDERMOTT) has mentioned in the past, is that having people have access to prescription drugs is a preventative measure, and if they can take the prescription drugs and do not have to go to the hospital or the nursing home or have a serious operation, ultimately the Federal Government and the Medicare program are saved so much money that it is incredible. But the bureaucrats and the CBO, and I do not mean to attack them because I like them, but they do not allow us to take that into consideration.

So not only could we bring the costs down through negotiated price reductions, but I think personally that if we were able to get all these people to have access to prescription drugs who did not, the Federal Government would save billions in not having to have operations, not having people institutionalized, hospitals, nursing homes. All that is paid for by the Federal Government.

Ms. KAPTUR. Mr. Speaker, would the gentleman yield?

Mr. PALLONE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, the gentleman raised such good points on that, and I would just show another drug that some seniors buy is Prozac, which is used for depression. The U.S. retail price on that is about $302.97. It is a very expensive drug. In our country today with the Veterans Department and the DOD, Department of Defense, negotiating, we can get that down to $186.98. And so we can look at the drug saving.

Here is another one, Prilosec, which is used for heartburn, which sells at about $134.99. With negotiation by the Department of Veterans Affairs and the Department of Defense, we have gotten that down to $63.32. Some of these prices are half. So when we look at what we are paying in the private sector, let us say, where they do not have negotiated pricing, if we apply that to what would be spent under the Medicare Part D that the Democrats have proposed, we would save literally billions and billions of dollars.

And I wanted to say to the gentleman that I intend to place in the record tonight the names of these pharmaceutical companies and how much money they contributed to political campaigns back in 2002 so that people who are listening can take it right from the CONGRESSIONAL RECORD tonight. The source is the Center for Responsive Politics. And we will also place in the RECORD which political parties they gave money to. And one can go down the list, and, without question, the vast majority of money from the pharmaceutical giants that the gentleman from Washington (Mr. MCDERMOTT) talked about this evening who make 50 percent of the profits of the Fortune 500, that is incredible. Was it Will Rogers who said we are getting the Government they are paying for? And they have paid for plenty here, and they are weighing in heavily. Frankly, I have seen some of our colleagues defeated around the country because of the ads, the hundreds of thousands of dollars of ads that they put on the air. And that is why we cannot get a really good prescription drug bill out of this Congress because they got what they paid for, and they protected themselves from negotiated pricing in this bill.

Who would imagine that a bill on prescription drugs would prohibit the Government of the United States from trying to get the best price through group buying?

Mr. PALLONE. Mr. Speaker, the amazing thing about it, too, is that if we listen to what the Republican leadership says and what the President says, the reason they say they want to privatize Medicare and privatize access to prescription drugs is because they want to create competition, and I throw back to them and say why in the world if they believe in competition would they want to deny the Secretary the ability to negotiate for all these seniors lower prices? Is that not a form of competition? Is that not my saying, look, I have got the ability here to influence the price because I am going to go out and I am going to say if they give it to me for less price, I am going to buy it from them, or if they give it to me for an even lesser price, I am going to buy it from them? And I have got all these seniors, and whoever wants to give me the best price, that is whom I am going to buy it from. Is that not competition?

It seems to me that their ideology on this one is almost like Socialist or something because they are saying, we do not want competition, we do not want the Secretary to be able to go out and get these companies to compete.

□ 2245

I do not understand it. It is driven by, as you say, the fact they are getting all these campaign contributions from the drug companies. It is not really an ideological argument anymore, because they are denying competition.

Ms. KAPTUR. Right. If you look at the rest of the world, a country like Canada negotiates price. Even parts of our government, the Department of Veterans Affairs gets a much better price than other seniors pay simply because they do group buying and do negotiated pricing with these companies. With the kinds of billions and billions of dollars of profit they have, there is a little cushion there for our senior citizens.

I just want to thank the gentleman very much for standing up for the Democratic bill that should have been allowed to be offered here on this floor and was not. It is a sad day for our seniors.

2002 PHARMACEUTICAL CONTRIBUTIONS, BY PARTY

Pharmaceutical Research and Manufacturers of America: $3,180,552; Democrats 5%; Republicans 95%.

Pfizer Inc.: $1,804,522; Democrats 20%; Republicans 80%.

Bristol-Myers Squibb: $1,590,813; Democrats 16%; Republicans 83%.

Eli Lilly & Co.: $1,581,531; Democrats 25%; Republicans 75%.

Pharmacia Corp.: $1,480,241; Democrats 22%; Republicans 78%.

GlaxoSmithKline: $1,301,438; Democrats 22%; Republicans 78%.

Wyeth: $1,188,919; Democrats 17%; Republicans 83%.

Johnson & Johnson: $1,075,371; Democrats 39%; Republicans 61%.

Schering-Plough Corp.: $1,057,978; Democrats 21%; Republicans 79%.

Aventis: $954,349; Democrats 22%; Republicans 78%.

Mr. PALLONE. I know we get so enthusiastic about this, that we forget about the time.

IMMIGRATION PROBLEMS

The SPEAKER pro tempore (Mr. GERLACH). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for one-half of the remaining time until midnight, or, by the Chair's calculation, 37½ minutes.

Mr. TANCREDO. Mr. Speaker, I appreciate the opportunity to address the House this evening on an issue of concern I think to me and to many people in this country.

The best way to introduce the topic I think is to discuss what happened here on this floor not too long ago when, on June 24, I offered an amendment to the Homeland Security appropriations bill that would have prohibited any appropriated funds from going to any city that has an official policy of prohibiting its police officers from cooperating with immigration law enforcement. Such policies are in clear violation of existing Federal law, yet that amendment was defeated.

It was really one of the most bizarre episodes I think that I have been involved with since I have been in the Congress, when you propose a measure that simply says that the States and cities in this country should actually abide by the law, and, that if they do not, there would be some penalty attached to the violation of that law. That is really all it said. And yet the amendment failed.

Now, let me back up and explain a little more about this whole thing and how it occurred, because it tells us something about where we are, I think, as a Nation, certainly where we are as a Congress, in our attempts to try and bring some sanity to the issue of immigration and immigration reform. We are a long way from that desired goal.

Let us start with this. The Federal law being violated by cities is section 642(a) of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. A long title. It says the following: ''Notwithstanding any other provision of Federal, State or local law, a Federal, State or local government entity or official may not prohibit or in any way restrict any government entity or official from sending to or receiving from the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.''

Now, that is a lot of words. That is the legalese way of saying the following: Look, the Federal Government operates immigration policy for the lands. That is our unique constitutional role. The State governments, city governments do not have any responsibility and have no authority to get involved with immigration policy.

You can certainly argue, and I do, that the Federal Government has been AWOL, if you will, on enforcing its own laws, and that is undeniably true. But that does not really in any way, shape or form, give leave to cities and States across the Nation to develop their own immigration policies, which is exactly what has been happening.

So this law that was put in place in 1996 says, you know what, States, cities? You cannot do that. You cannot establish your own immigration policy.

Now, the amendment that I was going to offer that evening was an amendment to the Homeland Security Act; it was the appropriations bill for homeland security. It was an amendment that simply applied if a State is in fact violating this law. Again, I have to go back and say this law is on the books today. I did not create it. I was not even here in the Congress when it was passed. But it is on the books.

There is one tiny problem with this law, and that is that there is no enforcement mechanism. So it says you should not do this, but, of course, there is nothing that is bad that will happen to you, city, State, locality, if you violate the law.

So I was going to take the opportunity during the passage of the Homeland Security appropriations bill to say that we are going to put some teeth into this law, and that if in fact a State or local government violates the law, they should pay some penalty; that we in fact as a Congress should say to the Nation that the laws of the Nation should be upheld. That was it, pure and simple.

Now, as I say, I knew at the time that the amendment would probably not pass, and I was not surprised by its defeat. But it is important for this body and the Congress to understand what is at stake when we talk about these so-called sanctuary policies and the impact of these policies on public safety.

Now, let me explain what sanctuary policies are and sanctuary cities. Cities across the land, because of local pressure, because of a variety of reasons, have passed laws, statutes, provisions that restrict their own employees specifically and often the police departments from sharing information with the INS. They say if you in fact stop or arrest someone and determine that that person is here illegally, you cannot tell the INS about that. You cannot aid the Immigration and Naturalization Service in upholding the law and enforcing the law, telling actual police departments to not aid in the enforcement of our law. This is bizarre, it is incredible, but it is happening. And they call themselves sanctuary cities.

Some of these cities, by the way, actually allow people to vote, even if they are not citizens of the United States, even if they are here illegally. All they require is that you show some proof of residency in that city. That is all. Bring your utility bill and you can vote. There are places in Maryland, there are places up and down the East Coast. Again, pretty bizarre stuff, but absolutely true.

Now, this House and this Congress must act to bring these cities and other jurisdictions into compliance with the law. That is why I will continue to offer this amendment on other legislation. A recent Zagby poll revealed that over 70 percent of Americans wanted our immigration laws enforced. I assure you that the same Americans want criminal aliens off the streets and out of our country.

My amendment did not require any city to do anything other than obey existing Federal law. More than a dozen major cities and the State of Oregon are now acting in open violation and defiance of the 1996 Illegal Immigration Reform and Immigration Control Act. These cities are Los Angeles; San Francisco; San Jose; San Diego; Seattle; Houston; Durango, Colorado; Chicago; Portland, Maine; and Portland, Oregon. These cities and the State of Oregon have adopted official policies ordering law enforcement officials to not obey the law.

Can you believe that? Let me repeat it. The leaders in these cities take an oath of office just like every Member of this body, a solemn oath to support and

defend the Constitution of the United States and to uphold the laws of the land. Yet these same local officials are directing their law enforcement officers to ignore the Federal law and to not cooperate or communicate with immigration authorities.

Now, I can understand the argument that is heard from some local officials and indeed from some law enforcement leaders. They say a city does not want to have its police officers using all their time to assist immigration officers in locating and arresting every single illegal alien residing in their locality. In many cities, the local police would have no time left for routine law enforcement or apprehending thieves, murderers or rapists. I can understand that concern, and I can understand them blaming the Federal Government for allowing so many illegal immigrants to enter this country.

But all the amendment said that I introduced, all it said was that cities could not prohibit its law enforcement officers from contacting and cooperating with immigration authorities. The amendment does not require every local police officer to call the Bureau of Immigration and Customs Enforcement for every arrest or traffic stop. In fact, my amendment does not require anyone to do anything. It merely says cities cannot prohibit their law enforcement officers from communicating with the Bureau of Immigration and Customs Enforcement when they see a valid law enforcement reason for doing so.

Local law enforcement officers need to have that freedom to access and use immigration data in the performance of their routine duties. We are not suggesting that local police departments become mere adjuncts of the immigration service. We are, however, suggesting that law enforcement agencies do have an obligation under existing Federal law to identify criminal aliens and turn them over to the immigration authorities for deportation.

Why is this so important? It is important because there are over 80,000 criminal aliens loose on the streets; and these sanctuary laws, as they are called by their proponents, prevent local police from apprehending these criminals until after they have committed another crime.

I am not talking now about all of the 9 to 13 million illegal aliens in the country. I am only talking about the illegal aliens who are already on the ICE list. ICE is the acronym for Bureau of Immigration and Custom Enforcement. They are on the ICE list for deportation.

I am only talking about the approximately 375,000 absconders, aliens who are here illegally, who have been issued a final order for removal, that is deportation, by a Federal judge. Those names are now on the ICE immigration violators file, and that information is now available to law enforcement officers through the NCIC database, the National Criminal Information Center, which all law enforcement agencies use.

I am most concerned about the 80,000 illegal aliens on this list of absconders who have been ordered deported because they have already committed crimes against our citizens. Why should local law enforcement officers be told by politicians to not identify these people when they come across them in the course of their routine duties? Why should local law enforcement officers not arrest and detain these criminals before they can commit another crime?

I think law enforcement does want these people to get off the streets. It is the politicians who are putting handcuffs on them, and it is up to us to remove those handcuffs.

Cities that have these policies are showing contempt, not only for Federal immigration law. They are showing contempt for the rights of their own citizens and for the citizens of neighboring towns and villages. They are saying in effect we care more about the rights of criminal aliens than the rights of our own citizens.

Let me tell you how this practice works. When a police officer, sheriff's deputy, or State highway patrolman makes a traffic stop or otherwise has cause to question an individual whom he suspects of committing a crime, the officer routinely runs the individual's name through his on-board computer.

Now, through this computer he has an instant access to the National Criminal Justice Database, called the NCIC that I mentioned before. If there is a criminal warrant outstanding for this person's arrest from any agency elsewhere, either Federal, State or local, the person is normally arrested and booked.

With regard to identifying criminal aliens subject to deportation, until recently a law enforcement officer would have to place a telephone call to the INS data center, law enforcement support center, and the center would tell the officer if the individual's name is on the INS list for detainer. A detainer is an official request from one law enforcement agency to another that the person be held in custody. In a sanctuary city the police would not be allowed to make that call to the center, and the criminal alien would go free.

Now, the good news is that very soon the police officer or deputy will not have to make that separate call. Information will be in the computer via the NCIC. Moreover, local jurisdictions can get partial reimbursement for the cost of holding the illegal alien in a jail through a Federal program called SCAAP, all these acronyms, I am sorry for that, the State Criminal Alien Assistance Program.

The sanctuary city phenomenon presents an amazing paradox. Under our legal system, under the rule of recall that is the bedrock principle of our Nation, any person of any rank or any amount of wealth can be arrested if he has a warrant outstanding. A Congressman? Yes. A nationally renowned sports hero? Yes. A veteran who holds the Medal of Honor? Yes.

If there is a warrant outstanding, each of these citizens is subject to arrest by the lowest ranking police officer in any jurisdiction of this Nation. But in any city that has a so-called sanctuary policy, if you are an illegal alien with a felony record and a deportation order signed by a judge, you will not be questioned about your immigration status and you will not be arrested.

□ 2300

This is incredible. It is just absolutely unbelievable. But it is the state of affairs in this country.

If you are an ordinary, tax-paying citizen of Portland, Oregon, or Chicago, or Houston, and you fail to make a court appearance, you will have an FTA on your record, and you will be arrested for failure to appear. But if you are an illegal alien who has committed two felonies and are under a detainer from Immigration and Customs because of your criminal activity, you will not be arrested. If you are stopped and questioned in these cities, the police officer is not allowed to communicate with ICE to find the information or use that information.

Why is this so important? It is important because there are over 80,000 criminal aliens loose on our streets, and these sanctuary laws, as they are called by their proponents, prevent local police from apprehending these criminals until after they have committed another crime.

Now, I am not talking now about all of the 9 million to 13 million aliens in the country illegally; I am only talking about the illegal aliens who are already on the ICE list for deportation. I am tonight talking only about the approximately 375,000 absconder aliens who are here illegally and who have been issued a final order for removal; that is, deportation by a Federal judge. Those names are on the ICE immigration violators file, and that information is now available to law enforcement through the NCIC. I am most concerned with the 80,000 illegal aliens on the list of absconders who have been ordered deported because they have already committed crimes against our citizens.

Now, the shocking truth is that there are tens of thousands of criminal felons serving jail or prison time in these sanctuary cities who will not be turned over to ICE because the political leaders of those cities have a policy that law enforcement cannot cooperate with the INS and cannot share information with immigration authorities. Criminals will be released instead of being picked up by ICE and deported. This will happen not because ICE does not have the resources to detain them; that happens too often in too many places, but that is another issue. It will happen because the politicians in those cities have determined that this is a politically correct thing to do.

Now, I am coming to a very important point about the numbers. There are two different numbers we need to understand when talking about illegal aliens who are criminals and subject to deportation. Again, the number 80,000 that I and most lawmakers have been using for the past year is not a true number of illegal aliens who are dangerous criminals. The 80,000 number is the number of felons among the approximately 375,000 individuals on the INS absconders list. But, tens of thousands of illegal aliens with felony convictions are released from State and local correctional facilities every year and never get on the absconder list. They are theoretically placed on a detainer list, but these people are not always picked up after they are released from jail. This happens because there is a tragic lack of coordination between correctional authorities and ICE. This is a gap in our criminal justice system, and it must be fixed as quickly as possible.

To paint the picture in the cleanest possible terms, I have collected the following data from several State penal systems. Here are the estimated numbers of illegal aliens in some of the State correctional facilities of a few States with these sanctuary cities. California prison population, 160,000; estimated illegal, 18,697. Colorado, illegal aliens out of a population of 18,000 in prison: 748. It goes on like that. The percentage of prisoners who are illegal aliens with detainers in these 6 States ranges from 4 percent in the States of Washington to 11.6 percent in California. The weighted average is about 9 percent. If the percentage is adjusted for the documented INS undercount of deportable aliens, the percentage is 50 percent higher. Thus, the average percentage of illegal aliens in our State prison population in these States is about 14.5 percent. That means that for the country as a whole, it is safe to say that at least 10 percent of the Nation's State prison population consists of deportable criminal aliens.

When these criminals are released from incarceration, they are subject to deportation, and when identified by the INS, their names are placed on the detainer list. The problem is that this does not always happen, as I say, and, in fact, it happens less than 50 percent of the time. Thus, the alarming reality is that at the present time, thousands of these criminal aliens are released back into our society and will not be deported until they commit another crime, if even then. There is no effective system in place to take them into custody as they finish their prison terms and deport them. In other words, the absconder list neither contains the thousands of additional criminal aliens who have detainers, but have not yet had a hearing and received a final order to qualify them for the absconder list, nor the additional thousands of criminal aliens who have never made it onto the detainer list in the first place.

Fortunately, there is some good news. The Bureau of Immigration and Customs Enforcement is now implementing a new database management system that will close the gap between the NCIC database for criminals and the immigration database for illegal aliens who have been ordered deported. The NCIC system used by local law enforcement will now include the names of criminal aliens from the immigration violators file and the Bureau of Immigration and Customs Enforcement. If the name of the individual is in the immigration violators file, it will also be in the NCIC. The officer can then arrest and detain the illegal alien as a criminal whom a judge has ordered deported. The police officer will not need to place a separate telephone call to the immigration system and waste precious minutes or hours waiting for a reply. Information will be right there at his fingertips through the NCIC.

As I explained, there is a huge gap in the system for identifying criminal aliens and getting them listed into the NCIC database. Whether those gaps are policy issues, they need to be fixed, but at least there is now a way for local law enforcement to readily access immigration violators file.

Today the critical policy issue we in Congress must settle is should the local police officer have that information. Should the local police officers be able to arrest and detain criminal aliens who have committed crimes in this country and they are on the list for deportation, or should cities be allowed to say, no, we do not want our officers to have that information; we want those criminal aliens to go free.

What are the consequences of allowing cities to be so politically correct that they can thumb their nose at the immigration law enforcement? The consequences are that we will have a growing list of victims of criminal aliens who should have been removed from our streets before the crime was ever committed. Whose side shall we choose to take? The rights of the criminals who, by law, are subject to deportation to be free to roam our streets, or the rights of citizens to be free from criminal attack? It is really purely that simple.

In the 19th century this idea that a State or locality, to interpose itself between the citizens and Federal Government was known as the nullification doctrine. It died in 1865. But it has been reborn not to protect the rights of slave owners, but to protect the privileges of criminal aliens. The last time I looked, the immigration policy was the province of the Federal Government, not the city of Los Angeles or the city of Chicago or the city of Portland, Maine, and it is the responsibility of this House and this Congress to remind those cities of this fact. But if these cities want to have their own immigration policy and provide sanctuary for criminal aliens, then they should not look to the American taxpayer to subsidize their efforts.

There is good reason to take a special look at these so-called sanctuary cities like Los Angeles, because it is the largest city in the largest State of the Nation. A few years ago, the INS found that 40 percent of illegal immigrants go to California, and other cities have shown that a third of their illegal aliens go to Los Angeles. Thus, what happens in Los Angeles directly affects the rest of this country.

It happens that in 2000, the County of Los Angeles did a thorough study of the impact of criminal aliens on the Los Angeles County jail system. They recently shared a copy of this report with me. Among other things, they found that, first, during the decade of 1990 to 2000, the number of illegal aliens in the county jail system doubled from 11 to 23 percent. The cost impact on the county jail system also doubled from 75 million to 150 million. This is only the cost of jail administration and does not include the cost of routine police patrols and investigative activities.

□ 2310

The Federal SCAP program, that State Criminal Assistance Program that reimburses local jails for the cost of detention being held for deportation does not adequately cover all on the costs. The recidivism rate among criminal aliens deported is 40 percent. That means 40 percent of them return and commit more crime. There are a significant number of Federal prosecutions by the U.S. Attorney in Los Angeles against recidivist criminal aliens. Only 350 such cases were prosecuted in 1998 compared to 2,400 in San Diego and 3,000 in Phoenix, which is a much smaller city.

A GAO study in 1997 concluded that the INS process for identifying and processing criminal aliens in jail and subject to deportation was so flawed and underfunded that more than half of the criminals who should be deported are not, and they are released back into society. The percentage of jail inmates in Los Angeles who are deportable aliens rose from 11 percent to 17 percent in June 1995 and 23 percent in January of 2000.

One INS study cited by the Los Angeles County report showed that INS identified only 65 percent of the inmates who were, in fact, subject to deportation orders and thus placed on a detainer list. That means that all of the numbers of inmates on the whole list need to be adjusted upward by one half to get to the true number of aliens in the penal system who are subject to deportation.

It is fair to extrapolate that out of the approximately 145,000 prisoners released each year by the Los Angeles County jail system about 35,000 are deportable aliens. And if INS deports less than half of those, that means that from Los Angeles alone over 18,000 criminal aliens are released into society instead of being deported. Over the past decade that is 180,000 criminals released and not deported.

It is fair to speculate that for the Nation as a whole this number is over

500,000 over the past decade, a half million criminal aliens who should have been deported but instead were released into society to commit more crimes.

Now, I have brought with me tonight a few examples of the crimes and their victims. Before I turn to those victims, I wanted to make one further point. It is not just the citizens of Los Angeles or Chicago or Houston that have their rights in jeopardy by these so-called sanctuary policies. You might say, well, the citizens of Chicago make that choice if they let their city officials make that policy; let them live with the consequences. But all we know is that we have an open and mobile society. If a criminal is stopped and questioned and released in Chicago because his immigration status was not checked, tomorrow that criminal alien may be in Cincinnati or Nashville or St. Louis. Next month he may be in Tulsa or Topeka or Springfield. I believe, and I believe that the people of the United States think that the political leaders of Chicago and Los Angeles and Houston do not have the right to make that decision for them, to turn criminals loose on the city of Topeka or Tulsa.

Now, I want to show my colleagues some recent examples of the failures of immigration law enforcement. These are victims of criminal aliens who should have been deported but were not or they were deported and came back through our porous borders. Now, I think it is important, what I have done tonight is provide an awful lot of statistics and I know that is pretty boring. People glaze over at that kind of thing, too many percentages and that kind of thing.

So what I would like to do here is put a human face on these statistics. We have talk about the fact that we have people in the United States being victimized by criminal aliens here and that it does not happen just once or twice. These are not isolated incidents, not just aberrations. There are literally hundreds of thousands of people in this country who have been victimized by illegal aliens. They were victims really of our porous borders. They are victims of the policy we run in this country that allows people to come into the country at their will.

Let us look at Tanee Natividad, 16-year-old Phoenix high school student murdered by Max LaMadrid who escaped across the border into neighboring Mexico. A Phoenix television station tracked him down without difficulty. They found him enjoying a drink in a bar, unconcerned about Mexican law enforcement. Like most victims of illegal aliens, young Tanee was an American citizen of Mexican decent. The television news reporter who located the murderer in Mexico found over 100 similar cases of violent criminals from the Phoenix area alone who have fled into Mexico.

Why do they go into Mexico? Because Mexico will not extradite to the United States. They say they will not send someone back here to face the death penalty. Now they say they will not send back here to face life in prison. They call it cruel and unusual punishment. Let me tell you, 20 years in a Mexican prison compared to life in prison in the United States, anybody would take the life in prison. It is ridiculous to believe that the country of Mexico cares so much about the rights of these criminals. They are really doing it frankly as a way to get at the United States. They are still negotiating the issue of amnesty for illegals, and here they want to use this as a negotiating ploy. So they refuse to send back criminals who fled to Mexico, who see Mexico as a haven, who are able to escape our laws and thumb their noses at our law enforcement people and at the relatives of the victims they leave behind.

David March, a Los Angeles County Sheriff's Deputy who was killed in 2002 after pulling over a car on a routine traffic stop in the suburban Los Angeles community of Irwindale. The driver was a dangerous Mexican drug dealer, Armando Garcia, who had been deported twice and had a long history of violent crimes including two attempted murders, had been deported twice, came back across our porous borders, came back to kill this law enforcement officer. Shot him once in the stomach as he walked up to the car. Then he got out, Mr. Garcia got out of the car and shot him twice in the head.

Mr. Garcia should have never been in the country. Remember, he had already been deported twice. Guess where he is? He is back in Mexico. All 50 State attorneys general have written to Attorney General Ashcroft and Secretary of State Colin Powell demanding that this country negotiate a new extradition treaty with Mexico to allow criminals like Garcia to stand trial in the United States for their acts. So far their pleas have gone unheeded.

These are real people. They were victims of illegal immigrants in this country. They leave behind families who are mourning to this day. I met with Mrs. March last month. I saw the tears in her eyes. I stood at a memorial, a wall that was built on this curb in Irwindale, California, in an industrial section of town. Probably 99 percent of people that go by do not really see it. It is relatively small, but Mrs. March sees it when she goes by to put a new flower on the grave and to kneel down beside that grave and to say a prayer for her husband, and to ask for some justice because she knows her husband's killer is living in Mexico. They know where he is. The Mexican authorities know where he is.

These are the real faces. These are not statistics.

Sister Helen Chaska, murdered in the summer of 2002 by being strangled with her rosary beads. She was also raped, as was another nun who accompanied her on her walk. She was in Klamath Falls, Oregon, doing missionary work. Her accused murderer is Maximiliano Esparza. Esparza had been convicted in 1988 of robbery and kidnapping in Los Angeles, served 3 years of a 6-year term and was paroled in 1992. By law this man should have been deported after serving time for a violent felony. But the INS allowed him to remain in our country. The INS has a responsibility for Sister Helen Chaska's death. And if there were a way to bring a suit to bring some criminal action against the INS, I wish that the survivors, that the friends and relatives of these people could do it. Because I am telling you right now that I believe our government has the responsibility and the blood of these people is to an extent on the hands of this government for its policy of allowing illegal aliens to enter this country over and over and over again without fear of being arrested, without fear of being returned to their own country and especially without fear of being stopped as they try to get back into the United States.

□ 2320

Jennette Tamayo, a 9-year-old San Jose, California, resident who was kidnapped on June 6 from her home at 4 o'clock in the afternoon. A surveillance video helped identify the kidnapper's car, and the abductor was apprehended a few days later after young Tamayo walked into a Palo Alto video store and asked for help. The accused kidnapper has used aliases, among them Enrique Alvarez, and had been identified as an illegal alien.

These are just four that I bring to the attention of the body tonight, just four. There are thousands, in fact, there are hundreds of thousands, hundreds of thousands of victims of our open borders policy. These are just four, and night after night, when I have the ability to address the House, I am going to bring more of these stories. I am going to introduce these faces to more of my colleagues and to those people who may be watching C-SPAN tonight because I want them to understand that the picture of illegal immigration that is portrayed by most of the media, that illegal immigration is nothing more than just a hardworking family coming here looking for a good life, same thing that all of our grandparents, great grandparents, great great grandparents, the same thing that they came here for.

That is one picture. That is one picture of illegal immigration, and certainly a vast majority of people who are coming do, in fact, fit that profile, but it is only one picture of illegal immigration.

Here is another that is not shown to the general public, that no one wants you to know about. They want to keep these people isolated, separated, so that people think this is only an aberration, it only happens here or there, and yes, is it not too bad and, yes, it was an illegal alien that perpetrated the crime.

You cannot make any generalizations after that. You cannot really

think about immigration policy just because these people were killed by illegal immigrants in this country, people that most of them have been deported more than once for committing other crimes in this country, and then you have cities in this country passing laws, telling their police officers, telling their law enforcement personnel that they cannot enforce the law.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GERLACH). Members are reminded to direct their remarks to the Chair and not to the television audience.

BRAND NEW, BOLD VISIONARY ENERGY POLICY FOR AMERICA NEEDS TO BE ADOPTED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. INSLEE) is recognized for the remaining time to midnight.

Mr. INSLEE. Mr. Speaker, I would advise the gentleman from Colorado (Mr. TANCREDO) that there may be time left at the end of my presentation.

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

Mr. INSLEE. I yield to the gentleman from Colorado.

Mr. TANCREDO. May I take that time?

Mr. INSLEE. Mr. Speaker, I would yield any remaining time to the gentleman.

Mr. Speaker, there has been a lot of history made in this building, and one of the most magnificent things that happened in this building happened right behind me on May 9, 1961, and that decision by young President in 1961 I will talk about a little bit is a model that I think we ought to follow given the challenge our country now faces.

On May 9, 1961, John F. Kennedy came to this Chamber to the rostrum behind me and challenged America in a very bold, visionary challenge to put an American on the Moon within that decade, and it was an extraordinarily ambitious challenge, and he did so because he had the innate understanding of the can-do attitude of Americans, of the tremendous technological creativity of Americans, and the recognition that America is not a country that ever rests on its laurels but always is looking over the horizon.

Indeed, that challenge was met, and when you think about it, it was a relatively historic thing to meet that challenge because, at the time he made it, frankly many pundits thought that the challenge was wildly unrealistic, wildly optimistic and there was no way that America was going to meet the challenge. Kennedy's sense of optimism was fulfilled, and America indeed put a man on the Moon within the close of that decade and brought him and them home safely.

That decision and that challenge and that sense of optimism of John F. Kennedy is something we now need to recreate this year, in the year 2003, in adopting a brand-new bold, visionary energy policy for America because many of us here believe in this Chamber that the moment is ripe for the Congress to create a promise and a challenge of America that is equally bold, equally visionary, and ultimately equally achievable as Kennedy's challenge to put a man on the Moon in the next 10 years.

As a result of that, I am working with a group here in the United States House of Representatives in an attempt to propose and pass into law what we call the New Apollo Energy Project, and we do so because we believe that we need to seize the moment of technological promise and the can-do spirit of America to, in fact, move forward to a new clean energy future for America, an energy future that will not be bound by the chains that are hampering us so much in our foreign policy, by the fact that we are now losing jobs to other countries who are moving ahead of us, regrettably, in new, clean energy futures and in an energy future that will reduce the amount that we are contributing to global climate change gases in our atmosphere.

So what we are doing is working to build a consensus in the House to adopt not an old, previous century policy that is dependent on the technologies of the past, but one that leans forward to the technologies of the future and the industry of the future and the jobs of the future; and we believe this is the year to do that.

Right now, the other Chamber is considering an energy package. The House has passed one which is regrettably very, very short of this goal; but we want to continue to work on that, and I have come to the floor to address the House tonight about what a New Apollo Energy future would look like and why it is necessary.

This New Apollo Energy future we think needs to accomplish three goals, and we think goal-setting is important for a Nation as it is for any other group or team. So we would set three national goals in the New Apollo Energy Project.

Goal number one, we believe we should set a new national goal of creating 3 million new jobs, well-paying jobs in the next 15 years that would, in fact, be dedicated to these new technologies that are on the cusp of coming to become market-based technologies, and we believe it is fundamentally important for America to say those jobs need to be American jobs. They need to be home grown, and the reason they need to be home grown is that we know, looking over the horizon just a bit, that there are going to be new industries built up with these new technologies, wind, solar, a huge number of efficiencies from cars to air conditioners to housing implements, to geothermal, a whole slew of new technologies and new industrial bases that are going to come on line, and we want the jobs to manufacture those goods, to build those transmission lines, to build those wind plants to be right here in America.

Sadly, right now, that is not happening. Sadly, because of our retrograde policies, we are giving away those jobs. We are giving away the jobs for solar cell production to German companies. We are losing the jobs in the auto industry to energy efficient vehicles in Japan. We are even losing good, high-paying manufacturing jobs to the little, though impressive, country of Denmark which is ahead of us in wind turbine technology.

□ 2330

We think it is time to right that ship and say that this Nation is going to seize its manifest destiny of being the technological leader of the world and at the same time grow these 3 million jobs at home.

This is an economic development issue, and we believe that one of the most prudent, highest payoff investments that America can make is to invest $300 billion over the next decade in the research and development, in the incentives, in the incentives for manufacturers to help them retool their industries, incentives to consumers to help them buy energy-efficient products, to the use of the government facilities to help spread this new technology. That is an extremely wise investment to make sure that we grow jobs at home in the new technologies of the future. This is an industrial development program for this millennium, and we need to seize that moment.

Second goal: We need to break our addiction to Middle Eastern oil. We all know that on a bipartisan basis we have been slaves at various moments to the addiction of oil coming from the Persian Gulf, and it has tainted our foreign policy in various ways. It has made America, for its own economic interest, act in ways that is not in its long-term liberty interest or security interest. And it is high time that America become more energy-independent so that we can make decisions about foreign policy free from the chains of this addiction.

So we believe that we need to set a national goal to reduce our oil consumption, and we believe there is some very realistic goals we can set. Again, goal-setting is important, and we need to set a national goal in three parts: Number one, to reduce our oil consumption by 600,000 barrels a day by the year 2010. Now, that is roughly the amount of oil that we previously had gotten from Iraq. It is doable, it is achievable, and it is important to our foreign policy and our economic development.

By the year 2015, we ought to adopt measures to reduce our oil imports by 1.5 million barrels a day, which is roughly the equivalent we have imported from Saudi Arabia historically.

And by the year 2010, we should have an ambitious but achievable goal of reducing our consumption by 2.4 million barrels a day, roughly the equivalent of what we have historically imported from the Persian Gulf.

These are goals that will set us free both in our foreign policy and in our industrial base. As we will talk about a little later, they are achievable goals using the technological creativity that is so important in this country.

Now, let me address the third goal as well. We need to deal with the issue of reducing our emissions of global climate change gases, and we need to do so because it is clear from the science that the concentration of these gases, these pollutants that are now going in the air when we burn oil, when we burn coal, when we burn any fossil fuel are radically increasing the concentrations of carbon dioxides and methane and other global climate change gases, which have the impact of essentially trapping energy in the Earth. And we will talk about that in a few minutes.

So we would basically set a goal to keep our emissions of these pollutants at 1990 levels so they do not increase.

Now, let me address why these are achievable goals. They are achievable goals for a couple of reasons. One, any historical review will show that our country is the most technologically creative and productive and forward-thinking group of human beings ever on Earth. That is quite a mantle, and we want to harness that energy, and we want to harness that genius. We have to have an attitude that recognizes that we are not satisfied with the technologies of today. We want to go forward and have the same type of creativity that we had in the software industry, in the biotech industry, in aerospace, and we now need to unleash that power of thought and intellectual capability by creating a new energy future for America.

It is doable, and it is achievable, and I will show some reasons why we believe that is so today.

I want to refer to a picture of a home in Virginia, the home of Alden and Carol Hathaway. This is a home, it is quite a nice-looking home, and I have been in a similar home, which is very comfortable. It has kind of a classic architecture style. It was built in Virginia, and you will notice there is some snow in this location when this picture was taken. It cost about $365,000 to build, roughly in the neighborhood of what it would cost to build essentially a standard home in the Virginia area.

This home has a feature with today's technology that is pretty extraordinary, and that feature is that this home, using a combination of solar panels that take the sun's energy, that create electricity, and are integrated right into the shingles of the roof. It uses an in-ground heat pump and passive solar heating in the windows, and essentially, at some point, having net metering, where the excess capacity of electricity it generates goes back into the grid, goes back into the utilities, and has a net energy consumption of zero using today's technology.

That means that the Hathaways, to heat and cool their home, do not burn any fossil fuels, do not buy any Mideast oil, do not put any global climate change gas emissions in the air, and, perhaps most importantly, have created jobs for the American industrial base that are now involved in building homes of this type and this type of technology. This is a plus-job home, it is a plus-environment home, and it is a plus-national security home. And it is here today in a kind of standard climate that does include heat in Virginia, it sure is hot here tonight in D.C., and snow as well. This technology is possible.

But if we can, let us look on a larger scale as to why these technologies have tremendous potential if, in fact, we have the wisdom to put them to use. Basically what has happened, because of the combination of intelligent design by American scientists and economies of scale, the renewable energies, some of which we are talking about tonight, have come down in price dramatically over the last couple of decades. What were once sort of dreamy little ideas about new technologies 10, even 6, or 7 years ago, are now very close to being market-based. Let us look at some of those examples.

For wind power, for wind turbine prices, in 1980 it was costing about 30 cents a kilowatt hour. This has come down dramatically over the last two decades. It is now at about the 3½-cent range and will continue to come down when economies of scale are realized, meaning when we build more wind turbine plants, the per-unit price comes down. We need to be utilizing the fact that wind is becoming more economically competitive, and we need to make the small tax credit that this industry now enjoys permanent and predictable so that this industry can blossom and so that we can build American jobs building those wind turbines and building those transmission lines to get the power where the wind is to the power where the people live. Those are jobs that we ought to have in building those transmission lines. That cost has come down.

If you look at photovoltaic, basically solar energy, in 1980 it started at basically $1 a kilowatt hour. That has come down dramatically now. It is in the range of about 20 cents per kilowatt hour, and will continue to come down fairly significantly as we increase the production capability, and the unit price will continue to come down.

I may note, too, that these prices actually are very conservative, because in distributed energy, that means energy you create at your home or business site, you do not have transmission costs.

□ 2340

So actually, you can pay a little more for the cost of photovoltaics but come out ahead because you do not have to pay the transmission costs.

The same thing has been the case in thermal energy. The price has come down dramatically for thermal and biomass, which we have tremendous potential within our agricultural industry. So the fact is we have an economic model which has demonstrated the ability of these new technologies to become market based, and they just need a little boost and some incentives to get them off where they stand today.

Let me turn to the environmental reason for this. We have talked about security. We have talked about the job reason, but there is another reason that calls on us to adopt these new technologies, and that is the phenomenon of global climate change. Global climate change is a phenomenon that is fairly well understood in science and basically involves a physical fact which essentially every scientist in the world agrees on, and that accepted scientific principle is that we have gases in our atmosphere that essentially trap energy in the Earth. The way this system works is that energy comes in from the sun in essentially ultraviolet wavelengths of light. It strikes the Earth and is reflected back into space except for one fact: we have a blanket of gases in our atmosphere which traps that energy from going back into space. The light comes in the ultraviolet range or spectrum, but it bounces back in the infrared spectrum, and these gases are a one-way door, if you will. It will allow the ultraviolet light in, but it will not allow the infrared light out. So it traps radiant energy in our planetary system. Every scientist who understands anything about meteorological systems understands that phenomenon and accepts it as a fact.

The other uncomfortable fact is that the concentration of these gases that essentially are responsible for this phenomenon are going up dramatically. If I can demonstrate this chart here, this is a chart of carbon dioxide concentrations. Carbon dioxide is an odorless, colorless gas. It is emitted any time we burn fossil fuels. Basically, since the dawn of the industrial revolution, we have had a dramatic increase in concentrations of carbon dioxide. As you see on this chart back in 1860 when we really started burning fossil fuels, the levels were about 285 parts per million in the atmosphere. If we look at the concentrations since 1960, they are beginning to skyrocket. And we are now at levels approaching 370 parts per million, radically increased compared to the preindustrial levels.

The thing that is disturbing about this is what is not on this chart, which is that this line if projected out goes through the ceiling of this roof in the next 100 years or so. This line continues to go up if we continue to do what we have been doing for the last 100 years. As that line continues to go up, it is not too surprising that we are playing Russian roulette with our global climate systems.

If we have a gas that traps energy and we double that gas, it stands to reason and it is an accepted fact that it is going to have an impact on the world's climate. Generally speaking, there will be a warming, but there may also be very untoward results of increased tornadoes, of increased dry spells, the lack of snow melt in the Pacific Northwest, and today the Arctic ice sheet demonstrably is smaller and thinner. The tundra in Alaska is melting, snow packs are being reduced. Alpine meadows in Mount Rainier National Park are disappearing in part because the tree level is rising.

The International Meteorological Society of the United Nations issued a report last week pointing to the dramatic increase in very significant high-energy abnormal meteorological events, including tornadoes and hurricanes. We are experiencing significant changes in our climate and someone, some country, is going to make money off responding to this challenge, and it needs to be America. We need to grow the jobs in this country which will create the technologies that sure as the Creator made little green apples are going to be used by the world in responding to this problem. We in America ought to be the ones fulfilling our destiny to do that.

What we have proposed in our plan is a multi-pronged approach. We realize that there is no silver bullet to this issue. We realize that we are going to have to do several things to jump start this new technological revolution. So what we have done is to look at various ways to approach this problem. We have recognized there is no one magical solution. There is going to be a multitude of technologies. There are going to be a lot of roads to get where we need to go, and we have not been prevented to have the genius to know which are the right ones.

What we have suggested in our plan is to take a very smorgasbord approach. We have essentially in our plan proposed research and development in a whole slew of new technologies, including clean coal technology to try to find out if there is a way to burn coal without putting carbon dioxide in the atmosphere. We think research and development is appropriate to find out if there is a way to do that. We think research and development is important to find out a way to find efficiencies of our heating and cooling systems. We have put in significant research and development dollars to do that. To address the cost of that investment, the number we have proposed of $300 billion, or in that range, is a significant sum. But to put it in context, it is less than each of the last two tax cuts which have passed this Chamber and will be signed into law.

What we are suggesting is that the future of growing jobs in this Nation and the priority, the imperative to grow our economy by capturing these new industries in our country of retooling our industrial base, of making sure these high-paying manufacturing jobs are in our country, we think that priority is at least equal to the priority of passing the very significant tax cuts, two packages which have now passed the House.

If Members believe in technology, if Members believe in America's destiny to lead the world in doing so, surely this investment in our future is every bit and probably more important than the tax cut package that passed, and we are suggesting an investment of that nature and that magnitude because this is not a time for baby steps.

Our challenges to our economy, to our environment, and to our personal security associated with being addicted to Middle East oil does not permit timidity in that regard. We need to act boldly and with visionary thought.

The other thing is we have used many of the tools in the Federal Government's tool belt to try to move this plan forward. We have suggested tax credits. We have suggested tax credits for our industries that need to retool, very generous tax credits for our automobile industry. We want our domestic automobile industry to lead the way in fuel-efficient vehicles, and we have suggested very generous tax credits to our automobile industry to be able to retool their plants so they can be the technological leaders in the world. Those tax credits also need to go to consumers, and so we have suggested generous tax credits to consumers who buy fuel-efficient vehicles, who buy fuel-efficient refrigerating systems, who buy energy-efficient homes. We think there should be a better financing system for energy-efficient homes. We are exploring ways to improve financing of energy-efficient homes and vehicles.

But we have also realized that we need to use all of the tools of the government, which include the abilities to have standardized regulatory systems to require where possible, where technology exists that we move forward.

One of the things that is pretty interesting to me is that if we had simply continued the rate of improvement in efficiency of our automobiles that was occurring in the late 1970s and early 1980s, if we had continued to improve the efficiency of our vehicles at that rate, we would have been free from imports of Saudi Arabian oil by now. Think about that. Unfortunately, we fell off the wagon. We stopped in the mid-1980s making any improvements in the fuel efficiency of our vehicles, and as a result here we are, still stuck in the morass of the Middle East, addicted to oil, losing jobs to the Japanese, the Danish, and the Germans.

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And if we had simply continued on the path of efficiency, we would have been in a much better situation today. Now it is time, we believe, to get back on the road to efficiency and use all of these methods that we can to really seize the destiny of the United States.

Mr. Speaker, I would like to wrap up here just by a comment. America's history has always been forward and up, and we believe now that this is a pivotal moment to take a bold step in our energy future. Anything less shortchanges both America and the promise of America. And we are going to be working, we hope, on a bipartisan basis to build a consensus around this new Apollo Energy Project. We would like to make this a bipartisan plan. Unfortunately, the President's plan falls woefully short of the promise that we think America deserves, but we are going to try to continue to push this ball because America's future depends on it to grow these jobs in this country to make sure our industry leads the world. That is the American way.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. TANCREDO).

VICTIMS OF OUR POROUS BORDERS

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding.

Just in the remaining time, I want to wrap up my remarks by once again referring to and recalling the fact that the problems that this Nation faces with the inability or the lack of determination on its part to actually defend its own borders creates more than problems in the job market. It creates more than problems for our schools and our hospitals in terms of the infrastructure that has to be created in order to support the illegal aliens who do come into the country. It creates other problems that are very dramatic and very real.

And we are going to focus on those problems, and we are going to hold an event here in this year in September. Mr. Speaker, it will be the week of September 11, and we are inviting people to come to Washington, D.C., people who have been victims of our porous borders, and these can be people as the folks that I have identified here, the friends and relatives of the people that have been individually harmed by the fact that our borders are porous and that we do not defend them. And they can tell their story, and they can come to this Congress, and they can meet with their Representatives and their Senators and explain to them that there is a cost, a huge cost, to illegal immigration that is perhaps thought of relatively infrequently. It is not factored into much of the discussion that we have about it, but it is a very serious cost. It is a real one.

And they are not people that necessarily have had just their lives disrupted by the loss of a loved one who may have lost their life as a result of someone coming across the border illegally and taking that life, whether on purpose or by accident, because there is story after story after story; as I go through them, it is of somebody who is killed or severely injured by people who have crashed into them, but it turns out they are here illegally, that they do not have insurance, and they take off, run back across the border. It is just amazing how many stories like that there are.

And I want these people to be able to tell these stories. I want them to know that somebody does care, and they are not just numbers, they are not just statistics that have no real meaning in the larger sense of the term. And I want to allow them the opportunity to tell their story here.

And it could be people who have lost their jobs as a result of the fact that our borders are porous, people who have come across and taken these jobs; maybe people who are underemployed, maybe people who work in the high-tech industry, but have been displaced by H1B visa workers, people who have come under that particular program and taken their jobs away from them because they will work for less.

All of these people are victims of our porous borders, and they have a story to tell, and they can go to a Website, Mr. Speaker. It is called victimsvoice.com, and they can tell that story on that Website. They can register for the event in September. And I encourage people, as I say, to do that, Mr. Speaker.

And I just want to say that this is a problem of, I think, a magnitude that we really have not understood, and that we desperately need to understand, and that we cannot allow cities and States throughout the Nation to begin developing their own immigration policies, begin ignoring the requirements of the Federal laws that we have in place, begin telling their law enforcement agencies that they will not cooperate with the Federal Enforcement Agency and the INS in the apprehension of criminal aliens. This is absolutely unconscionable, and something has got to happen. Some attention has got to be drawn to this problem.

So I want to thank the gentleman for allowing me to wrap up my remarks.

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. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. FARR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. Loretta Sanchez of California, for 5 minutes, today.

Mr. HOEFFEL, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. FROST, for 5 minutes, today.

(The following Members (at the request of Ms. HART) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, July 14 and 15.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, July 16.

Mr. HENSARLING, for 5 minutes, July 16.

Mr. FEENEY, for 5 minutes, July 16.

Mr. GARRETT of New Jersey, for 5 minutes, July 16.

Mr. CHOCOLA, for 5 minutes, July 16.

Mr. JONES of North Carolina, for 5 minutes, July 10.

(The following Member (at the request of Mr. HILL) to revise and extend his remarks and include extraneous material:)

Mr. PAYNE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. STENHOLM, for 5 minutes, today.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, July 10, 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:

3059. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Salmonella Enteritidis Phage-Type 4; Remove Import Restrictions and Salmonella Enteritidis Serotype Enteritidis; Remove Regulations [Docket No. 00-107-2] (RIN: 0579-AB31) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3060. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Irradiation of Sweetpotatoes From Hawaii [Docket No. 03-062-1] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3061. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fruits and Vegetables [Docket No. 02-026-4] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3062. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Small Grains Crop Insurance Provisions and Wheat Crop Insurance Winter Coverage Endorsement (RIN: 0563-AB63) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3063. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification with respect to a proposed Letter of Offer and Acceptance (LOA) to sell defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3064. A letter from the Director, International Cooperation, Department of Defense, transmitting a notification, pursuant to Section 27(f) of the Arms Export Control Act, of the intent to sign an Amendment to the Funding Arrangement for the Contracting of Legal and Technical Assistance Required for the Definition Phase in Support of the Alliance Ground Surveillance (AGS) Steering Committee between the United States, Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Luxembourg, The Netherlands, Norway, Poland, Spain, Turkey, and the United Kingdom; Transmittal No. 13-03, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3065. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Greece (Transmittal No. DDTC 054-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3066. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Technical Assistance agreement with NATO AEW&C Programme Management Organization (NAPMO), including Belgium, Canada, Denmark, Germany, Greece, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain and Turkey (Transmittal No. 045-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3067. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Ecuador (Transmittal No. DDTC 056-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3068. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1 and December 31, 2002, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

3069. A communication from the President of the United States, transmitting a report consistent with section 403(a)(3-6) of the Arms Control and Disarmament Act, as amended; to the Committee on International Relations.

3070. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Organization of the Government for Personnel Management, Overseas Employment, Temporary and Term Employment, Recruitment and Selection for Temporary and Term Appointments Outside the Register, Examining System, and Training (RIN: 3206-AJ99) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3071. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Texas Regulatory Program [TX-043-FOR] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3072. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — North Dakota Regulatory Program [SATS ND-46-FOR, Amendment No. XXXII] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3073. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Illinois Regulatory Program [IL-099-FOR] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3074. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area Opening for the Groundfish Trawl Fisheries of the Gulf of Alaska [Docket No. 020718172-2303-02; I.D. 061203D] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3075. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Bluefin Tuna Catch Limit Adjustments [I.D. 061103B] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3076. A letter from the Cheif, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Right to Appeal; Director, Great Lakes Pilotage [USCG 2003-15137] (RIN: 1625-AA71) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3077. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York Inland waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-03-044] received July 03, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3078. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mystic River, CT [CGD01-03-047] received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3079. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety zone; North San Diego Bay, CA [COTP San Diego 03-015] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3080. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Laughlin, Nevada [COTP San Diego 03-022] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3081. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Michigan, Chicago, IL [CGD09-03-223] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3082. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Clair River, Port Huron, MI [CGD09-03-226] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3083. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hudson River Swim, Ulster Landing, NY [CGD01-03-053] (RIN: 1625-AA97) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3084. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Huron, Harbor Beach, MI [CGD09-03-230] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3085. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Security, transmitting the Department's final rule — Safety Zone; Colorado River, Laughlin, Nevada [COTP San Diego 03-023] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Extension of Compliance Times for Fuel Tank System Safety Assessments; Correction [Docket No. FAA-1999-6411; Amendment Nos. 21-83, 91-272, 121-285, 125-40, 129-35; Special Federal Aviation Regulation No. 88] (RIN: 2120-AG62) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3087. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Public Aircraft Definition [Docket No. FAA-2003-15134, Amdt. Nos. 1-51 and 11-48] [Docket No. DOT 20860] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3088. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Lower Deck Service Compartments on Transport Category Airplanes [Docket No. FAA-2002-11346; Amendment No. 110] (RIN: 2120-AH38) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3089. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Prohibition Against Certain Flights Between the United States and Iraq [Docket No. FAA-2003-15269 (Old Docket No. 26380); SFAR No. 61-2] (RIN: 2120-ZZ48) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3090. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue: Biotech and Pharmaceutical Industires' Legally Mandated R&E Expenses [UIL: 861.08-17] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3091. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Dollar value method of pricing LIFO inventories (Rev. Proc. 2003-45) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONILLA: Committee on Appropriations. H.R. 2673. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–193). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. House Resolution 30. Resolution concerning the San Diego long-range sportfishing fleet and rights to fish the waters near the Revillagigedo Islands of Mexico (Rept. 108–194). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NORWOOD (for himself, Mr. BOYD, Ms. HART, and Mr. DEAL of Georgia):

H.R. 2671. A bill to provide for enhanced Federal, State, and local enforcement of the immigration laws of the United States; to the Committee on the Judiciary.

By Mrs. MUSGRAVE (for herself, Mr. AKIN, Mr. BAKER, Mr. BALLENGER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. CAMP, Mr. CARTER, Mr. CHABOT, Mr. COBLE, Mr. COLE, Mr. COX, Mr. CRANE, Mrs. CUBIN, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. LEWIS of Kentucky, Mr. DELAY, Mr. LINDER, Mr. DEMINT, Mr. FEENEY, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Mr. HALL, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HENSARLING, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. MCINNIS, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. ROHRABACHER, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SHADEGG, Mr. SESSIONS, Mr. SMITH of Michigan, Mr. SOUDER, Mr. STEARNS, Mr. STENHOLM, Mr. TANCREDO, Mr. THORNBERRY, Mr. TIAHRT, Mr. TOOMEY, Mr. VITTER, Mr. WELDON of Florida, Mr. WICKER, and Mr. WILSON of South Carolina):

H.R. 2672. A bill to amend title 23, United States Code, to permit voluntary compliance with provisions relating to the rate of wage paid to laborers and mechanics employed on Federal-aid highway projects; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA:

H.R. 2674. A bill to amend the Higher Education Act of 1965 to provide for student loan forgiveness to encourage individuals to become and remain librarians in low income areas; to the Committee on Education and the Workforce.

By Mr. CRANE:

H.R. 2675. A bill to amend the Internal Revenue Code of 1986 to treat Indian tribes the same as State governments for purposes of chapter 35 of such Code; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2676. A bill to amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice; to the Committee on Armed Services.

By Mr. FRANK of Massachusetts:

H.R. 2677. A bill to amend title 1, United States Code, to eliminate any Federal policy on the definition of marriage; to the Committee on the Judiciary.

By Mr. INSLEE:

H.R. 2678. A bill to expand the teacher loan forgiveness programs under the guaranteed

and direct student loan programs, and for other purposes; to the Committee on Education and the Workforce, 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. ISRAEL (for himself and Mr. BISHOP of New York):

H.R. 2679. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to make New York a member of the New England Fishery Management Council; to the Committee on Resources.

By Mr. LEWIS of Georgia (for himself, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Ms. NORTON, Ms. CARSON of Indiana, Mr. BALLANCE, Mr. DELAHUNT, Mr. CLAY, Mr. LANGEVIN, Mr. DAVIS of Alabama, Mr. FATTAH, Ms. JACKSON-LEE of Texas, Ms. MAJETTE, Ms. DELAURO, Mr. MCDERMOTT, Mr. CASE, Mr. SMITH of Washington, Mr. FERGUSON, Mr. MARKEY, Mr. HONDA, Ms. LOFGREN, Mr. FRANK of Massachusetts, Mr. SKELTON, Mr. RAHALL, Mr. GILCHREST, Mr. LEACH, Mr. PORTMAN, Mr. BERMAN, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TERRY, Ms. LEE, Mr. FORD, Ms. WATSON, Mr. MEEKS of New York, Mr. RUSH, Ms. WATERS, Mr. MEEK of Florida, Mr. UPTON, Mr. JACKSON of Illinois, Mr. HOUGHTON, Mr. SCOTT of Georgia, Ms. KILPATRICK, Mr. JEFFERSON, Mr. PALLONE, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. SANDLIN, Mr. SCOTT of Virginia, Mr. SHAYS, Mr. SNYDER, Mr. REYES, Mr. KENNEDY of Rhode Island, Mr. LARSEN of Washington, Mrs. JONES of Ohio, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. ACEVEDO-VILA, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. DINGELL, Mr. SERRANO, Mr. ABERCROMBIE, Mr. BECERRA, Mr. LAMPSON, Mr. MCGOVERN, Mr. FROST, Mr. HINCHEY, Mr. TOWNS, Mr. WATT, Ms. WOOLSEY, Mr. GONZALEZ, Mr. RANGEL, Mr. WYNN, Mr. HASTINGS of Florida, Mr. MOORE, Ms. SLAUGHTER, and Mr. OWENS):

H.R. 2680. A bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement; to the Committee on Financial Services.

By Mrs. LOWEY (for herself, Mr. BOEHLERT, Ms. ROYBAL-ALLARD, and Ms. NORTON):

H.R. 2681. A bill to amend title 23, United States Code, to increase penalties for individuals who operate motor vehicles while intoxicated or under the influence of alcohol; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY:

H.R. 2682. A bill to amend the Internal Revenue Code of 1986 to reduce estate tax rates by 20 percent, to increase the unified credit against estate and gift taxes to the equivalent of a $3,000,000 exclusion and to provide an inflation adjustment of such amount, and for other purposes; to the Committee on Ways and Means.

By Mr. PASCRELL (for himself, Mr. WILSON of South Carolina, Mr. LANGEVIN, Mr. WELDON of Pennsylvania, Mr. LANTOS, Mr. WALSH, Ms. NORTON, Mr. BOEHLERT, Mr. MCNULTY, Mr. GREENWOOD, Mr. OWENS, Mr. ANDREWS, Mr. HINCHEY, Mr. SKELTON, Mr. HOLDEN, Mr. CAPUANO, Mr. PAYNE, Mr. ROTHMAN, Mr. BRADY of Pennsylvania, and Mrs. MCCARTHY of New York):

H.R. 2683. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ROSS:

H.R. 2684. A bill to provide emergency assistance to producers that have suffered crop losses due to disasters; to the Committee on Agriculture.

By Mr. ROTHMAN (for himself, Mr. FROST, Mr. PALLONE, Mr. TERRY, Mr. MENENDEZ, Ms. WOOLSEY, Mr. HINOJOSA, Mr. ORTIZ, Mr. WHITFIELD, Mr. RUPPERSBERGER, Mr. EVANS, Mrs. MCCARTHY of New York, Mr. BOSWELL, Mr. GREEN of Texas, Mr. CASE, Mr. ETHERIDGE, Ms. LINDA T. SANCHEZ of California, Ms. DELAURO, Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mr. MCHUGH, Mr. OWENS, Mr. CROWLEY, Mrs. BONO, Mr. NADLER, and Mr. HYDE):

H.R. 2685. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the Matching Grant Program for School Security; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 2686. A bill to ensure the safety of recreational fishermen and other persons who use motor vehicles to access beaches adjacent to the Brigantine Wilderness Area in the Edwin B. Forsythe National Wildlife Refuge, New Jersey, by providing a narrow transition zone above the mean high tide line where motor vehicles can be safely driven and parked; to the Committee on Resources.

By Mr. STUPAK:

H.R. 2687. A bill to allow beach maintenance and grooming of certain areas; to the Committee on Transportation and Infrastructure.

By Mr. TANCREDO:

H.R. 2688. A bill to amend the Immigration and Nationality Act to repeal authorities relating to H1-B visas for temporary workers; to the Committee on the Judiciary.

By Mr. TAYLOR of Mississippi (for himself, Mr. PICKERING, Mr. THOMPSON of Mississippi, and Mr. WICKER):

H.R. 2689. A bill to establish the Mississippi Gulf Coast National Heritage Area in the State of Mississippi, and for other purposes; to the Committee on Resources.

By Mrs. WILSON of New Mexico (for herself, Mr. PEARCE, Mr. ABERCROMBIE, Mr. CASE, Mr. UDALL of New Mexico, Mr. YOUNG of Alaska, and Mr. REHBERG):

H.R. 2690. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ROHRABACHER:

H.J. Res. 64. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H. Res. 314. A resolution congratulating the University of Illinois Fighting Illini men's tennis team for their successful season; to the Committee on Education and the Workforce.

By Mr. SESSIONS (for himself, Mr. FROST, Mr. BURGESS, Mr. HENSARLING, Mr. PAUL, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H. Res. 315. A resolution congratulating Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanking him for being a role model for the Cuban American community, as well as for all Americans; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. MCDERMOTT and Mr. GREEN of Texas.

H.R. 43: Mr. AKIN.

H.R. 97: Mr. SMITH of New Jersey, Mr. FORD, Mr. RAHALL, Mr. HAYES, Mrs. NAPOLITANO, Mr. BILIRAKIS, Ms. HART, and Mr. PETERSON of Minnesota.

H.R. 168: Mr. OWENS.

H.R. 218: Mr. BURGESS.

H.R. 236: Mrs. DAVIS of California, Mr. MOORE, Mr. ALLEN, Mr. STRICKLAND, and Mr. KLECZKA.

H.R. 262: Mr. OTTER.

H.R. 303: Mr. SAM JOHNSON of Texas and Mr. *Neugebauer.*

H.R. 331: Mr. BORDALLO and Mr. SAXTON.

H.R. 333: Ms. JACKSON-LEE of Texas and Mr. INSLEE.

H.R. 369: Ms. LORETTA SANCHEZ of California.

H.R. 371: Mr. LARSON of Connecticut and Mr. STRICKLAND.

H.R. 375: Mr. MCCRERY.

H.R. 384: Mr. MCINNIS.

H.R. 391: Mr. BONILLA and Mr. GARY G. MILLER of California.

H.R. 449: Mr. LARSEN of Washington.

H.R. 450: Mr. VAN HOLLEN.

H.R. 528: Mr. BACA and Mr. FROST.

H.R. 627: Mr. SHIMKUS.

H.R. 648: Mr. MCINTYRE.

H.R. 665: Ms. BORDALLO and Mr. HONDA.

H.R. 673: Mr. BURGESS.

H.R. 687: Mr. SHAW.

H.R. 720: Mr. NEUGEBAUER.

H.R. 721: Mr. PLATTS.

H.R. 741: Mr. MOORE.

H.R. 768: Mr. BURNS.

H.R. 791: Mr. LEWIS of Kentucky, Mr. FLETCHER, Mrs. JOHNSON of Connecticut, Mr. CALVERT, Mr. DELAHUNT, Mr. JENKINS, and Mr. TOWNS.

H.R. 833: Mr. HILL and Mr. FOSSELLA.

H.R. 876: Mr. BOEHLERT, Mr. PUTNAM, Mr. GRIJALVA, and Ms. BALDWIN.

H.R. 879: Mr. COSTELLO.

H.R. 886: Mr. FOLEY.

H.R. 898: Mr. QUINN and Mr. HYDE.

H.R. 906: Mr. BOOZMAN, Mr. MORAN of Kansas, and Mr. NETHERCUTT.

H.R. 997: Mr. SAM JOHNSON of Texas, Mr. FOLEY, and Mr. BUYER.

H.R. 1005: Mr. JONES of North Carolina.

H.R. 1046: Ms. LORETTA SANCHEZ of California and Mr. EMANUEL.

H.R. 1048: Mr. FOLEY.

H.R. 1049: Mr. KINGSTON.

H.R. 1059: Mr. ANDREWS.

H.R. 1066: Mr. KILDEE.

H.R. 1068: Mr. SHIMKUS, Mr. SANDERS, Mr. EMANUEL, Mr. BOOZMAN, Mr. CANNON, and Mr. OLVER.

H.R. 1078: Mr. GILCHREST and Mr. THORNBERRY.

H.R. 1083: Mr. RAMSTAD.

H.R. 1102: Mr. SANDLIN.

H.R. 1125: Mr. DEMINT, Ms. ESHOO, Mr. KENNEDY of Rhode Island, Mr. DICKS, Mrs. MALONEY, Ms. GRANGER, and Mr. FEENEY.

H.R. 1130: Mr. LAMPSON.

H.R. 1157: Mr. MILLER of Florida.

H.R. 1174: Mr. DAVIS of Illinois.

H.R. 1179: Mr. BARRETT of South Carolina.

H.R. 1210: Ms. HARMAN and Mr. HONDA.

H.R. 1225: Mr. GOODLATTE.

H.R. 1227: Mr. BACHUS.
H.R. 1231: Mr. CAMP, Mrs. KELLY, Mrs. MYRICK, Ms. PRYCE of Ohio, Ms. DUNN, and Mr. MEEKS of New York.
H.R. 1250: Mr. RENZI, Mr. MORAN of Kansas, and Mr. RAMSTAD.
H.R. 1294: Mr. LIPINSKI and Mr. LANGEVIN.
H.R. 1296: Mr. WEXLER and Mr. RANGEL.
H.R. 1316: Mr. HONDA.
H.R. 1321: Mr. MCDERMOTT.
H.R. 1336: Mr. THORNBERRY, Mr. CHOCOLA, and Mr. ROGERS of Alabama.
H.R. 1355: Mr. WEXLER, Mr. SANDERS, Ms. LINDA T. SANCHEZ of California, Mr. MCGOVERN, Mr. COSTELLO.
H.R. 1428: Mr. CARDIN and Mr. ISAKSON.
H.R. 1464: Ms. WOOLSEY.
H.R. 1472: Mr. BRADY of Pennsylvania, Mr. LEWIS of California, Mr. KING of Iowa, Mr. LANTOS, Mr. GARY G. MILLER of California, Mr. PITTS, Mr. REGULA, Mr. GREENWOOD, Mr. FORBES, Mrs. MCCARTHY of New York, and Mr. KINGSTON.
H.R. 1478: Mr. MCINTYRE.
H.R. 1499: Mr. GREEN of Texas.
H.R. 1523: Mr. LAMPSON, Ms. MILLENDER-MCDONALD, and Ms. DUNN.
H.R. 1543: Mr. SHUSTER.
H.R. 1622: Mr. MCINTYRE, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. DICKS, Mr. BERRY, Mr. SULLIVAN, Ms. ESHOO, Mr. REYES, Mr. ROSS, Mr. VAN HOLLEN, and Mr. PASTOR.
H.R. 1638: Mr. STRICKLAND.
H.R. 1671: Mr. KENNEDY of Minnesota.
H.R. 1676: Mr. CALVERT, Mr. KILDEE, and Mr. PASTOR.
H.R. 1707: Mr. HOEKSTRA, Mr. RYUN of Kansas, Mr. WELDON of Florida, Mrs. MYRICK, Mr. THORNBERRY, Mr. TERRY, Mr. TIAHRT, and Mr. NADLER.
H.R. 1726: Ms. GINNY BROWN-WAITE of Florida, Mr. GUTIERREZ, and Mrs. CHRISTENSEN.
H.R. 1742: Mr. CARDOZA, Mrs. TAUSCHER, and Mr. RYAN of Wisconsin.
H.R. 1746: Mr. ANDREWS, Mr. WEXLER, and Mr. OLVER.
H.R. 1749: Mr. RAMSTAD, Mr. GUTIERREZ, Mr. YOUNG of Alaska, Mr. OBEY, Mr. MURTHA, Mr. JENKINS, Mr. UDALL of New Mexico, Mr. SIMMONS, Mr. TOWNS, Mr. MCINTYRE, Mr. PETERSON of Minnesota, and Mr. WELDON of Pennsylvania.
H.R. 1750: Mr. FOLEY.
H.R. 1752: Mr. THOMPSON of Mississippi, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mr. HICHNEY, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, and Mr. SPRATT.
H.R. 1758: Mr. MARKEY, Mr. LANTOS, Mr. GRIJALVA, Mr. WEXLER, Mr. DAVIS of Florida, and Mr. RYAN of Ohio.
H.R. 1767: Mr. OTTER.
H.R. 1769: Mr. LANGEVIN.
H.R. 1783: Mr. BISHOP of Utah.
H.R. 1818: Mr. DELAHUNT.
H.R. 1819: Mr. CRENSHAW and Mr. WELDON of Florida.
H.R. 1828: Mr. JONES of North Carolina, Mr. NORWOOD, Mr. LEWIS of Kentucky, Mrs. MYRICK, Mr. GREENWOOD, Mr. KINGSTON, Mr. MURPHY, Mrs. BLACKBURN, Mr. BARRETT of South Carolina, Mr. NETHERCUTT, Mr. AKIN, Mr. COLLINS, Mr. CAMP, Mr. EDWARDS, Mr. BERRY, Mr. RYAN of Ohio, Mrs. DAVIS of California, and Mr. MARSHALL.
H.R. 1870: Mr. PAUL.
H.R. 1886: Mr. VISCLOSKY.
H.R. 1900: Mr. HOLDEN, Mr. COOPER, Mr. LEVIN, Mr. MCCOTTER, Mr. GREEN of Wisconsin, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mr. WAMP, Mr. TERRY, Mr. SABO, Mrs. KELLY, Mr. KNOLLENBERG, Mr. GRIJALVA, Mr. LARSON of Connecticut, Mr. SCOTT of Georgia, Mr. WEINER, Mr. MCINNIS, Mr. MCINTYRE, Mr. CARDOZA, Mr. BACA, Mr. PAYNE, Mr. PASCRELL, Mr. BLUNT, Mr. SCHIFF, Mr. DAVIS of Tennessee, Mr. LEACH, Ms. CARSON of Indiana, Mr. TURNER of Texas, Mr. COSTELLO, Mr. MARSHALL, Mr. GEORGE MILLER of California, Mr. BRADLEY of New Hampshire, and Mr. CONYERS.
H.R. 1910: Mr. BAKER and Mr. CLAY.
H.R. 1914: Mr. SNYDER, Mr. FALEOMAVAEGA, and Mr. GILLMOR.
H.R. 1933: Mr. GEORGE MILLER of California.
H.R. 1939: Mr. JEFFERSON and Mr. FRANK of Massachusetts.
H.R. 1951: Mr. MICHAUD.
H.R. 2032: Mr. KIND, Mr. WAXMAN, and Ms. MAJETTE.
H.R. 2052: Mr. DAVIS of Illinois and Mr. DAVIS of Alabama.
H.R. 2062: Ms. WATERS.
H.R. 2131: Mr. ISAKSON, Mr. FROST, and Mr. FOSSELLA.
H.R. 2157: Mr. MCDERMOTT.
H.R. 2172: Mr. SMITH of Michigan and Ms. HART.
H.R. 2173: Mr. CONYERS and Mr. GUTIERREZ.
H.R. 2180: Mr. OSE.
H.R. 2214: Mrs. JO ANN DAVIS of Virginia, Mr. VITTER, Mr. FALEMAVAEGA, Mr. GILLMOR, Mr. FOSSELLA, and Mr. OTTER.
H.R. 2217: Mr. KIND, Mr. EVANS, Mr. FROST, Mr. BROWN of Ohio, and Mrs. CHRISTENSEN.
H.R. 2218: Mr. BURR.
H.R. 2220: Mr. FROST and Mr. DOGGETT.
H.R. 2239: Mr. FILNER, Mr. LANTOS, Mr. ROTHMAN, and Ms. CORRINE BROWN of Florida.
H.R. 2246: Mr. VITTER, Mr. BOYD, Mr. GOODE, and Mr. MURPHY.
H.R. 2250: Mr. FATTAH, Mr. TOWNS, and Mr. WAMP.
H.R. 2256: Mr. HOLDEN.
H.R. 2295: Mr. BRADY of Pennsylvania.
H.R. 2297: Mr. ROYCE.
H.R. 2311: Mr. HALL, Mr. REHBERG, and Mr. TIAHRT.
H.R. 2337: Mr. SESSIONS.
H.R. 2339: Mr. ANDREWS.
H.R. 2340: Mr. EHLERS.
H.R. 2356: Mr. BROWN of Ohio.
H.R. 2366: Mr. OWENS, Mr. JACKSON of Illinois, and Mr. DAVIS of Alabama.
H.R. 2379: Mr. TIAHRT.
H.R. 2416: Mr. ANDREWS.
H.R. 2440: Mrs. MILLER of Michigan.
H.R. 2462: Mr. LANTOS, Mrs. NAPOLITANO, Mr. CROWLEY, and Mrs. LOWEY.
H.R. 2482: Mr. BACHUS and Mr. SMITH of New Jersey.
H.R. 2485: Mrs. LOWEY.
H.R. 2504: Mr. GUTIERREZ, Mr. WEXLER, Mr. MEEK of Florida, Mr. THOMPSON of Mississippi, Mr. INSLEE, and Mr. JEFFERSON.
H.R. 2505: Mr. JEFFERSON, Mr. THOMPSON of Mississippi, Mr. NEAL of Massachusetts, and Mr. FROST.
H.R. 2512: Mrs. MALONEY.
H.R. 2517: Mr. JENKINS and Mr. KELLER.
H.R. 2545: Mr. KUCINICH.
H.R. 2546: Mr. GREEN of Texas.
H.R. 2574: Mr. FARR.
H.R. 2577: Mr. CARTER.
H.R. 2579: Mr. KENNEDY of Minnesota.
H.R. 2581: Mr. MORAN of Virginia.
H.R. 2591: Mr. TERRY.
H.R. 2595: Mr. MICHAUD and Mr. FALEOMAVAEGA.
H.R. 2601: Mr. BOUCHER.
H.R. 2603: Mr. HERGER, Mr. OTTER, and Mr. BISHOP of Utah.
H.R. 2615: Mr. MOLLOHAN.
H.R. 2621: Mr. THOMPSON of California, Ms. CORRINE BROWN of Florida, and Mrs. CHRISTENSEN.
H.R. 2626: Mr. EHLERS, Mr. ROGERS of Michigan, Mr. SIMMONS, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. REGULA, and Mr. KILDEE.
H.R. 2662: Mr. PASCRELL.
H.R. 2665: Mr. QUINN, Ms. WOOLSEY, and Mr. LOBIONDO.
H.J. Res. 50: Mr. TERRY, Mr. UPTON, and Mr. WALDEN of Oregon.
H. Con. Res. 93: Mr. UPTON.
H. Con. Res. 111: Mr. MARKEY.
H. Con. Res. 119: Mr. DEMINT and Mr. RYAN of Wisconsin.
H. Con. Res. 126: Mr. JONES of North Carolina.
H. Con. Res. 213: Mr. STUPAK, Mr. ENGEL, Mr. CONYERS, Mrs. JONES of Ohio, Mr. DINGELL, and Mr. WAXMAN.
H. Con. Res. 215: Mr. EHLERS.
H. Con. Res. 233: Mr. SMITH of New Jersey.
H. Con. Res. 240: Mr. KUCINICH.
H. Res. 21: Ms. MCCARTHY of Missouri.
H. Res. 144: Mr. KUCINICH and Mr. RYAN of Ohio.
H. Res. 198: Ms. HARRIS and Mr. WELDON of Florida.
H. Res. 238: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. THOMPSON of Mississippi.
H. Res. 259: Mrs. LOWEY and Mr. BARRETT of South Carolina.
H. Res. 273: Mrs. LOWEY and Mr. GONZALEZ.
H. Res. 274: Mr. JOHNSON of Illinois, Mr. FROST, Mr. BACA, Mr. DAVIS of Tennessee, Mr. STENHOLM, Mr. CANNON, Mr. INSLEE, and Mr. BISHOP of Utah.
H. Res. 285: Mr. MATSUI, Mr. SHERMAN, Mr. KIRK, Mr. CROWLEY, Mr. CRANE, Mr. ACKERMAN, Mr. HOLDEN, Mr. ENGLISH, Mrs. MILLER of Michigan, Mr. MARKEY, Mrs. MYRICK, Mrs. LOWEY, and Ms. JACKSON-LEE of Texas.
H. Res. 296: Ms. MCCARTHY of Missouri.
H. Res. 304: Mr. FLETCHER, Mr. WELDON of Pennsylvania, Mr. SNYDER, and Ms. GRANGER.
H. Res. 307: Mr. GEORGE MILLER of California and Mr. MCDERMOTT.

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. 1472: Mr. GILLMOR.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2660

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting ''at least 65 percent'' for ''substantially all''; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting ''at least 65 percent'' for ''substantially all''.

H.R. 2660

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 5: In the item relating to ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—AGENCY FOR HEALTHCARE RESEARCH AND QUALITY—HEALTHCARE RESEARCH AND QUALITY'', insert before the period at the end the following:

: *Provided*, That, of the funds made available under this heading, $12,000,000 shall be for the conduct of research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices under subparagraph (B) of section 912(b)(2) of the Public Health Service Act (42 U.S.C. 299b–1(b)(2))

H.R. 2660

OFFERED BY: MR. RAHALL

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to implement amendments to Department of Labor Mine Safety and Health Administration regulations parts 70, 75, and 90 of title 30, Code of Federal Regulations, as proposed on March 6, 2003.

H.R. 2660

OFFERED BY: MR. TOOMEY

AMENDMENT NO. 7: At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. ____. None of the funds made available in this Act for the National Institutes of Health may be used to fund grant number R01HD039789, R03HD039206, R01DA013896, or R01MH065871.

H.R. 2657

OFFERED BY: MR. CHOCOLA

AMENDMENT NO. 8: At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. ____. None of the funds made available in this Act may be used to fund grant number R01HD039789 at the National Institutes of Health.

H.R. 2660

OFFERED BY: MR. SANDERS

AMENDMENT NO. 9: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act for the Department of Health and Human Services may be used to grant an exclusive or partially exclusive license pursuant to chapter 18 of title 35, United States Code, except in accordance with section 209 of such title (relating to the availability to the public of an invention and its benefits on reasonable terms).

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, JULY 9, 2003 No. 100

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Lord God almighty, You have made all the people of this Earth for Your glory. Yet, too often we choose our own destructive paths. Deliver our own world from hatred, cruelty, and revenge. Save us from violence, discord, confusion, and sin. Guide and bless our Senators that their labors will please You and be a blessing to the nations of the Earth. May we be a people at peace among ourselves and determined to be Your instruments of reconciliation. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS 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 ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Kentucky is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning the Senate will resume consideration of the motion to proceed to S. 11, the Patients First Act. Between now and 11:30, the time will be equally divided between the majority leader or his designee, and the Democratic leader or his designee.

At 11:30, there will be two consecutive rollcall votes. The first vote will be on the motion to invoke cloture on the motion to proceed to the Patients First Act of 2003. Immediately following that vote, the Senate will proceed to executive session and vote on the nomination of Victor Wolski to be a judge on the U.S. Federal Claims Court.

Following those two votes, at 11:30, the Senate will begin consideration of S. 925, the State Department reauthorization bill. Amendments are expected to be offered to the bill. However, it is our hope, and the hope of Chairman LUGAR, to complete this bill expeditiously. To accomplish this, Members who intend to offer and debate amendments should notify their respective chairman or ranking member so that the amendments can be scheduled for consideration.

Rollcall votes will occur throughout the day as the Senate considers the State Department authorization bill.

Again, it is our hope that we will be able to complete this bill early this week so we can begin the appropriations process prior to the end of this week. I encourage everyone to help make that possible.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, if I may direct a question through the Chair to the distinguished majority whip, what is the pleasure of the majority leader as to what we are going to do on Friday? Is there a determination yet as to whether we are going to have votes on Friday?

Mr. MCCONNELL. It is my understanding that the leader does expect there will be votes on Friday. We anticipate being on one of the appropriations bills.

Mr. REID. I certainly have no prior knowledge about amendments being offered on the very important State Department authorization bill. But I think it will be difficult to finish the bill by tomorrow evening. If that is what the leader wants to do, we will certainly try.

As I indicated, I don't know what amendments will be offered. We will have a better idea before we get on the bill, and we will inform Senator BIDEN and let him know what amendments there are, so the leader can have an idea as to what the week holds for us in that regard.

Mr. MCCONNELL. Mr. President, I think the plan of Senator FRIST is to get started and see how it goes and to hope that we can move that bill rapidly.

Mr. REID. Mr. President, if it would be OK, the time, as the Senator from Kentucky has indicated, is evenly divided—the Chair will announce it shortly—until about 11:10; is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. One-half hour of the time we are allotted I will yield to the Senator from New York, Mr. SCHUMER, to speak on Judge Wolski.

I have been advised by staff that 25 minutes would be adequate because he has 5 minutes prior to the vote. So I will yield 25 minutes to the Senator from New York.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

PATIENTS FIRST ACT OF 2003—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration on the motion to proceed to the consideration of S. 11. Under the previous order, the time until 11:30 a.m. will be equally divided between the majority leader and the minority leader or their designees.

Mr. MCCONNELL. Mr. President, the measure we are hoping to proceed to, the Patients First Act of 2003, seeks to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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address a major national crisis that confronts us in health care. Two weeks ago, or right before the recess, the Senate and the House acted on a major new health care proposal to modernize and preserve Medicare and to add a prescription drug benefit for our seniors. Now the Senate seeks to address another part of America's health care crisis—one the House of Representatives has already dealt with—which is the question of the rising cost of medical liability premiums, forcing physicians out of certain specialties or, in the case of young physicians, choosing not to go into such high-risk specialties as obstetrics because they know they won't be able to afford the medical malpractice premiums and still perform the service for which they have been trained.

Last year, when we dealt with this issue, there were about 11 or 12 States that were in crisis. Now there are 19. There are only 6 of our 50 States that have no problem at all. All the rest are on the way to having a major national crisis.

The underlying bill that we are seeking to get permission to go to—the principal sponsor is Senator ENSIGN of Nevada, who is here to my right and has been an active and major player in the legislation—is very similar to the measure that passed the House. It is also supported by the President of the United States. So we know that if we were to go forward with a bill similar to this, it could get a Presidential signature and we would be well on our way to dealing with this enormous problem that is beginning to deny patients care all across our country.

So when the Senate has an opportunity to vote, I hope Members will vote to invoke cloture on the motion to proceed so we can go to the bill and begin to address this incredibly serious national problem.

I commend Senator ENSIGN for his leadership on this issue. His State has certainly been one of those that has had an enormous crisis and they are trying to deal with it at the State level. He can address that. But the point is that this is a national problem that needs to be dealt with by the National Government.

That is what we are seeking to do today: to get an opportunity to get on to the bill and deal with this extraordinary health care crisis that we have in the country.

I will have more to say later in the morning and particularly just prior to the vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I appreciate the words of the majority whip. I rise today to speak on behalf of the bill that I have introduced, the Patients First Act. The reason we call it the Patients First Act is because it really does put patients first.

In our health care system today, we have too many patients who are either close to being denied care or have been denied care simply because physicians cannot afford the medical liability premiums they are facing today.

My State, as the Senator from Kentucky mentioned, is one of those States that is in crisis. Our State has a level I trauma center which serves a four-State region, and last year that trauma center closed for 10 days. The closure of that trauma center was the only event in my state of Nevada that brought the people who were against reforming our medical liability system and our overall tort system and the proponents of that reform together. This crisis allowed a special session of the legislature to be called so they could try to deal with this situation. I commend our Governor and State legislators for their efforts to deal with the situation.

The problem in Nevada, as with other States that have enacted reform, is it will take 6 to 10 years, depending on the length of the appeals and the challenges to the law, before we know whether the bill will actually take effect and have the result of lowering the costs for medical liability insurance.

In the meantime, Nevada and many other States are losing doctors in droves. Nevada is the fastest growing State in the country, and we cannot afford the migration of doctors from our state to continue.

Speciality fields are the most severely affected by this crisis, and of those, obstetrics and gynocology are of the most severely affected. In southern Nevada, we have 5,000 to 6,000 new people a month moving in. This increase in our population during this time of crisis has resulted in three things happening.

One is we are losing doctors; two is new doctors are not coming to replace them; and three is, the few ob/gyns who actually are staying, when they were delivering 250 to 300 babies a year previously, they have cut that number down to 125; 125 babies from 250 to 300. One can do the math. It does not add up.

Additionally, many doctors who previously delivered babies in high-risk pregnancies no longer can deliver them because their insurance company will not cover them for that procedure. We are in a situation where some of our best doctors are not able to give the care they are are capable of giving.

I see my friend from Wyoming just arrived in the Chamber. Mr. President, I say to him, I am going to take a couple more minutes and then I will yield the floor.

This is not just a Nevada issue. As the Senator from Kentucky mentioned, 19 other States are in crisis, and all but 6 States are showing signs of heading into a crisis. In every State that is in crisis or heading into a crisis, we hear the same kind of stories from patients. It is a real problem, a problem the Senate must address. The House has already dealt with it. Now the Senate must deal with it.

This crisis is a national problem. For Medicare, Medicaid, veterans, 60 percent of all the medical bills are paid through the Congress. Because of that, it is a national issue and it requires the House of Representatives and the United States Senate to act in concert to send a bill to the President. The House has done its job. Now it is up to the Senate.

I will share one or two quick anecdotes to illustrate real people who have been touched by this issue.

During the closure of the level I trauma center in my home State of Nevada, a woman and her father, Mr. Lawson, were in Las Vegas visiting when this level I trauma center closed. The father had to be transferred to a different emergency room, and on his way there, unfortunately, this gentleman passed away.

Level I trauma centers are staffed with the most talented, specialized people in the medical profession. We have trauma centers specifically staffed by the best because they must save lives that are in jeopardy every day. That trauma center closed because the specialists could not afford the insurance, and they could not afford the liability from the exposure of potential high-risk surgeries to save lives.

The only way the legislature was able to open that trauma center again is they covered the people who worked there under the umbrella of the State.

By the way, when we talk about caps, my home state of Nevada has a cap of $50,000 total for economic, non-economic and medical. It is a total $50,000 cap, obviously much more severe than we would even think to consider in this body. In the bill before the Senate today we have a $250,000 cap on pain and suffering, but an unlimited amount on economic damages and medical expenses, and if there is gross negligence, there are punitive damages in this bill as well.

We think we have taken a balanced approach so that patients throughout this country are not denied care, such as when the trauma center in Nevada was forced to close, do not have to go through that experience again. We have to ask the fundamental questions: How many more people have to be denied care who really need it? How many more people have to die in this country before this body will take action? That is really the bottom line today. People are being denied care, and more and more people will be denied the care they really need. That is why this institution needs to act.

Mr. President, I yield the floor so the Senator from Wyoming may speak.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator from Nevada. I always appreciate his comments. He has one of the fastest growing States in the Nation. I come from the most sparsely populated State in the Nation. We have some very common problems.

In the last couple of days, we have heard a lot of discussion about insurance companies. We have heard that medical liability insurers are the source of the problem; that they are gouging doctors to make up for investment losses.

Well, the Nasdaq index yesterday closed at its highest level since April 2002. The Nasdaq is up more than 30 percent since the beginning of the year. For that matter, the Dow Jones Industrial Average is up more than 10 percent in 2003. Under the logic we have heard this week, the stock market rebound ought to be leading to a sharp reduction in medical liability premiums. So why aren't we seeing any relief?

We are not seeing any relief because insurance companies are paying out more in losses than they are receiving in premiums. It is that simple. It does not take an accountant to figure that out. For every premium dollar collected in 2001, medical liability insurers experienced $1.53 in losses. Ten years earlier, for every premium dollar collected, insurers lost $1.03.

Regardless of investment gains or losses, the fact is that payments for medical litigation judgments and settlements are rising much faster than the incoming premium payments, even though premiums are escalating dramatically. Insurance companies cannot make up the gap between the $1 they take in and the $1.53 they pay out without raising premiums. That is why we are not seeing reductions in medical liability premiums, despite the stock market's advance in 2003.

It all comes back to our legal system. It is simply out of control. People who are truly injured by health care errors ought to receive fair compensation. The problem is that our medical justice system is completely out of whack. Doctors and hospitals live in constant fear of litigation. They order unnecessary tests out of legal fear.

Doctors look at their patients as potential lawsuits, not people in need of their help, because of this legal fear. They are forced to move their practices to States that have reformed their legal systems. All of this because of legal fear.

Some of my colleagues may have read a book that came out several years ago, in 1995. The book was called ''The Death of Common Sense.'' The book was written by Philip Howard, a lawyer by training. His premise was that American law and regulation are stifling human judgment and good sense.

Well, Mr. Howard just published a new book, and I encourage my colleagues to read it. It is called ''The Collapse of the Common Good.'' In the book, he describes how law and regulation in America create a warped sense of individual rights. In America today, people use the concept of individual rights to bully other members of society, using the threat of legal action as a weapon.

Some of what Mr. Howard has written is pertinent to this debate. For instance, some of my colleagues believe that this legislation would limit a patient's right to sue a doctor. We all believe that patients who are truly injured deserve fair compensation. The problem is that some personal injury lawyers are taking advantage of this belief to bring all sorts of claims against doctors, whether the doctors are at fault or not.

Let me share a passage from Mr. Howard's book. He writes on pages 22 and 23:

> Like ancient Mayans accepting human sacrifice or Catholics in the Middle Ages buying indulgences, Americans today accept that being sued is the price of freedom, and that diving for cover is the natural response to reasonable daily choices. Our faith in individual rights keeps us from pausing even to question this conception of justice. But should individual rights include the right to go to court over a sandbox disagreement involving 3-year-olds, or to milk the system whenever there is a freak accident, or to scare towns and school systems out of seesaws and peanut butter? The idea of individual rights derives its moral force from the rhetoric of liberty. But is this what our founders had in mind when they organized a society around the freedom of each individual?
>
> Actually, no. Our founding fathers would be shocked. There is no ''right'' to bring claims for whatever you want against someone else.
>
> Suing is a use of state power. A lawsuit seeks to use government's compulsory powers to coerce someone else to do something. Asserting individual rights sounds benign, like praying in the church or synagogue of your choice. Sticking a legal gun in someone's ribs, however, is not a feature of what our founders intended as an individual right. The point of freedom is almost exactly the opposite: We can live our lives without being cowed by use of legal power. The individual rights our founders gave us were defensive, to protect our liberty. Liberty, we somehow forgot, does not include taking away someone else's liberty. . . .
>
> Courts are not supposed to be commercial establishments where, for the price of a lawyer, anyone can buy a chance on a raffle. Courts supposedly represent the wisdom of law, overseeing when those powers can be used against others in a free society. There's no right to sue except as the state permits.
>
> I can practically feel your confusion. How else can we organize justice? People obviously have the ability to go to court. But by what rules and standards? Our modern consciousness is so focused on individual rights we can't conceive of another way to ensure fairness. But if lawsuits are recognized as an exercise of state power, perhaps the state should make conscious judgments of who can sue for what. That's what legal rules and interpretations are for.

That is what this debate is about. That is what this legislation intends to do—make conscious judgments about who can sue and for what, and the rules and limits under which medical lawsuits can go forward.

Is this bill a perfect bill? No. I have yet to see a perfect bill, and I am in my seventh year in the Senate, following 10 years in the Wyoming Legislature. But we ought to vote to begin this debate and move on to the consideration of this bill, and the amendments to the bill, so that we can address this medical liability crisis before it further compromises the liberties of the people in Wyoming and the other States, and especially their access to medical care.

We are debating whether to proceed to debate, whether to proceed to begin the amendments which can even be whole substitutes to this bill. So if my colleagues have a better idea, a way to solve this, they should vote to proceed, then bring their amendments.

Our Declaration of Independence speaks to our unalienable rights, as granted to us by our Creator, and that among these rights are life, liberty, and the pursuit of happiness.

Well, it is pretty hard for an expectant mother in Wyoming to pursue her happiness when she has to pursue her doctor for one more well-baby check-up before he closes his practice and leaves for a State where insurance premiums are lower.

There is another passage in Mr. Howard's book that is pertinent to our discussion about limits on pain-and-suffering awards. The statistics show that insurance premiums are lower in States with such limits, but I have heard Members on the other side of the aisle argue that the limit in this bill is too low, that it is unfair to someone who is severely injured, despite the fact that the bill does not limit in any way that person's right to recover every cent of the economic damages that result from that injury.

Well, if the limit on pain-and-suffering awards in this bill is too low, then what is the right amount?

I quote another passage from Mr. Howard's book, and I hope everybody will read at least the first chapter of this book.

> A great thing about bringing lawsuits in modern America is that it is so easy to threaten the adversary's entire livelihood. One stroke of the finger on the lawyer's word processor, and damages go from $100,000 to $1,000,000. Three more key strokes, and we're suing for a billion dollars. This is fun.
>
> What kind of justice system is it that allows someone to make up an amount of money to demand? Is that a fact to be ''found'' by a jury? It doesn't even qualify as a value judgment, which at least is a conclusion based on facts. Damages claimed today are completely arbitrary. Just stick your finger in the air and threaten someone with any number that comes to mind.
>
> Judges treat damage claims almost as if they are property, and only with greatest reluctance intercede. In 1987, five-year-old Gregory Strothkamp climbed up several shelves to the top of the linen closet, got an unopened box of Q-Tips, and, while trying to use them, punctured his eardrum. His parents sued the maker of Q-Tips for, among other things, $20 million in punitive damages. Whatever the merits of the argument that Q-Tips should come in childproof packaging (which would raise everyone's cost), most people probably agree that making Q-Tips is not an evil act.
>
> When the jury awarded young Gregory $20 million in punitive damages, the judge did what was obvious from the beginning and overturned the award. The claim ended sensibly, but is this how justice should work? Sweating through trial and verdict to get to obvious justice, while the judge is sitting there the whole time, doesn't exactly instill confidence in the system.
>
> Do judges enjoy watching the Q-Tip companies, or a Little League coach, or a doctor squirm at the end of a multimillion-dollar hook?

Lying dormant along the side of society is another important legal principle: that a person injured should be ''made whole'' by damages. Traditionally, this meant out-of-pocket losses, like lost wages or medical bills. In an unusual case, like a homemaker with no wages, claims were permitted in categories not actually calculable, like ''pain and suffering.'' In cases of genuine evil, punitive damages were possible.

Today, the exceptions have engulfed the rule, with all kinds of side effects. Juries are regularly asked ''to assume the baffling task of trying to place a monetary value on pain and suffering,'' Dean Bok observed, ''although the predictable result [is] to encourage a rise in litigation and the growth of the most unsavory and deceptive practices.''

Judges might concede the principle but can't imagine how to apply it. They need some objective legal post to hang on to. If $1.35 billion is too much, what is the right amount? The ''exercise of judicial power is not legitimate,'' as one scholar put it, ''if it is based on a judge's personal preference rather than law.'' So what do the judges do? They abdicate. Judges look up at the allegorical figure of Justice and interpret her blindfold as impotence.

But Justice is also holding balanced scales. How does Justice achieve balance but through the values and wisdom of judges? Proportion is critical to justice. Equals should be treated alike, Aristotle believed, and unequals proportionally to their relative differences: ''the unjust is what violates the proportion.'' These distinctions, Aristotle observed, can only be made with human wisdom.

Dead people can be so smart. ''[T]o speak somewhat paradoxically,'' Cardozo observed, there are times ''when nothing less than a subjective measure will satisfy an objective standard.'' Justice Potter Stewart had it right after all. Judges have to know it when they see it. One billion dollars for a wrongful dismissal case is absurd. Everyone knows it. The case should be dismissed unless the plaintiff comes back with some amount he can plausibly justify.

I wonder if judges ever ask themselves why it is that damage claims have escalated to a level where they are like a parody of a dysfunctional system of justice. The answer couldn't be more obvious. Judges sit on their hands and tolerate claims that make lotteries seem like small change. The reason people bring huge claims is not hard to divine: It's a form of extortion. Why else sue for such ridiculous amounts? Being sued for, say, $5 million for a regular accident may not cause you to fold your hand, but the possibility of ruin never strays far from your consciousness. Most million-dollar claims end up settling for thousands or less. But not all. All that it takes is for a jury to get mad. . . .

The point I am making is that there is an imbalance. I think that everybody recognizes there is an imbalance. We want to have a just system. What we need to do is approve this cloture petition, end the debate of whether to proceed to the debate, and bring in substitute bills. And I have heard of some pretty good ones floating around. We can debate the issue and come up with something that will make doctors still accessible in States such as Nevada and Wyoming and the other ones that we have had on the chart of states in crisis. There are only about five that are not in crisis. Then there are varying degrees of crisis among the rest of them.

The problem we are facing today is that multimillion-dollar awards for pain and suffering are contributing to dramatic increases for insurance premiums for doctors. When this forces doctors to leave their practices, it hurts innocent patients who lose their access to medical care. Do we not have an obligation to say enough is enough, and set some limits on lawsuits?

As Mr. Howard points out in his book, if lawsuits are an exercise of State power, perhaps the State should make conscious judgments of who can sue for what.

When I spoke on this bill yesterday, I said the current medical liability crisis and the shortcomings of our medical litigation system make it clear it is time for a major change. I also said that regardless of how we vote on this legislation, we ought to start working toward replacing the current medical tort litigation scheme with a more reliable and predictable and faster system of medical justice.

I have heard Members on the other side of the aisle say they want to work with Republicans to find a better way to solve this problem, to find reasonable good-faith alternatives to this legislation. If we vote not to proceed on this bill, I hope this process will begin sooner rather than later. I hope we proceed so Members can bring their ideas out and suggest amendments; then we can vote up or down. The people of Wyoming and other States in crisis cannot afford to lose any more doctors. We cannot afford to lose any more time.

If we do not proceed on this bill today, I pledge to continue working to find solutions to this million-dollar liability crisis. I hope Members on both sides of the aisle will also take this pledge to keep working on this.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from the State of New York.

NOMINATION OF VICTOR WOLSKI

Mr. SCHUMER. Mr. President, I will talk today about the nomination of Victor Wolski to the Court of Federal Claims. This nomination admittedly has not gotten much attention from our colleagues because the Court of Federal Claims does not handle the breadth or the number of cases that the courts of appeals do or even Federal district courts.

However, I remind my colleagues that in one area these courts are extremely important—they are important in many areas, but in one area where we have our usual ideological discussions and battles, the area of the environment. The Court of Federal Claims is the place where claims of takings reside. Takings have been the way many have opposed the advances we have made in the environment. They make their arguments this is a government taking from you your right to use your property as you see fit.

When the Government says you cannot pollute the water on the land you own or you cannot pollute the air on the land above which you own, some have come up with the theory that the Government is taking something from you. It is sort of denying the theory of compact that we all live together and we all have to be responsible for our land and our water.

I argue that the vast majority of Americans do not agree with this argument. However, there is a small group of people who tend to be propertied, tend to be quite well off in society, who are very much for this argument.

The nominee to the Court of Federal Claims, Victor Wolski, if we nominate him, if we approve him, we are approving somebody who has led the charge in this area—not somebody who sees some merit to the taking argument and sees the other side but somebody who is a committed ideologue, not somebody who would have the balance we need on the courts.

If anyone does not believe me, I take Mr. Wolski's own words to the National Journal:

> Every single job that I have taken since college has been ideologically oriented trying to further my principles.

He then goes on to describe his principles as ''a libertarian belief in property rights and limited government.''

This man is a self-described ideologue. I thought we had been making some progress in this body, that while some would propose more conservative nominees and some would propose more liberal nominees, that it was a bad idea to put ideologues on the bench, ideologues of the left or the right.

Mr. Wolski is clearly an ideologue and does not belong on this sensitive court. For that reason, he is opposed by 13 national environmental groups. When he was counsel for the Pacific Legal Foundation, Mr. Wolski consistently furthered his ideology through sweeping arguments that would have dramatically undermined the Nation's environmental laws.

My guess is he preferred an America of the 1890s or the 1930s where our air was much dirtier, our water was much filthier. Whether you are a Democrat or Republican, if you believe at all in preserving the environment, it would seem to me it would make a good deal of sense not to further this nomination. We can find people who might be more consistent with the President's views, with many views on the other side in terms of not extending environmental laws or making sure that the excesses of environmental laws are limited. Mr. Wolski is just not that. He is so committed to this ideological view that the Government has virtually no right to tell you you cannot pollute the air or the water, that if he had his way, we would turn the clock back dramatically in the environmental area. As a result, as I mentioned, 13 national environmental groups oppose his nomination.

In addition, a broad coalition of groups, civil rights, women's rights,

human rights organizations, including the Leadership Conference on Civil Rights, the National Fair Housing Alliance, and the National Women's Law Center have expressed serious concerns with Wolski's ''extreme views on governmental power and his troubling record in race and sex discrimination cases.''

Admittedly, this court does not handle race and sex discrimination cases, but it does handle the takings cases that relate to our environment.

In addition, I argue to my colleagues, Mr. Wolski does not really have the judicial temperament to be a Federal judge. He argued a case where there were ponds that were providing habitat for migratory birds. I know from my own experience that some would think every piece of water, every pond and every lake is a wetlands and cannot be touched, and sometimes the advocates, I would be the first to say, go overboard. However, in this case, Mr. Wolski called ponds ''puddles,'' and he belittled the possibility that there might be any interest in protecting migratory birds. ''Jurisdiction over puddles was justified by the Ninth Circuit on the basis that birds might frolic in these puddles.''

He wrote:

> Will one fewer puddle for the birds to bathe in have some impact on the market for these birds?

In the argument he is making—I don't know, the facts of the case might be right—the language does not show the temperament, a fair and balanced temperament, that we seek in nominations to the bench, whether they be Democrat or Republican.

In a letter to the San Francisco Chronicle, Wolski derided what he called ''a rogue Congress'' and referred to the Members of Congress as ''bums.'' Again, many of our constituents have hard words about Congress Members, but I don't think a lawyer, a trained advocate, ought to be using that kind of language. Again, it shows the kind of temperament Mr. Wolski has.

On the merits of his views, he is way over to the extreme. On his judicial temperament he has used incendiary language that is inappropriate for a lawyer or a judge. Mr. Wolski should not be put on the bench.

I make one other argument in this regard. The Federal Court of Claims has some vacancies. It has 16 slots. It now has 13 senior judges in addition to the 11 regular judges. This court does not have much of a caseload. The average number of cases the United States District Court judge handles is 355 cases; the number of cases a current judge of the Court of Federal Claims handles is 24. If we add the new nominees, each will handle 19 cases.

Let's say you don't agree with CHUCK SCHUMER on the environment. Let's say you even agree with Victor Wolski, but you are a fiscal conservative. Why are we adding more judges to a bench that does not need any help?

The Washington Post editorial—and, as you know, the Washington Post on the issue of judges has not agreed with many of us on this side—called the CFC:

> . . . a court of extravagance and an unnecessary waste of judicial resources that should be abolished.

Each of these judges costs a million dollars. I would say to my colleagues, those on the other side of the aisle did not allow nominees to the Court of Federal Claims when President Clinton was in office because, they said, the caseload was too low. Today the caseload is even lower, and there is a rush to nominate. This should not be dispositive.

If Wolski were a good man, if the caseload were growing, I would support him no matter what was done between 1995 and 2000. But I have to tell my colleagues on the other side, it is extremely galling to us that the very arguments that have been used in the past now seem irrelevant, now that there is a new President making different appointments. If the Court of Federal Claims should not have had appointees under the Clinton administration and the Republican-controlled Senate did not allow any because the caseload was too low—24—why are we now nominating 4 and bringing the caseload down to 19? It is just not right. It is not fair. There ought to be some consistency to the argument. There is not. There absolutely is not.

So for these grounds, I urge Mr. Wolski's defeat. No. 1, he is a good man—he may be a good man, I don't know him personally, but when I said ''a good man'' before, I did not mean in terms of his views for this court. He is an extremist. By his own words, he is an ideologue. He does not believe in the progress we have made on the environment.

If the President wishes, as our great process unfolds, to nominate somebody who would cut back a little bit on the environmental laws, or not make decisions that move them forward, that is a fair and legitimate argument. To nominate an ideologue—a self-admitted ideologue who has made it his career to say that anytime the Clean Water Act or Clean Air Act has effect, it often means it is a taking—is really not what the American people want. My guess is maybe half of the people on this side of the aisle, on the Republican side of the aisle, do not agree with these views at all—in terms of their voting record.

His temperament is poor. He uses inflammatory and derogatory language. That makes sense, in a certain sense—that when you nominate ideologues, they are not dispassionate. They are not going to interpret the law, which is what the Founding Fathers wanted; they are going to make law. I have rejected nominees from the left in my own judicial panel because they are ideologues, too, and they want to make law. We want judges to interpret the law. Those far right and those far left tend to want to make law. On temperament and ideological grounds, he is not the right man for the job.

One other argument to boot. Even if you think he is the right person for the job—and I argue, I plead with you to think otherwise—this court has no caseload. This court could handle many more cases without an additional new judge. This is a total boondoggle. This is a waste of the taxpayers' money. If it was right that this court did not have the caseload under the Clinton administration so we would fill the vacancies, with the caseload even lower today, why are we doing that?

I respectfully urge my colleagues to vote no on Victor Wolski.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes.

Mr. SCHUMER. I yield the remainder of my time to my colleague, the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining for each side for debate before the vote?

The PRESIDING OFFICER. There remain 34 minutes on the Democratic side; 19 minutes remain on the majority side. The order indicates the Democratic leader will be recognized at 11:10.

Mr. SCHUMER. Mr. President, before my colleague speaks, I didn't realize when I yielded all the time, there was at least one other of my colleagues who wanted to speak on Mr. Wolski. Could we, if he should come, just leave 5 minutes to continue the debate? I just reserve 5 minutes of the time to discuss the Wolski nomination, and I will yield the remainder—whatever is left after reserving those 5 minutes—to my colleague who I know wants to speak on both issues.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I hope I understand what just happened. I have 29 minutes remaining? Is that mistaken? Five minutes will be given to some Democrat to speak on the Wolski nomination, and then the remaining 13 minutes, is that correct, are on the Republican side, majority side?

The PRESIDING OFFICER. There are 19 minutes remaining on the Republican side.

Mr. DURBIN. I think I have it, or at least close to it.

Thank you, Mr. President, for your cooperation and I thank my colleague from New York for yielding this time.

In the last 2 days we have been engaged in a debate on the floor which affects every American family and business, and the question is, What are we going to do about the dramatic increase in the cost of medical malpractice insurance that we see among some specialties in some parts of the country? It doesn't affect every State. It doesn't affect every doctor. But those doctors who are hardest hit, I believe—and I think everyone here shares that belief—need relief. They need some help.

What do we have offered to us today? S. 11. This is the bill brought to us by

the Senator from Nevada, Mr. ENSIGN, and Senator MCCONNELL and a number of other Republican Senators. This suggests that the best way to limit the medical malpractice premiums being charged to doctors is to limit the amount of recovery that a person who has been a victim of medical malpractice can receive. It is a decision which says we will no longer trust a jury of 12 people from your community, your city, and your State to decide what is fair compensation for your injury caused by another person. That decision will be made by a jury of 100 Senators, who will decide today, with S. 11, that regardless of what has happened to you or your child, regardless of the severity of the injury, regardless of how many years you are going to go through constant pain or suffering, we will decide today, in the Senate, that if your State has not come up with another number, the maximum amount you can receive is $250,000 for pain and suffering.

Some may say that is a pretty substantial sum of money. I have heard that said on the floor here. How can the critics of this bill be coming to you and saying $250,000 is not that much money?

I concede, if you bought a lottery ticket today and were paid $250,000 tomorrow, you would be a happy person. But if you had a medical injury today which incapacitated you for the rest of your life, which left you in a wheelchair, quadriplegic for the rest of your life, which left you in a state dependent on others for the rest of your life, which left you permanently scarred and disfigured for the rest of your life, and you were told that your compensation was $250,000, I think it would put it in a much different perspective.

I think that is what is missing in this debate. I cannot get over how Senators come to this floor and dismiss all of these victims of medical malpractice and say, basically: It is a shame, but they just don't get it. We have a bigger problem here. We have a malpractice insurance problem.

I have listened to the debate. I have listened to those who suggest that this bill, S. 11, is the answer to the problem. I say it isn't. The problem is national. The problem is serious. The problem will not be answered by this legislation.

There is a belief that if you limit the amount that a victim can recover malpractice insurance premiums will go down. Let me tell you that facts don't bear that out.

Take a look at these States. Some of them have State laws that cap liability. Others don't. Of the States without caps where a victim of malpractice can receive whatever a jury thinks is fair in the period 1991–2002, four of those—Arizona, New York, Georgia, and Washington—saw modest increases in malpractice insurance premiums. Here are four States with caps on what a victim can receive. The malpractice insurance premiums have shot up dramatically. There is no direct link between limiting a victim's recovery and the malpractice insurance premiums that are charged. Yesterday, Senator ENSIGN of Nevada, I think in a very candid moment, conceded that fact. He brought out a chart. He said you can't compare States with caps that have only been in place for a short time. In the words of Senator ENSIGN, as the CONGRESSIONAL RECORD reflects, it will take 8, 10, 12, or maybe 15 years before these caps on victims in terms of what they can recover for their serious injuries really do have a measurable impact on malpractice insurance premiums.

I would say to the doctors in Illinois and in Nevada and in any State in the Union, is this a reasonable answer to today's malpractice insurance crisis to suggest that limiting a victim's recovery will ultimately reduce malpractice insurance premiums 8, 10, 12, or 15 years from now? Trust me. In some of these specialties, OB/GYN and neurosurgery, these doctors can't wait for that period of time. Sadly, even if you bought the premise of this bill that limiting a victim's recovery will help a doctor's malpractice premiums, the sponsor of the bill came to the floor yesterday and conceded that it won't happen for 8 to 15 years.

Where does that leave us? It leaves us in a situation where we have a bill that is fundamentally unfair to the victims of medical malpractice premiums.

I listened to the rhetoric on the other side. I have been a practicing attorney, a trial lawyer, both a defense attorney and a plaintiff's attorney. I guess I understand that my profession has been the butt of a lot of jokes and a lot of derision. I have heard Members come to the floor and talk about those greedy lawyers. I will have to tell you that there are an awful lot of men and women practicing law across the United States who I think are doing a service to their clients and to America. They have people come into their law offices who are seriously hurt or who have lost a loved one and who have no money to their name and are looking for justice. They want an opportunity to go to court. They can't pay for it. They can't pay for an attorney on an hourly basis and be charged $10,000, $20,000, $30,000, or $40,000 for their day in court. Some of them can't even pay the court costs or the filing fees or the necessary expenses for a deposition asking questions preparing for a lawsuit.

Lawyers who represent these people say: I will take it on a contingent basis. If you succeed, if you win, I will be paid. If you do not succeed, if you lose, I will lose with you. That will be the gamble we will take together. We believe we have a good lawsuit. Let us go forward. Some of these lawyers say on a personal basis this is what my recovery will be.

I don't think there is anything unfair or insidious about this any more than it is unfair or insidious that those who are defending the person accused of wrongdoing are generally represented by insurance company lawyers who pay unlimited amounts of money for the defense of a lawsuit. That is just the nature of our judicial system.

On this floor the people who take contingency fee cases are referred to as greedy and selfish, exploiting the plaintiff, exploiting the claimant, and exploiting the victims. I am sure it has happened. I am sure it will continue to happen—I hope in as few cases as possible.

There is nothing unfair or unjust about a contingency fee system. In fact, it gives people an opening in the court they would never be able to afford. I have seen it. I represented people under those circumstances. I have run that risk. Sometimes I didn't succeed for the client or myself. Sometimes I did. That is the nature of the system.

Then a Senator came to the floor yesterday. He is a friend of mine. I respect him. But he used a term which troubles me greatly. He said he wants to end this ''jackpot justice.'' That was his phrase—''jackpot justice.'' I guess the idea is that if someone goes into a courtroom with a flimsy case and ends up with millions of dollars, hit the jackpot. I guess that can happen, too. Maybe it has.

But I want to talk to you a little bit about ''jackpot justice'' in the world of medical malpractice. I would like to point, as exhibit No. 1, to Alan Cronin, a 42-year-old man from the State of California. Alan Cronin is a man who has three children. He went in for a simple surgery of a hernia repair. After the surgery, two doctors failed to diagnose an acute infection. They treated him as if he had the flu. But he had a very serious infection instead. He became septic and suffered toxic shock. Once the doctors realized that, and they had to reopen the surgery site where they repaired the hernia. They found a horrendous infection underway. They told his family that he had a 98-percent chance of dying as a result of this infection. Gangrene had set in. As a consequence of a simple hernia operation and the malpractice that occurred afterwards, this gangrene claimed all four of Alan Cronin's limbs—both of his legs, both of his arms.

He used to be a customer service representative for a medical equipment manufacturer and workers compensation paid for all of his medical expenses, including some of his future expenses. He also had a private disability policy that he used to help keep his family together, offsetting future damages.

The reason this case is important is I guess there are some in the Chamber who would say if Alan Cronin goes to a courtroom and asks the jury for a verdict against the doctor who made the mistake which led to his infection, which led to gangrene and which led to this man losing both arms and both legs and asks for a verdict against that

negligent doctor and he is given several million dollars to try to keep his family and life together for the rest of his natural life, in the words of some of my colleagues, Alan Cronin would ''hit the jackpot.''

What a jackpot—several million dollars for both arms and both legs? How many volunteers would sign up for that jackpot? How many people want to buy a ticket on that jackpot lottery? None of us would. None of us would ever trade places with what this man has gone through and will go through every minute of every hour of every day of every week of every month and every year for the rest of his life. This is a jackpot?

You should have been in the room yesterday when Senator GRAHAM and I met four victims of medical malpractice who came in to see us.

Colin Gouley, a young man from Nebraska, came to us. As a result of medical malpractice, when he was born he had serious problems and disabilities and is going to be confined to a wheelchair. He must sleep at night with a cast. He has a limited ability to respond and learn and speak. He won't go through the ordinary human events of experiences that we take for granted.

He has a twin brother. This is a picture of Colin and his twin brother Conner. You can see Colin on the left and his twin brother, who is healthy, happy, and an active young man. That will be the fate and future for Colin.

They took the case to a jury in Nebraska and said for the rest of his life and with all of the pain and suffering that he will endure, what is it worth? That jury said: We calculate it to be about $5.6 million. But because of Nebraska's State law that limits the amount that can be awarded in cases of medical malpractice, the family will receive a fraction of that amount. It will mean that his mother and father and his two sisters and brother will be tending to his care for the rest of his life, as they would naturally, but they will have to do it much more because of his situation. It also means that ultimately the doctors and hospital that may have been responsible for this wrongdoing will not be held accountable but it will be the responsibility of the government to pay more and more of his medical expenses. That is not what the family wants, but look at the situation they face.

Do you believe the Gouley family hit the jackpot? This is jackpot justice? I can tell you what this bill would say. If your State does not have a limitation on recovery, this bill would say to Colin Gouley and his family: We are sorry this happened to you, we are sorry you were a victim of malpractice, but the pain and suffering you will endure for the rest of your natural life is worth $250,000. The verdict rendered by the jury of the Senate is $250,000 and not one penny more.

That isn't fair to the Gouley family, but, frankly, that is our idea of how to deal with the medical malpractice insurance crisis. At least that is what has been proposed.

We have to put a human face on this issue. We have to make sure people understand it isn't just doctors who face malpractice premiums, it isn't just people who are looking for care but cannot find it because doctors cannot practice in some areas because it is more expensive. The solution being offered by the Senator from Nevada and others is to limit the recovery of medical malpractice victims and their families, to limit the amount of money that would be paid to children who are the victims of medical malpractice.

There is no argument here about who is at fault. The fault was established by the jury. But this bill would say: The Federal Government will decide how much the Gouley family can receive. The Federal Government will decide how much Alan Cronin will receive for pain and suffering in those States that do not have a different limitation.

I guess what troubles me, too, is this bill does not go to the root issue that is before us. We were told by this administration, the Bush administration, through Dr. Clancy of the Department of Health and Human Services, that medical errors and medical malpractice have reached epidemic proportions in this country. Instead of dealing with medical malpractice at an epidemic proportion, what we are saying is the real way to control this problem is to make sure Colin Gouley and his family are not adequately compensated for the injuries and damages they have suffered.

That is so shortsighted and it is so fundamentally unfair.

If these malpractice premiums are unfair to doctors, I can tell you S. 11 is fundamentally unfair to Colin Gouley and his family and people like them across America.

Mr. President, 100,000 Americans will lose their lives this year because of medical malpractice, not because of their disease or illness but because of mistakes that are made—100,000 people. And that figure comes from the Bush administration Department of Health and Human Services.

Of those who could file a malpractice claim in any given year, 1 out of 50 actually do go to a lawyer and seek compensation; 2 percent, 1 out of 50. If we do not go to the root cause of this problem, this bow wave of malpractice that is about to swamp us in this country, then, frankly, we are not addressing the root problem. Instead, what we are doing is penalizing the Gouley family and others like them and rewarding insurance companies.

Do not be surprised by that. We do that on a weekly basis in the Senate. We find ways to take a special interest group, such as insurance companies, and give them more profitability, less accountability, whether it is HMOs, which, incidentally, are protected and rewarded by this same bill, or other insurance companies. That is the nature of the philosophy that drives the majority opinion in the Senate.

But families across America see it differently, and they should. This law we are considering, S. 11, unfairly is going to insulate from liability HMO insurance companies, managed care insurance companies, as well as drug companies and medical device manufacturers.

One last point I would like to make at this moment is they have a provision in this bill which says if your drug, for example, or medical device has been approved by the Food and Drug Administration, it virtually insulates you from liability for punitive damages. I asked my staff to prepare a list of the various drugs that have been marketed which have been found to be dangerous and deadly to people across America. Frankly, there are too many for me to list in the record at this point. I will submit them at a later time.

Why in the world would we want to put in this bill an insulation for those who make medical devices which end up killing people? Why in the world, in a bill that is supposed to be helping struggling doctors, are we talking about insulating from liability pharmaceutical companies that sell dangerous drugs?

Oh, the argument is, if it is approved by the FDA, that should be enough. We know better. Those of us who have been involved on Capitol Hill know we do not fund the Food and Drug Administration adequately. There are not enough people there doing the important work that should be done. We know they do their best, and we know that 9 times out of 10, maybe 99 times out of 100, they are going to make certain drugs are safe and efficacious, but we also know quite well that there are not enough people there doing the job that needs to be done.

Much like the tobacco companies hid behind the warning label on their packages when they were sued for cancer and heart disease, these drug companies, under S. 11, want to hide behind an FDA approval and say: We can't be held accountable for what we might have known or what we might have done if, in fact, somewhere along the way the FDA gave us a stamp of approval. That should insulate us from liability.

Think about what we are doing here, and think, for a moment, about the victims. If you love the companies, if you love the insurance companies, couldn't you have some love in your heart for these victims, some compassion for what they are going to go through? I think that should be an important part of the debate.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. ENSIGN. Mr. President, how much time is on each side?

The PRESIDING OFFICER. Nineteen minutes on the majority side, 13 minutes on the minority side.

Mr. ENSIGN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, first of all, let's make sure one thing is clear. What we are debating today is whether to proceed to the bill. We are trying to get on the bill. If people have certain problems with the bill, they can offer amendments, but only if they allow us to proceed to the bill. That is what the vote is on today, whether or not we are going even consider that we might address a crisis that is happening in the United States.

There have been a few things that have been talked about from the other side of the aisle today that I would like to address. I want to read from a report because they have been quoting this study. The Weiss study, which has been referenced repeatedly by the other side of the aisle, supposedly took numbers from this publication called the Medical Liability Monitor.

Mr. President, I ask unanimous consent that a portion of this report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Medical Liability Monitor, Oct. 2002]

2002 RATE SURVEY FINDS MALPRACTICE PREMIUMS ARE SOARING

HARD MARKET WALLOPS PHYSICIANS; AVERAGE RATE INCREASES MORE THAN DOUBLE THOSE IN 2001

A nationwide survey of rates for physicians' medical professional liability insurance confirms that not only has a hard market for this necessary coverage arrived, but from all indications, it is settling in to stay for awhile.

For the past 12 years Medical Liability Monitor has conducted an annual study of malpractice insurance rates. Reports come in from carriers in all 50 states who represent approximately 65% to 70% of the entire market. This year, that percentage may be even larger, now that former insureds of St. Paul and other companies who have quit the business must obtain replacement coverage and are moving to carriers remaining in the traditional market when possible.

For many physicians, whose incomes are held down by rigid government and health plan reimbursement schedules, coming up with funds to pay fast-rising insurance costs poses real problems. Here is a closer look at how malpractice insurance rates have risen in many places in the past year.

The chart below shows that the average cost of malpractice insurance for internists rose by 24.7% from July 1, 2001 to July 1, 2002. In 2001 the percent of increase was 10.1%. General surgeons' rates went up similarly, increasing by an average 25% in 2002 from 10.3% in 2001. The average increase in rates for obstetricians/gynecologists climbed from 9.2% last year to 19.6% this year.

For internists and general surgeons the average percent of increase in the 12-month 2001–2002 period was a staggering 145% and 143%. Increases for OB/Gyns, whose rates typically are much higher than those of their internal medicine and surgical colleagues, went up on average by 113%.

The effects of the rate increases were uneven, falling most heavily in certain states and metropolitan areas, like New York, Chicago, Detroit, Cleveland and Miami. Unlikely spots for exploding premiums were Las Vegas, West Virginia, and the Rio Grande Valley in Texas. Even though there were rate hikes in most states, they sometimes were more modest. Two states, Alabama and Alaska, had no increases at all. Insurers in several states raised rates only modestly. There were even a few, but very few, downward adjustments in rates for certain specialists in specific territories in a handful of states. One company in Alabama cut rates for general surgeons by 6%. A company in California pared rates for internists in certain areas by 4% and 7% and for obstetricians in other areas by 1% and 3%. An Illinois company lowered rates for general surgeons, except in Cook and two other counties by 4% to 8.6%. There were some modest reductions for certain type of physicians in two or three other states, but these were by far the exceptions, not the rule.

The size of increases in some areas in which malpractice problems with claims and claims severity have exploded was mind-boggling. Increases of 40%, 50%, 60%, 80% were not uncommon. In Arkansas one carrier boosted rates by 90.1% to 112.7%.

BASEMENT TO THROUGH-THE-ROOF VARIATIONS

The differences in premiums for specialists in various states and areas are widespread. Base rates for internists in South Dakota provided by one insurer, were $2,906, while the highest rate reported for these physicians was $56,154 in Dade County, Miami.

The extremes in base rates for general surgeons are even greater. In Minnesota one company's manual rate was $8,717, but in Miami the highest number quoted by a carrier for this specialty was $174,268. The wide swings were also typical for OB/Gyns. One company's rate for these physicians was $13,317 in South Dakota, but once again, the highest rate was $210,576 in Miami.

Mr. ENSIGN. Mr. President, the editor of this report has basically said the Weiss study they quote is completely misusing their numbers. I refer you to a portion of the report entitled ''Survey Finds Wide Swings in Premiums'' because my colleagues on the other side of the aisle state that there have not been these wide swings in premiums. The report says:

The size of increases in some areas in which malpractice problems with claims and claims severity have exploded was mind-boggling. Increases of 40 percent, 50 percent, 60 percent, 80 percent were not uncommon. In Arkansas one carrier boosted rates by 90.1 percent to 112.7 percent.

Notice what it said here. It said, ''malpractice problems with claims and claims severity have exploded.'' The premium increases have been ''mind-boggling.''

The Senator from Illinois has put up pictures of victims of malpractice. I want to show a picture of one of the victims, because there are victims on both sides of this issue.

Picture this gentleman shown here.

This was a gentleman, Mr. Lawson, who was visiting the city in which I live, Las Vegas, Nevada with his family. Unfortunately, the time they visited was the week the trauma center closed because of the crisis we have in the State of Nevada. The trauma center closed, and this gentleman, unfortunately, could not get care. In this picture he looks healthy. Unfortunately, he is no longer with us.

There are a lot of people the other side have shown as victims. Those people, if we do not do something, will not even have doctors to go to because doctors are leaving the profession, and new doctors are not coming in to replace them.

We have a crisis in this country in 19 States. All but six States are showing serious problems. The Senator from Illinois quoted my words yesterday, that it takes years to find out whether legislation in the States that have enacted reform will be effective. The reason for that isn't that they aren't necessarily good pieces of legislation, it is that they are being challenged in court and then appealed and appealed and appealed. A lot of the State courts are striking down these laws, because of some technicality in their constitution or a particular problem in their piece of legislation. Because of that, there is uncertainty even when States pass legislation if this crisis will remain out of control. The insurance companies don't know whether the laws are going to be upheld, so they can't lower rates because they may end up with a huge liability down the road if the law is struck down. That is the problem.

We must act now while we still have some time. How bad does the situation have to get in the future? I would love to add into this bill, as we did with campaign finance reform legislation in the year 2001, an expeditious judiciary review of the law so that we can find out whether it is going to be held constitutional or not. But we can't do any of that because the other side of the aisle will not even allow us to proceed to the bill. We can't debate the legislation and we can't offer any amendments unless we can at least agree to proceed to the bill.

If the opponents don't like the legislation, if they think there are ways to fix it, they should allow us to at least proceed to the bill so that we can have amendments offered, have a full debate, bring out all the pictures of the victims you want to bring out, amend the bill, and come up with legislation that is going to actually fix the problem in the United States. It really is a crisis and you can be sure that debating on the motion to proceed, and not agreeing to take up the bill will not fix the problem.

I wish to again illustrate the differences in the premiums across the country by the use of this chart. In white are the two States with cities represented that have had medical liability reforms in place for some time.

I yield myself an additional minute.

The ones in gray have not.

Let's go to obstetrics and gynecology. Los Angeles, CA, the bill before us today mirrors the law they have there. There is a $54,000 medical liability premium in Los Angeles. In Denver, where they have had it since 1988, it is $30,000. New York, Las Vegas, Chicago, Miami are much higher: $89,000, $108,000, $102,000, over $200,000 in Miami. That illustrates the difference in the premiums in States that don't have the reform. These numbers are continuing

to go up at a rapid rate. The numbers reflected here are actually a couple years old, and they are continuing to skyrocket in States without reform. That is why we need to act. It is a national priority, and we must act now.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I yield myself 5 minutes.

My question is, Why do we need to consider a bill of this magnitude without taking it through the ordinary committee process? The Senator from Nevada said yesterday, we just know we would never get it out of committee. I am a little bit surprised at that because, if I am not mistaken, it is the party of the Senator from Nevada that is the majority in every committee that would consider this bill. If they are truly looking for a bill that is fair and one that compromises where necessary and negotiates a good-faith outcome, then it would come out of committee. And certainly with the direction of the majority leader, Senator FRIST, who has spoken in favor of it, there would be an urgency to it.

That is not the way this bill is being considered. This bill is coming to the floor without committee hearing. They haven't had a chance to hear the witnesses, not the four malpractice victims and their families we met yesterday, not the doctors on both sides of the issue, not the practicing attorneys, not representatives of the insurance companies, none of them, no hearings from them, no statements from them, no suggestions from them. I don't know where this bill came from.

I can tell you the people who want it: Not only the American Medical Association but clearly those who represent HMOs and managed care companies that are insulated from liability under this bill, those who represent prescription drug companies that are insulated from liability under the bill, as well as medical device manufacturers. They put this bill together.

Mr. ENSIGN. Will the Senator yield for a question?

Mr. DURBIN. On the Senator's time I am happy to yield.

Mr. ENSIGN. Is the Senator aware, last year, when his party was in control, 115 bills bypassed the committee process, including the economic growth package, No Child Left Behind, the Patients' Bill of Rights, a Medicare prescription drug bill, the energy bill, and the Trade Promotion Act? All were brought directly to the floor and bypassed the committee process. Is the Senator aware his party did that?

Mr. DURBIN. I am aware of that. I also have quotes from Republican Senators who screamed in outrage every time that happened.

S. 11 is too important for us to consider without deliberation. It is too important for us to ignore that this bill is an historic precedent. It will take away from States across America the power they have had from the beginning of this Republic to establish standards for procedure and recovery in civil lawsuits.

That is something that, honestly, we do very rarely around here. If we do it, if we consider it, as we are right now, for example, on the asbestos issue, it is with a long and deliberative process. Not so when it comes to medical malpractice. This is being brought to the floor on a take-it-or-leave-it basis. When you say take it or leave it, I hope my colleagues will leave it because the thought that we would limit recovery to $250,000 for pain and suffering for every case defies logic, common sense, and compassion. If you are looking for compassionate conservatives, you won't find them in those supporting this bill.

Let me give one illustration. This poor lady is from the city of Chicago. She had two moles on the side of her face. She went to an outstanding hospital to have the moles removed. She is about 50 years of age. During the course of the simple surgery, she was receiving oxygen. They were using a cauterizing gun, which you are not supposed to do. As a consequence, there was an explosion with the oxygen. Her face was literally burned off because of the fire which happened.

Her nose was so burned and scarred, she went through several successive surgeries and, even after those surgeries, has to rely on oxygen tubes to breathe 23 hours a day. It is anticipated she will go through more surgeries to deal with the scarring and disfigurement and problems she has had. She is in her fifties. She went in for simple surgery. She came out disfigured for life.

According to this bill, the hospital and doctor responsible for it should both come together and pay her medical bills. I certainly hope so. If she bought health insurance to cover her own medical bills, that would be brought up in the courtroom, so that the jury might not believe she receives quite as much money because her payment of health insurance, frankly, would be used against her. She would receive lost wages for time off the job. That is reasonable. But when it comes to the pain and suffering she will endure and has endured from the moment this occurred until the day she dies, the jury of the Senate has reached a verdict through this bill: She is entitled to recover not one penny more than $250,000 for a lifetime of disfigurement.

She wrote an article in the Chicago Sun-Times and said: How many of you would trade what I went through for $250,000? The answer, obviously, is no one. No one would.

For those who come before us today and say this is the only way we can deal with the medical malpractice insurance crisis is to ignore what happened to this woman who went in for routine surgery and saw her life tragically changed. That is what is wrong with the bill.

What we need to do is to be honest about addressing malpractice. I have not heard one word from the other side of the aisle on how we can reduce medical errors. What can we do about HMO insurance companies making medical decisions when in fact doctors know better? It is happening. This bill does nothing about that.

What can we do about the nursing shortage which accounts for 20 percent of the deaths in hospitals each year for malpractice? Nurses overworked. They can't keep up with the caseload, the patients coming. This bill does nothing about that.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. DURBIN. I yield myself an additional 1 minute.

This legislation addresses the issue from one perspective only. To deny to this person and other victims an opportunity for their day in court, to say we don't trust a jury in America, in any State in the Union, to make a decision on the death penalty in a criminal case, or we cannot trust a jury in Chicago to make a decision on what she is entitled to receive because of the injuries she endured in that one tragic moment in the hospital, that just defies logic.

It says to me that this bill is being brought to us by insurance companies, by drug companies, by HMOs, by medical device manufacturers, and it is not being brought to us with an eye toward solving a serious national problem of bringing down malpractice insurance rates.

I am going to reserve the remainder of my time. When I return, I will talk about an alternative bill that Senator GRAHAM of South Carolina and I are offering, which addresses this in a more responsible and timely fashion. I reserve the remainder of my time.

Mr. ENSIGN. Mr. President, I think we have 12 minutes 20 seconds on our time. How much time is on theirs?

The PRESIDING OFFICER. Six and a half.

Mr. ENSIGN. Two Senators have just come into the Chamber. As soon as they are ready, I would like to yield them 10 minutes and reserve 2 minutes on our side and we can close up. At 11:10, the Democratic leader will be recognized. So I will yield 10 minutes to the Senator from Missouri, Mr. BOND.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise to speak about the Patients First Act of 2003. Going to the doctor for a checkup is hard enough these days. You have to juggle your family and work schedules. A few of us get all the checkups and screenings we need, but making matters a lot worse is the fact that more and more doctors are closing their practices or limiting the services they offer. They are doing so because they cannot afford the increasing costs of their medical malpractice insurance, which they are required to carry.

According to the American Medical Association, 19 States are in a full-blown medical liability crisis, including, regrettably, my home State of Missouri.

In Missouri, physicians' average premium increases for 2002 were 61.2 percent. This was on top of increases in 2001 of 22.4 percent. As a result, over 31 percent—almost one-third—of all physicians surveyed by the Missouri State Medical Association said they are considering leaving their practices altogether. Let me repeat that. Almost one in three physicians in Missouri are considering leaving their practices altogether because they simply can no longer afford to practice because of exorbitant medical malpractice insurance rates.

In some cases, medical liability insurance rates are tripling in Missouri, forcing older doctors into retirement and younger physicians into other fields.

What is the cause of that? The cause, quite frankly, is the unrestrained plaintiffs' legal actions asserting all kinds of noneconomic and economic damages, which are paid, ultimately, by the consumers who must compensate the doctors or lose their doctor services because of the rates of malpractice insurance. Those judgments go against doctors, and they have to be paid by insurance companies. But the insurance companies raise their rates and drive good and bad doctors out of practice.

According to the Missouri State Medical Association, 32 insurance companies are licensed to write professional liability insurance for Missouri physicians. Currently, only three of them are willing, or able, to write new business. Three companies, which accounted for almost one-third of Missouri's markets in 2001, have left the State of Missouri altogether. The result: doctors who have practiced for years in Missouri are closing their doors, moving their practices and families across State lines, or limiting the care and services they provide. It is happening in my State and it is happening across the country.

But this is not just a problem for doctors. They are well educated, and they can move elsewhere and resume their practice, as difficult and unfair as that is. The real damage and pain is being felt by the patients, or people who would be their patients if they had the choice. Look at what is happening in Kansas City, MO, for example. Twelve doctors at the Kansas City Women's Clinic, founded in 1953, used to serve women in Missouri and Kansas. Because of rising medical liability rates, the clinic could not find a single company that would offer them a single medical malpractice insurance policy that they need to keep their office open in Missouri. The result: On December 31, 2002, they closed their doors to Missouri patients. They closed their doors.

There were over 6,600 visits a year in the Missouri office. Now women in Kansas City, MO, tell me that when they are expecting a child, in order to go in for a checkup, they have to go to Kansas—drive across the State line to Kansas. They either travel to Kansas to see an obstetrician/gynecologist or try to find a new doctor elsewhere in Missouri.

In a recent letter, Dr. Anthon Heit, president of the Kansas City Women's Clinic, said:

> Our loyal patients from Kansas City, Missouri, and many surrounding Missouri communities, lost large, well-respected groups of OB/GYN physicians as a source of their maternity care. This type of action is going to continue to occur in the Kansas City area, and in many other specialties, if the trend does not reverse.

Sadly, that is not an isolated case. Also in Kansas City, the Midwest Women's Health Network suffered a 170 percent increase in the cost of its medical malpractice insurance. It used to pay $200,000 a year for liability coverage. Now it pays $543,000.

Two Kansas City inner-city OB/GYNs, who serve low-income, high-risk patients, had to sell their practices to their hospital in order to continue to see patients in Missouri. Excessive litigation has created an environment that forced these two doctors—committed to serving some of the most vulnerable in Kansas—out of business. They are no longer in independent practice.

One OB/GYN practice in Missouri is taking out a $1.5 million loan to pay its medical malpractice insurance for this year. That doesn't even cover the cost of previous actions over which they might subsequently be sued. Other doctors in Missouri are considering going without insurance for those past actions, or the ''tail'' coverage, as it is called, because they cannot afford the premiums.

In Missouri, this year alone, we have already lost 33 obstetricians and it is only July. If this trend continues, potentially 3,564 pregnant women in Missouri will be forced to find new physicians annually to provide their obstetric care—probably outside of the State—thus, interrupting continuity of care and long-established physician-patient relationships upon which so many women have come to rely.

Patients cannot get the care they need. The communities are losing their trusted doctors. We have a health care system that is in crisis in Missouri.

Mr. President, I yield such time as he may require to my friend and colleague from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, may I inquire as to how much time remains that was yielded by the Senator from Nevada to the Senator from Missouri.

The PRESIDING OFFICER. Four minutes 45 seconds.

Mr. ROBERTS. I thank the Chair.

As his neighbor to the west, I share Senator BOND's concern for our health care providers and patients. But it seems that we have a ''tale of two cities'' between Kansas City, KS, and Kansas City, MO.

Just across the State line, we in Kansas have problems and challenges. But we don't have the same severe problems Missouri doctors and patients are facing. That is because, in the 1980s, Kansas enacted sweeping medical liability reform legislation that does create a hard cap of $250,000 on noneconomic damages.

By contrast, that same cap in Missouri is $557,000 and can go even higher under certain circumstances. As the Senator from Missouri said, you won't find it surprising that nonsurgical specialists in Missouri are now seeing very dramatic liability premium increases that have been, until now, limited to surgical specialties. One pulmonary practice's quote for traditional insurance went from $35,000 to $125,000 per year. Another pulmonary specialist quit practicing at North Kansas City Hospital because he couldn't afford the premium on his Missouri practice. Now, as the Senator knows, he practices in Kansas.

Here is another example.

We have learned that both neurosurgeons in Independence are moving out of Missouri this summer leaving eastern Jackson County with no neurosurgeon. There is no trauma care basically between the Kansas State line and Columbia, 2 hours to the east.

According to the Kansas Medical Society, the two largest companies in Kansas that provide medical liability insurance, Kansas Medical Mutual Insurance Company and Medical Protective, had increases that were not nearly as excessive as the increases in Missouri. Kansas Medical Mutual, the largest insurer in Kansas, took rate increases of 16.2 percent last year and 8.5 percent this year. Medical Protective took a 13-percent increase last year.

Premiums for the standard policy in Kansas that have been available for the last 15 to 20 years were actually lower in 2002 than they were in 1991.

As I have stated, premiums for the standard policy in Kansas are actually lower than they were in 1991. I simply want to make the point in the short time I have that we have a tale of two cities. We have a Kansas law in which we have 15 percent more doctors in Kansas than in the past. Their premiums are not excessive. People are leaving Kansas City, MO, to practice in Kansas. It is a tale of two cities. That is why I think we should support the bill that has been authored by the Senator from Nevada, S. 11.

A study by Weiss Ratings on medical malpractice caps was mentioned yesterday evening. The study found that States with caps experienced higher premium increases than those States without. I cannot speak for other States but I can speak for Kansas, and the reports conclusions were untrue.

First, as I have stated, premiums for the standard policy in Kansas are actually lower now than they were in 1991.

Secondly, the point needs to be made that all caps are not the same. The Weiss report lists the 19 States with caps, but only 5 States, including Kansas, have $250,000 caps on noneconomic damages. The rest are significantly higher, thus reducing the cap's impact on payouts and premiums.

There is no question that the cap on noneconomic damages has had an impact on premiums. It has created an unparalleled period of premium stability for Kansas physicians and hospitals. Yes, premiums are increasing in Kansas but at a much lower rate that other States.

Case in point: a family physician who delivers babies paid $13,790 in 1991 . . . . in 2001, that same physician paid $12,575—an 8.8 percent reduction. Similar reductions exist for virtually every specialty. In the aggregate, physicians paid $75.3 million in premiums in 1991 and $60 million in 2002.

Finally, I wish to point out that there are probably about 15 percent more physicians practicing in Kansas today than there were 12 years ago, and the total premium is still lower.

Senator BOND and I have shared with our colleagues what good medical liability reform can do.

Our Kansas City doctors have provided an outstanding example of how medical liability affects doctors and patients on different sides of the State line.

I urge my colleagues in the Senate to take a closer look at the differences between our two States and the positive impact medical liability reforms have had in Kansas. I hope that the Senate will support S. 11 so that States like Missouri which are struggling to retain doctors and offer the best patient care are not left out in the cold.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six and a half minutes.

Mr. DURBIN. I thank the Chair.

Mr. BOND. Mr. President, I wish to reclaim the remaining time. How much time is remaining?

The PRESIDING OFFICER. The Senator will have 1 minute 30 seconds left, but the Senator from Illinois has been recognized.

Mr. DURBIN. Mr. President, I yield to the Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague and fellow Cardinal rooter from Illinois for allowing me to finish.

It is important, as I hope the Senator from Kansas and I have pointed out, that we must do something on a national basis. Missouri patients cannot continue to lose their trusted doctors to the State of Kansas. We cannot see people driven out of the practice of medicine—well-educated, good practitioners who cannot afford the premiums. Unless we act today, retaining and recruiting doctors in Missouri will continue to be a difficult task.

I urge my colleagues to consider the experience of patients in Kansas City and across Missouri and support the essential medical liability reforms in S. 11.

Mr. President, I ask unanimous consent that an editorial in today's Wall Street Journal entitled ''Political Malpractice'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

POLITICAL MALPRACTICE

Democrats are expected to muster the 41 votes needed to kill medical liability reform in the Senate today, so why are Republicans smiling? Perhaps because they know they're teeing up what promises to be one of their better issues going into 2004.

Democrats have long made the Senate the graveyard of any and all legal reform. The news is that they're having a harder time getting away with it. The scandal of asbestos litigation has forced them at least to bargain on that issue, while momentum is also building to limit class-action suits. It says something about Tom Daschle's devotion to the trial bar that he's willing to ask his Members to walk the plank even on medical liability, just as voters are discovering the damage it is doing to health care across the country.

No fewer than 19 states are in ''malpractice'' crisis; Doctors have protested or walked our from Nevada to New Jersey, while pregnant women have had to cross state lines to find an obstetrician. One New Jersey doctor has held seminars to train toll-booth operators in emergency delivery, since more live births are likely to occur in transit to a distant hospital.

Before Texas passed a recent reform, 14 of 17 medical insurers had left in the past two years. In Arkansas, doctors who treat nursing-home patients face a 1,000% premium increased on renewals. In West Virginia, trauma centers closed and doctors went on strike before Democratic Governor Bob Wise led a successful reform effort. Because they contribute to the practice of ''defensive'' medicine—or unnecessary procedures just to be sure—liability suits are also a major cause of rising health-care costs.

All of this prompted the House to limit medical damages by a vote of 299–196 in March. But Senate Democrats continue to just say no. California's Dianne Feinstein dallied with support for a while, before the lawyers and Mr. Daschle yanked her back into line.

The irony is that the proposed Senate bill is modeled after California's own successful 1975 reform that limited pain and suffering damages to $250,000. Victims of genuine malpractice still get compensated for economic harm, but they are no longer able to win the lottery of a huge jury award. In the past 25 years premiums across the U.S. have risen three times more than in California.

Even if reform fails in Congress, the national battle has helped to trigger a wave of change in the states. Ten states have passed some liability reform in the past year, and another 17 have debated it. Nearly all of these reforms include some limit on non-economic damages, the kind that drive insurance rates out of sight and are unconnected to genuine harm.

Still more state reforms are on tap this year. Florida Governor Jeb Bush is calling his legislature back for an unprecedented second session starting today to address the problem. Connecticut, where obstetricians will seen an 85% increase in premiums for next year, may also have a special summer session.

As federalists, we think this wave of state reform is probably better than a single national law. Unlike class actions, which damage commerce nationwide, medical liability affects health care in individual states. If a state's political-legal class is driving doctors away, then its voters can throw the political bums out. That may be what eventually happens in Missouri, for example, where Democratic Governor Bob Holden is promising to veto reforms passed by the GOP-run legislature. There's also a danger that a national reform might override even better state laws, such as California's.

The argument for national reform is that the crisis is too acute to wait for 50-state trench warfare, especially against a trial bar grown so rich on tobacco and asbestos shakedowns that it can buy entire legislatures. Some states in crisis, notably Pennsylvania, also have constitutional obstacles to capping non-economic damages. And yet reform's recent success shows that is can be done.

The vote in Congress will help this along by educating Americans about the problem and who refuses to solve it. Among Republicans, we'll be watching Pennsylvania's Arlen Specter in particular. He's typically a pal of the trial lawyers (his son is a medical liability lawyer), but he also faces a primary challenge next year from a reform proponent, Congressman Pat Toomey.

But the main result of today's vote will be to get the Democrats on record for killing reform one more time. They will then have handed President Bush and most Republicans an issue that is both good policy and good politics for next year. In a debate between lawyers and patients, we know where the voters will come down.

Mr. BOND. The Wall Street Journal says:

> As federalists, we think this wave of state reform is probably better than a single national law. Unlike class actions, which damage commerce nationwide, medical liability affects health care in individual states.

It goes on:

> The argument for national reform is that the crisis is too acute to wait for a 50-State trench warfare, especially against a trial bar grown so rich on tobacco and asbestos shakedowns that it can buy entire legislatures.

I yield the remainder of my time. I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say at the outset, we have talked a lot about the Patients First Act that is before us, S. 11. As far as I can tell, this is ''patients last.'' It says, regardless of the injury you sustained because of medical errors, medical negligence, medical malpractice, we are going to limit you to $250,000 that you can recover for your pain and suffering no matter how many years you have to endure.

This is a photograph of Sharon Keller whom I met yesterday, a proud registered Republican, as she announced in our press conference. After a hysterectomy, she went into the doctor's office for an exam. Unfortunately, the surgeon, as she examined her, made a move and removed a suture and bleeding started. When the bleeding became excessive, the doctor left the room and left Sherry on the examining table as she went out to find someone

who could respond to the need and, at the same time, went to see some other patients while Sherry was bleeding on the examining table.

Unfortunately, after a period of time, she went into shock and fell off the examining table, as she was left unattended in the examining room. When she fell off the table, she hit the counter as she fell and damaged her spinal cord, rendering her an incomplete quadriplegic.

In this state of bleeding and virtually paralyzed, she dragged herself out into the hallway to beg for help. The doctor called an ambulance to take her to the emergency room but said: Just transport her; you do not need to treat her on the way. She waited several hours at the emergency room before they eventually treated her. She will never walk again. She is a housewife and mother who had no lost wages because of this and, frankly, because of this bill, she would be limited to recover $250,000.

Is that jackpot justice? Has Sherry Keller made out like a bandit—$250,000—for what she is going to go through for the rest of her life? Is she being treated first as a patient? She is being treated last, and that is unfortunate and unfair.

There is a medical malpractice insurance problem in America. We should address it in a responsible way and not at the expense of victims such as Sherry Keller.

Senator GRAHAM of South Carolina and I have introduced a bill as an alternative to this which we believe is a constructive first step toward dealing with this.

First, to increase patient safety efforts across the United States to reduce malpractice.

Second, to provide an immediate tax credit for doctors and hospitals for their malpractice premiums. Doctors and hospitals cannot afford to wait 8 to 15 years, as the sponsor of this legislation says it will take, before limiting the recovery of victims results in lowers premiums.

Incidentally, there are people in the insurance industry who will not even say it will result in any reduction in premiums over a period of time.

We also repeal the antitrust exemption given to the insurance industry, which is totally unfair, which will end collusion among those companies in setting rates.

We reduce frivolous lawsuits in saying to attorneys, those few bad actors: If you do it, we not only will fine you, but ultimately we will prohibit you from filing this type of lawsuit.

We give grants to hard-hit areas described in Missouri, Kansas, Illinois, and North Carolina, so they can deal with losing doctors and hospitals. We say that punitive damages are going to be allowed in only the most egregious cases, serious intentional situations. But if a doctor has been involved in helping his or her community through Medicare and Medicaid, they would be immune from punitive damages in medical malpractice cases.

We do not provide this great protection for the drug companies and the medical device manufacturers who decided to jump on this medical malpractice bandwagon for the ride and limit their own liability.

We do not preempt State laws. Individual States can still make decisions they made historically, and we do provide statute of limitations be decided by each State.

This is going to result in lower premiums and better situations for people across America. It is a better way to go. I, frankly, think we have to look at the root causes of the malpractice insurance problem. First is the incidence of malpractice of epidemic proportions, according to the Bush administration. That is the root cause.

Secondly, the malpractice insurance companies, when they made investments during the Clinton era, as the stock market was booming—and we all remember that—they did quite well. When the bottom fell out a couple years ago in the stock market, so did their investments.

What does an insurance company do when their investments start to lose ground? They raise the premiums on the doctors. That is what is going on here. We are being asked to penalize patients and victims of medical malpractice because of the investment practices of insurance companies. We are riding to the rescue of insurance companies at the expense of children whose lives are forever damaged and changed because of medical malpractice. We are putting limitations on recovery for people who are innocent victims so we can help the bottom line and profitability of insurance companies.

Time and again, this Senate races to protect special interest groups and forgets the families, children, and elderly people across America who are the victims of this wrongdoing. That is not fair to them. It certainly is not fair to this country.

I end by saying to doctors and hospitals across this country, after we defeat this bad bill, let us come together for a reasonable solution to reduce medical malpractice, to bring in the insurance companies and hold them accountable and say to the legal profession they must guarantee to us as well that there will be responsible conduct on their part.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Mr. ENSIGN. I have 2 minutes and 20 seconds remaining.

The PRESIDING OFFICER. There is no time remaining.

Mr. ENSIGN. I yielded to the Senator from Missouri and reserved 2 minutes and 20 seconds for myself.

The PRESIDING OFFICER. It is my understanding the Senator from Missouri used that time.

Mr. DURBIN. If I might, I am happy to yield 2 minutes to the Senator from Nevada. I ask unanimous consent that the Senator from Nevada have 2 minutes.

Mr. PRESIDING OFFICER. There is no time to be yielded.

Mr. SCHUMER. Mr. President, as I understand it, I have 10 minutes.

The PRESIDING OFFICER. Under the previous order, at 11:10, the Democratic leader will be recognized for 10 minutes. At 11:20, the majority leader will be recognized for 10 minutes.

Mr. SCHUMER. I designate myself as the Democrat to control those 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I am happy to yield 2 of those 10 minutes to the Senator from Nevada, and I will then take the next 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I thank my colleague for the time.

I will make a couple of quick points. First, we have seen a lot of pictures from the Senator from Illinois. He talked about the $250,000 cap on damages included in this bill. Let's get one thing straight. It is a $250,000 cap on pain and suffering.

He put up a picture of a young child. I will read some of the totals. California has comprehensive medical liability reform in place that this bill I have presented today is modeled after. These are the following awards, and these are almost all economic damages or medical damages that were awarded to these infants: $43,500,000 in May 2002; July 1999, $30,800,000; April 1999 in Orange County, almost $7 million; January 1999 in Los Angeles County, almost $22 million; December 2002, $84 million. So for pictures to be put up and to say, what is this child going to get, this child can get a lot. Most of these awards are in economic damages or in medical expenses. Those damages are not capped in this bill.

The next picture we have to put up is a woman with her child. Because there was no OB/GYN available, she had to deliver this child on the side of a road by herself. Unfortunately, the patient did have complications, and the mother had to provide CPR to the baby on the side of the road in the middle of the Arizona desert. Thankfully, the baby survived. But she could have had serious consequences, and then they would not have been able to get compensation from anybody. And this is because there was no care available at the community hospital that she had to bypass because the doctors could no longer afford the premiums because of the frivolous and outrageous lawsuits that are destroying our court system.

I yield the floor.

NOMINATION OF VICTOR J. WOLSKI

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask that I be given 4 minutes of the remaining 8 and the Senator from Illinois be given 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I want to repeat the arguments against Mr. Wolski. Something new has happened since I spoke an hour ago. The AFL-CIO has come out against him, which is understandable, because of his ideology.

Mr. Wolski should be defeated for two reasons. First, he is an ideolog. This important court, when it comes to the environment, does not deal with much else we would care about, other than just claims issues, and we should not have somebody who is a self-described ideolog. Let me repeat that Victor Wolski, in his own words, said every single job he has taken since college has been ideologically oriented, trying to further his principles, which he describes as a libertarian belief in property rights and limited government.

I do not think the Founding Fathers intended judges to be ideologs. That is why they have us advise and consent, so that if a President, as this President does, sees judges through an ideological prism and does not nominate moderates—I do not like judges far right or far left—when he nominates them, we can be the check. We have used that power judiciously. We have defeated or filibustered only two of the 134 nominees the President has made.

This man deserves to be defeated. He is an ideolog, way over. If my colleagues believe we have made advances in clean water and clean air, his theory is that any type of environmental law is a taking, which denies the compact on which we all live: That if someone lives upstream on a river from somebody else, they do not have the right to dirty that river and foul the water of the person who lives downstream. If someone lives 100 miles east and they own a factory where the winds blow in that direction, they do not have a right to spew SO2 and NO2 in the air and foul the lungs of people who live downwind.

Mr. Wolski does not believe in that. He says if someone has the money and can build the plant, go build it. That is the core of his beliefs in terms of takings. So he is an ideolog. He does not have the temperament for the bench, as mentioned. He said that Members of Congress were, and this is his word, bums. If he does not like us, he has a right to denounce us, but that is not the kind of word of a person we want to see as a judge.

Just as importantly, whatever one's views on Wolski, this is a boondoggle, a waste of money. The average number of cases a court of appeals judge handles is 355. The Court of Federal Claims handles 24. If we add these judges, it will go down to 19—a million-dollar boondoggle.

The Washington Post, in an editorial, called it the ''Court of Extravagance.'' When President Clinton was President, Members of the other side refused to fill these vacancies, stating there were too few cases and too small a workload. Well, the workload is even smaller and we are nominating four judges. We do not have money for all of what we are talking about—prescription drugs health care, education—and we are doing this. It is wrong. It is hypocritical of those who have said in the past that this court should not be filled, because it has such a low caseload, to fill it now.

I urge Mr. Wolski's nomination be defeated.

Mr. SANTORUM. Mr. President, I rise in support of proceeding to the consideration of S. 11, the Patients First Act. The issue of medical liability reform has been studied extensively, and clearly Federal policymakers have an obligation to address the explosion in litigation across the country and jackpot-sized awards that are having a severe impact on doctors, hospitals and patients' access to care.

This is a national crisis that requires a Federal solution. The crisis is not confined within State lines, as patients are losing access to physicians within their State and are having to cross State lines merely to get access to care. Similarly, physicians are being forced to leave their practices due to high insurance rates, and relocate to a State that has enacted some type of reasonable reform that has remained on its books through judicial review.

In Pennsylvania and many other States, health care providers are facing enormous increases in their medical liability insurance premiums or are unable to obtain coverage at all due to a significant rise in scarce resources being drained from our health care system because of sporadic and sometimes frivolous health care litigation. As a result, real patients are being denied access to care and losing their family doctors because of exorbitant medical liability costs.

In some States including Pennsylvania, some ob-gyns have been forced to stop delivering babies, trauma centers have closed, and physicians are grappling with how they can continue to provide other high-risk procedures. South Philadelphia now has no operating maternity wards. In Fayette County, a practice of three obstetricians that delivers half of the babies born in the area stopped delivering babies when faced with a premium increase from $150,000 in 2002 to $400,000 in 2003. And according to the Pennsylvania Medical Society, 72 percent of doctors in our State have deferred the purchase of new equipment or the hiring of new staff due to increased medical liability costs.

To be sure, Mr. President, the health care profession is not free of error. And I fully support a person's right to seek just compensation when they are harmed by negligent or improper medical care. And I also fully support initiatives referenced over the past couple of days that would help to root our and prevent medical errors. But escalating jury awards and the high cost of defending against lawsuits—even frivolous ones—are driving up liability premium increases, with devastating results for patients.

According to Jury Verdict Research, the median jury award increased 43 percent in just one year, 1999–2000. More than half of all jury awards today top $1 million, and the average jury award has increased to $3.5 million. And the vast majority of medical liability claims do not result in any payments to patients.

And so how does this impact patients? Quite simply, medical professionals are fleeing from areas where medical liability premiums are escalating at a rapid pace. We have heard of many horror stories over the past couple of days and in Congressional testimony about patient access to care being adversely affected. The Wilkes-Barre Times Leader, on October 23, 2002, reported the experiences of one of my constituents in Northeastern Pennsylvania who suffers from two herniated disks, having to travel an entire day because high insurance premiums have decreased the number of neurosurgeons.

The truth is—every American pays the price for this country's liability crisis, and Congress and the President have a responsibility to fix this very serious problem.

Pennsylvania's own Representative JIM GREENWOOD has been a strong leader on this issue and has introduced the bipartisan HEALTH Act, legislation which would put in place new Federal minimum standards for liability reform, based on measures that have been proven to be effective in States like California with its proven MICRA reforms, to help prevent excessive awards that are driving up health care costs, encouraging frivolous lawsuits, and promoting time-consuming legal proceedings.

The Patients First Act we are seeking to consider here in the Senate is largely based on the House-passed HEALTH Act, and includes many commonsense provisions which can serve as a bipartisan model for medical liability reform. It would establish a reasonable Federal fall-back cap on non-economic and punitive damages, but would allow States the flexibility to set levels higher and lower if they choose. It would allow for unlimited economic damages, and would ensure fair allocation of damages, in proportion to a party's degree of fault. It would also ensure that more of the awards from meritorious cases are paid to the patient instead of trial lawyers.

Far from limiting the opportunities of patients to seek redress in the courts, S. 11 would ensure full and unlimited recovery of economic damages, of medical expenses, of rehabilitation costs, childcare expenses, all current and future wage earnings that are lost, including employer-based benefits, and any other economic losses.

We have heard a lot from the other side of the aisle about how this legislation would somehow limit patient access to the courts by forcing a Federal mandate to limit non-economic damages to $250,000. This is completely false, and the other side of the aisle knows it. S. 11 would give States the flexibility to establish or maintain their own laws on damage awards, whether higher or lower than those provided for in this bill.

And the experience of California shows that injured patients have not only maintained access to the courts, but in many cases have received multi-million dollar awards in economic damages, including minors and non-working spouses.

The opponents of moving to consideration of this bill have also tried to move the spotlight away from the underlying issues of cost and access and suggest that the answer lies in insurance reform. This is a flawed argument that takes needed attention away from the real problems.

Suggestions that liability rates are high because insurance companies are trying to recover past losses are, quite simply, factually wrong. As a matter of law, medical liability rates are determined by estimates of future losses from claims. State regulators are already required by law to reject liability insurance rates that are excessive. Changing insurance laws will do nothing to change the underlying reason for rising premiums—an increase in meritless litigation and skyrocketing jury awards.

President Bush is committed to passing balanced bipartisan legislation that will put reasonable limits on liability lawsuits while allowing compensation for patients truly harmed by medical malpractice. Such reforms can save the Federal government and our health care system tens of billions of dollars in rooting out frivolous lawsuits and reducing defensive medicine.

We can and should create a medical liability system that more equitably and rapidly compensates patients who have received substandard care, but which at the same time limits frivolous lawsuits and increases access to health care by reducing the excessive costs of the system.

Mr. President, we have an obligation to at least move to consideration of this bill, to have the opportunity to offer amendments, and to show the American public that Congress is capable of working toward real solutions on this growing health care crisis.

Mrs. DOLE. Mr. President, today the Senate must make a decision that will affect the entire state of our health care system. For years, America has enjoyed world-class health care. We have led the way in cures and treatments, we have developed the latest and the best technologies, and we have ensured that our doctors are trained in ground-breaking procedures. Indeed, our Nation has accomplished much in the area of health care.

But today the future of our world-renowned health care system sits in the balance as this Senate mulls two very important choices. Will we succumb to some trial lawyers who have nearly crippled the system by filing hundreds of frivolous lawsuits each year? Or will we do the right thing and place limits on these lawsuits and the big-money fees lawyers earn off of them, so that our doctors can have the peace of mind they need to do the job they love? I challenge my colleagues to do the latter.

America is in the midst of a crisis. Those who need health care, the most vulnerable and sickest among us, are the real victims. We have all heard their stories. Too many of our patients can't get doctors, can't get specialists, can't get health care. In North Carolina, rural residents have been among the hardest hit. Patients tell stories of driving miles just to find a doctor to treat an illness. There have been reports of women driving for miles and miles just to find someone to deliver their baby. This is beyond unacceptable. No one in this country should have to struggle like this for health care. The America I know is better than that.

I have heard from doctors in my State. And this crisis is having a detrimental effect on our medical providers. Too many of them can't afford rising malpractice insurance rates. They have had to curb their medical practices, stop taking some patients, move to another State and perhaps the most painful, leave the profession altogether. Dr. Jack Schmitt says his insurance premiums went from $18,000 to $45,000 a year. He eventually decided to leave his practice and teach at the University of Virginia Medical School.

Doctors who decide to remain are forced to practice defensive medicine and order an excessive amount of tests and procedures to protect themselves from lawsuits. Dr. Steve Turner of Garner estimates that internists like him prescribe close to $5,000 a day in defensive medical practices or $1.2 million a year per doctor. This cannot continue.

North Carolina is included on a list of 18 States that the American Medical Association says is suffering from a medical liability crisis. According to the AMA, some North Carolina hospitals have seen their liability insurance premiums rise three- and five-fold in the last few years. Specialists—like our obstetricians, emergency doctors, and anesthesiologists—are seeing even higher increases.

Consider this: Novant Health, the corporate parent of Presbyterian Hospital in Charlotte, saw its malpractice insurance increase by 114 percent between the years 2000 and 2003. They are now paying $4.5 million in malpractice insurance.

In Catawba County, doctors participating under the Network of Primary Care practices have been told that because of rising premiums, charity care will no longer be purchased for them under their policy. This means if doctors want to volunteer their medical services at a soup kitchen, homeless shelter, or some other charity, they are going to have to first buy separate, costly insurance coverage themselves.

Even our Level III trauma center in Cabarrus County is in danger of closing after premiums increased 88 percent. The list, the stories, and the pain are endless.

The legislation before us is a solution that we know works. It is modeled after California's MICRA law which has been in place since 1975 and has kept insurance premiums down in that State. This legislation does not cap damages. Victims who suffer from a doctor's malpractice will be able to recover every penny of their actual economic damages. It does limit non-economic damages, like pain and suffering. Punitive damages would be limited and so would attorneys' fees. But the legislation allows patients to collect for medical bills, funeral expenses and other costs. And States would still have the option of setting higher or lower caps than what is in the bill.

This really is one of those issues where the Senate cannot sit idly by. The House has passed a bill. It is time for the Senate to do the same.

We have a choice. We can vote with some trial lawyers who file endless lawsuits and watch our health care system spiral into decay, or we can put an end to this debate and protect our health care system by casting a vote for our patients and the medical professionals who so tirelessly care for them. I urge my colleagues to vote in favor of cloture. Let's pass the bill for our patients who need it most.

Mr. NELSON of Florida. Mr. President, while I recognize that medical malpractice insurance premiums have increased at an alarming rate in many States, I rise today in opposition of the Patients First Act of 2003, S. 11. This bill does not put patients first, and fails to address major parts of the problem.

Any legislation aimed at reducing premiums for medical malpractice insurance must include reforms to the industry, and should be done by experts at the State level. Insurance regulation and tort law are traditional State issues.

The Senate is moving forward on this bill even though it has not been vetted through the appropriate committees. To date, there have been no hearings in Judiciary or a markup of S. 11.

In addition to foregoing the appropriate legislative process, I am also concerned that this proposal, as introduced, fails to do what it promises to do—ensure patients' access to doctors and decrease malpractice insurance rates for physicians.

As a former insurance commissioner, I learned first hand that insurance is best regulated at the State level. That level or regulatory oversight over the industry ensures that residents of a particular State are all afforded the

same protections and guarantees. A one-size-fits-all approach like S. 11 is not the best policy.

In addition, one of the cornerstones of the McCarran-Ferguson Act in 1945 was that in exchange for exemption to Federal antitrust laws, the regulation of the business of insurance would be carried out at the State level.

In the late 1980s and early 1990s insurers flocked to the medical malpractice insurance market because of increased cashflow and rising interest rates. These insurers pursued as much business as they could and as competition increased, prices dropped. This competition created an environment of underpricing the actual risks of the insurance.

As the economy worsened and investment income dried up, insurance companies increased premiums to recover investment as well as insurance losses. The Senate should not ignore the business practices of the insurance industry in the so-called ''medical malpractice crisis.''

In a recent report by the Institute of Medicine it was estimated that 98,000 people die each year due to preventable medical errors. That is 268 each day. Why then instead of solely focusing on the tort system are we not also addressing this issue? After all these errors are the reasons most people seek compensation.

The Senate's proposal fails to improve overall patient safety and the reporting of medical errors. Patients should have access to this information and be allowed to make informed decisions about their physicians.

Proponents of this legislation argue that by limiting the risk of insurance companies through caps on damages, that by protecting their interests, we will then lower medical malpractice insurance premiums and ensure access to health care providers. I do not believe this is accurate.

In the State of California, which already limits non-economic damages to $250,000, the average actual premium is $27,570, 8 percent higher than the average of all States that have no caps on non-economic damages. Clearly a cap did not keep these premiums from rising.

In Florida, as in the Nation, we have had some sad malpractice cases. If patients had access to information about their doctors then perhaps Willie King may not have had the wrong foot amputated in 1995.

Mr. King was admitted to University Community Hospital in Tampa, Florida, for the removal of his right foot. Imagine his surprise when he woke up to find that Dr. Rolando Sanchez had removed the left one instead. As it turns out 2 years earlier, Dr. Sanchez had settled a claim from a man who agreed to one type of hernia operation but instead had another, State records show.

Still, Mr. King—who was already collecting disability—still had to have his other foot removed and was unable to remain independent as he had been prior to the operation.

To cap damages, without regard to the extent of an injury is shortsighted and unfair. Caps just do not fix the problem. It is far more complicated than that.

In California, which is often touted as the example of how effective caps are, medical malpractice premiums increased by 190 percent during the first 12 years following enactment of the $250,000 MICRA cap. It was not until California's Proposition 103 was enacted that malpractice premiums were lowered and stabilized.

In Florida, where this issue is being hotly debated, insurers have made no guarantees to lower their premiums. Even after the Governor sought to get that assurance by further protecting them from lawsuits, the industry still refused to guarantee any sort of decrease in rates.

In addition to caps not reducing malpractice insurance premiums, they are also unfair. Take the case of Janet Pandrea from Coconut Creek.

In January 2002, at the age of 65, Mrs. Pandrea was diagnosed with cancer in her chest. Janet had been married for 46 years, she had been a healthy and active mother and grandmother. She was told to begin chemotherapy treatments, and died from complications after only 2 months.

The doctors did not tell her family why she died so suddenly, so they requested an autopsy. The autopsy showed that she never had cancer. Janet should never have been subjected to the chemotherapy that killed her.

The economic damages for a 65-year-old woman would cover only her medical bills. Her family would not be able to recover more than $250,000 for the loss of their wife, mother, and grandmother.

Mr. President, I rise in opposition to this legislation, not because I do not think that there is a serious problem with the medical malpractice insurance in this country, but I do not support this bill because it will not reduce premiums or enhance a physician's ability to provide care.

Mr. FEINGOLD. Mr. President, I recognize that we have a problem in this country with malpractice insurance premiums. I would like very much for Congress to address that problem. It is my judgment that S. 11 will not solve that problem, and it will harm innocent Americans who have suffered horrible and permanent injury at the hands of negligent medical practitioners. I will therefore vote no on the cloture motion.

Mr. President, there are many provisions of S. 11 with which I have serious disagreement. Let me just mention a few. In a provision called the fair share rule, the bill eliminates joint and several liability in medical malpractice cases. What that means is that if one responsible defendant is insolvent and has no insurance coverage, the victim of malpractice ends up without a full recovery of his or her damages. This is not fair. Most State laws provide that the risk of one defendant being insolvent or judgment-proof is borne by the other responsible defendants. There is no reason to change this longstanding principle of law.

Another problem with this bill is the new statute of limitations that the bill imposes on medical malpractice claims. Shorter statutes of limitation don't discourage frivolous claims, they encourage them. Lawyers facing a looming statute of limitations have to file lawsuits to protect their clients' options. Imposing a statute of limitations of as little as 1 year, as this bill does, does not allow adequate time to investigate a claim and determine if it is really worth filing.

I am also concerned that this bill has been drafted to protect not only doctors but medical device manufacturers and drug companies from liability claims. There is no evidence that suits against these defendants are contributing to rising medical malpractice insurance premiums. So this bill is not just a medical malpractice bill, it is a product liability bill.

But the most ill-advised provision in this bill is the cap on noneconomic damages of $250,000. At the one hearing held on this issue this year, the Judiciary and HELP Committees heard from Linda McDougal, a 46-year-old Navy veteran from Woodville, WI. Last year, Ms. McDougal underwent a double mastectomy after her biopsy results were switched with those of another patient. She didn't have cancer, she never had cancer. We can be thankful for that. But her life, and her family's life, will never be the same.

I hope everyone in the Senate will read Linda McDougal's testimony and learn about her experience. It is a powerful cautionary tale for those of us who are charged with voting on legislation concerning medical malpractice.

I find it hard to believe that anyone in this body can look Linda McDougal or any of the thousands of victims of catastrophic medical malpractice in the eye and say, ''$250,000 is all your pain and suffering are worth.'' Would any of us be able to tell our mothers or our wives or our daughters that their damages should be limited to $250,000 if they were the victims of the unspeakable pain and lifelong sadness that Linda McDougal will endure? Remember, Linda McDougal didn't have extraordinary medical bills or lost wages. Her damages are noneconomic. But her loss is real, it is permanent, it is unfathomable.

There is no question that we have a problem in this country over the cost of malpractice insurance. But the solution cannot be to penalize innocent victims like Linda McDougal, to prolong and extend this suffering by denying them adequate compensation.

We have virtually no evidence that caps on economic damages will actually lower insurance rates. Indeed, as Senator DURBIN noted in this debate, in

States that have caps on noneconomic damages, insurance premiums increased 48 percent from 1991 to 2002. But in States without caps, the insurance has been only 36 percent. So the case has just not been made that the caps in this bill will lower malpractice premiums. But more importantly, the case has not been made, and in my view cannot be made, that these caps are fair to victims like Linda McDougal.

There very well may be solutions that we in the Senate can develop to addrsess the cost of medical malpractice insurance in this country and the effect on patient care that rising premiums are causing. And there certainly are things we can do to address the disturbing problem of medical error in this country. The Institute of Medicine estimates that between 44,000 and 98,000 adverse medical events occur in hospitals every year.

If we want to reduce malpractice insurance premiums we must address these problems as well as looking closely at the business practices of the insurance companies. What we shouldn't do is limit the recovery of victims of horrible injury to an arbitrarily low sum.

This is obviously a complicated issue. This is the kind of issue that needs to be explored in depth in our committees so that a consensus can emerge. It is not the kind of issue that should be brought directly to the floor with such a great gulf between supporters and opponents. So I will vote ''no'' on cloture today, and I hope that the bill will go through the HELP Committee and/or the Judiciary Committee before we begin floor consideration of this important topic.

Mr. ALEXANDER. Mr. President, I come to the floor today to express my concern with the rising cost of medical liability insurance. I have heard from doctors and hospitals from one end of Tennessee to the other, all concerned with the sky rocketing cost of medical liability premiums. The increasing cost of medical liability insurance is creating a patient access crisis because doctors are leaving the practice of medicine.

At Hardin County General Hospital in Savannah, TN, both an orthopedist and an OB/GYN have left the hospital to go practice in other States because their insurance premiums were too high. High medical liability insurance is one more reason it is difficult to recruit specialists to rural areas.

At the University of Tennessee Health Sciences Center in Memphis, young people just entering the profession are being sued at a horrifying rate, discouraging them from continuing with the practice of medicine. Since 1990, one third of all residents in training have been served with a malpractice suit. Some specialties, such as OB/GYN and Neurosurgery, are being sued so frequently that students are not pursuing these specialties. This will soon cause a crisis in access to specialty care.

Tennessee hospitals experienced liability insurance premium increases of 75 percent to 400 percent last year. Baptist Memorial Health Care Corporation in Memphis, TN, had liability coverage of $2.7 million for 2002. For 2003, Baptist was quoted $8.3 million for liability coverage. This is an increase of $6 million in 1 year.

In 2002, the medical liability premium for an OB/GYN in Tennessee was $62,000. In 2003, the premium more than doubled to $160,000, and in 2004, it is estimated to more than double again to $285,000. This sort of increased cost is not sustainable. I am worried about who will deliver babies in my State. Other physicians are also feeling the squeeze. In 2002, the medical liability premium for a family practice physician was $44,000. In 2003, the premium increased to $117,000. Again, this sort of increased cost is not sustainable.

I believe that S. 11, the Patients First Act, is a great step in the right direction. The Patients First Act will reduce the effects of excessive liability costs by placing a sensible cap on noneconomic damages. The bill will still allow unlimited economic damages. If a patient is injured, they will have unlimited access to economic damages to pay for their recovery.

S. 11 will help stem the tide of rising medical liability premiums before patients lose access to medical care. I hope we reach cloture on the motion to proceed so that we can consider this very important legislation.

Mrs. MURRAY. Mr. President, there is a health care crisis in this country. Millions of Americans have no health insurance. Insurance companies continue to increase their premiums and doctors and patients are the ones who are paying.

In my home State of Washington, our health care system is in trouble. Some doctors are closing their practices, retiring early, or moving to other States. We have a shortage of nurses and other medical professionals. And one in nine Washington State residents do not even have health insurance.

Doctors in my State are seeing their malpractice insurance premiums increase by 100 and even 200 percent. At the same time, Medicare, Medicaid, and private insurance companies are reducing their reimbursement amounts. These multiple forces have created a perfect storm for doctors and patients.

In some specialties, like OB GYN, the malpractice insurance market is out of control. Insurance companies keep jacking up their premiums. These insurance company increases are simply not sustainable.

I strongly support legislation to correct these problems and to get skyrocketing insurance premiums back under control. We must help to stabilize our health care system by making sure that doctors are not forced out of business by rising insurance rates.

Unfortunately, the proposal before us is not the answer. There are major flaws with both the process and the substance of the proposal.

First, this bill would preempt State patient rights laws, and give more protection to HMOs and insurance companies at the expense of real people who are hurt.

Second, caps on noneconomic malpractice awards have not been effective at reducing insurance rates in States where they have been tried; and

Third, this bill is being used as a political club, instead of a real attempt to find a meaningful solution.

I am deeply disappointed that some Senators would rather play political games with our Nation's health care instead of trying to find a real solution.

One problem is that this proposal preempts State patients' right laws and protects HMOs and insurance companies rather than doctors and patients.

For the past 3 days Senators have talked about the impact of the medical malpractice crisis on doctors and patients across the country. And those who have been following this debate might assume that this legislation would only provide protection to doctors and hospitals. But this bill goes much further.

S. 11 also extends additional protections to nursing homes, HMOs, drug and medical device manufacturers.

Not only does S. 11 provide liability relief for these groups. In some cases it preempts State patient bills of rights laws and protections—protections that patients and doctors have fought hard to achieve.

Since 1997, I have worked to secure passage of a Federal Patient's Bill of rights to protect patients and to ensure that insurance companies make decisions based on sound medicine, not profit margins.

Working with doctors and hospitals we have twice tried in the U.S. Senate to enact a comprehensive Patients' Bill of Rights, but were defeated by special interests. The foundation of any patients' bill of rights legislation is holding HMOs accountable for making medical decisions. Unfortunately, S. 11 would take us in the opposite direction.

Many States, like my home State of Washington, did not wait for Federal action to protect patients and doctors. In March 2000, Washington state enacted a strong Patients' Bill of Rights law that held HMOs and insurance companies accountable and liable for harm caused when insurance plans denied or delayed access to recommended health care services.

The State law also provides a 3-year statute of limitation from the completion of the independent external review process. But, S. 11 would preempt this law. It would impose a Federal noneconomic limitation of $250,000 and would reduce the state of limitation to 1 year.

This is the wrong approach. The Senate leadership is proposing to substitute the judgment of the Federal

Government in Washington, DC for the judgment of the State legislature in Washing State. As insurance has historically been a State, not a Federal, issue, Congress must be careful about this Federal expansion.

The second problem with this proposal is that caps on malpractice awards do not necessarily reduce insurance rates.

I have heard my colleagues refer to California's experience as a model for Federal action, since California has enacted caps. However, recent data shows that average actual premium rates in California are actually higher than States that have no such caps, according to the Medical Liability Monitor.

Across the country, States that have imposed caps on noneconomic damages, are now seeing similar increases in insurance premiums as those States without caps. If the goal is to help insurance companies with their profit margins, then this bill might help. But if the goal is to help doctors afford to pay for insurance, then this bill will not help.

Even if caps did force insurance companies to reduce their rates, are caps fair to patients who were harmed?

We know that as many as 90,000 people a year die from medical errors. Not all of these errors constitute malpractice, but limiting fair and just compensation for even a fraction of these individuals and their families is a major change in our judicial system—and a huge price to pay in the name of reform.

If this legislation had gone through the appropriate committee process, Congress might have gotten some answers to these questions, and the legislation before us might have been helped doctors and patients.

Unfortunately, this bill was brought forward for purely political reasons. This is the greatest tragedy of all for doctors and patients. Some colleagues would use this bill to help their follow partisans rather than the physicians who need it.

This bill did not go through the standard committee process. There were no public hearings to get expert testimony to help shape the legislation. There was no committee markup for the legislation for Senators to weigh in on the issue.

In fact, there are a number of reports indicating that malpractice claims are not necessarily responsible for higher insurance premiums. These reports suggest that it is not the growing number of cases or even the size awards that are driving premium increases, but rather the decline in the value of investments for insurance companies.

Without the opportunity to fully understand the problem—with hearings and markups-Congress cannot develop a real, workable solution.

Instead, some Republicans are exploiting this legislation, according to the Washington Post, ''as an issue for next year's election.''

In fact, even Republicans have acknowledged that this is not a serious proposal, but instead is a ''political document.''

A Republican Senator was quoted in the New York Times this morning discussing this bill. He said the Senate leadership is ''bringing this bill up to get most of my Democratic friends to vote against it, a handful of Republicans to vote against it, and they're going to take it on the campaign trail.''

This is outrageous. Patients are losing their doctors. Doctors are going out of business. And rather than address a critical problem, the Senate leadership is playing political games.

So what is the answer?

Clearly, the medical malpractice insurance rates doctors are facing are untenable. They are a real problem for doctors, for patients, and for our entire health care community. Every week, I hear from doctors throughout Washington State about the challenges that soaring malpractice insurance premiums are causing.

That is why I support the Durbin-Graham proposal to provide immediate relief to doctors.

When insurance markets are dysfunctional—as they certainly are in malpractice—the Federal Government has a tradition of providing needed support. We did that with flood insurance a few years ago, and we did it again with terrorism insurance in 2001. When an insurance market fails, there is certainly precedent for Federal corrective actions.

If we can provide relief for terrorism and flood insurance, we should be able to provide relief for high-risk, critical practices like trauma and OB GYN services.

While we need to examine every way that we might address this crisis, as I look at this idea, I am also realistic. Noneconomic damages are not the only factor impacting insurance premiums. It is not clear to me that capping just noneconomic damages will really solve the problem. In addition, malpractice insurance is traditionally a state issue. If the Federal Government is going to insert itself so dramatically in a State matter, we need to be sure this approach is going to work.

There are still too many unanswered questions to proceed with this bill. We know that the status quo is not sustainable, but we need to recognize that this is a complicated problem and there can be no quick fixes.

It is time to stop playing politics and start working together to find solutions and heal our ailing system.

Mr. EDWARDS. Mr. President, I speak out for ordinary people.

We all recognize that we need to do something about the medical malpractice problem in this country. Premium rates are too high and, in some cases, drive away the medical care these people need. I have spoken out loud and clear about this issue and recently published an op-ed piece in the Washington Post calling for common sense provisions included in our bill, which I am proud to cosponsor.

The PRESIDING OFFICER. I ask unanimous consent to have that printed following my remarks. Without objection, it is so ordered.

Mr. EDWARDS. We have to do something about this problem. But the answer is not to slap down the victims, which is exactly what the Republican plan will do.

This is nothing new. Time and again, we have seen this administration and the Republican majority stand up for corporate interests with little regard for the people who will be harmed by this rush to protect big business. This time it is the malpractice insurance companies who are being protected at the expense of ordinary people.

S. 11 comes right off the insurance companies' wish list. It might as well have been written by the insurance companies. It drastically limits the compensation these companies have to pay children and parents who have been blinded, paralyzed or otherwise severely injured. The victims who make the least money will suffer the most under this plan. The harm to the kinds of families I represented as a lawyer for nearly 20 years will be enormous. We need to stand up for these people.

We need to fight for people like little Tristan Lewis, who lives in my State of North Carolina. Tristan was born 3 months premature, but her early signs were good. She was breathing on her own and had scored eight out of 10 on the APGAR tests, used to rate newborn babies. Unfortunately, nurses attempted to warm Tristan with heated IV saline bags that burned the tiny girl. They heated the bags in a microwave without doctor approval; they failed to check the temperature of the bags, and then left Tristan on the boiling hot bags for over 10 minutes, even though she was crying loudly.

Black burns covered much of Tristan's back. The third-degree burns had penetrated her skin. Nine days after she was born, Tristan was sent to another hospital for a surgery, commonly needed by premature babies, to close a blood vessel near her heart. The doctors there discovered a dangerous infection. Tristan had meningitis, which likely entered her little body through the burn wounds. Tristan spent most of her first year in the hospital and she had more than a dozen surgeries.

The pain and complications of the burns increased Tristan's blood pressure and caused or aggravated bleeding inside her brain. The bacteria that led to her meningitis probably entered her body through the burn wounds, where the skin's ability to serve as a barrier against infection had been weakened.

Tristan, who is now 7, is legally blind. Her eyes bring in images, but her brain cannot process them. She is fed through a tube. Antiseizure medications make her groggy, so she spends most days sleeping. Tristan has no purposeful movement and cannot communicate.

The hospital's insurance company agreed to settle the case. Now Tristan's mother knows that her little girl will always have what she needs.

But if the administration had its way, the hospital would have been less likely to settle the case and Tristan would have been limited to $250,000 for her ''noneconomic'' suffering. That is just not right. It is wrong to try to protect the profits of big insurance companies at the expense of victims like little Tristan.

But every time we point out these inequities, we are shouted down with cries of ''class warfare!'' Well, the American people need to hear the truth. We are engaging in class warfare. What we have here is a fight for fairness.

The Republican plan is just plain, flat out unfair. And it won't work. It penalizes the worst injured people but it doesn't do a thing to solve the problem. It doesn't do anything to punish the bad lawyers while rewarding the good. It doesn't do anything to make doctors accountable for bad behavior. All this plan does is save insurance companies money by slamming the courthouse door in the face of innocent victims who have nowhere else to turn. But it doesn't require them to pass along one cent of this savings to doctors. So victims lose, doctors get nothing, and the insurance companies get richer. How can anyone claim that is fair?

Our plan is fair and it will work. It will work because it cracks down on price gouging by the insurance industry and takes aggressive action against lawyers who bring frivolous lawsuits that don't belong in court.

We have got to reform the insurance industry, something the Republican plan completely sidesteps. Today insurance companies use slow and burdensome processes to discourage both doctors and patients from filing legitimate claims. Worse still, these companies can fix prices and divvy up the country in order to drive up their profits. Even when companies don't explicitly collude, they set their rates based on a trade-group loss calculation that they know other companies will follow. In any other industry, this kind of conduct would be subject to scrutiny under the antitrust laws. But an obscure 1945 law gives insurance companies a broad antitrust exemption. Because of the insurance lobby's influence, Congress has even blocked the Federal Trade Commission from investigating insurance company rip-offs. These special privileges have go to go and our plan does just that.

Next, we need to prevent and punish frivolous lawsuits. The vast majority of lawyers are responsible advocates for their clients, but the few who aren't hurt the real victims, make a bad name for the good lawyers and clog up our courts. But for all his talk about frivolous lawsuits, President Bush does nothing to address them. He has got it backward—instead of cracking down on irresponsible behavior and baseless cases, he is targeting serious victims who win in court and are believed by juries.

Our plan requires that before a lawyer can bring a medical malpractice case to court, he or she must file an affidavit from a qualified health specialist verifying that real malpractice has occurred. Lawyers who file frivolous cases will face tough, mandatory sanctions. Lawyers who file three frivolous cases will be punished severely—in other words, three strikes and they are out.

And, while it is important to clamp down on frivolous lawsuits, we also must do everything we can to prevent malpractice in the first place. That is why our plan includes measures that will help patients avoid doctors with bad track records.

And, finally, our plan enhances patient access to quality health care by easing the burdens imposed on doctors by out-of-control insurance companies. First, it repeals the special interest antitrust exemption that allows insurance companies to collude and jack up premium rates with impunity. Second, it provides a tax credit for malpractice premiums paid, based upon the nature of risk in their areas of practice. And, third, our plan will help stem the tide of health care providers being driven out of certain geographic areas by out-of-control insurance rates by, among other things, providing grants and tax credits to areas experiencing shortages.

Our plan is fair, it is reasonable, and it will work. The Republican plan is not only mean-spirited, but it won't do a thing to solve the problem it is supposed to address. Their plan doesn't do a thing but build more wealth for big insurance companies on the backs of ordinary people who have already suffered too much. And I won't stand by and let that happen. None of us should. That is why I urge all of my colleagues to stand up for what is right and fight for fairness by voting no on S. 11.

[From the Washington Post, May 20, 2003]

LET'S KEEP DOCTORS IN BUSINESS

(By John Edwards)

The rising cost of malpractice insurance for doctors is getting in the way of good health care. In rural areas, some specialists can no longer afford to practice, and patients can't get the care they need. We need to fix this problem now, and we need to fix it in a way that is consistent with the doctors' own Hippocratic Oath: First, do no harm.

Unfortunately, President Bush's proposed prescription comes straight off the insurance companies' wish list: a sharp limit on the compensation these companies have to pay children and parents who have been blinded, paralyzed or otherwise severely injured. The victims who make the least money will suffer the most under this plan. The harm to the kinds of families I represented as a lawyer for nearly 20 years will be enormous.

What the president's proposal won't do is work. Insurance premiums have spiked recently because of insurance companies' losses on their investments, not their losses to victims. In fact, about half the states already have some limits on victim compensation, yet premiums in states with caps average about the same as premiums in states without caps. California finally controlled rates not by attacking victims—that didn't work—but by reforming the insurance industry and rolling back premium increases.

We need a real solution that frees doctors from crippling insurance costs—without preventing the most badly injured victims from receiving the compensation they deserve.

That real solution has three elements. Most important, we need to crack down on price gouging by the industry. We also need aggressive action against frivolous lawsuits that don't belong in court—not against the serious lawsuits that bring help to the most badly injured. And finally, we need to reduce the number of medical errors, many made by a very small fraction of the medical profession.

The most critical step is reforming the insurance industry. Today insurance companies use slow and burdensome processes to discourage both doctors and patients from filing legitimate claims. Worse still, these companies can fix prices and divvy up the country in order to drive up their profits. Even when companies don't explicitly collude, they set their rates based on a trade-group loss calculation that they know other companies will follow. In any other industry, this kind of conduct would be subject to scrutiny under the antitrust laws. But an obscure 1945 law gives insurance companies a broad antitrust exemption. Because of the insurance lobby's influence, Congress has even blocked the Federal Trade Commission from investigating insurance company rip-offs. These special privileges must go.

Next, we need to prevent and punish frivolous lawsuits. Most lawyers are responsible advocates for their clients, but the few who aren't hurt the real victims, undercutting the credibility of the legal system and clogging our courts. For all his talk about frivolous lawsuits, President Bush does nothing to address them. He's got it backward—instead of cracking down on irresponsible behavior and baseless cases, he's targeting serious victims who win in court and are believed by juries.

Before a lawyer can bring a medical malpractice case to court, we should require that he or she swear that an expert doctor is ready to testify that real malpractice has occurred. Lawyers who file frivolous cases should face tough, mandatory sanctions. Lawyers who file three frivolous cases should be forbidden to bring another suit for the next 10 years—in other words, three strikes and you're out.

Finally, we can reduce malpractice premiums by helping to reduce malpractice. The Institute of Medicine found that at least 44,000 people die from preventable medical errors every year. In medicine, as in law, a few people cause the most problems: Only 5 percent of doctors have paid malpractice claims more than once since 1990. This same 5 percent are responsible for more than half of all claims paid. One part of the problem is state medical boards whose discipline is as lax as state bar associations'. We need to provide resources and incentives for boards to adopt real standards on the ''three strikes'' model. At the same time, we need to encourage doctors to report more medical errors voluntarily, so we can learn more about systemic problems.

Together these measures will give relief to most doctors who are suffering under the

staggering weight of insurance premiums. But where premiums still cause shortages of medical care, Washington must provide a temporary subsidy so good doctors can continue their essential work. We shouldn't be padding insurers' profits and hurting people who have already suffered immensely, as the president proposes. But we should be protecting good doctors and the patients who depend on them.

The writer, a Democratic senator from North Carolina, is seeking his party's nomination for president.

Mr. JOHNSON. Mr. President, I support the bipartisan medical malpractice alternative legislation, a bill that is more comprehensive than the bill previously being considered on the floor, S. 11, called the Patient First Act. I want to thank Senators DURBIN and LINDSEY GRAHAM for their leadership and hard work on this issue, and I am proud to be a cosponsor of the alternative, which really begins to address the root of the medical malpractice premium problem, rather than just attempt a quick fix as does the approach found in Senator ENSIGN's legislation.

In South Dakota, we already have a cap on noneconomic damages at $500,000, which has been in effect since 1997. While some are claiming that caps are supposed to reduce premiums doctors pay, this issue is not that cut and dried. The Medical Liability Monitor found that in South Dakota, prior to 1997, medical malpractice premiums charged by some insurers were being maintained or on the decline, while for others rates were going up. And these rates varied across specialty. For example, in 1996 the premium rate went up for general surgery across two insurers, while one company increased premiums for internal medicine and OB/GYN and another insurer reduced rates for those exact same specialties. Since the implementation of caps in my State, rates initially declined, but in 2002 rates jumped as high as 20 percent over the previous year. This would indicate that caps are not the quick fix that Republicans would like you to believe is needed.

Generally, my feeling is that caps are really a State issue and that we should spend our time focusing on how to prevent the need for malpractice in the first place, through measures to reduce medical errors and improve patient safety. Beyond my overall view of this issue, I am disappointed that our Republican colleagues have taken the issue of medical malpractice, which touches the core of these important patient care issues, and are using it for politically motivated purposes. This legislation has not had any hearings in the Health, Education, Labor and Pensions or Judiciary Committee. It has not been given careful consideration in a bipartisan way prior to the majority leader bringing it to the floor. This is not the way we get things done in the Senate and this is one of the reasons why I cannot support S. 11.

I also cannot support S. 11 because it is crafted in such a way that has broad implications across the health care continuum. This bill's supporters will try and tell you that it is only about doctors' abilities to continue to provide care to patients. While I do recognize that this is of significant concern and support measures to bring down the cost of medical malpractice premiums, this bill goes far beyond that. S. 11 represents a broad, sweeping initiative that would apply not only to lawsuits against doctors, but to all health care lawsuits, thereby shielding HMOs, drug companies, nursing homes, hospitals, and medical device manufacturers who injure patients.

And what is equally disturbing is that this so-called fix is not even considered the solution by all doctors, some who have conceded that this legislation would not reduce their malpractice premiums for 3 or 4 years. This legislation also discriminates against the most vulnerable: the aged, children and low-income. By placing a cap on noneconomic damages, it says to those with lesser earning potential—''your lives mean less and a small pot of money for the rest of your life is enough, irrespective of how much of your quality of life has been taken from you.'' I cannot support this mindset and would prefer to approach this issue more comprehensively and without discriminatory practices.

As mentioned, we have learned that caps do not necessarily translate to lower premium rates. Studies have examined this issue and results are found on both sides, some finding that caps do reduce malpractice premiums, while others find the exact opposite. This says to me that we do not have the sound evidence needed to say that caps are the way to go. Because of this, we must be looking at other creative ways to address this issue that is forcing many doctors, especially those in high-risk specialties, to leave practice. That is why I support the Durbin/Graham alternative, which takes a critical look at the causes of high malpractice premiums and seeks to address them.

The Durbin/Graham alternative does provide some relief to doctors through tax credits for malpractice premium rates. It also provides a voluntary system to share medical error information through a database that is immune from legal discovery and will improve patient safety. It addresses issues related to frivolous lawsuits and provides some protection from punitive damages for health professionals participating in federally funded programs. This alternative finally addresses Federal antitrust exemptions enjoyed very broadly by insurance companies in an effort to diminish their opportunity to collude and set rates. These initiatives get at the root of the medical malpractice problem and are a step in the right direction. I urge my colleagues to vote against cloture on the motion to proceed to S. 11 and work together to embrace the Durbin/Graham alternative.

Mr. MCCAIN. Mr. President, Americans are fortunate to enjoy some of the best medical care available in the world. If we do not reform the current system, however, our good fortune will not last. Medical malpractice reform looms as one of the most critical factors negatively impacting our Nation's health care system. In the year 2000, doctors alone spent $6.3 billion on medical malpractice insurance coverage. That does not take into consideration coverage paid for by hospitals, nursing homes, and other groups.

Originally intended to provide patients with security by improving quality and providing fair and equitable compensation for valid claims, our Nation's medical malpractice system has only succeeded in adding billions of dollars a year to the cost of health care, while reducing patient access to physicians and treatment. The current system is broken.

Qualified doctors with years of valuable experience are leaving the medical field in droves. Some are opting for early retirement, while others are changing fields. Many physicians, particularly those in high-risk specialties, are moving to States that have implemented reforms or are opting to scale back their practices. Discouraged by the current system, many of today's medical students cite medical malpractice as a major factor in their choice of fields.

Rural areas have been hit particularly hard. In Arizona, our rural hospitals are struggling to keep qualified doctors. In our border region, where hospitals already struggle with the high cost of uncompensated care due to illegal immigrant populations, the Copper Queen Hospital in Bisbee has been without an obstetrician for over a year because of the high cost of medical malpractice insurance. Because of this void, pregnant women in southeastern Arizona have had to drive extremely long distances to reach the nearest hospital with an obstetrician.

Earlier this year, the daughter of a hospital board member gave birth on the side of the highway as she and her husband drove over a mountain pass to the nearest hospital in Sierra Vista. Fortunately for Bisbee and the surrounding areas, a local community health center, which is shielded from high liability costs by Federal law, recently received a Federal grant to develop a birthing facility. Now, the community will be able to retain obstetricians and pregnant women will be assured access to vital prenatal care.

Unfortunately, patients suffer most from the failures of our current system. Not only are patients losing access to qualified doctors, they are also losing health care coverage, substantially contributing to the rising numbers of uninsured Americans, most recently estimated at over 41 million. A recent study by PricewaterhouseCoopers found that 7 percent of the rise in health care costs are due to litigation and risk management. Those skyrocketing health care costs are

passed from health insurance companies to employers, making it more difficult for American businesses to provide coverage to employees. Businesses today pass a larger share of the cost burden on to employees than ever before, and many, particularly small businesses, have made the difficult decision to drop employee coverage entirely.

This morning, the Senate voted on the motion to invoke cloture on, S. 11, the Patients First Act of 2003. I voted to invoke cloture on this bill, not because I believe it is the perfect solution to this crisis, but because I believe that our Nation's medical malpractice system is broken and we must begin debating viable solutions. I have long supported tort reform generally, and medical malpractice in particular, because the current system is unfair and inefficient.

Unfortunately, the medical malpractice debate has been polarized by two powerful special interest groups, preventing necessary compromise and real reform. On one side, the trial lawyers, fearing the loss of enormous jury awards, have fought tooth and nail against any cap on non-economic damages. Similarly, the insurance industry and other medical special interest groups have been equally unwilling to compromise on the dollar amount of these caps. As long as this body remains polarized in between these two competing interests, we will not have real reform and the American people will suffer.

Under the bill considered today, patients would be able to recover the full cost of medical expenses coupled with past and future wage losses through unlimited economic damages. To address exorbitant jury awards for non-economic damages, this bill, caps non-economic damages at $250,000, while allowing states the flexibility to maintain their own caps. A federally imposed ceiling would be a tremendous help to States like Arizona that require State constitutional amendments in order to implement medical liability reform.

The reality is, we know that caps on damages do successfully reduce the cost of medical malpractice insurance. Malpractice rates nationally, have risen three times faster than in California, where caps have been in place for twenty years. Similarly, a recent study by the Agency for Healthcare Research and Quality found that states that enacted limits on non-economic damages have 12 percent more doctors per capita than states without caps.

Although I support reform efforts, I am concerned that $250,000 may not be a realistic amount at which to cap non-economic damages. I recognize that although the state-imposed cap of $250,000 has functioned well in California, there are also certain medical errors which are difficult, if not impossible to put a price tag on.

Additionally, I believe any medical malpractice reform legislation must be coupled with meaningful measures to address the alarming numbers of medical errors in this country. A 1999 study by the Institute of Medicine found that upwards of 98,000 people a year die of medical errors. Congress must address this escalating problem, particularly in the context of the current debate. Bipartisan legislation establishing medical error reporting requirements passed the House and will hopefully pass the Senate later this year, however much more can and should be done on this issue.

I believe a majority of my colleagues in the Senate agree that there does exist a serious problem in our Nation, that patients and doctors are suffering as a result, and something must be done. When the Senate voted this morning to invoke cloture, this bill did not have the votes necessary to continue debate. In fact, it did not even garner a majority vote. If we are truly committed to addressing this important issue, we must put special interests and partisan politics aside and work together to craft an equitable compromise.

Mr. LEAHY. Mr. President, I am disappointed that the majority appears to be playing politics with the medical malpractice insurance debate. This is a complex issue, and the bill before us would encroach on the rights of every state and would take away the legal rights of the American people. Great care is in order as Congress considers such steps. But instead of introducing a bipartisan bill and sending it through the committee process to reach consensus, the majority is rushing a partisan bill directly to the Senate floor. That is highly unfortunate, because our health care system is in crisis. We have heard that statement so often that it has begun to lose the force of its truth, but that truth is one we must confront, and the crisis is one we must abate.

Dramatically rising medical malpractice insurance rates are forcing some doctors to abandon their practices or to cross state lines to find more affordable situations. Patients who need care in high-risk specialties—like obstetrics—and patients in areas already underserved by health care providers—like many rural communities—are too often left without adequate care.

We are the richest and most powerful nation on earth. We should be able to ensure access to quality health care to all our citizens and to assure the medical profession that its members will not be driven from their calling by the manipulations of the malpractice insurance industry.

The debate about the causes of this latest insurance crisis and the possible cures grows shrill. I had hoped for a calmer and more constructive discussion within the Senate Judiciary Committee and on the Senate floor. My principal concerns are straightforward: That we ensure that our nation's physicians are able to provide the high quality of medical care that our citizens deserve and for which the United States is world-renowned, and that in those instances where a doctor does harm a patient, that patient should be able to seek appropriate redress through our court system.

To be sure, different States have different experiences with medical malpractice insurance, and insurance remains largely a State-regulated industry. Each State should endeavor to develop its own appropriate solution to rising medical malpractice insurance rates because each State has its own unique problems. Some States—such as my own, Vermont—while experiencing problems, do not face as great a crisis as others. Vermont's legislature is considering legislation to find the right answers for our State, and the same process is underway now in other States.

In contrast, in States such as West Virginia, Pennsylvania, Florida, and New Jersey, doctors are walking out of work in protest over the exorbitant rates being extracted from them by their insurance carriers.

Thoughtful solutions to the situation will require creative thinking, a genuine effort to rectify the problem, and bipartisan consensus to achieve real reform. Unfortunately, these are not the characteristics of the bill before us. Indeed, S. 11 is a partisan bill that was introduced only a few days ago without any committee consideration. Ignoring the central truth of this crisis—that it is a problem in the insurance industry, not the tort system—the majority has proposed a plan that would cap non-economic damages across the nation at $250,000 in medical malpractice cases. The notion that such a one-size-fits-all scheme is the answer runs counter to the factual experience of the states.

Most importantly, the majority's proposal does nothing to protect true victims of medical malpractice and nothing to prevent malpractice in the first place. A cap of $250,000 would arbitrarily limit compensation that the most seriously injured patients are able to receive. The medical malpractice reform debate too often ignores the men, women and children whose lives have been dramatically—and often permanently—altered by medical errors. The experience of Linda McDougall, who testified a few months ago before the Senate Judiciary Committee, is just one tragic example of such an error. Mrs. McDougal is recovering from an unnecessary double mastectomy, and her testimony reminded us all of the real-life consideration of these issues. Arbitrarily limiting injured patients' remedies under the law without addressing the system-wide medical errors that result in patient harm and death is a recipe for failure.

The majority's proposal would prevent individuals like Linda McDougall—even if they have successfully made their cases in courts of law—from receiving adequate compensation. We

are fortunate in this nation to have many highly qualified medical professionals, and this is especially true in my own home state of Vermont. Unfortunately, good doctors sometimes make errors. It is also unfortunate that some not-so-good doctors manage to make their way into the health care system as well.

While we must do all that we can to support the men and women who commit their professional lives to caring for others, we must also ensure that patients have access to adequate remedies should they receive inadequate care.

High malpractice insurance premiums are not the direct result of malpractice lawsuit verdicts. They are the result of investment decisions by the insurance companies and of business models geared toward ever-increasing profits as well as the cyclical hardening of the liability insurance market. In cases where an insurer has made a bad investment, or has experienced the same disappointments from Wall Street that so many Americans have, it should not be able to recoup its losses from the doctors it insures.

The insurance company should have to bear the burdens of its own business model, just as the other businesses in the economy do. And a nationwide arbitrary capping of awards available to victims—as the majority has proposed here this week—should not be the first and only solution turned to in a tough medical malpractice insurance market. The problem at hand deserves thoughtful and collaborative consideration in committee to achieve a sensible solution that is fair to patients and that supports our medical professionals in their ability to practice quality health care.

One aspect of the insurance industry's business model requires a legislative correction—its blanket exemption from federal antitrust laws. Insurers have for years—too many years—enjoyed a benefit that is novel in our marketplace. The McCarran-Ferguson Act permits insurance companies to operate without being subject to most of the federal antitrust laws, and our nation's physicians and their patients have been the worse off for it.

Using their exemption, insurers can collude to set rates, resulting in higher premiums than true competition would achieve—and because of this exemption, enforcement officials cannot investigate any such collusion. If Congress is serious about controlling rising premiums, we must objectively limit this broad exemption in the McCarran-Ferguson Act.

In February, I introduced the ''Medical Malpractice Insurance Antitrust Act of 2003,'' S. 352. I want to thank Senators REID, KENNEDY, DURBIN, EDWARDS, ROCKEFELLER, FEINGOLD, BOXER and CORZINE for cosponsoring this essential and straightforward legislation. Our bill modifies the McCarran-Ferguson Act with respect to medical malpractice insurance, and only for the most pernicious antitrust offenses: price fixing, bid rigging, and market allocations. Only those anticompetitive practices that most certainly will affect premiums are addressed.

I am hard-pressed to imagine that anyone could object to a prohibition on insurance carriers' fixing prices or dividing territories. After all, the rest of our nation's industries manage either to abide by these laws or pay the consequences.

Many State insurance commissioners police the industry well within the power they are accorded in their own laws, and some states have antitrust laws of their own that could cover some anticompetitive activities in the insurance industry. Our legislation is a scalpel, not a saw. It would not affect regulation of insurance by state insurance commissioners and other state regulators. But there is no reason to continue, unexamined, a system in which the Federal enforcers are precluded from prosecuting the most harmful antitrust violations just because they are committed by insurance companies.

Our legislation is a carefully tailored solution to one critical aspect of the problem of excessive medical malpractice insurance rates. I had hoped for quick action by the Judiciary Committee and then by the full Senate to ensure that this important step on the road to genuine reform is taken before too much more damage is done to the physicians of this country and to the patients they care for.

But our legislation to narrow this loophole in the nation's anti-trust laws for medical malpractice insurers has languished for months in the Senate Judiciary Committee. Instead of conducting hearings and a markup on our bill, the majority now rushes a ''tort reform'' agenda item to the floor without any committee consideration.

I want to comment for a moment on why committee consideration is so important to building the consensus needed to enact serious legislation to address the serious issue of rising medical malpractice premiums. During the last Congress, some of my colleagues on the other side of the aisle complained about the lack of committee consideration of prescription drug legislation. This year, we had committee consideration of a bipartisan bill and the Senate passed prescription drug legislation.

Last year, during that debate, Senator LOTT said: ''If we bring these important issues to the Senate floor without them having been worked through committee, it is a prescription for a real problem . . . .''

Last year on the Senate floor, Senator NICKLES declared: ''What happened to the committee process? Shouldn't every member of the Finance Committee have a chance to say, I think we can do a better job? Maybe we can do it more efficiently or better. No, we bypass the committee and take it directly to the floor.''

And Senator SNOWE, one of the Senate's most thoughtful members, wisely pointed out: ''I think each of us here knows that without a markup in the committee we are creating a predetermined train wreck. We are heading for a train wreck because we are creating a process designed for failure. It is designed for politics. It is not designed for creating a solution to a serious problem.''

If Congress is serious about controlling rising medical malpractice insurance premiums, then we must limit the broad exemption to federal antitrust law and promote real competition in the insurance industry, as well as attack this problem at its core by reducing medical errors across our health care system. Unfortunately, the partisan bill before us is not designed for creating a solution to a serious problem. Instead, it is designed purely for politics.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Four minutes.

Mr. DURBIN. On the other side?

The PRESIDING OFFICER. They have 10 minutes.

Mr. DURBIN. I am happy to yield to the other side unless they are going to use the entire 10 minutes and then I will use my 4.

Mr. MCCONNELL. I ask the Senator from Illinois, what is the time situation?

Mr. DURBIN. Ten minutes on his side, 4 minutes on my side.

Mr. MCCONNELL. And the suggestion of the Senator was?

Mr. DURBIN. If the Senator is going to divide it and would like to have one speaker and then I will speak and he can close.

Mr. MCCONNELL. I was going to split the time with Senator ENSIGN and use the last 5 minutes. Does the Senator from Illinois want to be the last speaker?

Mr. DURBIN. I defer to the Senator. I believe that as proponents of the bill, the Senator should have the last word. If the Senator is going to divide his time, I would just suggest that one of his speakers go first, I speak, and then the Senator be the last speaker.

Mr. MCCONNELL. Let me ask if my friend from Nevada is ready to proceed?

He will be ready momentarily.

Mr. DURBIN. I will use my 4 minutes.

First, I thank my colleagues on both sides of the aisle. Although we disagree on the approach, and I certainly do not support S. 11, I encourage all of my colleagues in the Senate to join me in stopping this bill from moving forward. This is too important to come to the floor without a committee hearing, without deliberation. It is unfair to address the medical malpractice premium crisis in America by simply saying that victims of malpractice shall be limited in what they can receive from a court.

It is unfair for us to put ourselves in the place of a jury. If we are going to deal with the malpractice insurance crisis that faces us, let us do it in an honest and complete fashion.

Early in this debate, I told the story about David from the small town in downstate Illinois. At 6 years of age he went in with a high fever and because of medical negligence and medical errors, this 6-year-old boy became a quadriplegic. He is unable to communicate with others. He breaths through a tracheotomy stoma and is fed through a gastrointestinal tube. They believe he understands what is being said, but he is unresponsive. He is now 17 years of age. His mother has quit her job at a local college to be with him full time.

The decision of this bill is that in cases such as David's what they are going to go through the rest of their lives, David and his family, is worth no more than $250,000 in pain and suffering.

This verdict by this jury in the Senate is unfair. I say to doctors across America who have a genuinely serious problem that needs to be addressed, the love and compassion you give to your patients, the commitment you made to your patients is inconsistent with the message of this bill. I believe doctors in my home State and those I have met with in other places are some of the finest people with whom I have ever worked. I genuinely want to work with them to deal with malpractice premiums that are much too high, by reducing the incidence of malpractice, by saying to insurance companies, just because you made a bad investment does not mean you will run a doctor out of business—that is what is happening with these high premiums—and by saying as well to the legal profession, the bad actors have to get out of the courtroom; stop harassing doctors with frivolous lawsuits. That is relatively uncommon, but where it occurs in one case, that is one case too many.

We need to come together after this bill is stopped today in a good-faith, bipartisan effort as we did on the terrorism insurance issue. We need to bring in the AMA, the bar association, the trial lawyers, the insurance companies, and all parties that can come to a good solution. We need to do it quickly. We need a tax credit for doctors right now. We do not need to pass a bill that might help them 8 or 10 years from now; we need to pass a tax credit now, so they can get through this troublesome period where the insurance companies have seen the bottom fall out of their investment and are charging these high premiums. That is the fair way to deal with it.

Please, do not close off a day in court for deserving victims of medical malpractice.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, what is this about today? What are we really talking about? We are talking about access to health care by patients. We have enacted reasonable limits in this bill so the crisis facing 19 States and the patients in 19 States across this country can be resolved.

The problem is caused by out-of-control jury awards and frivolous lawsuits which are cheaper to settle—and those get settled all the time—than they are to fight. The reason they will settle them is the potential huge award and the huge downside risk they have down the line. A lot of insurance companies just settle those and pass the higher rates on to doctors. That has led to many physicians leaving those 19 States in crisis and a lot of new doctors not going into the specialties which are in short supply.

If we ask ourselves the fundamental question, Is there a shortage of doctors or is there a shortage of lawyers? we do not have a shortage of lawyers in my State home state of Nevada, or in any other State, as far as I know. We do not have any shortage of people going into the practice of law. We do have a shortage of people going into the practice of a lot of the specialties in health care. The reason is that we have a jury system that is out of balance. We did not used to live in this litigious society of today. People are so sue happy and the system is set up to encourage frivolous lawsuits.

California and Colorado are the two best examples we have of medical liability reform that has been on the books long enough. We know it works. Victims get what they deserve in those States, but the system is balanced so doctors can afford their premiums on medical liability. That is what the bill before the Senate today lays out, a model very similar to Colorado and California for the rest of the country.

I encourage all of our colleagues to at least vote for the motion to proceed to the bill so we can have a full debate with amendments to proceed to solve this severe crisis we have in access to health care across the country.

The PRESIDING OFFICER. The assistant majority leader.

Mr. MCCONNELL. The vote we are about to have is not about the details of the underlying bill, it is about whether we think there is a medical malpractice crisis in America and whether we ought to do something about it. If we were able to get on the bill, it would obviously be open to amendment and we would see how the Senate felt, that some issue ought to be addressed.

The Senator from Nevada, the floor leader on this subject, says 19 States are currently in crisis and 25 are on the way to crisis, while only 6 of our 50 States are OK as far as the price of medical malpractice premiums not driving physicians out of work is concerned.

It has been incredibly stated on the other side of the aisle by numerous speakers that this crisis has nothing to do with runaway judgments. I don't know how you can reach that conclusion. The people at CBO and the Department of Health and Human Services and the Joint Economic Committee, insurance commissioners, actuaries, all believe this crisis is related to runaway judgments.

California, which we keep referring to, has the model system after which the underlying bill has been modeled. My friends on the other side of the aisle think this crisis has been created by something else. They have been suggesting it is bad returns from the stock market or insurance company collusion, or a cadre of quacks who are causing problems for medicine. I don't know whether all of that has made some contribution, but we know there is one solution that works, and that is the California approach. That is what is in the underlying bill.

We ought to at least recognize this is a national crisis, a national problem that ought to be dealt with at the national level. We will have an opportunity to find out whether the Senate agrees with that shortly when we vote on cloture on the motion to proceed. I hope the Senate will give us an opportunity to get to the underlying bill. It would then be open to all kinds of amendments and we could begin to proceed, as we normally do in the Senate, in crafting legislation to deal with national problems.

We urge our colleagues to vote for cloture on the motion to proceed.

Mr. FRIST. Mr. President, today we will be voting on a cloture motion to allow the Senate to proceed to debate S. 11, the Patients First Act. I want to strongly urge my colleagues to vote for the motion to proceed.

We have had a good debate over the last three days, and it is clear that right now patients across the country are facing a crisis of access to quality health care. Congress needs to act.

The upcoming vote will allow us to fully debate this critical issue. If action is delayed, we know what will happen: Patients will suffer, doctors will continue to flee their practices, and more States will be added to the AMA crisis list. Since we last debated this issue seven more States have joined the list, that is nearly a 60 percent increase over last year.

I have received letters from doctors all over America, including from my home State of Tennessee. Premiums in Tennessee have gone up 68 percent over the last four years, and Tennessee is not even considered a crisis state by the AMA yet.

One doctor from Waverly, TN writes:

> My insurance premiums as a general surgeon have jumped over 70 percent in the last four years. The current crisis has forced me to limit doing any moderate to high risk surgery . . .
>
> There are counties around mine that have lost the services of their general surgeons who have opted to limit their practices to family practices . . . rather than continue to pay the high premiums that are prohibitive for a surgeon in rural Tennessee.

Another doctor from Madisonville, TN writes:

My wife and I came to Madisonville, Tennessee, 24 years ago as national health service corps doctors. We helped start the Women's Wellness and Maternity Center, Tennessee's first out of hospital birth center. We depend on the obstetrical service at Sweetwater Hospital for C-sections and consultation.

This doctor goes on tell me that because of high malpractice premiums Sweetwater has only one remaining obstetrician who is now forced to bear full responsibility for providing 24-hour maternity coverage and that efforts to recruit additional doctors have failed.

As these real life stories show, this health care crisis is real and it is spreading. The current medical liability system is costly, inefficient and hurts all Americans. In addition to damaging access to medical services, the current medical malpractice system creates problems throughout the entire health care system.

It indirectly costs the country billions of dollars every year in defensive medicine. The fear of lawsuits forces doctors to practice defensive medicine by ordering extra tests and procedures. Though the numbers are hard to calculate, well-researched reports predict savings from meaningful reform at tens of billions of dollars per year.

It directly costs the taxpayers billions. The CBO has estimated that reasonable reform will save the federal government $14.9 billion over 10 years primarily through savings in Medicare and Medicaid.

It impedes efforts to improve patient safety. The threat of excessive litigation discourages doctors from discussing medical errors in ways that could dramatically improve health care and save hundreds or thousands of lives. I am a strong supporter of patient safety legislation which I hope we will pass this year. But in addition to patient safety legislation, we need to address the underlying problem—our liability system.

We must reform this broken liability system. That is why I strongly support the Patients First Act. I want to thank my colleague, Senator MCCONNELL, the majority whip, who skillfully led this debate. I also want to thank Chairman GREGG and Chairman HATCH for their longstanding leadership of this issue, and Senator ENSIGN, the lead sponsor of S. 11, who has seen the current crisis close up in his own State of Nevada. And finally, I want to thank Senator DIANNE FEINSTEIN of California. Her State has been the model of medical liability reform and has demonstrated that commonsense reforms work. I look forward to continuing to work with Senator FEINSTEIN on this issue. We share the goal of putting patients first.

The Patients First Act will protect access to care and ensure that those who are negligently injured are fairly compensated. Again, I encourage my colleagues to move this legislation forward. We cannot afford further delay.

I yield the remainder of our time.

CLOTURE MOTION

The PRESIDING OFFICER. All time having expired, under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to the consideration of Calendar No. 186, S. 11, the Patients First Act of 2003.

Bill Frist, Mitch McConnell, John Ensign, Craig Thomas, Rick Santorum, Larry E. Craig, George V. Voinovich, John Cornyn, Trent Lott, Ted Stevens, Michael B. Enzi, James Inhofe, Chuck Hagel, Jon Kyl, Judd Gregg, Pat Roberts, John E. Sununu.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 11, the Patients First Act, shall be brought to a close?

The yeas and nays are ordered under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mr. GRAHAM) and the Senator from Massachusetts (Mr. KERRY) would each vote ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 48, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—49

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nickles
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Fitzgerald	Sessions
Bunning	Frist	Smith
Burns	Grassley	Snowe
Campbell	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Kyl	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	
Crapo	McCain	

NAYS—48

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (SC)	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Clinton	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Shelby
Dayton	Lautenberg	Stabenow
Dodd	Leahy	Wyden

NOT VOTING—3

Graham (FL)	Kerry	Miller

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

EXECUTIVE SESSION

NOMINATION OF VICTOR J. WOLSKI, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Victor J. Wolski, of Virginia, to be a Judge of the United States Court of Federal Claims.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Victor J. Wolski, of Virginia, to be a Judge of the United States Court of Federal Claims?

Mr. HATCH. 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 assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay''.

The PRESIDING OFFICER. (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 265 Ex.]

YEAS—54

Alexander	DeWine	Lugar
Allard	Dole	McCain
Allen	Domenici	McConnell
Baucus	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Feinstein	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lincoln	Voinovich
Crapo	Lott	Warner

NAYS—43

Akaka	Corzine	Jeffords
Bayh	Daschle	Johnson
Biden	Dayton	Kennedy
Bingaman	Dodd	Kohl
Boxer	Dorgan	Landrieu
Breaux	Durbin	Lautenberg
Byrd	Edwards	Leahy
Cantwell	Feingold	Levin
Carper	Harkin	Lieberman
Clinton	Hollings	Mikulski
Conrad	Inouye	Murray

Nelson (FL)	Reid	Stabenow
Nelson (NE)	Rockefeller	Wyden
Pryor	Sarbanes	
Reed	Schumer	

NOT VOTING—3

Graham (FL)	Kerry	Miller

The nomination was confirmed.

Mr. LAUTENBERG. Mr. President, I rise today to express my profound disappointment with the very troublesome nomination of Victor Wolski to be a judge on the U.S. Court of Federal Claims.

The last time I spoke on the Senate floor about judicial nominations, I whole-heartedly supported and endorsed President Bush's nomination of Mr. Michael Chertoff to the Third Circuit Court of Appeals.

I commended the administration for selecting Mr. Chertoff because he was a ''consensus nominee.'' I supported Mr. Chertoff and many other judicial nominees because they demonstrated that they were not ideologues beholden to a specific political agenda.

I support nominees who demonstrate moderation, fairness, open-mindedness, and the proper judicial temperament.

Victor Wolski is a self-described political ideologue on a mission to promote extreme right-wing libertarian views.

In his own words, Mr. Wolski told the National Journal that ''every single job I've taken since college has been ideologically oriented, trying to further my principles,'' which he describes as a ''libertarian'' belief in ''property rights'' and ''limited government.''

There is nothing wrong with having convictions and strong beliefs. I respect that. But when a judicial nominee views the world through a limited, ideological prism, that presents a grave danger to our democracy and judicial system.

Such a nominee does not inspire trust or confidence in our judicial system.

Victor Wolski has unabashedly dedicated his career to promoting an extreme right-wing crusade to erode important Federal safeguards protecting workers, human health, and the environment.

For example, he has argued that it was ''far beyond'' Congress's power under the Commerce Clause to protect wetlands that serve as habitat for 55 different species of migratory birds and repeatedly referred to these wetlands as ''puddles.''

Mr. Wolski also lacks the judicial temperament necessary for a Federal judge.

In his testimony to the Judiciary Committee, Mr. Wolski asserted that he ''certainly meant no disrespect'' when he referred to Members of Congress as ''bums'' in a letter he wrote to the editor of the San Francisco Chronicle. I wonder what he did means?

Mr. President, it is entirely permissible for Mr. Wolski—as an advocate—to promote limited government; but he should not be a Federal judge.

And he certainly shouldn't be a judge on the Court of Federal Claims.

This is the court that hears disputes involving the Government arising under the fifth amendment's ''takings'' clause—the very constitutional provision Mr. Wolski has fervently worked to undermine and redefine.

Appointing Victor Wolski to the Court of Federal Claims is akin to putting the fox in charge of the henhouse. It is part of the Bush administration's war against the environment—a war the administration is waging on many fronts—the courts included. His nomination is another example of the Bush administration's zeal to pack the courts with right-wing ideologues despite the President's claim that he is ''a uniter, not a divider.'' How cynical.

The ''bottom line'' is that Victor Wolski is wholly unfit for the position to which he has been nominated. I urge my colleagues to vote against his confirmation.

Mr. HATCH. Mr. President, I feel compelled to take a moment to respond to remarks of my colleague from New York on the nomination of Mr. Wolski and the status of the Court of Federal Claims. My colleague from New York has stated that we should not fill the judgeships that Congress itself created. This eleventh- hour attack on the court of claims and Mr. Wolski is simply a thinly veiled effort to stall action on more of President Bush's judicial nominees. Let's give the President a break and be honest.

I would like to respond to allegations that Mr. Wolski is not qualified to serve on the court of claims. These allegations are simply unfounded. I agree with my colleague that, in print, Mr. Wolski's statement in his 1999 National Journal profile raised questions about how he would view his role as a judge. But Mr. Wolski was indeed thoroughly questioned about this statement at his hearing. His response to those questions has convinced me that this statement should not be any bar whatsoever to his confirmation. Mr. Wolski testified at his hearing that he understands that the role of a judge is not political. He understands that the role of a judge—especially a trial court judge—is to follow the law and not to consider personal beliefs or positions argued as an advocate in determining how to rule. Mr. Wolski explained during his hearing that this statement was meant to reflect that his decision to work for our former colleague, Senator Connie Mack, was consistent with his commitment to public service. Mr. Wolski emphatically stated on several occasions throughout his hearing that his statement was meant to clarify the point that he has been not motivated by the money throughout his career, and he does not consider himself an ideologue.

Mr. Wolski has also been criticized about some of the clients that he has represented. It is important to remember that the clients Mr. Wolski has represented have been on both sides of the issues. He has represented property owners in takings cases, but he has also represented municipal and State governments. For example, he is presently a member of the litigation team representing the State of Nevada, Clark County, and the city of Las Vegas in their opposition to the location of a nuclear waste repository at Yucca Mountain. He represented a group of municipal governments challenging a commercial development that would have caused environmental, traffic, and other urban sprawl problems. So plainly, Mr. Wolski has represented a broad range of clients, including some whom a die-hard conservative ideologue would not represent. Instead, Mr. Wolski's clients indicate to me that he has done his best to act as an advocate on behalf of his clients' positions, regardless of his personal beliefs, just as every good lawyer should do.

I know that some of my colleagues have expressed concern about Mr. Wolski's brief in the case of Cargill v. United States. The first thing that I want to point out is the obvious: Mr. Wolski was acting in this case as a lawyer on behalf of his employer and had to perform his duties as assigned to him. In this case, his job was to submit an amicus brief. Second, it is important to note that Mr. Wolski was not challenging Congress's ability to protect migratory birds in general. Rather, his argument specifically addressed the scope of the Clean Water Act, which does not incorporate findings about migratory birds. Mr. Wolski clearly testified that he believes that the Clean Water Act is constitutional.

Finally, in regard to Mr. Wolski's comments in the San Francisco Examiner, I agree that they were a bit passionate, but Mr. Wolski's hearing testimony reflects that he has matured in the 11 years since he penned that letter. In fact, Mr. Wolski testified that he wrote that letter before he worked as a congressional staffer. He testified that had he worked on the Hill before he wrote that letter, he probably wouldn't have written it at all. So I believe that this letter can easily be chalked up to youthful indiscretion, and nothing more. I have every reason to believe that, as a judge, he will act consistently with his past practice by following the law regardless of his personal beliefs.

Now, I would also like to take a moment to respond to some of the allegations regarding the Court of Claims. It is clear that the Court of Claims is a necessity, especially with the current backlog of cases in our Federal district courts. The Court of Claims and the district courts have overlapping jurisdiction. This allows the Court of Claims to ease the heavy caseload in the district courts. As such, the Court of Claims is a mainstay of the system.

A letter to the editor in the Washington Post on April 9, 2003, from the president of the Court of Claims bar association made the point well. He said that the docket of the court ''consists of more than 4,000 cases. Opinions by the judges are recognized as well-written and well-considered and reflecting

of the complexity of the caseload. Those practicing before the Court know that its judges are busy.'' This letter, drafted by a lawyer who actually practices before the court, took direct issue with the Post's recommendation to abolish the court, saying it ''missed the central point.''

The editorial by Professor Schooner in the Washington Post on March 23, 2003, suggesting that the current cases pending before the Court of Claims can be easily divided among the district courts is troubling to me. Eliminating the Court of Claims would add nearly 5,000 additional cases to the district courts at a time when they are unable to keep up with the pace of cases being filed. Professor Schooner's academic analysis also fails to take account of the considerable work and learning that district judges do in order to handle complex patent, antitrust, environmental or civil rights cases.

I must admit that I was surprised to learn how inaccurate the statistics of my colleague from New York were after I did some research regarding the caseloads of the Federal district courts and the Court of Claims. These misleading numbers allege that the district court judges have an average caseload of 355 cases per judge, whereas Court of Claims judges would have an average caseload of 19 cases if the four pending nominees were confirmed. After reviewing statistics from both the Federal courts' legislative affairs office and the Court of Claims, however, it is clear that Senator SCHUMER's figures are erroneous. If we take the current caseload of the Court of Claims and suppose that the court was at its fully authorized number of 16 judges, the average caseload per judge would be 309. This is in sharp contrast to the 19 my colleagues would have us believe and not much less than the average caseload per district judge.

This campaign against Mr. Wolski and the Court of Claims is just the newest tactic in an organized effort to prevent President Bush's well-qualified judicial nominees from being confirmed and it must stop. It is obvious to me that the criticism of the court's necessity is borne more of political opportunity than any serious merit. We shouldn't be in the business of creating more rationales for delay. The lack of any functional problem in litigation between sovereign and citizen, or problem with the court structure, makes the solution of elimination of the Court of Claims a solution in search of a problem.

Mr. HATCH. Madam President, I rise today in support of Victor Wolski, one of the four nominees for the Court of Federal Claims who have been awaiting votes on their nominations by the full Senate since March.

When Mr. Wolski was first nominated to the Court of Claims in September 2002, he joined three other well-qualified nominees to the same court who had been pending even longer. Charles Lettow had been nominated a month earlier, in August 2002, while Susan Braden and Mary Ellen Coster Williams had been nominated, respectively, in May and June 2001. None of them received a hearing in the 107th Congress.

So I am pleased that we have at last reached an agreement for an up-or-down vote on the nominations of Mr. Wolski and the other Court of Claims nominees. But getting to this point was not simple. We had to file a motion to invoke cloture on Mr. Wolski's nomination. Now, I am pleased that our Democratic colleagues agreed to vitiate this motion. But the fact still remains that we were almost forced to resort to a cloture vote simply to secure an up-or-down vote on Mr. Wolski's nomination. Mr. Wolski would have been the first Court of Claims nominee in the history of the Senate to be forced through a cloture vote. This would have been a historic but sad precedent that we came dangerously close to setting. As I said, I am pleased that we did not go down this path and that we are proceeding to an up-or-down vote on Mr. Wolski's nomination.

Mr. Wolski will make a fine addition to the Court of Claims. His nomination has bipartisan support, having been reported favorably to the full Senate by all 10 Judiciary Committee Republicans and Senator FEINSTEIN. He is an accomplished trial attorney who has represented clients on both sides of the issues, including a number of clients on what many consider to be the so-called liberal side. For example, Mr. Wolski has represented a group of municipal governments challenging a commercial development that would have caused environmental, traffic, and other urban sprawl problems. He presently represents a class of Medicare beneficiaries who are suing the tobacco industry to try to recover reimbursement to the Medicare system. And he represents the State of Nevada, Clark County, and the City of Las Vegas in their opposition to the location of a nuclear waste repository at Yucca Mountain. Clearly, this is not the work of an ideologue but the work of an accomplished lawyer who recognizes his duty to represent his clients' interests to the best of his ability.

Mr. Wolski's breadth and depth of experience will be a true asset to the Court of Claims. After graduating from the University of Virginia Law School, Mr. Wolski clerked for Judge Vaughn Walker of the U.S. District Court for the Northern District of California. He has a fine record in public service, including 5 years as a litigator with a public interest law firm. During his tenure there, he represented clients in cases presenting significant issues of constitutional and property rights law. He continued his public service by serving as General Counsel and Chief Tax Advisor in the Congress with the Joint Economic Committee for Senator Connie Mack. As the first person to attend college in his family, Victor Wolski feels it is important to give back to the community and felt a strong commitment towards the public sector. This commitment is quite evident in his professional background.

In 2000, Mr. Wolski transitioned from the public sector to private practice, joining the prominent Washington, DC, law firm Cooper, Carvin & Rosenthal. He now practices with its successor firm, Cooper & Kirk. He has a reputation for being a thoughtful and hard-working legal professional who will be a stellar addition to the Court of Federal Claims, and I commend President Bush for nominating him.

Mr. President, we find ourselves at an important point. We have two eminent and well-qualified circuit court nominees, Miguel Estrada and Priscilla Owen, currently being blocked by a minority of Senators from an up-or-down vote on the Senate floor. History will show that this minority group of Senators was not asking for a full and open debate. They were not asking for meaningful deliberation on these well-qualified nominees. Rather, this minority group of Senators was committed to subverting precedent and reworking the meaning of advice and consent.

I think we can agree that the confirmation process is broken. I certainly hope we can find a constructive way to restore the process, but recent talk does not lead me to be overly optimistic—not when we hear injudicious talk about plans for three, four, or more planned filibusters. I hope that is not the kind of history we want to write. Instead, I hope that my colleagues will see today's up-or-down vote on Mr. Wolski's nomination as an opportunity to put a stop to the obstruction and delay by giving all the rest of our nominees the courtesy of a simple vote on their nominations. That is all we ask.

NOMINATIONS OF MARY ELLEN COSTER WILLIAMS, OF MARYLAND, SUSAN G. BRADEN, OF THE DISTRICT OF COLUMBIA, AND CHARLES F. LETTOW, OF VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nominations, en bloc, which the clerk will report.

The assistant legislative clerk read the nominations of Mary Ellen Coster Williams, of Maryland, to be a Judge of the United States Court of Federal Claims; Susan G. Braden, of the District of Columbia, to be a Judge of the United States Court of Federal Claims; and Charles F. Lettow, of Virginia, to be a Judge of the United States Court of Federal Claims.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I ask unanimous consent to speak for up to 2 minutes on the nomination of Susan Braden before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I rise to speak in support of the nomination and confirmation of someone for whom I have a great deal of respect, Susan Braden, to be a Judge for the U.S. Court of Federal Claims. I cannot think of a better person for this court. She is currently counsel at Baker & McKenzie. She earned her bachelor degree in 1970 and her law degree in 1973 from Case Western Reserve University. She has worked as a trial attorney in the Department of Justice. She has served as a senior attorney at the Federal Trade Commission. For the past 18 years, she has had a distinguished career in the private sector, specializing in Federal litigation, antitrust, international trade practices, and intellectual property.

Her work on international trade gave her the opportunity to accompany a delegation led by Justices O'Connor, Kennedy, Ginsburg, and Breyer on an official visit to several European courts in 1998.

She is very qualified, and I wish to say on a personal note that she and her husband, Tom Sussman, have been friends of mine for a long time. I went to law school with Tom Sussman. I have a great deal of respect for both Tom and Susan, and I urge my colleagues to support this qualified nominee. She will be a wonderful public servant.

Madam President, I urge approval of the three nominees.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to add my comments to the confirmation of Susan Braden. I happen to know her. She represented a business in the steel industry in Alabama that was in trouble. We tried to save it for the State. She worked so hard with the union members and with the company. I came to be extraordinarily impressed with her dedication, her legal skill, her love of law, and her integrity. I think she will do an excellent job in this important position.

I wanted to add my comments that we need more people like Susan Braden in the courts of America. I think she will do a super job. I am very proud of her on this special day.

I yield the floor.

Mr. HATCH. Madam President, I rise today in support of the confirmation of Susan Braden, who has been nominated to serve as a judge on the U.S. Court of Federal Claims. Ms. Braden has the breadth of experience and accomplishment we look for in a Federal judge, and I commend President Bush for nominating her.

After graduating from law school, Ms. Braden served for 7 years as a trial attorney, and then as a senior trial attorney, for the Department of Justice Antitrust Division. She then worked at the Federal Trade Commission for 5 years as a senior attorney advisor and senior counsel to Chairman David Clanton and Chairman James Miller III. In this capacity, she assumed responsibility for special policy and legislative projects, such as drafting a potential set of guidelines concerning interlocking directorates and issues concerning enforcement of the antitrust laws to professionals.

Ms. Braden has worked in the private sector for the past 18 years, where she has focused on antitrust law, complex civil litigation, international trade matters for industrial clients, and computer software litigation. Her experience will serve her well on the bench. I am confident that she will execute her duties on the bench with integrity, intelligence, and fairness. I ask my colleagues to join me in my unqualified support for her nomination.

NOMINATION OF MARY ELLEN COSTER WILLIAMS

Mr. HATCH. Madam President, I am pleased today to speak in support of Mary Ellen Coster Williams, who has been nominated to the U.S. Court of Federal Claims.

Judge Williams has served with distinction on both sides of the bench. Upon her graduation from Duke University Law School in 1977, she worked in private practice with Fulbright & Jaworski and with Schnader, Harrison, Segal & Lewis.

Judge Williams then left private practice in 1983 to work in the Civil Division of the United States Attorney's Office in Washington, DC. She returned to private practice in 1987 as a partner with Janis, Schuelke & Wechsler.

During her 8 years in private practice and 3½ years as an Assistant United States Attorney, Judge Williams gained valuable experience handling matters involving Government contracts, employment law, torts, and commercial litigation. Since 1989, she has served as an administrative judge on the General Services Administration Board of Contract Appeals.

Judge Williams was named a Life Fellow by the American Bar Association and is currently the vice chair of the ABA Section on Public Contract Law. She also has been active in the District of Columbia Bar Association. Since 1997, she has served on the U.S. Court of Federal Claims Advisory Council, so she has much more than simply a passing familiarity with the court to which she has been nominated.

With her wealth of experience and dedication, Judge Williams is well equipped to serve on the Court of Federal Claims. I urge my colleagues to join me in supporting her nomination.

NOMINATION OF CHARLES F. LETTOW

Mr. HATCH. Madam President, I rise today to express my full support for the confirmation of Charles F. Lettow, who has been nominated to the U.S. Court of Federal Claims.

Mr. Lettow is an excellent selection to join the Court of Federal Claims. He has a strong academic background and more than 30 years of litigation experience in constitutional and administrative law matters. A graduate of Stanford Law School, Mr. Lettow clerked for both the Ninth Circuit Court of Appeals and the U.S. Supreme Court before taking a position in 1970 as Counsel to the Council on Environmental Quality, which was established by Congress a year earlier. His responsibilities included drafting legislation and Executive orders and working to negotiate bilateral agreements.

In 1973 Mr. Lettow joined the firm of Cleary Gottlieb as a litigation associate, became a partner three years alter, and has remained with the firm since that time, focusing on Federal litigation and environmental cases. Cases he has handled over his career have presented often difficult questions of constitutional and administrative law, and he has handled them with expertise.

Mr. Lettow has argued before the U.S. Supreme Court three times and in the U.S. Courts of Appeals in more than 40 cases, as well as litigated in numerous Federal district courts and the U.S. Court of Federal Claims. I cannot imagine someone who is better prepared to sit on the Court of Federal Claims. I urge my colleagues to vote for his confirmation.

The PRESIDING OFFICER. Under the previous order, the nominations are confirmed, en bloc, the motions to reconsider are laid upon the table, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. HATCH. 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. LUGAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT, FOR FISCAL YEAR 2004

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 925, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 925) to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

AMENDMENT NO. 1136

Mr. LUGAR. Madam President, I send a substitute amendment to S. 925 to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 1136.

Mr. LUGAR. 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 printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, today the Senate will be considering S. 925, the State Department authorization bill. During the last 4 months, the Senate Foreign Relations Committee has been working hard on issues related to the funding and operations of the State Department. We have held hearings on public diplomacy, embassy security, the role of the State Department in the war on terrorism, the nonproliferation programs overseen by the State Department, and the overall State Department budget. In numerous other hearings and briefings covering such issues as Iraq, North Korea, Afghanistan, and NATO, we have reviewed the vital role of diplomacy at this stage of our United States history.

In our hearings and through our daily contacts with the State Department, the Foreign Relations Committee has witnessed the commitment and the skill of departmental personnel as they work to improve national security and our prosperity in increasingly difficult and often very dangerous circumstances.

We have seen both the benefits of our successes and the consequences of our failures. We cannot expect diplomacy to succeed 100 percent of the time, but it is vital that our diplomats have the resources and the capabilities that will maximize their chances of success. That is the job of the Senate today. We must make certain that Secretary Powell and this Department have the tools they need to make our case convincingly.

I wish to thank especially the ranking member of the Senate Foreign Relations Committee, Senator JOE BIDEN, for his strong support of this process and his leadership in foreign policy matters. We have agreed on the vast majority of provisions in this bill, and when we have disagreed, we have worked hard to bridge our differences and find bipartisan solutions with our colleagues.

We have always shared the common goal of bringing good legislation to the floor for the Senate's judgment. Senator BIDEN's commitment to this process and his innumerable contributions to the substance of this bill have been indispensable.

After consultations with Senator BIDEN and the majority leader, we determined the Senate would best be served by adding the foreign assistance authorization bill, passed by the Foreign Relations Committee in May, to the State Department bill.

Consequently, the substitute amendment that is the pending business contains the language of both S. 925 and S. 1161. Both bills passed in committee by votes of 19–0. I believe that this combination will give us a chance for a meaningful debate on foreign policy, while expediting the work of the Senate.

At this time in our history we are experiencing a confluence of foreign policy crises that is unparalleled in the post-cold war era. Our Nation has lived through the September 11 tragedy, and we have responded with a worldwide war against terrorism. We have fought wars in Iraq and Afghanistan, where we are likely to be engaged in security and reconstruction efforts for years to come. We have been confronted by a nuclear crisis in North Korea that threatens U.S. national security and that could destabilize the entire northeast Asian region. We are continuing efforts to safeguard Russia's massive stockpiles of chemical, biological, and nuclear weapons and to prevent proliferation throughout the world. We have experienced strains in the Atlantic Alliance, even as we plan for its expansion. We are trying to respond to the AIDS pandemic in Africa and elsewhere, as well as help stabilize Colombia and preserve democracy in Venezuela.

Despite these extraordinary international conditions that demand the constant attention of our Government, the State Department and our foreign assistance programs are still underfunded. Although President Bush and Secretary of State Powell have supported important funding increases for our foreign policy accounts during the last 2 years, we dug a deep hole for ourselves during the 1990s, when diplomatic capabilities were placed at the bottom of our spending priorities.

From 1994 through 1997, for example, the Function 150 account, which funds State Department operations and foreign assistance, sustained consecutive annual real decreases of 3.6 percent, 5.6 percent, 11.4 percent, and 1.5 percent. This slide occurred even as the State Department was incurring the heavy added costs of establishing new missions in the 15 states of the former Soviet Union. Relative to other spending priorities, we continue to disadvantage our diplomatic capabilities. As a percentage of discretionary spending, the international affairs account stands at about 3.4 percent in fiscal year 2003. This is the lowest percentage of discretionary funding devoted to international affairs in the past 2 decades. We are still conducting diplomacy on a shoestring in an era when embassies are prime terrorist targets and we depend on diplomats to build alliances; work with foreign governments to apprehend terrorists before they reach U.S. soil; and explain U.S. principles, values, and policies worldwide.

In April, with the assistance of Senators FEINSTEIN, BIDEN, DEWINE, HAGEL, SARBANES, CHAFEE, SMITH, JEFFORDS, KENNEDY, and others, I offered an amendment to the Senate budget resolution that restored $1.15 billion to the 150 account. The amendment brought the 150 account up to the level requested by the President. The success of the amendment on this Senate floor, during a process when few amendments received favorable votes, illustrates the growing appreciation for and understanding of the role of Secretary Powell and the State Department. But we need to go further. We need to commit to a long-term course that assigns U.S. economic and diplomatic capabilities the same strategic priority that we assign to military capabilities.

There is a tendency in the media and sometimes in this body to see diplomatic activities as the rival of military solutions to problems. We have to get beyond this simplistic formulation. We have to understand that our military and our diplomats are both instruments of national power that depend on one another. They both help shape the international environment and influence the attitudes of governments and peoples. They both gather information and provide expertise that is vital to the war on terrorism. And they both must be unsurpassed in their capabilities, if the United States is going to survive and prosper.

Americans rightly demand that U.S. military capabilities by unrivaled in the world. Should not our diplomatic strength meet the same test? If a greater commitment of resources can prevent the bombing of one of our embassies, or the proliferation of a nuclear weapon, or the spiral into chaos of a vulnerable nation wracked by disease and hunger, the investment will have yielded dividends far beyond its cost.

Both the State Department authorization bill and the foreign assistance authorization bill for 1-year authorizations. Given that the Foreign Relations Committee has many new members, the State Department's responsibilities are expanding, and world events are unpredictable, we decided that it would be wise to retain the opportunity for the committee and the Senate to revisit these bills next year after we have had some time to perform oversight.

The State Department portion of this bill contains funding that covers the operating expenses for the department, embassy construction and security, education and cultural exchange programs, as well as other programs and activities. It also includes funding for: assessed contributions to international organizations required by treaty; international commissions and such centers as the Asia Foundation and the East-West Center; international broadcasting activities; refugee and migration assistance; and Peace Corps funding for 2004 through 2007.

The committee is recommending increases to the administration's request for the State Department of about $400 million, or roughly 4 percent. These increases address needs that the Foreign Relations Committee identified as keys to U.S. success in this dangerous new century. They include: an additional $312 million for embassy construction that will allow groundbreaking this

year for three new embassy compounds; approximately $8 million to increase the cap on hardship pay and danger pay for State Department employees; an increase of $8.9 million to restore cuts in international broadcasting to Eastern and Central European nations; the restoration of $25 million that was cut for SEED and Freedom Support Act funding to Central Europe and the Balkans; and an additional $30 million to strengthen public diplomacy and international exchanges with the Islamic world.

In addition, in committee, individual members offered amendments on such important issues as international support for a successor regime in Iraq, U.S. policy toward Haiti, and U.S. policy regarding recognition of a Palestinian state. A detailed listing of other issues covered and policy recommendations made by the Senate Foreign Relations Committee in this bill are contained in the committee report.

As our committee undertook an in-depth study of State Department needs, we simultaneously examined our foreign assistance programs and their evolving role in U.S. humanitarian and national security efforts. As I indicated, in May, we passed a foreign assistance authorization bill by a 19 -0 vote.

The committee held hearings on U.S. foreign assistance in six strategic regions of the world: the Near East, South Asia, East Asia, Eurasia, the Western Hemisphere, and Africa. In other hearings we explored numerous topics related to foreign assistance, including global hunger, reconstruction in Iraq and Afghanistan, and President Bush's vision for a new Millennium Challenge Corporation.

In the hearings, we learned how the administration's 2004 budget request would support U.S. foreign policy interests. Those hearings were very informative, and I again want to express my appreciation to the subcommittee chairs and ranking members who conducted them, as well as to all Senators who participated.

This was only a first step. Since the mid-1980s, Congress has not fulfilled its responsibilityb to pass an Omnibus Foreign Assistance Act. Several discrete measures, such as the Global AIDS bill, the Freedom Support Act, and the Support for Eastern European Democracy, SEED, have been enacted.

But in the absence of a comprehensive authorization, much of the responsibility for providing guidance for foreign assistance policy has fallen to the Appropriations Committees. The appropriators have kept our foreign assistance programs going, but in many cases, they have had to do so without proper authorization. In most years, the Foreign Relations Committee did pass a State Department authorization bill, but that bill only authorizes about 35 percent of the function 150 account. To fund the remaining accounts, appropriators frequently had to waive the legal requirement to appropriate funds only following the passage of an authorization bill.

There is no single reason why the Congress has failed to pass a comprehensive foreign assistance authorization bill for so long. But we all recognize the difficult legislative task involved. As a general spending item, foreign assistance rarely is high on the list of constituent priorities. Yet specific provisions in foreign assistance bills have often raised political emotions. Thus, comprehensive foreign assistance bills have contended with the most difficult of legislative circumstances—they have generated seemingly intractable political disputes, while lacking an overriding legislative payoff.

We must stop thinking in conventional political terms. Passing a comprehensive foreign assistance bill is good politics, as well as good policy. It is good politics because it underscores the leadership of this Senate at a time when our country is in great peril. It is good politics because foreign assistance is an instrument of national power in the war on terrorism. It is good politics because it recognizes that our standard of living, the retirements of our parents, our children's educations, advancements in our health care, and the security of Americans depend on winning the war on terrorism.

With this in mind, Senator BIDEN and I, with the support of the majority leader, bring the Foreign Assistance Authorization Act to the floor in tandem with the State Department authorization bill.

The Foreign Assistance bill before you authorizes funding levels for most of the foreign operations accounts within function 150 for fiscal year 2004. The committee took as a starting point the request submitted by the President last February. The executive branch has been working with our embassies around the world for many months to develop accurate budget numbers.

As I previously mentioned, the Foreign Relations Committee worked closely with the Budget Committee on maintaining the President's requests for the 150 account. I note this to highlight the fact that we have sought to work within the rules to achieve the overall funding levels that are before us today. Many members of the committee, including myself, would like to have more funding available. But I am hopeful that members will respect the budget process and the decisions that were made earlier in the year.

With respect to the foreign assistance authorization, the committee made relatively few changes to the dollar amounts requested by the President. We provided a $70 million increase for the Freedom Support Act, a $40 million increase for the Support for Eastern European Democracy Act, a $15 million increase for development assistance, a $6 million increase for peacekeeping operations, and a $100 million increase for the Non-proliferation, Anti-terrorism, Demining and Related Programs account. The additional funds in the Account would be used to safeguard and hasten the destruction of weapons of mass destruction. They also would provide $15 million for a new initiative, The Radiological Terrorism Threat Reduction Act of 2003, contained in title IV of the bill. This legislation authorizes the State Department to provide contributions and technical assistance to the IAEA to deal with the dirty bomb threat. The bill is the result of a cooperative effort between Senator BIDEN and myself, as well as Senator DOMENICI. I want to thank Senator BIDEN for his leadership, going all the way back to the hearings he held in 2002 on this issue.

On the other side of the ledger, we have reduced funding for two of the President's requested programs. The Millennium Challenge Corporation has been reduced from $1.3 billion to $1 billion. This is not an expression of doubt about the MCC concept. Rather, the reduction is based on the judgment that the MCC will require time to become established and may not be able to efficiently distribute the entire $1.3 billion request in the first fiscal year. The $300 million has been deferred until the next fiscal year when the MCC would be in a better position to spend it. We also have made a small cut in the Andean counter-drug initiative. It has been reduced from $731 million to $700 million—the amount appropriated in the previous fiscal year. In addition, we have authorized 2 new contingency funds at the request of the President—the Complex Foreign Crises Fund and the Famine Fund. But we have not authorized specific amounts for these Funds.

Finally, I would like to address the Millennium Challenge Corporation. For those Senators who have not studied this concept, it is a bold proposal by President Bush to provide a new model for U.S. foreign assistance programs. A compromise version of the Millennium Challenge Corporation bill is included in the substitute before us.

Our foreign assistance must be aimed at both humanitarian objectives and goals that aid in the fight against terrorism over the long run. These include strengthening democracy, building free markets, and encouraging civil society in nations that otherwise might become havens or breeding grounds for terrorists. We must seek to encourage societies that can fulfill the aspirations of their citizens and deny terrorists the uncontrolled territory and abject poverty that the terrorists use to their advantage. To do this, all of us should begin to think about foreign assistance as a critical asset in the long-term war on terrorism.

This process will require us to ask how nations develop political stability and economic momentum and how they become good international citizens that contribute to the peace and prosperity of the world community. The Millennium Challenge Corporation has

been proposed on the assumption that we do know some of the answers. We believe that successful societies cannot be built without good leadership, economies based on sound market principles, and significant investments in health and education. By establishing firm criteria to measure and reward the progress of low-income nations in these areas, the MCC can provide a powerful incentive to foreign governments to embrace and sustain reform.

The Senate Foreign Relations Committee strongly supported the basic premise of the MCC and applauded the President's personal commitment to the concept. However, members came forward with differing proposals on the organization and bureaucratic status of the MCC. The committee passed a version of the MCC that differed substantially from the President's initial vision.

Since that time, Senator HAGEL, Senator BIDEN, and myself have sought to construct an efficient format for this concept that would be supported by the White House while meeting the concerns of our committee. These talks were difficult, but they also were a positive indication of the interest in the ultimate success of the MCC. I believe that we have succeeded in constructing a good compromise. Everyone gave up something to move the bill forward. Senator BIDEN and Senator HAGEL will be addressing the Senate on their views toward the MCC, and I am sure that they will outline some concerns and reservations. I want to thank both of them for their willingness to be flexible and their contributions during this process.

I would note that the White House also was instrumental in concluding this compromise. The administration has endorsed Senate passage of the the Lugar-Hagel version of the MCC.

Our MCC compromise creates the needed ingredients for inter-agency coordination, a top priority among a majority on the committee. It puts the MCC under the authority of the Secretary of State and has the chief executive officer report to the Secretary. But it does not determine the integrity of the President's concept. It gives the MCC the same autonomous status as the US Agency for International Development with the right to manage itself, hire staff, and create its own new culture. It mandates coordination between the MCC and USAID in the field and gives USAID the primary role in preparing countries for MCC eligibility.

I believe our MCC approach is the right plan at the right time. It provides a way to focus single-mindedly on economic development that is results-based and meets clear benchmarks of success. We can have the coordination we seek while also insulating it from short-term political considerations so that it can focus on the long-term benefits of widening the universe of countries that live in peace and look to a prosperous and stable future.

I would like to notify members that I will be offering a managers' package of amendments and will be asking unanimous consent that it be adopted. As part of that package, Section 204 of S. 925 will be deleted from our bill because it has been included in the defense authorition bill. I would like to express appreciation to Senator WARNER, the distinguished chairman of the Armed Services Committee, for his help on that matter.

The other amendments in the managers' package are technical in nature, clarifying original intention, or correcting errors.

I am looking forward to the debate on this bill and the constructive contributions of our Members at this important time in our Nation's history.

The PRESIDING OFFICER. The Democratic leader.

ACCELERATING THE INCREASE IN THE REFUNDABILITY OF THE CHILD TAX CREDIT—MOTION TO PROCEED

Mr. DASCHLE. Madam President, first, I compliment the distinguished chair of the Foreign Relations Committee for his work on this omnibus piece of legislation. I intend to support it. I admire the work that has been done. I notice Senator HAGEL is in the Chamber, and Senator FEINGOLD. They and Senator BIDEN have really done yeoman work bringing us to this point. The MCC, foreign aid legislation, in addition to the State Department authorization bill, represents a tremendous amount of work and effort to get us to this point. I look forward to the debate.

Having said that, however, I must rise to express my frustration on an unrelated matter. I want to call to the attention of my colleagues the fact that it has now been a month since the Senate passed bipartisan legislation, 94 to 2, to rectify a problem that we all agreed should be fixed. I am referring to the 12 million children, and over 6 million families, that were excluded from legislation we recently passed and signed into law providing tax relief to American families.

Shortly after the exclusion was noted, the President admonished the Senate and the House to solve this problem as quickly as we can because we were bumping up against a deadline.

I recall all the speeches on the Senate floor. Republicans and Democrats came to the floor and said: Yes, we have to change this. Yes, we have to recognize that by July 25th all of this must be done. Yes, when all of these checks go out and relief is provided to everybody else, we should not be leaving out these 12 million children or these 6 million families. Let's resolve it. Let's do it. We said unequivocally that we were going to resolve this by the 25th of July.

Here we are, well into the second week of July, just a matter of a couple of weeks to go before the 25th is here, and yet there is no action. We keep promising. We keep hearing the promises made by others. The fact is, nothing has been done.

I think it is important for us, once again, to light a fire, to reignite it, to state again our determination to see that this is going to be done, to see that these people are not left out, to ensure that we address this issue as we all promised we would do just a month ago.

While I want to get on with this bill and while I want to be as supportive as I can to assure that the very distinguished chair of the Foreign Relations Committee can move this legislation along, I simply believe it is time for us, once again, to restate our determination to solve this problem. We do not need any time. We can have the vote just as we had it before and complete our work on it. But I do think it has to be done prior to the time we get into the real, legitimate debate and discussion about the many worthy aspects of the bill the distinguished chair has laid down.

So, Madam President, at this time I move to proceed to S. 1162, the child tax credit bill, in order for us to accomplish that task first.

Mr. LUGAR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HAGEL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HAGEL. Madam President, I ask unanimous consent I be allowed to speak for not more than 10 minutes on the pending legislation, to be followed by the distinguished Senator from Wisconsin for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Madam President, if I could ask, when I am recognized, that my statement be as in morning business, rather than as part of this subject.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska.

Mr. HAGEL. Madam President, I thank my friend and colleague from Wisconsin.

I rise this afternoon to support the legislation that the chairman of the Senate Foreign Relations Committee has brought to the Senate floor today. I also wish to acknowledge his strong leadership, along with that of the distinguished ranking minority member, Senator BIDEN. They have done a particularly effective job at a historic time in the history of this country and the world. This country, the world, and this body will continue to look to their leadership as we go forward into the next challenging year.

I also rise this afternoon to support the Lugar-Hagel compromise regarding

authorization for expanded development assistance through President Bush's initiative to establish the Millennium Challenge Account—MCA, as the distinguished Chairman mentioned, as part of the substitute to the Foreign Relations Authorization bill which is now before the Senate.

America faces no greater challenge in the world today than assisting global development and helping eliminate poverty. The security and prosperity of America and our allies cannot be disconnected from stability in the developing world. There are approximately 6.3 billion people in the world and roughly half of them live on less than $2 per day. An estimated 2.4 billion of them are 19 years old or younger.

The next generation hangs in the balance. Global threats and connections to terrorism, weapons of mass destruction, poverty, despair, oppression and infectious disease are not always apparent, but this combination of threats presents complex challenges for America and her allies. Global economic development is a shared interest and must be a shared responsibility.

The Millennium Challenge Account represents a significant new direction in economic development. Linking American development assistance to good governance, democracy, human rights, transparency, and rule of law, will help support the transition to more stable and democratic political systems in the developing world.

The Lugar-Hagel compromise on Millennium Challenge assistance addresses the concerns of myself, Senator BIDEN, and some of my colleagues on the Senate Foreign Relations Committee regarding the organization and management of the Millennium Challenge Corporation, the new agency that will be established to administer this program.

There was unanimous support in the committee for the goals of the President's program—the innovative evaluations and indicators that will be used to assess a country's eligibility for assistance, and the need for more funding for economic development. But I shared the concern of Senator BIDEN and other colleagues that this initiative should complement and expand, not constrain or complicate, the authority of the Secretary of State to manage foreign assistance.

This is a particularly critical time in the history of our Country and the world.

Given the many challenges we face in the world, the secretary's role as America's chief diplomat must not be undercut or compromised. The Lugar-Hagel compromise places the management of the MCA directly under the authority of the Secretary of Sate, who chairs the board of the corporation.

We have the potential to bring a new dynamic to American government interagency cooperation and coordination on economic development on a large scale. The board of the Millennium Challenge Corporation, chaired by the Secretary of State, would also include the Secretary of the Treasury, the USAID Administrator, and the U.S. Trade Representative, as well as the CEO of the corporation, who will report directly to the Secretary of State. This type of coordination, if managed properly, will bring new energy and creativity to our development programs.

America remains the world's indispensable leader in working with others to help promote global stability and prosperity and help eradicate poverty and disease. We need to do more. We will do more. And we need to do it better, smarter and wiser in meeting the challenges of global poverty.

That means our programs and the management of those programs must be more efficient and accountable. Establishing the Millennium Challenge Account is clearly in the interest of the United States. Millennium challenge assistance can play a creative and important role in helping shape a new approach to development policy.

Global development is not a zero-sum game.

As economies stabilize and grow, the citizens of those countries prosper, as well as citizens from all countries. Trade-based growth is the most effective approach to long-term economic stability and prosperity. America's development policies should reflect these economic development fundamentals.

America's credibility will much depend on our ability to continue to assist the developing world. Our power and influence is not defined solely by our military might. President Bush's Global AIDS initiative, his trip to Africa, and the MCA proposal all reflect dynamic and new commitments to security and development.

September 11, 2001 reminded Americans that we face a dangerous world with complex connections and enormous responsibilities for U.S. leadership. The world is inter-connected. Global development, prosperity and stability are directly connected to America's future.

I urge my colleagues to join Senator LUGAR, myself, and others in supporting this compromise management approach to the Millennium Challenge Assistance program.

As the chairman of the Senate Foreign Relations Committee indicated, this approach, this amendment, this compromise, is also being supported by the White House and the State Department.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FEINGOLD are printed in today's RECORD under ''Morning Business.'')

Mr. FEINGOLD. Mr. President, I thank the chairman for allowing me to speak at this point and for the excellent experience of serving on the committee during his tenure as chairman.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from Wisconsin for his extraordinary leadership as subcommittee chairman and ranking member over a number of years and his eloquent and important statement on Africa today.

In a moment, the majority leader will be on the floor, and Members will want to take note that a rollcall vote is likely to occur sometime around 2 p.m. The leader will explain the situation. In the meanwhile, 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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I understand the Democratic leader has made a motion to proceed to a bill on the calendar regarding the child tax credit and that the motion is pending.

As my colleagues know, we have been considering critical legislation regarding the State Department reauthorization and are ready to proceed with that debate. The child tax credit bill is currently in conference. That conference is underway. We need to allow the conferees the opportunity to work through the regular order and reconcile the differences between the House and Senate bills. Meetings are underway. We will be meeting later today on the very important issue of the child tax credit. Therefore, in order to allow the process to move forward on that issue and to allow us to return to the important pending legislation, I now move to table the motion to proceed and ask that the vote occur at 2 p.m. today and further that the pending motion be set aside until that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Delaware.

Mr. BIDEN. Mr. President, I am pleased to join Chairman LUGAR in presenting the Foreign Relations Authorization Act for fiscal year 2004. As the chairman has described, we will soon submit a substitute amendment consisting of the text of three bills: S. 925, the Foreign Relations Authorization Act as reported out of committee in April; S. 1161, the Foreign Assistance Authorization Act, as reported out of committee in late May; and thirdly, a bill authorizing a new program, the Millennium Challenge Account which

was initiated by the Bush administration in March of 2002. This program was authorized by the committee in legislation also reported in May. Since then, further discussions have occurred between myself, Senator HAGEL, and the chairman which the chairman has already described. I will return to that subject in a few moments.

All three bills received unanimous support from the Committee on Foreign Relations. The markups of these bills were not at all contentious and, quite frankly, didn't last very long. Their easy passage in committee is a testament to the bipartisan approach the chairman is developing on this legislation and the committee as a whole. The chairman has already summarized the provisions of the substitute amendment. Let me join him in highlighting a few of the key points.

First, the bill provides the President's budget request for the Department of State, and it does more. We increase the authorization for several programs where we believe the budget request is inadequate, such as embassy security, international exchanges, public diplomacy, and in certain foreign aid accounts, including programs devoted to nonproliferation activities. If we are going to send people overseas to advance American interests, we have to protect them. We have to give them the tools to do the job. That is what we attempt to do here.

Second, the bill authorizes establishment of a Middle East television network. In recent years, the Broadcasting Board of Governors has done an incredible job in reviving our radio broadcasting in the region. Radio Sawa now is, if not the most popular, one of the most popular and oft-listened-to programs in the region. I would note parenthetically that as we struggle to make our case known in the Middle East, we have to understand who our target is. You have the vast majority of the people, for example, in Iran under the age of 18. You have the vast majority, 60 percent of the folks in the Arab world, under the age of 18. We have a very young audience, an audience that if we don't begin to get the U.S. message across, in light of what they are being fed now, these young pages sitting here who make the Senate run, they are going to, when they get to be my age, inherit the whirlwind. They will have a gigantic problem.

The television network is a new undertaking that I and others have been pushing for some time. It is a new undertaking for the U.S. Government in broadcasting but one that I believe is clearly worth trying. Most people in the Middle East get their news from television. Three of us, the Presiding Officer, the chairman and I, returned a week or so ago from Baghdad. One of the things we found out was our case has not even been made there. We control the television de facto right now, and we are on, unless something changed in the last week, at least 4 hours a day with the most bland broadcasts. It is not but it seems that it is straight out of the public information department of one of the agencies in the Federal Government. We have to figure out a way to get Iraqis on television 12, 14, 18 hours a day explaining straightforwardly what is going on over there.

The Iraqi people right now are in 123 degree weather. They have no electricity and they are wondering why Uncle Sam, who could defeat their great Satan Saddam Hussein in such a short time, rout his vaunted army and Republican Guard and fedayeen, can't get everything up and running immediately for them.

They think like most folks in that difficult region of the world that there must be some plot. What they don't know is—and we are not broadcasting it—that all our efforts—not all—are being sabotaged, literally blown up, blowing up the grids, blowing up the powerplants. They are blowing up the oil pipelines.

So one of the larger points about the television network is we have to be in the game. We have to be in the game to be able to try to get our points across in a region where we don't get a very fair shake.

Third, the bill authorizes expanded international exchanges with the Muslim world, including high school exchange programs, modeled on a successful effort that has been in place with Russia and the newly independent states for some time now, and it is successful. There are a lot of avenues for reaching out to the Muslim world, and face-to-face exchanges are one of the best ways to be able to have impact on opening people's minds.

In the foreign assistance portion of the bill, let me call attention to two provisions—the Radiological Terrorism Threat Reduction Act and the Global Pathogen Surveillance Act. My friend from Indiana, the chairman, may be quietly smiling at me for taking these two and focusing on them because they are two proposals that I put forward. But I thank him for concluding they had merit and seeing to it they are in the bill.

I developed these bills over the past year to address the threat of possible radiological terrorism and bioterrorism. The bill on radiological terrorism would address the threat posed by radiological dispersion devices, colloquially known as dirty bombs. Most people listening to this do not understand when we talk about dirty bombs. A lot of people think it is a nuclear device, a homemade nuclear device. That is of consequence, but the dirty bomb can cause incredible economic dislocation, although it is not likely to kill a lot of people. It is taking radioactive material and packing it around conventional explosives and blowing it up and ending up making the area in which it is dispersed have a level of radiation that exceeds what is safe in the minds of the EPA and scientists for people to be engaged in. But it is not going to kill a lot of people if one went off, God forbid, in the Mall, which is not far from here. But it is a clear and present danger and a concern.

The Global Pathogen Surveillance Act is the second piece of legislation which authorizes $35 million in assistance for fiscal 2004 for developing nations to improve their efforts to detect, track, and contain disease outbreaks.

As the SARS epidemic has demonstrated, viruses and pathogens do not respect national borders. Without a quick diagnosis of a biological attack or a rapid recognition of suspicious patterns of diseases, and fast transmission of that information, we can see that an epidemic can spread very rapidly by getting people heading out of an airport not knowing they were exposed.

In dealing with dirty bombs and dangerous pathogens, it is in our national interest to help other nations contain these threats before they get to our shores—threats that do not respect national borders. This legislation does that. It helps them set up infrastructures to be able to have their public health systems go out and identify the existence of these pathogens. One of the things we know about SARS—and the criticism of the Chinese is they didn't acknowledge what was happening quickly enough. They didn't put in place quickly enough a national system to contain it. You have to know the problem before you can warn people of its existence. Many of these countries—a vast portion of them—do not have a public health infrastructure to be able to do this. This helps them; it is a small start of $35 million for that effort.

Finally, let me say a few words about the millennium challenge account. The President deserves, in my view, credit for proposing a significant increase in foreign aid, and requiring that such assistance be targeted to selected countries which meet certain performance criteria. I will acknowledge on the floor what both of my colleagues here know. I was skeptical of whether or not the performance criteria were really a way to avoid delivering foreign aid or a way to identify what we know is important. When we give foreign assistance to a country that, for example, is a democracy, as opposed to a dictatorship, we know that aid is more likely to meet its desired end and be used in a way that is efficacious than when we give it to a country that has no standards, so that we can determine how the money is being dispersed. I have become convinced for some time now that—and this is a President who, historically, I am told has been opposed to foreign aid per se, and some of his predecessors share his view—this is actually a way to increase not only our contribution in foreign assistance but also its efficacy. When we spend a dollar, we will get a dollar's worth of benefit—not us, but the people who get it for the expenditure.

We have learned over the last several decades that providing foreign assistance is important. We have learned a lot. One thing we know is that assistance works best in countries that get the basics right, countries that invest in the health and welfare of their people, have a relatively democratic system and an economic system that is open and transparent. That is what this millennium account is about—making sure that more money goes to places that will be able to use it well.

Where the administration has taken the wrong turn, in my view, is with this proposal to establish a new governmental agency to administer this program. Five years ago, under the leadership of our friend and former colleague, Senator Helms, Congress abolished two foreign policy agencies, the Arms Control and Disarmament Agency and the U.S. Information Agency, and merged them into the State Department. The legislation enacted in 1998 also gave the Secretary of State more authority to supervise operations of agencies; in particular, the Agency for International Development, so-called AID. I supported that initiative as did I think both of my colleagues here.

The President's proposal, the Millennium Challenge Account, in my view, is directly contrary to the decision Congress made 5 years ago about how we should organize. It would create a new agency to be located outside the State Department and outside the Agency for International Development. In my view, it would weaken the authority of the Secretary of State to coordinate all foreign assistance. I find it ironic that a Republican President would seek to expand the Government's foreign policy bureaucracy, just a few years after Congress voted to reduce the size of that same bureaucracy.

During the committee markup on this bill, the Presiding Officer, Senator HAGEL, and I offered an amendment with the very powerful case he made, which the committee adopted by an 11–8 vote, to prevent the establishment of such an agency. Instead, the Hagel-Biden amendment gave the Secretary of State the authority to coordinate this new program consistent with the 1998 Helms reorganization legislation that passed. The administration responded by threatening a veto if the Hagel-Biden amendment were to survive in conference. I must say I don't find that veto threat very credible. It is easy for me to say, since I am not the chairman. There is a degree of sensitivity that increases when you are the ranking member and it is a President of your own party. I have been there. So I am sure my friend believes that veto threat is much more credible than I think it is. But that is pure conjecture. The reason I am doubtful is the President has yet to veto a bill—I would be shocked if he would veto this whole bill over that one issue. But that is a matter of subjective interpretation.

Subsequent to our markup and this veto threat, the chairman developed a compromise text that meets Senator HAGEL and me part of the way. It retained the provision establishing a new agency, but it does do some good, in my view. It gives the Secretary of State greater authority over the agency by having its chief executive officer report to the Secretary of State, just as the AID administrator reports to the Secretary.

That is an improvement, but it still contains a fatal flaw, and that fatal flaw is the new agency, in my view. Moreover, it adds to the confusion by having the head of the agency report to the Secretary of State, but then assigns several of its critical functions to a five-member board on which the Secretary of State is only one of those five members and dispersing this aid through the millennium account.

Reluctantly, I will go along with this compromise proposed by the chairman. I still believe it is a mistake to create a new agency, and if things were to change, and if by the grace of God and the good will of the neighbors my party took over the Senate again, and if I were chairman of this committee, I must put everyone on notice that I will try to eliminate that agency and try to put it back in the State Department because I think it is a mistake. But I want to deal in full disclosure here.

I am going along with it because, quite frankly, the option is not particularly acceptable. The option is not have the agency, not have the money, not have the increased foreign aid, which I think is not a rational option.

If this legislation is enacted, as I said, I reserve my right to fight another day to attempt to reverse the decision. But based on the way things are going, I do not think anybody should get too worried if you think having a separate agency is a good idea.

I have acceded to the desire of the chairman in order, as I said, not to let the bill get bogged down on this organizational issue. I agree Congress should move forward and improve this important initiative, but in the coming months, the President's proposal will be put to the test relatively quickly. In announcing this initiative, the President pledged to increase foreign assistance above and beyond current aid budgets; in other words, not to sacrifice current programs. This is not we take away from here to give to foreign aid. It is to increase foreign aid and maintain our commitment on other programs as well.

I must tell my colleagues, I am starting to doubt the President will be able to deliver on that commitment. The allocations of the foreign operations appropriations account for fiscal year 2004 in the other body, the House, is abysmally low, in my view, just $17.1 billion, a reduction of $1.7 billion below the President's request. The allocations in this body, in the Senate, are better, $18.1 billion, but still three-quarters of a billion dollars below the President's request.

Even the bill before us falls short. It authorizes $1 billion in fiscal year 2004 and increases to the $5 billion level by 2006. But for this fiscal year, it is $300 million below the President's request.

Again, this is not a criticism of the chairman. He made a very valid point. We have not passed an authorization bill in a long time, and we did pass a budget with which I did not agree. I voted against the budget resolution, but the majority of the U.S. Senate voted for it. The chairman's argument is we must stay within that budget to have credibility in order to get the requisite number of votes to do something we have not done in a long time: pass an authorization bill.

The fact is, we are below the President's request because of being constrained by the budget guidelines we passed, and the House is way below it, $1.7 billion. According to press reports, the Vice President of the United States was involved in negotiations with the House leadership over House allocations. If that is true, it does not look to me as if the administration is working very hard to support this millennium challenge account. Again, as the old saying goes, the proof of the pudding will be in the eating. We are going to know very soon, God willing.

It is beyond my comprehension how the Congress will adequately fund the millennium account, keep our commitment to $3 billion a year to HIV/AIDS assistance, and not reduce any current programs. I seriously doubt it can be done, but I sincerely hope I am proven wrong on that score.

The burden, in my view, is on the President and the majority in Congress in both Houses to deliver on the President's promise. Just as the United States will demand accountability for countries that become eligible, the rest of the world is waiting to see if we will fulfill the President's commitment that has been widely circulated at the G–8, widely circulated in every international forum, and I think we will be making a gigantic mistake if we do not meet the President's commitment.

Mr. President, I yield the floor. I thank the chairman, and I believe we are ready to consider amendments. I see Senator BROWNBACK is in the Chamber. It is my understanding Senator BROWNBACK may start, but we are going to, at 2 o'clock, have a vote and then go back to Senator BROWNBACK.

I thank the chairman for his diligence, for his courtesy, and for his leadership in getting us to this point.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, in the absence of the Senator from Delaware, I congratulated and commended him earlier on for his work as former chairman of the committee and one who has worked so closely with the chair and with myself on the MCA and so many other issues. I deeply appreciate that. That is the reason we are at this point.

AMENDMENT NO. 1139 TO AMENDMENT NO. 1136

Mr. LUGAR. Mr. President, I send a managers' amendment to the desk, and

I ask unanimous consent that it be adopted.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for himself and Mr. BIDEN, proposes an amendment numbered 1139.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1139) was agreed to.

Mr. LUGAR. I thank the Chair. Senator BROWNBACK is in the Chamber, and he has amendments to offer. I am hopeful he might be recognized.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank Senator LUGAR for his outstanding leadership on this bill and on the issues of foreign affairs. He has done a fabulous job, as has Senator BIDEN, the ranking member.

I also thank Senator BIDEN for the tremendous eulogy he gave about Strom Thurmond at the funeral in South Carolina last week. The Senator really did us very proud with his representation of this body and his relationship with Strom Thurmond. It was a touching event. His eulogy of Strom Thurmond was beautiful. I heard a number of people comment about it. It was very nice of him to do that. It was very nicely done.

Mr. BIDEN. Mr. President, I thank my colleague. It was a great honor for me to participate.

AMENDMENT NO. 1138 TO AMENDMENT NO. 1136

Mr. BROWNBACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1138.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow North Koreans to apply for refugee status or asylum)

At the end of title VIII, add the following:

SEC. . TREATMENT OF NATIONALS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

Mr. BROWNBACK. Mr. President, this is a simple amendment. I wish to spend a little bit of time talking about it, but it is quite straightforward, it is very important, and it is quite timely.

This amendment regards North Korean refugees and their seeking of refugee status in the United States. It is a one-paragraph amendment. Succinctly put, this will allow the United States to accept as refugees North Koreans who are fleeing North Korea and accept them as refugees into the United States. There currently is a legal dispute as to whether they can be accepted as refugees into the United States. The reason is because when you are born on the Korean peninsula, under the South Korea Constitution, they are automatically citizens of South Korea. Under our law, if you go to another country, you can go there and not seek refugee status here.

There are exits of massive proportions taking place out of North Korea today. We do not know how many. Some have guessed it is as low as 30,000 and as high as 300,000 North Koreans currently outside North Korea and in China living off the land. South Korea really cannot be expected to take all of these refugees who are fleeing China.

It would be an important statement, an important gesture of the United States to be willing to accept North Koreans who are fleeing as refugees into the United States. We can talk about how many at a later time. This seeks to clarify the legal dispute right now so they can be accepted.

The reason I say it is important right now is because currently, at a British consulate in China, there are four North Korean refugees seeking refugee status in the United States, and they are being denied that status of coming to the United States.

I think it is very important that they be allowed to come here as a statement of our support for freedom and liberty and against the tyranny of Kim Jong-il and his regime. The story of the North Korean people is one of the saddest tales on Earth, of hunger and fear and desperation. Isolation, indoctrination, torture, and arbitrary executions are the means to keep North Korean leader Kim Jong-il and his circle of cronies in power, and they exercise this authority and abuse that enormously.

Just the other day, the Financial Times reported on the lavish lifestyle of the North Korean tyrannical dictator saying that while Kim kept a private chef flown in from Japan to prepare his meals:

His people were forced to consume . . . tree bark, grass and insects to stave off starvation.

The wretched situation inside North Korea has forced many North Koreans to take flight to any country that will accept them. The most logical destination is China, given its porous border and proximity with North Korea. Yet China refuses to acknowledge North Korean refugees, instead calling them ''economic migrants,'' thereby denying them protections normally afforded those fleeing political persecution. This is first and foremost a humanitarian concern for the fate of several hundred thousand refugees currently hiding in fear from North Korea in northeast China.

Without forcing China to grant this opening for safe harbor, not only will we be abandoning the North Korean refugees in China but we will be abandoning the 22 million people still inside North Korea. If a window for exodus is created, then the North Korean people will want to escape Kim Jong-il's tyranny. Though it is not yet certain, this exodus will likely expose the fissures in the regime, therefore triggering its implosion.

I rise to offer this amendment to the Foreign Relations Authorization Act, an amendment version of the North Korean refugee bill that I recently introduced along with other Members. Senator KENNEDY has been a key sponsor and supporter of this effort, which will allow North Koreans fleeing Kim Jong-il's tyranny to be resettled in the United States.

Under the Constitution of the Republic of Korea, any person born on the Korean peninsula of a Korean father automatically retains the right to citizenship in the Republic of Korea, that is South Korea. That presents a simple problem for Koreans wishing to be resettled here in the United States.

This past weekend, as I noted, while we were enjoying hot dogs, fireworks, and family during the Fourth of July Independence Day, four teenaged North Koreans made their way to the consulate of the United Kingdom in Shanghai, China. These four North Koreans wanting to get away from the Stalinist-style repression sought refuge first with the British consulate, but expressed the desire to be resettled as political refugees in the United States.

According to today's Korea Times, their request to be resettled in America was denied by the U.S. Government, reportedly saying that it is the U.S. position not to ''accept North Korean defectors.''

These are people simply yearning to be free from a Stalinist, repressive regime, one of the worst human rights situations in the world, one of the worst politically oppressive situations in the world. If this is the case, if they are being denied by our Government, then I wonder if the Department of State believes that by doing so it is upholding America's responsibility under international law and fulfilling our moral obligation to give safe harbor to anyone fleeing persecution, and clearly they are.

I find this report to be appalling. It is sad to me to think that of all the United States can do in the world, and do so correctly, it is to be humane and uphold the principles of human dignity.

On June 5 of this year, I chaired a hearing titled ''Life Inside North Korea,'' exposing the brutality of Kim Jong-il's regime. In January, I attended the inauguration of the new South Korean president, President No, in which I asked him, a former human rights lawyer and admirer of Abraham Lincoln, to have compassion for his fellow Koreans across the DMZ and help them in their exodus.

Last December, I traveled to northeast China along the North Korean-

Chinese border to see the situation there, to meet with local Chinese officials and get input from NGOs working with North Korean refugees trapped in China.

Finally, in June of 2002, Senator KENNEDY and I held a hearing on North Korean refugees and the resettlement question.

My amendment would ensure that at least there is the opportunity to come to the United States as refugees and it would give hope to those fleeing this repressive regime of North Korea.

There is much we could do to prioritize resettlement of North Korean refugees, but this is the first, easiest, and most noncontroversial step. I want to thank Chairman LUGAR and Senator BIDEN for allowing me to offer this amendment and give this consideration before the committee.

This is a situation that needs to be addressed now. It will be an enormous positive statement to the world and to the Korean refugees if the United States says, yes, we will accept refugees from North Korea. It will be a terrible travesty if we say, no, we will not accept refugees fleeing one of the cruelest, meanest dictators in the world.

About a third of the North Korean people right now live on international food donations, much of which are coming from the United States. It is a regime that is repressive beyond belief. There are books out now—one I have read, ''Eyes of the Tailless Animals''—about how the regime treats the people so horrifically, worse than animals.

We have had pictures of refugees coming out—they drew them. They could not take pictures, but they showed how deplorable the conditions are.

I ask for a strong vote in this body to pass this amendment allowing the possibility of resettlement of North Korean refugees in the United States.

I yield the floor.

Mr. LUGAR. Mr. President, I support the amendment of the Senator from Kansas. Some may suggest this legislation is unnecessary, that any legal right to citizenship that North Koreans may have in South Korea would not necessarily bar them from eligibility for refugee or asylum status under the Immigration and Nationality Act.

However, with enactment of this legislation, certainty is provided on this issue. And I believe we must do more. It is important that we continue to press China toward better treatment of North Korean refugees, and I support efforts by the Administration in providing greater emphasis on supporting non-government organizations assisting North Korean refugees.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, very shortly we are going to have a rollcall vote. I am hopeful we might take action before that point. So I will make just a brief statement of support for the amendment of the Senator from Kansas. He is a dedicated member of our committee, has traveled to Korea as he mentioned in his statement, as well as other parts of Asia that are relevant to this amendment.

Some suggest the legislation is not necessary, that the legal right to citizenship North Koreans may have in South Korea would not necessarily bar them from eligibility of refugee or asylum status under the Immigration and Nationality Act. However, with enactment of this legislation, certainty is provided on this issue.

I believe we must do more. It is imperative that we continue to press China toward better treatment of North Korean refugees and support efforts by the administration in providing greater emphasis on supporting nongovernmental organizations assisting North Korean refugees.

Both managers of the bill, Senator BIDEN and I, are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 1138.

The amendment (No. 1138) was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

CHILD TAX CREDIT

Mrs. LINCOLN. Mr. President, I rise today to speak on behalf of an issue we are getting ready to vote on at 2. This is an issue we have had a lot of debate on. We have certainly discussed the issue in great detail about how important it is to provide the kind of tax relief to all working Americans trying to raise a family. This is an issue, of course, of the refundability of the child tax credit.

I do not know what it is going to take for this body and the other body to send a bill to the President, who has already said he would sign this initiative. It is less than 1 percent of the overall tax package that was passed and sent to the President to be signed. The fact is multitudes of Americans are going to get tax relief in the next couple of weeks and 12 million children in this country are going to be left out. These are hard-working American families who are playing by the rules. They do not even qualify for this unless they have a working income and they have children.

This is a special opportunity we have. If one individual in the House of Representatives can hold up providing relief to 12 million children, 200,000 military families, not to mention well over 50 percent of the population of my State, there is no reason we should be here to begin with.

I encourage my colleagues, let's move to proceed to the bill to provide the refundability of the child credit to all working families and those who are working desperately to provide for their children and our great Nation.

Mr. MCCAIN. Mr. President, I will vote to table the motion to proceed to the consideration of S. 1162, the Child Tax Credit bill. However, I am only voting in favor of the motion to table in order to give the conference sufficient time to create a final bill so that millions of American families earning between $10,500 and about $25,000 will receive tax relief through the acceleration of the refundable child tax credit.

Accelerating the refundability is especially important for military families. The Department of Defense estimates that there are approximately 192,000 families whose income is between $10,500 and about $25,000. I believe that it is highly unconscionable that many of them will not receive child tax credit relief this year unless we pass a child tax credit bill this summer.

Therefore, I urge the conference to complete a final bill in a timely manner. Otherwise, if there is another motion to proceed to the consideration of this legislation, I will vote in favor of the motion to proceed.

VOTE ON MOTION TO TABLE MOTION TO PROCEED TO S. 1162

The PRESIDING OFFICER (Mr. ALEXANDER). Under the previous order, there will be a vote on the motion to table the motion to proceed.

The yeas and nays have been ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay''.

The PRESIDING OFFICER (Mrs. DOLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—51

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NAYS—45

Akaka	Conrad	Hollings
Baucus	Corzine	Inouye
Bayh	Daschle	Jeffords
Biden	Dayton	Johnson
Bingaman	Dodd	Kennedy
Boxer	Dorgan	Kohl
Breaux	Durbin	Landrieu
Byrd	Edwards	Lautenberg
Cantwell	Feingold	Leahy
Carper	Feinstein	Levin
Clinton	Harkin	Lincoln

Mikulski	Pryor	Sarbanes
Murray	Reed	Schumer
Nelson (FL)	Reid	Stabenow
Nelson (NE)	Rockefeller	Wyden

NOT VOTING—4

Graham (FL)	Lieberman
Kerry	Miller

The motion was agreed to.

Mr. LUGAR. Madam President, 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. LUGAR. 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. LUGAR. Madam President, the distinguished Senator from California, a member of our committee, is prepared to offer an amendment, and we are eager to have that debate.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1141

Mrs. BOXER. Madam President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. CHAFEE, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. Snowe, proposes an amendment numbered 1141.

Mrs. BOXER. Madam President, I ask unanimous consent that the reading of the remainder of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961)

At the end of title VIII, insert the following new section:

SEC. 815. GLOBAL DEMOCRACY PROMOTION.

(a) FINDINGS.—Congress makes the following findings:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the ''right of the people peaceably to assemble, and to petition the government for a redress of grievances'' is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

(b) ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961.—Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

Mrs. BOXER. Madam President, the reason I was happy to have the clerk read the first three findings in this amendment is that I think these words really speak to what the United States is all about, which is free speech, the ability for people to be told the truth, and the ability of medical professionals not to be gagged from telling the truth.

Most unfortunately, what is happening right now, as a result of this administration's policy known as the Mexico City policy, foreign nongovernmental organizations—in other words, nonprofit organizations—that received USAID family planning funding are restricted in how they can help their patients.

Who are these patients? I will go into this later in detail. But they are the poorest of the poorest women in the world. What has happened, I would say because of politics in this country, is we have a very unfortunate worldwide policy now that says to the private, nonprofit organizations that are helping the poorest of the poor people—mostly women—they cannot use their own money to advocate for changes in the abortion laws of their own country.

So if they believe the abortion laws in their own country are, for example, killing women because they are saying there can be no abortion ever, even to save the life of a woman, they cannot use their own funds to advocate for change. Or if they believe the woman who comes before them has decided, of her own free will and her own conscience and with her own religious guidance and with her own family guidance, that she would like to have a legal abortion, these foreign, nonprofit organizations may not use their own money to help that woman. Not only that—this is, to me, the worst of it all—they may not use their own money to provide full and accurate medical information about what options a woman has.

It is hard for me to understand that in a country as free as ours, in a country as great as ours, we would have a policy which we dare not do in our own country because it would be clearly unconstitutional. A domestic gag rule is clearly unconstitutional. Why would we put such a policy forward and tell these little nonprofit organizations, that are struggling to meet the needs of the poorest of the poor, they would jeopardize their USAID funding if they absolutely do nothing more than even tell a patient what her legal options are, what her safe options are?

This is known as the Mexico City policy because it came out of a conference in Mexico City a very long time ago. This policy ended with President Clinton in 1992, when he said he would absolutely uphold the law that we had before this global gag rule which said you cannot use Federal money in any way to promote abortion—that was the law, and he didn't disturb that—but certainly a group could use its own money.

What happened is for 8 years we did not have this regressive policy that turns the clock back on women's rights, and yet when President Bush came in, it was one of the first things he did, to reinstate this Mexico City policy.

I am very proud that cosponsoring my amendment, which would overturn this policy, are Senator CHAFEE and Senator SNOWE. I am very proud to have them as Republican lead cosponsors. I am also very proud to have Senator MIKULSKI and Senator MURRAY as cosponsors. I am very happy to say the ranking member of the committee has told me I may add his name and he will be speaking in behalf of this amendment.

Clearly, we have an opportunity to do the right thing today. We have done it before. We have overturned this before. We have taken a stand before. I hope we will do it again.

Again, I wish to say what we are talking about here because there is always confusion. This has nothing to do with Federal funds. Federal funds may not be used in any way related to abortion. This only has to do with the private funds of these little nonprofits that are trying to help women.

What has been the impact of this gag rule? You may say, Senator BOXER, that is very interesting, but what is really happening on the ground?

Here is what is happening on the ground. With the gag rule in place,

these organizations face two choices: They can either refuse U.S. assistance or they can limit their own services. You know how hard that must be for these struggling organizations in these very poor nations.

Madam President, you have seen the world in your capacity as head of the Red Cross. You know some of these places are struggling. You know very much of it is the women who struggle the most, who are the most poor, who have the most health needs. We are seeing organizations saying: OK, I can't take the money. I can't take USAID funding because I cannot limit my ability to help my patients.

I am going to show you a case later that is very emotional and very disturbing as one example of a group that turned back this funding, and I will tell you why.

Imagine the Hobson's choice they face. Here they are, struggling, yet if they take this money, they can literally not tell their patients the truth. They are literally barred from telling their patients what is the most safe procedure for you, what are your options. They may not tell the patient that.

What is happening on the ground—and we will prove it with cases before you—we say women and families are suffering increased misery and even death. They are suffering this because there are clinics that are shutting down because they cannot take the money, and there are clinics that are being gagged, they cannot tell the truth.

Why is family planning assistance important? This is not just about abortion. These are clinics that help women plan their families. We know family planning increases child survival rates. It improves maternal health. It prevents the spread of HIV/AIDS. We have the President of the United States—and it is wonderful that he has decided to visit Africa. I have to say, while he talks about how much he wants to help HIV/AIDS, and I believe he does, he needs to understand, and perhaps he doesn't get the fact, if these clinics close down, we are going to see the spread of HIV/AIDS, we are going to see the spread of other infectious diseases.

International family planning funding helps save lives. On the one hand, to say I am here in Africa to help and on the other hand to have imposed a gag rule on doctors and nurses and clinicians so they cannot tell poor women the truth about their options or they cannot work to change the regressive laws of their country—for example, to say if a child is raped, if a child is the victim of incest, that child ought to be able to get a safe, legal abortion—these clinics cannot even do this under this global gag rule.

As a result of USAID funding, more than 50 million couples in the developing world use family planning. In the last 30 years, the percentage of couples using family planning has risen fivefold. This is something to celebrate. We know fewer than 10 percent of couples used contraception in the 1960s. We are talking about foreign countries that we helped. Now 50 percent of the couples use contraception. So the word is getting through. But the need for family planning assistance continues because of the growth of population.

Why on Earth are we setting in place a vehicle, this global gag rule, which will deprive people of their health care, will deprive women of knowing what their options are? We don't know exactly how many organizations have refused funding because of this gag rule, and we cannot measure exactly how many abortions would have been prevented by family planning. But we know clearly whenever you cut back in family planning services, you see an increase in abortions. We know 78,000 women throughout the world die each year. I want us to think about what that means. Seventy-eight thousand women throughout the world die each year as a result of unsafe abortions. At least one-fourth of those unsafe abortions in the world are girls age 15 to 19.

When we have a policy that results in clinics shutting down, we have a policy that results in illegal abortions because if they take the money, they can't tell a young girl the truth of what her options are. She may run to a back alley in desperation, and she may well die.

Seventy-eight thousand women throughout the world die each year from unsafe abortions. That is not a pro-life policy. I am sorry. That is an anti-life policy to put women at risk.

Seventy-eight thousand women die each year. That is a horrific statistic. That is happening because women cannot avail themselves of the family planning services they need.

What does our amendment do? What does the Boxer-Chafee-Snowe-Mikulski-Murray-Biden amendment do? First, it says foreign nongovernmental organizations cannot be denied funding based on the medical services they provide with their own funds, including counseling and referral services. Withholding medical information, as I have said before, to patients who need it is an intolerable situation. It would be intolerable in this country. We know, because it was tried in this country 20 years ago. There was absolutely an uproar. Doctors would say, excuse me, are you putting a gag over my mouth? Are you saying I cannot tell my patients what their legal options are? The answer came back: This cannot be sustained in a country that believes in freedom of speech. So what we couldn't do here we are doing there.

We say there shall be no gag rule. That is the first part of our amendment.

The second part says in addition to being able to tell the patients the truth about their options, an organization should be able to lobby in any way it wants as long as it doesn't use USAID funds.

We have a win-win situation in this amendment. Doctors and nurses and folks who work in these nongovernmental organizations and these small nonprofits are going to be able to tell the truth to their patients. Here are your options. Treat their patients like adults. I think it is essential to treat a woman like an adult. This is your predicament. These are the things you can do. You can have a child. You need to think about that. You could keep the child. You can give the child up for adoption. That is an option. You can end this pregnancy, if you end it early without complication. But it is your choice. I think women should be treated as adults.

Then if these organizations see that women are dying from illegal abortions because this country, let us say, outlawed legal abortions, they can lobby for this with their own funds. What we are doing is restoring democracy to the USAID program.

Frankly, I can't believe this regressive policy is even here in the 21st century. It is killing women. This is not something that is preventing abortions. Its impact is that women will seek illegal abortions. It is what happened in this country. Hundreds of women in this country died every year because they could not get access to safe, legal abortions until Roe v. Wade. Then we said to women, this is a legal option. It is your call. It is up to you at the early stages of the pregnancy. It is really a very straightforward and fair law.

What we are saying to women abroad now is if you go to a doctor, you should be able to hear your options. If your organization wants to be able to lobby on your behalf for better laws to protect your life, they ought to be able to do that—not with Federal funds, not with USAID funds, but with your own funds.

The global rule is undemocratic. It is a miserable impediment to poor women. It would be unconstitutional if imposed on our own citizens. It is bad foreign policy. I believe our bipartisan amendment ends it and does it in a very good way—in a way everybody can be proud of.

I want to tell you a story and give an example that occurred in Nepal.

I am so proud to serve on the Foreign Relations Committee at this time. I am the only woman, which is a lonely thing. Madam President, you ought to think about coming on with me. It is a great honor and privilege.

I want to say that our chairman, Chairman LUGAR, could not be a more fair chairman, could not be a more hard-working chairman, and could not have more respect on both sides of the aisle. It is an honor to be on that committee in the Senate. It is an honor to be serving with the ranking member, JOE BIDEN. I think our colleagues are very bipartisan. It is a tough time now in our country for bipartisanship. We really work together on that committee.

At the time we were in the majority, we had a series of hearings on this

global gag rule to see what was happening on the ground.

In 2001, I chaired a subcommittee hearing where we had a small nonprofit, nongovernmental organization from Nepal. They were faced with this global gag rule. They had to make that Hobson's choice: Do they take the money and then give up their right to lobby in behalf of their patients or do they turn back the money? This little organization turned back the money. The reason they did it was not some abstract theory but a specific case. They cited how their organization was able to advocate on behalf of the 13-year-old girl whose name was Min Min.

This is a story I want to share with my colleagues. How can we turn our backs on this child and other children like her? How we can turn our backs on the organizations that are out there is beyond my comprehension to understand.

Min Min was raped by a relative. I want to show you her face. She was 13. Her family forced her to have an illegal abortion after the rape. As a result of illegal abortion, she was arrested and she was taken to a central jail in Nepal. In 2001, Nepal put the victim in jail—not the relative who raped her. Look at this child. The girl's relatives were not punished. But Min Min was sentenced to 20 years in jail, and she was abandoned by her family.

In your life, could you even imagine such a thing? A 13-year-old girl jailed for her life after she was raped. That was her crime.

This particular NGO in Nepal had refused to take USAID money because they wanted to advocate to change the laws in Nepal.

You would think we would be on their side. You would think we would be horrified that 13-year-old girls can go to jail for 20 years because they are the victims of rape by a relative. You would think we would say to this nongovernmental organization: We want to help you. But, no, under this global gag rule put into place by this administration this little girl was left that way, without the help of USAID, without the funding of USAID.

This NGO, which turned back the money, went to bat for her and to change the law. After 2 years in prison, this child—2 years in prison, from age 13 to age 15, when a child should be home with her family, getting the guidance and love of her family—after sitting in jail after 2 years, finally, the laws were changed. Because the NGO, the nongovernmental organization, refused to take the money—because they knew they must work to change laws—they were free to go and do it, and they got the law changed and she was released after 2 years in jail—2 years in jail for being a victim of a sexual assault by a relative.

Now, had this NGO taken the money of USAID, they would not have been able to advocate on behalf of this child. We had the leader of this organization come before the Foreign Relations Committee, and this is what he said: ''How can we turn our back on women who die or are injured daily due to unsafe abortion?'' How can we stop organizations from changing the laws?

The happy ending to this terrible tale is that the NGO worked with the government and last year the law was changed. There will no longer be lifetime jail sentences when these young girls are raped. That is the good news.

Let me give you the really terrible news. This NGO has been forced to close clinics in Nepal because of the loss of their USAID money. Now, can anyone stand up here—and I would ask someone. We have a Senator in the Chamber who I know opposes this and may get up and defend what we are doing. But it is pretty clear, my friends. You can put any fancy language and ideology on it. I am not ideological. I just do not want to kill women. I just do not want to have little girls age 13 sitting in prison because they are raped. I just do not want to tie the hands of organizations to rescue girls such as this, to change the laws of their country that wind up killing women, harming women, and making them sit in jail when they are raped.

If you can explain why that is a good law, that is your choice, and I respect that and all, but I cannot understand how we would, in this 21st century, tie the hands of small nonprofit groups that want to help girls and women such as this.

In Zambia, the Family Life Movement of Zambia, a faith-based, antiabortion organization, has been unable to expand programs because the global gag rule has disqualified Planned Parenthood Association of Zambia, a partner organization. The FLMZ promotes abstinence among young people in Zambia and it does not provide contraceptives but they are in partnership with Planned Parenthood. They are a faith-based antiabortion organization.

I told you, I am not ideological on this point. They are in a partnership with Planned Parenthood. This group that believes in abstinence, they cannot get the funding from USAID. Now, you explain to me how that works.

What this organization does is, if they would come across a young person or young people who are sexually active, they would be referred to this Planned Parenthood group or they could receive information about contraception. But the global gag rule has forced Planned Parenthood of Zambia to close three of its nine rural outreach programs and costs them more than $100,000 worth of contraceptives.

So here you see it. You see on the ground what is happening to organizations that are trying to help the most desperate women and girls.

The Family Planning Association of Kenya, which does not provide abortion, has had to cut its outreach staff in half, close three clinics that served 56,000 clients in traditionally underserved communities, and they have had to raise their fees at their remaining clinics because they would not take the money because they did not want to be gagged.

One of the clinics that closed housed a unique well-baby center that provided comprehensive infant and postpartum care, making it easier for women to receive critical followup care. The baby center is now closed.

What is going on? I think there is a misunderstanding in this administration because they are shutting down well-baby clinics. They are shutting down well-baby clinics. They are shutting down organizations that distribute contraception. They are shutting down organizations that are fighting for laws that will save women's lives.

This is a terrible, terrible regulation. It is terrible for the women. It is terrible for the doctors there. It is terrible for the nurses there. It is terrible for the babies there.

I think it is a terrible message from our country that we are so ideological over here that we will not let nongovernmental organizations that are trying to help women and families do their work because of some dispute over abortion in this country. I have some words about that: Get over that dispute. That dispute will be with us for a long time. We are going to have to resolve it in our way. But why make women in foreign countries pay the price, children in foreign countries pay the price, little girls such as Min Min pay the price because we have an argument over here over whether a woman should have the right to choose?

We are doing things to these organizations we cannot do in this country because it is a violation of the Constitution; it is a violation of freedom of speech. We are going around the world trying to bring democracy to countries.

We have soldiers dying for freedom of speech in Iraq right now—every single day. I have another 14 Californians who are dead since the war ''ended.'' Why are they there? They are fighting for freedom and democracy and freedom of speech for the Iraqi people.

But we have a policy that takes away freedom of speech from folks who want to help people get health care. It is a very bizarre twist in our country's history, and one that, believe me, is not lost on other nations.

Recently, the Health Minister of Kenya has suggested that abortion should be made legal as a way to confront the devastation that unsafe abortion has on the women in that country.

Well, congratulations to the Health Minister of Kenya for understanding something that our Supreme Court figured out a long time ago: that abortion should be legal and women should not be made into criminals, nor should doctors who help them as long as that abortion is performed in the early stages of the pregnancy. That is all that Roe says in this country.

The Health Minister in Kenya is looking at the devastation of illegal abortion. He is looking at the devastation of back-alley abortion, just as our

people looked at that in the 1950s, 1960s, and 1970s and came to the conclusion that we ought to legalize this and keep the Government out of it and let the people decide such an intensely personal, private, difficult, moral, religious issue.

He has come to the conclusion that people know better, not the government, that there should not be a rule that you must be forced in any way on this issue—either to not have an abortion or to have an abortion—and that maybe his people should be trusted. The organizations that have the gag rule in Kenya cannot speak out, when they know what they see and they want to help reduce maternal mortality and morbidity.

I am giving you these examples of various countries because I want my colleagues to understand this is not about ideology. This is about practicality. This is about children like this. This is about women. This is about families. This is about babies. This is about people getting help.

The Family Guidance Association of Ethiopia, the largest reproductive provider in that country, operates 18 clinics, 24 youth service centers, 671 community-based reproductive health care sites, and hundreds of other sites for health care. Still fewer than 20 percent of Ethiopians live within a 2-hour walk of any health provider.

We are talking about countries where people can't jump in a car and drive an hour to get health care. They literally have to walk to their health care. So if even a few of the clinics have to close down because of lack of funding, women are consigned to trouble. They are going to have to go two blocks around the corner, down the street, behind a house and have an illegal abortion and maybe face death or infertility.

A half a million dollars has been turned away by this organization, the Family Guidance Association of Ethiopia, because they will not abide by being gagged. They will not say to their doctors: You can't tell women the truth. They will not say to the nurses: You can't tell women the truth. They will not say to their people: You can't lobby your own government for changes in laws that will help women.

So what has happened? They have had to cut off the supply of contraception. It is a very sad day. Since abortion is illegal in Ethiopia, imagine what is going to happen if people can't have contraception?

You want the world to be perfect. I well remember this discussion when my children were younger. You want your children to listen to you. You want to make sure that every child is a wanted child. You want to make sure that there is abstinence, yes. But it might not happen. And if it doesn't happen that way, the way you want it to happen, to what are we consigning our young people?

In the case of these foreign governments, we are looking at a child in jail, and this one was raped by a family member. What is the policy of our country to be that we are going to tell these young women we are not on their side?

I cannot fathom it. A girl put in jail, served for 2 years because she was raped by a relative, and the nonprofit foreign organization that helped her was punished by America because they wanted to help her, because they wanted to get the laws changed, because they wanted to get her out of jail? What is wrong with us? How can we proudly stand by this gag rule? We should not. We should repeal it today.

As I say, we have bipartisan sponsorship on this bill and we have a chance to overturn it. The President has threatened to veto the bill if we overturn this global gag rule. Can you imagine, the President has said he will veto the bill if we reverse this rule, if we want to help children like Min Min. I want to ask the President: Do you think it is right to put a little girl in prison because she was raped by her family? I am sure he would say: Of course not. It is awful.

Then I would ask him: Do you think it is a good thing for people in that country to come to this little girl's rescue and help her? I am sure he would say: Of course.

My next question would be: Then why are you shutting off the funds to the nonprofit organizations that want to help her cause? He would probably say: Let me get back to you.

Frankly, I don't see how he could answer that without taking a long time to twist it around. This isn't about ideology. This is about real people. This is about the poorest children, the poorest women, the poorest families. This is about imposing a gag rule, which we are not allowed to do in this country because we have a Constitution, on other people. Why? I guess because we can. It is wrong.

It is wrong that the largest family planning organization in Ethiopia—God knows they have enough trouble there; they have droughts and everything else—loses $500,000 because they won't be gagged. And as a result, people cannot get contraception. And as a result, women are going to have to have illegal abortions because abortion is illegal in that country.

We know 78,000 women every year die across the world from illegal abortion. We are the United States of America. We are a good country. We are a kind country. We are a generous country. We are a great country. Why would we do this to the poorest of the poor?

In the case of Ethiopia, 229,000 men and 300,000 women in urban areas are not getting served by this organization because there is some ideological problem that we have here in this country that we should not export elsewhere.

I am coming to the end of my examples. I have one more about Peru. There is a program in Peru that is designed to engage local women from poor communities across the country in identifying the most pressing reproductive health needs. This organization, Manuela Ramos, convenes the discussions and then works with the Ministry of Health to develop specific responses to those needs. In many communities, women identify unsafe abortion as their most pressing problem. The gag rule prohibits this organization from even engaging in discussions about ways to reduce illegal, unsafe abortion.

I am mortified that a decision by this administration is gagging not only the people who receive USAID funds but even the people who go there are not allowed to discuss together how to make life better for the women of Peru, the women of the world.

I am taking a lot of time on this today because I am pleading with my colleagues to stand up and be counted. If it is true that you are not going to vote for this because the President said he will veto the bill, I say: Let's go for it. Maybe he will change his mind. I am happy to sit down and tell him about Min Min, this 13-year-old girl. I am happy to give him the statistics. I will be glad to talk to him about the 78,000 women dying every single year from illegal abortions. I believe I could maybe change his mind.

Maybe he will change his mind—let's give it a chance—if he sees a strong bipartisan vote.

I want to show you a couple of other charts and then I will be finished, until I hear the other side and I will come back to debate.

This is an editorial that appeared in the Washington Post when this global gag rule was put into place. It is headlined ''Divisive on Abortion.''

> Making an organization censor its views as a condition of receiving government money would be unconstitutional on free-speech grounds in this country; it should have no place in U.S. foreign policy. Moreover, requiring doctors to withhold information from patients violates the common conception of medical ethics. There will be . . . more circulation of the AIDS virus, more poverty-entrenching high birthrates and more unwanted pregnancies—meaning more abortions.

I will take a minute to talk about this because this really sums up what I have been saying in a very neat little package.

> Making an organization censor its views as a condition of receiving government money would be unconstitutional on free speech grounds in this country.

Well, you know that is true. We don't do that. We don't tell every group in this country that receives Federal funds they cannot talk about anything, because this is America, the land of the free and the home of the brave. Free speech is the basis of our country. It is what our soldiers are dying for in Iraq. So we don't tell people in this country that if you get Federal funds, if you get Social Security, you cannot talk about X, Y, or Z. If you get funds through Medicare, you cannot talk about A, B, or C. Try that on the elderly population in this country. You will be out

of office so fast you won't know what hit you. Face it, that is what we are doing here.

They say that kind of condition on receiving money should have no place in U.S. foreign policy. I agree with that. Here we are, a bastion of freedom and democracy and free speech, going around the world telling people about that on the one hand and our soldiers are putting their lives on the line. Yet in this program, we are telling little charitable, nonprofit health care centers they cannot tell their patients the truth. Not only that, if they see a law that is killing their patients, they cannot work to change it. What a shame on our country. They say it should have no place in foreign policy. That is exactly right. That should have no place in foreign policy.

> Requiring doctors to withhold information from patients violates the common conception of medical ethics.

How true is that? When our doctors take the Hippocratic oath, they say they will do no harm, they will do everything to save the life of their patients and give them the best of health care. Imagine going to your doctor and you have a terrible illness and the doctor knows four options for you and he cannot talk about two of them because the Government said he could not. So you hear about two options but not the other two. When you found out that you didn't get the whole story, and something happened to you, your family would be in the courthouse door—and rightly so—saying: How could my doctor not have told my dad that this particular type of surgery would have cured his cancer?

The fact is, we are gagging doctors and health care practitioners in foreign countries from telling patients the truth. Then this editorial says:

> There will be . . . more circulation of the AIDS virus, more poverty-entrenching high birthrates and more unwanted pregnancies—meaning more abortions.

We have a policy in our country called the global gag rule which I, Senator CHAFEE, Senator SNOWE, Senator MIKULSKI, Senator MURRAY, and Senator BIDEN are trying to overturn. We hope to get a lot of you with us. We are trying to overturn a policy that is causing illegal, unsafe abortions to take place because, clearly, if you tell a nonprofit organization they cannot tell you the truth, you are going to be desperate.

Seventy-eight thousand women a year die. So you are also going to see more circulation of the AIDS virus. Why? Because a lot of these clinics that are closing down—and it is not just about abortion; it is about family planning, contraception, and learning how to protect yourself from the AIDS virus and other sexually transmitted diseases. And there are going to be ''poverty-entrenching high birthrates.''

Why would this be a policy of the United States of America? It is hurting people, not helping them. It is gagging people, not giving them free speech. It is hurting America's reputation in the world. It turns the clock back on progress.

Let me say very clearly as I close my opening statement that the Washington Post said:

> Around the world, more than a half-million die from pregnancy-related causes annually. A real pro-life policy would focus on reducing that death toll by providing more contraception and safer abortions.

That is it in a nutshell. It is not like we are dealing in mysteries. We know certain truths. We know that if women have access to good health advice, they will avoid unwanted pregnancies. We know that if they have access to good health advice, they will have healthy babies and they will be healthy. We know all those things. And we know for that to happen, women have to be educated on their options. We know that.

What else do we know? We know that some countries do terrible things. I want to show you again the picture of Min Min, who is 13 years old. She is in prison because a family member raped her. The organization that tried to help her, in order to do that, had to hand back their USAID funding because President Bush said they could not help her. He put the global gag rule in place. He said nobody can help her. That is what it says. If I talked to him one on one, I know he would be shocked at this story, but the fact is that this policy of a global gag rule made it impossible for the organization to help her until they gave back their USAID funding. What a shame on our country—to be associated with such an outcome.

I want to be proud. This is a country I love. I want to be seen as helping, as spreading democracy and freedom of speech and ideas.

So for all those reasons, I hope we will have a good vote that will get rid of this global gag rule. I don't care if there are veto threats. We have to stand up for something here. This is the Senate of the United States of America. This is the year 2003. Little girls such as this should not have to suffer because we have a policy that punishes folks who want to help her.

With that, I yield the floor and I hope we can continue this debate.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Indiana.

Mr. LUGAR. Mr. President, the distinguished Senator from California has presented her case, as always, with eloquence. Let me ask the distinguished Senator, I understand Senator BROWNBACK may wish to speak on this issue, I want to speak for a short while on the issue, and the Senator from California perhaps wants some time.

Mrs. BOXER. Mr. President, if my friend will yield, Senator REID wants to be here, and I believe Senator BIDEN. I can get back to the Senator from Indiana in short order with how much time we will need.

Mr. LUGAR. What I would like to propose is we plan to vote at 5 o'clock and have 40 minutes more debate evenly divided, 20 minutes to a side. That would be my hope.

Mrs. BOXER. I would think that will work, if I can just have a moment to get back to the Senator.

Mr. LUGAR. Very well. I will proceed, and then if the Senator can inform me, that will be helpful.

Mr. President, when the Mexico City policy, which is our discussion today, was restored by President Bush in 2001 when he came into office, he stated once again the conviction that the U.S. taxpayer funds should not be used to pay for abortions or for the advocacy, for those who actively promote abortions as a means of family planning.

The fact that this President has taken this position, as have other Presidents before him, does not lessen his commitment or our commitment to strong international family planning programs. Indeed, President Bush's fiscal year 2004 budget requests $425 million for population assistance, the same funding level appropriated during fiscal year 2001, President Clinton's final year in office.

President Bush has confirmed his commitment to maintaining these funding levels for population assistance because he knows one of the best ways to prevent abortion is by providing voluntary family planning services. That is a policy of our Government now. It is a policy that our President advocates for the future.

We are all aware of the numerous attempts to reach compromise language that would satisfy all sides on this very important issue but no acceptable accommodation has been found to date. Perhaps in recognition of this state of affairs, the President has advised that any legislation that seeks to override the Mexico City language will be vetoed.

Let me make clear that the restrictions in the Mexico City policy do not prevent organizations from performing abortions if the life of the mother would be in danger if the fetus were carried to term, or abortions following rape or incest. Similarly, health care facilities may treat injuries or illnesses caused by legal or illegal abortions.

I wish to make that point because the distinguished Senator from California has told the story, and it is a tragic one, of a 13-year-old girl. I simply want to clear up the point that the Mexico City policy has not prevented organizations from performing abortions if the life of the mother would be in danger if the fetus were carried to term, or abortions following rape or incest.

The issue comes in whether taxpayer funds of the United States should be utilized by organizations in the internal debates within countries. That clearly is an issue upon which Senators will differ, but it is a different issue than the issue of whether, in fact, funds might have been utilized in this particular tragedy.

There are many foreign nongovernmental organizations through which

USAID can provide and does provide family planning information and services to people in developing countries. The President has decided that assistance for family planning will be provided to those foreign grantees whose family planning programs are consistent with the values and the principles of his administration. And every President since 1984 has exercised his right in that regard.

I wish to make clear, and the Senator from California is correct in this assumption, the administration's statement of policy with regard to legislation that we now are engaged in states with regard to the amendment on Mexico City policy:

> The administration would strongly oppose any amendment that would overturn the administration's family planning policy, commonly known as the Mexico City policy, and allow U.S. taxpayer funds to go to international organizations which perform abortions and engage in abortion advocacy. The President would veto the bill if it were presented to him with such a provision.

Mr. President, as manager of this bill, I have to take that statement seriously, as does every Senator. The distinguished Senator from California has indicated perhaps the President might be persuaded to change his mind, and perhaps that is the case. But this President has been very clear and I think the directives with regard to policy on this legislation are very clear in the language I have just read.

I appeal to Senators that there are so many important provisions in this legislation with regard to our national security, the importance of our diplomacy, humanitarian concerns to international organizations, the dues that are paid—a whole host of issues. I think Senators are aware of that. I hope we will not jeopardize all of this progress. I hope we will continue to have honest debate on the Mexico City policy in other fora, and there are opportunities for Senators, simply with bills that are directed to this issue, as opposed to amendments added to legislation in which we have put together the State Department authorization, the foreign assistance authorization, the Millennium Challenge Account, and a number of issues which are very important to the future of our country.

I will oppose the amendment. I ask other Senators to do so for the reasons I have given.

If I may engage in colloquy with the distinguished Senator from California, is there disposition that we may be able to proceed to an agreement on time for a vote?

Mrs. BOXER. We have spoken with the Senator's staff, and we have made a suggestion. They apparently are working on finding out if it is acceptable. I will, once there is a quorum call in place, explain the details.

Mr. LUGAR. I yield the floor.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, just a few years ago I traveled to Nepal, a country with one of the highest maternal mortality rates in the world, certainly in Asia. More than 500 out of every 100,000 women in Nepal die from pregnancy-related complications compared to 7 out of every 100,000 women in the United States. Again, 500 women in Nepal die from pregnancy-related complications compared to 7 in the United States.

Nepal is not the only place where women are at such high risk. Every minute of every day at least one woman somewhere in the world dies from causes related to pregnancy in childbirth. Every minute of every day a woman dies from causes related to pregnancy. That is 600,000 women every year who die from causes related to pregnancy. I repeat for the third time, 600,000 women every year.

Our country offers hope to women around the world. Our support for international family planning programs spells the difference between life or death for women in developing countries. And family planning efforts prevent unintended pregnancies, save the lives of thousands of women and infants every year. Family planning also helps prevent the spread of sexually transmitted diseases.

Last summer, I traveled to South Africa: Kenya, Nigeria, and Botswana. The subject of AIDS and the terrible damage it has done to the African people became the focus of this trip. We did not want it to be the focus of the trip, but it became the focus of the trip. It overwhelmed everything that we talked about and saw. Africa has been overwhelmed by the AIDS epidemic. More than 20 million Africans have died from AIDS and more than 5,000 continue to die each day from this disease. It is 7 days a week. It does not matter if it is Thanksgiving, Christmas, or whatever holidays they might have. There are no vacations, no holidays. Seven days a week, every week of the year, more than 5,000 Africans die, and that number is going up, not down. They die from this disease we call AIDS.

In seven southern African countries, 20 percent or more of the adult population is infected with the HIV virus. In Botswana—and I would mention about Botswana, it is a democracy. It is a country that is based on the rule of law. It is really a fine country with great leaders. We stayed for a few days in Botswana. The infection rate is about 40 percent; that is, 4 out of every 10 people who live in Botswana are infected with the HIV virus. In other African countries, the HIV infection rates are higher among women than men.

As a result, family planning providers are the best source of HIV prevention information and services. But now, the Mexico City policy threatens our efforts to save the lives of women in Nepal, on the continent of Africa, and all over the world. President Bush reimposed the gag rule because he wants to decrease the number of abortions abroad. That is a worthy goal, but restricting funds to organizations that provide a wide range of safe and effective family planning services can lead only to more, not fewer, abortions.

Cutting funding for family planning diminishes access to the most effective means of reducing abortion. Research shows the only way to reduce the number of abortions is to improve family planning efforts that will decrease the number of unintended pregnancies. Access to contraception reduces the probability of having an abortion by more than 85 percent.

Of course, I do not support the use of a single taxpayer dollar to perform or promote abortions overseas, but that is what the law says. The law has explicitly prohibited such activities for 20 years, from 1973. Instead, I support family planning efforts that reduce both unintended pregnancies and abortions.

The Mexico City policy not only undercuts our country's commitment to women's health, it restricts foreign organizations in a way that would be unconstitutional in the United States. This policy violates a fundamental tenet of our democracy: freedom of speech. That is why my friend from California, the chief sponsor of this amendment, Senator BOXER, calls this a global gag amendment because that is exactly what it is. This policy violates a fundamental tenet of our democracy: freedom of speech.

Exporting a policy that is unconstitutional in the United States is the ultimate act of hypocrisy. Surely, this is not the message we want to send to struggling democracies that look to the United States for inspiration and guidance. My friend, the distinguished Senator from Nevada—from California, Senator BOXER—I wish she were from Nevada. She does a great job for Nevada, along with California and the rest of the country. Senator BOXER's amendment would ensure that U.S. foreign policy is consistent with American values, including free speech and medical ethics.

I support this legislation. I support this amendment and urge my colleagues to support this effort to protect and defend women around the globe.

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. 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 rise to address the Boxer amendment being considered. I acknowledge the

passion and leadership of the Senator from California. I have always respected her thoughtful arguments. We have had some issues in agreement and some issues in disagreement. This happens to be one we are in disagreement but it does not reduce my acknowledging her skill and abilities and the heart she brings to each and every discussion she puts forward.

This is a straightforward and simple issue, one that everyone can clearly grasp. It is about the use of taxpayer dollars, Federal, U.S. taxpayer dollars to fund abortions overseas; do you agree or disagree with that.

Some say, yes, we should do that; other people say, no, I don't think we should use taxpayer dollars overseas to fund issues such as this. Others say, I don't think we should use taxpayer dollars to fund abortion because of their deeply held feeling they are aborting a child and they disagree fundamentally with that. We have a clear issue before the Senate.

I note the history behind the so-called Mexico City language. On January 22, 2001, when President George Bush was sworn in and put into office as President of the United States, in one of his first acts, he reinstated the Mexico City policy. I say ''reinstated''; this was a policy President Reagan put in place. It was in place during President Reagan's term in office, in place during President Bush I's first term in office, and immediately repealed when President Clinton came into office.

The policy simply states that it prohibits Federal taxpayers from funding foreign organizations that ''perform or actively promote abortion as a method of family planning in other nations.'' That is what the Mexico City language is: ''perform or actively promote abortion as a method of family planning in other nations.''

So the President is saying as part of U.S. policy that we will not fund private organizations, NGOs, that perform or actively promote abortion overseas.

That is the issue. That is the point of the issue. You can color it with a lot of stories, you can color it with a lot of rhetoric, but the issue to decide in this body is, do we want to use taxpayer dollars to fund abortions or promote abortion overseas.

As I note to people, there are primarily two grounds that people disagree. The first ground is as a moral objection. A number of people just disagree with the issue of abortion. It is probably the most difficult social issue today as a society. We debate it regularly. The issue is, is the young child a person or a piece of property.

Others look at this differently. Senator BOXER and I have different views on that particular issue. I think history will clearly point out the side I represent is accurate and true and is the side I hope ultimately all Americans will agree with, that we believe in the fundamental rights of a personhood and of dignity, of each and every individual, no matter how weak or helpless they might be. It is in the great traditions of the Democratic Party to support people in a difficult spot, and it should be that support for the weakest and the most vulnerable which clearly that child in the womb represents. That is No. 1 as an issue.

The second issue, should you use taxpayer dollars, taxpayers from California, from Missouri, from Kansas, from Indiana, wherever they might be, should we be using those to support a policy that funds abortion in Nepal and Africa or that supports organizations in various places around the world that want to either perform abortions or promote the use of abortion in that country and that society? A number of people would say yes, I am willing to use taxpayer funds to go do that. Probably more people in the country, I think if you would poll people in the United States, would say no. No. 1, I think you spend too much overseas the way it is right now. No. 2, I disagree with you either paying for abortions overseas or supporting organizations that are trying to promote abortion overseas. I think that is a bad use of taxpayer dollars.

Those are the fundamental arguments that people bring forth in looking at the Mexico City policy. I think the Mexico City policy is a very commonsense policy that has been put forward by President Reagan, put forward by President Bush, George Bush No. 1, President Bush No. 2 as well. It has been in law since 1984, as an administrative act by the President. It is based in part on the belief that U.S. taxpayers should not be forced to subsidize or support organizations that perform or promote abortions overseas for family planning programs.

I have noted some of the specific arguments why that takes place. I want to take on one of the indirect arguments that a number of people raise. Some people argue incorrectly that Federal tax dollars would not have to be used for the actual abortion but could still be used to support the organization's other activities. This argument fails to properly understand the fungibility of money. Once you give money to a organization, it can use that for a broad range of causes. It can say, Look, we don't use this money for abortions or promoting abortions because we will use it in this sector, sector A of our organization. But in sector B of our organization we do fund abortions and we do promote abortions.

This money can be used to subsidize the overhead operation of the organization, it can be used to subsidize a mailing, and while this portion doesn't support abortion, there is also an additional mailing inserted that does. It can be used in the fungibility of the dollars. That is why we tried to put forward—why President Bush has tried to put forward a clear firewall on this set of funds.

It is not that the United States should not try to do good overseas, because we should and we are. I applaud this President for his efforts in global HIV, on the Millennium Challenge Account, where we are trying to help people in other countries to get out of these debilitating, horrific situations of HIV and its spread, of trying to give them some economic opportunity. The President put those forward. I strongly support those and hope those will clear through the Congress.

But here is one: Why would we take something so controversial, so counter to so many Americans' fundamental beliefs, fundamental thoughts, and say to the American taxpayer: We are going to use your dollars to do this, and, yes, we know you disagree with it on moral grounds and, yes, we know you disagree with it on fiscal grounds, yet we are going to go ahead and do that?

If we are so concerned about the individual overseas, and we should be, why not put the money in something we all agree with that is a terrible problem like global HIV or solving issues dealing with malaria or other diseases that are horrific but that do not get the number of research dollars they should for developing cures for them because they are in countries where people do not have enough resources to be able to buy the pharmaceutical drugs that would cure them? There are so many better ways you could spend this type of money than in something so controversial and so counter to what America stands for.

I think it is important for us to vote against the Boxer amendment.

There is a final reason here. I want to hit this point. There is another one as well. The final reason here is that the President has stated clearly he will veto the bill if this language that funds overseas abortions or the promotion of abortion is included in this bill. If that is in this bill, the administration will veto this bill.

The chairman and the ranking member have worked very hard to put a bill together to do the authorizing on authorization instead of appropriations so we can get a bill through. Rather than having it vetoed, wouldn't it be wise for us to go ahead and get this through?

One of the reasons we were criticized, and I think rightfully so, in the last Congress was that we didn't get anything done. There was a major Energy bill, didn't get it done; a major Medicare bill, didn't get it done. What the chairman and ranking member are trying to do here is pass a major State Department authorization, foreign assistance. We are trying to get it done and we can get it done. We can finish this and we can get it done. Yet you are trying to insert language to kill the whole bill and the whole process. On top of the controversy for using the funds for these purposes, the controversy about the whole moral issue of abortion, you are going to cause the veto of a bill over this issue.

I do not think that is wise legislating on our part. I do not think it is the appropriate way for us to go. I think the

American people would look at that as well and say: You know, this isn't a life-or-death issue on the point of getting this language.

Some would contend it is. If that is the case, let's make a malaria cure a portion. That is a life-and-death issue. But you are going to kill a bill by including such controversial language in it.

I urge my colleagues to reject this attempt to overturn President Bush's clear language, the clear policy that I think represents, really, what the American people want to see us do.

With that, I would like an opportunity—I think there are others who are going to speak on this bill—to possibly be able to rejoin the debate to answer some of the points that might be put forward.

I yield the floor.

Mr. LUGAR. Mr. President, 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. LUGAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. LUGAR. Madam President, just for the sake of explanation to Senators of what is about to transpire, I am going to move to table the amendment that has been offered by the distinguished Senator from California. Senators will have a chance to vote. I will call for the yeas and nays, so it will be a recorded vote. In the event that Senator BOXER's amendment is not tabled, then I will move that we adopt the amendment by voice vote.

Mrs. FEINSTEIN. Mr. President, I rise today to support Senator BOXER's amendment to the State Department authorization bill to eliminate the so-called global gag rule to lift the restrictions for U.S. assistance to international family planning providers included in this legislation.

There have been few issues in recent years that have been more debated. I have come to the floor on several occasions in years past to express my deep concern for the global gag rule. Year after year, we have come to the floor to try to overturn the rule.

Under the leadership of both Democratic and Republican Presidents, and under Congresses controlled by Democrats and Republicans alike, the United States has established a long and distinguished record of world leadership in the area of international family planning and reproductive health issues.

But the global gag rule places very limiting restrictions on U.S. assistance to international family planning organizations. Overseas family planning providers would be barred from using their own money to even provide information to patients about the availability of a legal abortion if these providers receive any funding or even access to contraceptives from the U.S. Government.

International family planning providers are being faced with a very difficult choice; either give up desperately needed U.S. funding or edit the information about reproductive health that providers share with the women they are trying to help. Either choice will hurt some of the poorest women in the world.

Family planning providers don't just lose funds under the global gag rule. They also lose donated contraceptives. The United States is the most important donor of contraceptives to the developing world, providing about 37 percent of all donations at a value of $45 to $55 million annually.

I was disappointed that one of President Bush's first major policy actions, on his first business day in office, January 22, 2001, was to reinstate the global gag rule.

I think it is important to point out that Senator BOXER's amendment does not change any laws about abortion. In fact, this amendment only allows for funding to organizations that provide services that are legal in their own country and also legal in the United States.

Beginning with the reinstatement of the gag policy in January 2001, several organizations working in the developing world that have lost access to much needed funding or contraceptives, including the International Planned Parenthood Federation, IPPF. IPPF is made up of more than 150 agencies working in 180 countries and is the largest provider of reproductive health services in the world.

Between 2001 and 2003, this organization has lost more than $8 million in U.S. Government funds—mostly for contraceptive supplies.

Some country-specific examples to demonstrate the impact of the global gag rue include: Ethiopia where the Family Planning Association lost $56,000 in contraceptive supplies; Zambia were the Planned Parenthood Association lost $137,092 in contraceptive supplies; Cote d'Ivoire where the Family Planning Association lost $186,000 in contraceptive supplies which eliminated contraceptive services from nearly 50 percent of their 92 distribution points; Congo where the Family Planning Association lost $17,000 in U.S. assistance and, as a result, they had to eliminate programs that served 15,739 clients; and Kenya where the Family Planning Association had received an average of $580,000 per year to fund its clinics. Three urban clinics serving 56,000 poor and underserved clients closed.

The amount of funding lost may not sound like much to you. But in the developing world, every dollar, literally, counts.

And every woman deprived of access to education or contraceptive supplies risk an unwanted pregnancy.

Access to contraceptives is not only about family planning. It is about reproductive health. And it is also about protecting people from HIV/AIDS.

Much of the developing world is struggling with HIV/AIDS. The loss of U.S. funds has reduced the capacity of many family planning providers to also address the HIV/AIDS crisis.

In Ghana, for example, 697,000 Planned Parenthood Association clients will lose access to not only family planning services but also to voluntary testing and counseling for HIV/AIDS as well as AIDS prevention education programs.

With the world population now at more than 6 billion, and estimates of this figure growing to 12 billion by 2050, we must give couples and women the resources necessary to plan the number and spacing of their children.

The vast majority of this population growth will occur in the developing world, in countries that don't have the resources necessary or the infrastructure to provide for basic health care.

Limited access to family planning services results in high rates of unintended and high-risk pregnancy and maternal deaths.

Every minute around the world, 190 women face an unplanned or unwanted pregnancy. About 110 women experience pregnancy-related complications and 1 woman dies. This can be avoided.

I would ask the women of America, as they consider their own reproductive rights, to consider the aim and intent of a policy in which the reproductive rights of American women are approached one way and those of women in the developing world another.

Perhaps worst of all about the global gag rule is that it is a cynical ploy by those who would challenge domestic reproductive rights but are too fearful of the political repercussions. So, instead, they practice the divisive politics of reproductive rights on the poor, sacrificing the lives of women and children overseas, where they think we are not paying attention or do not really care.

I truly believe that the only way to help women in the developing word better their own lives and the lives of their families is to ensure that they have access to the educational and medical resources necessary to make informed decisions.

I urge my colleagues to join me in supporting this amendment.

Ms. SNOWE. Mr. President, I rise in support of the amendment offered today by Senator BOXER to repeal the global gag rule.

We take up this debate once again during the consideration of the State Department authorization, a bill which governs our country's federally sponsored foreign aid programs. Each year, we have to fight for the adoption of this amendment which would bolster these international assistance efforts, and yet each year we find ourselves here again debating this same issue.

There is no question that U.S. population assistance is of critical importance to our international aid efforts. Population assistance is the primary

deliverer of health education, health care, and prenatal care to millions of women in developing countries. But beyond the social and physiological aid that this program brings to these nations, there is a real economic benefit as well. According to USAID, studies in several countries have shown that for every dollar invested in family planning programs, governments save as much as $16 in reduced expenditures in health, education, and social services. This is not only an investment in the health of women, and their children, and their families but for whole nations and their ability to stabilize and grow stronger.

There is also no question that U.S. population assistance efforts in developing countries have been successful, as demonstrated by the fact that the average family size in countries that have received U.S. population assistance has decreased from six children to four. AID assistance has increased the use of contraceptives in developing countries from 10 percent of married couples in the 1970s to 50 to 60 percent today. This not only allows for family planning which helps ensure healthier pregnancies, resulting in healthier babies, but is critical to our efforts to fight infectious diseases like AIDS that are plaguing many Third World countries.

The discussion of contraceptives leads me to a very critical point . . . the issue before us today is not abortion, because current law already prohibits the use of any U.S. funds for abortion-related activities. This is a crucial fact that needs to be on record. Under the Helms amendment of 1973, U.S. funds cannot be used for abortion-related activities and have not been permitted for that purpose for 30 years. I support that law as an important guarantee that our international family planning programs stay apart from domestic debates on the issue of abortion.

At the hear of the issue we are debating today is the so called Mexico City policy because it was at the 1984 U.N. Population Conference in Mexico City that the Reagan administration adopted this policy. Under the Mexico City policy, the Reagan administration witheld international family planning funds from all groups that had the slightest involvement in legal abortion-related services even though they were paid for with their own private funds. This was done despite the fact that similar restrictions were not placed on funding programs run by foreign governments that related to legal abortions. Quite appropriately, this policy is also referred to as the international ''gag rule'' because it prevents organizations from even providing abortion counseling or referral services.

The need for the passage of this amendment is in part about leadership. The United States has traditionally been the leader in international family planning assistance. This has been the case ever since this issue rose to international prominence with the 1974 U.N. Population Conference in Bucharest. At that time, a great number of the world's developing countries perceived family planning as a Western effort to reduce the power and influence of Third World countries. However, in the years since, the need and importance of family planning has been recognized and embraced by most developing nations.

If, as a country, we believe in volunteerism in family planning—and we do—then we should maintain our leadership. Because of our leading role in international family planning, we have unrivaled influence in setting standards for family planning programs. A great number of other donors and recipient countries adopt our models in their own efforts.

According to the Center for Reproductive Law and Policy, the Mexico City policy penalizes 56 countries whose nongovernmental organizations—NGOs—receive family planning assistance funds from the United States. NGOs are prohibited not only from providing abortion-related services but also counseling and referrals regarding abortions.

That is the policy; let's consider the real effect on people. According to the Alan Guttmacher Institute, about 4 in every 10 pregnancies worldwide are unplanned, and 40 percent of unintended pregnancies end in abortion. Knowing this, the net effect of the Mexico City policy on these 56 nations is to limit or eliminate critical family planning work that has a very real impact on the quality of life. Moreover, the absence of family planning increases the instance of the one thing that the advocates of the Mexico City policy are most opposed to—abortion.

The bottom line is, family planning is about health care. Too often, women in developing nations do not have access to the contraceptive or family planning services they need because contraceptives are expensive, supplies are erratic, services are difficult or impossible to obtain, or the quality of care is poor. In a report by the Population Action Institute it was estimated that about 515,000 women die each year in pregnancy and childbirth, or almost one death every minute, and millions more women become ill or disabled. In addition, an estimated 78,000 women die every year from illegal and unsafe abortion and thousands more are injured. How many women die because the access to these services is limited?

Quite simply, the Mexico City policy is bad public policy. That is why year after year we fight for this amendment and some years we win in committee and other years we don't, yet we still fight this important fight. The Mexico City policy not only limits discussion, counseling, and referrals for abortion, but it also limits the ability of organizations, in at least 59 nations, to carry out needed family planning work.

We must remember that family planning is about—just that—planning one's family. By spacing births at least 2 years apart, family planning can prevent an average of one in four infant deaths in developing countries. Family planning provides access to needed contraceptives and gives women worldwide the ability to properly space out their pregnancies so that they can have healthier babies, which will lead to healthier children and healthier nations.

Mr. President, I urge my colleagues to support the amendment before us and ensure that international organizations are no longer forced to limit or eliminate critical family planning work that has a very real impact on the quality of life of women and families worldwide.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Parliamentary inquiry: Is it appropriate to ask unanimous consent that is how we proceed; that is, a voice vote will follow if, in fact, the amendment is not tabled?

The PRESIDING OFFICER. The Senator cannot order a voice vote by unanimous consent.

Mr. BIDEN. That is what I thought. That is why I asked the question. The amendment can be agreed to; is that possible?

The PRESIDING OFFICER. By unanimous consent.

Mr. BIDEN. At the time? I can't ask that now?

The PRESIDING OFFICER. The Senator is correct. The Senator can ask that the amendment be agreed to now, but it must be by unanimous consent.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BIDEN. The Senator from Indiana is about to make a motion to table the Boxer amendment. It has been stated verbally that if that tabling motion fails, then we would move to a voice vote to accept the Boxer amendment. Is there any way in which to get a unanimous consent agreement that is how we would proceed?

The PRESIDING OFFICER. The Senator may ask that the amendment be agreed to by unanimous consent but cannot ask for a voice vote.

Mr. BIDEN. I thank the Chair. Words make a difference.

I ask unanimous consent that if, in fact, the Boxer amendment is not tabled, the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I thank the Chair and apologize for the clumsy way in which I phrased the question.

I commend Senator BOXER for her leadership on this legislation. I cosponsored this bill in the last Congress and I am proud to support it again.

The Mexico City policy, also known as the ''global gag rule,'' is bad policy and a bad idea.

Let us be clear what this issue is not about. The issue is not about abortion—although it is often portrayed as

such by the proponents of Mexico City. Rather, the provision is about free speech and democratic values.

Longstanding law—a law authored by former Senator Jesse Helms—already prohibits the use of U.S. funds to perform or promote abortions.

Let me repeat that. Current law, on the books for nearly three decades and authored by our former colleague Jesse Helms, already bans the use of U.S. taxpayer dollars to perform or promote abortions. Any assertion to the contrary is false.

The ''Mexico City'' policy goes much further: it demands that foreign, nongovernmental organizations which receive U.S. population assistance funds agree that they will stop using their own funds to discuss with their own governments how abortion will be regulated.

No such restrictions would be imposed on U.S.-based organizations, for a simple reason: they would be unconstitutional under the First Amendment.

Nor are such restrictions imposed on foreign governments. If they were, then U.S. assistance to countries such as Israel might be in danger, because the Israeli government uses its own funds to pay for abortions.

In my view, the Mexico City policy is anti-democratic, because it attempts to silence foreign recipients of U.S. funds.

It is the policy of the United States to advance the cause of democracy by promoting the values which we hold dear—such as freedom of speech, freedom of association, and freedom of the press.

The Mexico City policy flies in the face of these fundamental values by attempting to restrict the speech of recipients of U.S. funds.

This is a gag rule, pure and simple. It restricts speech. And for the life of me I cannot understand why anyone—Republican or Democrat—would support a provision that would violate the First Amendment if applied to U.S.-based organizations.

Of course, foreign citizens and organizations do not have constitutional rights. But just because we can legally apply this restriction does not mean that it is good policy. And I do not believe that it is.

I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I thank all Senators for their assistance in this procedure.

I move to table the Boxer amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—43

Alexander	DeWine	Lott
Allard	Dole	Lugar
Allen	Domenici	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Nickles
Breaux	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Chambliss	Gregg	Sununu
Cochran	Hagel	Talent
Coleman	Hatch	Thomas
Cornyn	Hutchison	Voinovich
Craig	Inhofe	
Crapo	Kyl	

NAYS—53

Akaka	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Harkin	Pryor
Boxer	Hollings	Reed
Byrd	Inouye	Reid
Campbell	Jeffords	Rockefeller
Cantwell	Johnson	Sarbanes
Carper	Kennedy	Schumer
Chafee	Kohl	Smith
Clinton	Landrieu	Snowe
Collins	Lautenberg	Specter
Conrad	Leahy	Stabenow
Corzine	Levin	Stevens
Daschle	Lieberman	Warner
Dayton	Lincoln	Wyden
Dodd	Mikulski	

NOT VOTING—4

Edwards	Kerry
Graham (FL)	Miller

The motion was rejected.

Mr. BIDEN. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the amendment is now agreed to.

The amendment (No. 1141) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. LUGAR. 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 Indiana.

Mr. LUGAR. Madam President, we have made progress on our bill. There are three amendments that will require some debate—but that will inevitably be accepted—still lined up for this evening.

I encourage—and I am certain the distinguished ranking member would join me—all Members who want to resolve their amendments to please do so this evening. We will be here. We have a good opportunity to work through almost all of the known amendments this evening.

Having said that, the leader has told me there will be no more rollcall votes and authorized me to make that announcement once again, We will proceed on this bill as long as it is productive. We hope Senators will come to the floor, offer their amendments, and have them resolved.

Mr. BIDEN. Madam President, I share the view of my friend from Indiana. I think of the 20-some amendments out there, 99 percent of them are able to be worked out. Many of them will be accepted with a few small changes. I encourage if not the Senators, the staffs who are authorized to come to the floor and work them out.

Further, it is my understanding, regarding the distinguished Senator from New Jersey, we should proceed on an amendment he may withdraw. However, he is prepared to speak to that amendment. He wants to do that. I promised him I would try to get him up next. I am not asking unanimous consent but I am talking long enough so his staff can hear this and get him back over here. He is ready to go.

Mr. LUGAR. I will assist the Senator by indicating I suggest an order of Senator BROWNBACK offering his amendment, then Senator LAUTENBERG, and then Senator ALLEN so the Senators would have some idea of the batting order. Senator BROWNBACK, I understand, is prepared to go with an amendment on Iran that Senator BIDEN and I have studied. Then we would have Senator LAUTENBERG immediately following.

Mr. BIDEN. Mr. President, I will be happy to accede to that in light of the fact that Senator BROWNBACK is here to go and Senator LAUTENBERG is not.

Mr. REID. That was just information; it was not a unanimous consent request.

We have been on this bill for just a few hours. I know, having managed a bill or two in my day, how important it is for the two managers of this bill to get their legislation passed.

Everyone has to stop and pause a little bit. The last time this bill came up we spent 2 weeks on it. We are not going to finish this bill in 3 hours. Everyone should understand that. I know there are 20 amendments and 90 percent of them will be agreed to. There may be other amendments that the two managers are not aware of. It is important we move this long and we are certainly not trying to stall this legislation.

However, I apologize to Senator LAUTENBERG because I thought we were going to do no more tonight. We have a joint function that Senators are to attend tonight and I told Senator LAUTENBERG we would not be doing any more tonight. So that is my fault. I did not know the manager would try to do other amendments. We have a lot of amendments that people want to offer but I didn't believe tonight that was going to happen.

I told the two leaders I would work during the night to find out some indication of what we would have tomorrow but in the few minutes since I spoke with the distinguished majority leader there are people who want to offer amendments. The vast majority of those amendments are related to this bill; they are not unrelated. Senator MURRAY has indicated she wants to offer an amendment on unemployment benefits. We want to make sure she has an opportunity to do that.

I don't want to rain on the parade other than to say this bill is not going to be finished early tomorrow.

Mr. BIDEN. I want to make clear what I am saying. We already know there are 20-some amendments out there. I believe we can settle almost all of those amendments by negotiation without long discussions on the floor tonight or tomorrow or any time. I have no illusions, having been here a long time—even longer than the assistant leader—that we are going to get this thing done quickly, nor that we may not have nongermane amendments that may be meritorious and may take a long time. I understand that.

All I am saying is what we do know is this: Let's get it done because most of it is not nearly as controversial as it appears to be. That is the point I am trying to make. Not that I am making any predictions. There are two things I never predict. One is the weather and the second is what the Senate is going to do. So I am not predicting. I am saying we know what we have before us; let's get it done and we can move on tomorrow or the next day or next week or next year to do whatever comes up.

I yield the floor.

Mr. REID. Mr. President, I understand this bill is very important. The two managers have both talked to me how important they think it is, and I acknowledge it is important. We will try to help them any way we can to get this bill passed.

The good news is Senator LAUTENBERG has heard us talking and he is on his way back. That is an amendment that will be disposed of tonight. I look forward to working with the two managers tomorrow to see what we can do to help expedite this legislation.

Mr. LUGAR. I thank the distinguished Senator for mentioning Senator LAUTENBERG and for obtaining his attention so he will be back and we can proceed.

I am prepared to yield the floor, and I understand Senator BROWNBACK is prepared to offer an amendment.

AMENDMENT NO. 1145 TO AMENDMENT NO. 1136

Mr. BROWNBACK. Mr. President, I have an amendment that I call up for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1145.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide support for democracy in Iran)

At the appropriate place in the amendment insert the following

SEC. . IRAN DEMOCRACY ACT.

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

(1) Iran is neither free nor democratic. Men and women are not treated equally in Iran. Women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the guardians council, thwart the decisions of elected leaders.

(2) The April 2003 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2002.

(3) That report also states that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(B) POLICY.—It is the policy of the United States that—

(1) currently, there is not a free and fully democratic government in Iran,

(2) the United States supports transparent, full democracy in Iran,

(3) the United States supports the rights of the Iranian people to choose their system of government; and

(4) the United States condemns the brutal treatment, imprisonment and torture of Iranian civilians expressing political dissent.

Mr. BROWNBACK. This concerns providing support for democracy in Iran and has been previously filed and been amended.

I worked closely with Senator LUGAR, chairman of the Foreign Relations Committee, and Senator BIDEN, the ranking member. Together we have worked out language that we have all agreed to on an important issue of democracy and promotion of democracy in Iran.

This is a very important issue to the country and to the people of Iran. I am very thankful to the chairman and to the ranking member and their staffs for working together to get this language put together, language that is very strong, quite good, and makes a very positive statement.

I rise to discuss this important issue. It is our policy toward Iran. As the President rightly stated, Iran is a member of the axis of evil. The terrorist atrocities it spreads around the world are equalled by the horrific atrocities committed against its own people.

Today marks the fourth anniversary of the first major Iranian protest against a government that promised reform and utterly failed. I will show a picture to my colleagues of that protest 4 years ago, 1999, July 9—4 years ago today. The students, protesters, were out, thousands protesting the Government of Iran and saying they desired freedom.

This is a scene of that. It is being replayed again today. Protesters are out in Iran, even though the regime is doing everything they can to stop it, having quasi-police groups—really, thugs—going around and beating people with chains. They are putting people in prison. But people continue to protest.

This is a picture of a protest taking place 2 weeks ago, not just in Tehran now but protests are taking place all over the country, as the fire of democracy and liberty continues to burn aggressively among the people of Iran.

These are people who are pro-American, as well, broadly throughout Iran. They support the United States and our stand for freedom and democracy. It is important we stand with them.

The fact we continue to see protests in Iran despite very harsh treatment is showing the world that these protests are growing and will eventually lead to real change inside Iran. It is very appropriate it is today that we are offering this amendment to the State Department authorization bill which declares firmly that America supports real democracy in Iran. What is there now is not democracy.

It is a very basic message. It is extremely important that this body send a message to the Iranian people, and send it today, that we support their struggle for freedom.

This is not just an altruistic gesture of support. Supporting the forces of democracy in Iran is in the direct security interest of America. As I am sure many of you have heard, there are new reports about additional nuclear weapons facilities in Iran—these are based on military complexes and there can now be no misunderstanding of the intent behind this technology. Estimates are that Iran could have nuclear weapons as early as 2005.

Also, Iran has just confirmed that it has successfully tested a midrange missile, the Shahab-3, which is capable of hitting Israel, parts of Saudi Arabia and Iraq, where many of our troops are stationed.

This means that Iran could have nuclear weapons—and the means to deliver them to hit us and our allies.

Clearly, this is a bad situation which is growing worse by the day. So, why, in this context, would we shy away from supporting pro-democracy forces in Iran that want to bring the rule of law, respect for human rights and an end to support for terrorism to their country?

Some have said that if the U.S. supports the protestors, we will be bound to intervene militarily. These people have not paid attention to the unique situation inside Iran or the fact that Iranians don't want U.S. military intervention but, rather, strong moral and political support.

Young people make up nearly 70 percent of the country—and they are taking it back from the mullah minority. The Iranian people are a proud, strong, and independent people. They do not need, nor do they want, an outside military force to come into their land.

They will handle this matter themselves. They have already begun to do so. This does not mean that the military option is off the table. America reserves the right to protect its people and innocent civilians from a nuclear threat or further Iranian-backed terrorists, but this is a defensive option.

To be honest, America hopes that the Iranian people change their regime themselves, and the hesitancy you see within America's foreign policy circles with regard to Iran comes largely because there is such hope for internal change, where there was none in Iraq or Afghanistan.

There is no division in the U.S. Government about the fact that Iran is a threat to its own people and certainly to Americans. The Iranian people and the Iranian regime alike should know that we are united and resolute in our understanding of what Iran is doing. We will not allow Iran to spread its corruption throughout the region.

As President Bush so clearly stated in his State of the Union Address this year:

> In Iran, we continue to see a government that represses its people, pursues weapons of mass destruction, and supports terror. We also see Iranian citizens risking intimidation and death as they speak out for liberty and human rights and democracy. Iranians, like all people, have a right to choose their own government and determine their own destiny—and the United States supports their aspirations to live in freedom.

That is what the President, stated in the State of the Union Address of January 28, 2003.

Recently, the President praised the Iranian people who kept up protests for over a week in the face of government sponsored thugs who beat innocent women with chains. The President called these protests ''heroic'' and indeed they are.

Just as it was an important rhetorical step for President Reagan to dub the Soviet Union ''an Evil Empire,'' so too it is important for us to recognize the current regime in Iran for what it is—an illegitimate, ruling elite that stifles the growth of genuine democracy, abuses human rights and exports terrorism.

It is clear by the Iranian regime's treatment of its own people in their attempt to be heard, that Iran is no democracy.

After all, it is the State Department's own report that classifies Iran as the largest state sponsor of terrorism. Do we really believe this is the will of the entire Iranian population? If so, we are saying that all Iranians are terrorists. This is wrong, and America must make it clear that we see the difference between the Iranian regime and the Iranian people—and we are supporting the people.

You can't call a country that screens the candidates a democracy. You can't call a government that tortures and kills its people openly a democracy. You can't call a country that refuses to enforce the laws that the screened, elected officials pass a democracy. All this is currently going on under Iran's so-called reformers.

I want to show how the reformers were elected into office. I will show a chart so my colleagues can easily see how we do get to the government that is currently in place in Iran. Seven years ago President Khatami was elected by the people. But how did he even get on the ballot? I want to show that, and also make some statements about his election.

For people to be running as candidates in Iran today, they have to go through the Council of Guardians. This is six members appointed by the Supreme Leader and six by the judiciary. The Supreme Leader is appointed by the council as well and is appointed for life. Khamenei, Supreme Leader, appointed six and six by the judiciary. Then all the candidates running for President, Assembly of Experts, 86 clerics elected for 8-year terms, and the Parliament, 290 members elected for 4-year terms, all these candidates have to be vetted by this 12-member council, so you can't get on the ballot unless you clear through the 12-member council for any of these three—the Parliament, the Assembly of Experts, or the President. You can't get on the ballot unless you clear through these 12 people, 6 appointed by the Supreme Leader who is appointed by them for life, never stands for election in front of the people, and 6 appointed by the judiciary. This is not a free election.

What about Khatami's election to President? He was elected for 4 years, for a 4-year term initially. This was 7 years ago. In his initial attempt he was elected. He was voted on, overwhelmingly favored by the people as the most reformist-minded candidate that the Council of Guardians would even let on the ballot. Over 60 percent of the people say: This is our guy because he is the most reformist, open-minded of the group, even though he was not. And it turned out that he was exactly what the Council of Guardians wanted: Good face, looks a little friendlier, gives the people a way to voice their thoughts. But he did not reform. He did not bring democracy. He did not bring human rights. He did not bring rights to women within the country. And he kept the country continuing its movement toward terrorism.

Even if you take all the power of these elected officials—so-called elected officials—they don't have the power over foreign policy, over the military, or over the Treasury. That continues to be held by the Supreme Leader and the Council of Guardians. So most of the power isn't even in the people who are so-called elected.

This is not a democracy, and that is why the people continue to protest—because they do not get to pick their own leaders and they want to pick their own leaders.

I want to show you what has taken place inside Iran, as a country, and why there is so much discontent, and why people are saying: Down with the President of Iran. Down with the Council of Guardians. They are so actively willing to protest and risk their own lives, and risk being arrested and beaten.

One thing I want to point out, too, these protests that have been taking place in the last couple of weeks, several sons and daughters of parliamentarians have been arrested as protesters. They are saying: Look, this government is not reform minded and we, as children of the parliamentarians, are saying this is not reform. And they have been arrested. They see the fallacy of the system, that it isn't working.

Look at this long-term trajectory pattern that Iran is on since 1978. Since the last government was thrown out, the Shah, and the protests were taking place, in 1979, what has happened to Iran? It was taken over by the ruling Mullahs, the Ayatolla at that time. They took captives of U.S. Embassy personnel for over 400-some days. Look what has taken place. Per capita, GDP is 20 percent lower today than in 1978 in Iran. There is widespread corruption, which was a key contributor of the 1979 revolution. Youth unemployment exceeds 30 percent. There has been a huge population explosion. Fifty percent of the population is under age 20—50 percent of the population.

There are religious legitimacy problems, persistent challenges to the Supreme Leader's religious credentials, and most Grand Ayatollahs do not approve of the Supreme Leader's doctrine on religious matters.

So this is really fomenting a situation. All we are doing with this amendment, which has been agreed to, and has strong language, is saying this is an illegitimate government; that we should and we do support true democracy in Iran and the right of the people to actually choose their leadership in Iran.

I think it is one of the most important things we can do. We need to show clear moral support to the people who are risking their lives today on the streets, across the country of Iran.

I hope we can get this through, that we can express our clear support to the Iranian people. This will be a powerful statement to the people protesting today.

I hope we can agree to this yet this evening.

I thank the chairman for allowing me to bring it up on the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Kansas for his research, for his leadership on this issue, and for the amendment he has offered.

On our side, we are prepared to accept the amendment.

Let me inquire of the distinguished ranking member of the committee if he is prepared to accept it on the Democratic side.

Mr. BIDEN. Yes. We are prepared to accept the Brownback amendment.

Mr. LUGAR. Thank you very much.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1145) was agreed to.

Mr. LUGAR. I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWNBACK. Mr. President, I thank the chairman and ranking member very much for allowing us to put this forward. I think it is the very strong and right thing for us to do, and it is the right time.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 1135

Mr. LAUTENBERG. 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 New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1135.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide justice for Marine victims of terror)

At the appropriate place in the amendment, add the following:

SEC. ___. JUSTICE FOR UNITED STATES MARINES ACT.

(a) SHORT TITLE.—This section may be cited as the ''Justice for United States Marines Act''.

(b) AMENDMENT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking ''December 21, 1988, with respect to which an investigation or'' and inserting ''October 23, 1983, with respect to which an investigation or civil or criminal''.

Mr. LAUTENBERG. Mr. President, I rise to offer an amendment which we are calling Justice for the United States Marines. The amendment would make sure that the families of the 241 U.S. marines who were killed by terrorists in 1983 have equal access to assistance from the Federal crime victims fund.

In 1996, I authored a law that enabled terrorism victims' families to receive assistance to file suit against foreign sponsors of terror. This enabled families to receive judgments for those countries that aided terrorists in killing their children.

My amendment makes two small changes in the current Victims of Crime Act that would allow these families the same rights as other terror victims. Right now, technicalities in the current law would deny these rights to Marine families who lost family members in the tragic barracks bombing in Beirut, Lebanon, in 1983.

My amendment is simple. First, it changes the date of eligibility in the current law to terrorist acts that occurred ''on or after October 23, 1983''—the day of the vicious attack on the U.S. Marine barracks in Beirut.

Second, my amendment clarifies an ambiguity in the original law about the type of cases that are eligible for Federal funds.

On October 23, 1983, a suicide bomber affiliated with Hezbollah detonated a truck full of explosives at a U.S. Marine barracks located at the Beirut International Airport. Shortly after this took place, I was there and saw what remained of the building. It was almost totally destroyed. Two-hundred and forty-one U.S. marines were killed that night, and more than 100 were wounded the same day. They were part of a contingent of 1,800 marines who had been sent to Lebanon as a part of a multinational force to help separate warring Lebanese factions.

The loss to those families of these victims was enormous. These marines were killed by terrorists as they slept in their barracks. Terrorists are cowards. The marines didn't even have a chance to fight back.

But now the families of these marines are able to fight back against the sponsors of this terrorist act through our judicial system. On May 30, 2003, the United States District Court for the District of Columbia found Iran liable for the Beirut Marine Corps barracks bombing. The court found that Iran sponsored this terrorist act by Hezbollah, and was, therefore, accountable to these families.

This trial now proceeds to the damages phase. The court wants to use over a dozen ''special masters'' to hear the damage claims of the participating victims' families. Each special master will hear approximately 15 cases.

The court has requested the use of the crime victims fund in order to pay for the cost of employing these special masters. Terror victims are generally permitted to make use of this fund but a technicality in the law is preventing these families from utilizing this resource.

The technicality is that the law now says the crime victims fund can be used to assist victims of terrorist acts occurring on or before December 21, 1988. The problem is that the Marine barracks was bombed on October 23, 1983—approximately 5 years earlier. We need to change the date so the U.S. Marine families can see justice done.

In finding Iran liable for this horrible terrorist act in Beirut, the judge said the following, which I want to read to the Senate. He said:

No order from this Court will restore any of the 241 lives that were stolen on October 23, 1983. Nor is this Court able to heal the pain that has become a permanent part of the lives of their mothers and fathers, their spouses and siblings, and their sons and daughters. But the Court can take steps that will punish the men who carried out this unspeakable attack, and in so doing, try to achieve some small measure of justice for its survivors, and for the family members of the 241 Americans who never came home.

I would also like to share with my colleagues the poignant words of one victim's family member after the court's recent ruling. Captain Vincent Smith, from Camp Lejeune's 24th Marine Amphibious Unit, was one of the service members killed in the bombing.

After the court's ruling, Captain Smith's sister said:

I think the whole family feels that the ruling gives us a sense of justice after all of these years. Finally, someone has been named a guilty party . . . It's a huge sense of justice to say that the government of Iran is guilty.

My amendment will allow the cases of these U.S. Marine families to move forward so they can hold the sponsors of this terrorist act accountable.

Since September 11, 2001, this Congress has worked hard to provide justice to the families and communities affected by terrorist acts. It is critical that we also devote attention to the losses incurred by many American families in earlier terrorist incidents.

I urge my colleagues to vote for this amendment in order to extend justice to the families of the 241 Marines killed in the Beirut bombing.

We need to teach sponsors of terror that they will be held accountable. A vote for my amendment will help further this lesson by bringing the perpetrators of this 1983 terrorist act to justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I have listened very carefully to the distinguished Senator from New Jersey. What is the desire of the Senator? Does he desire to proceed to a vote on his amendment?

Mr. LAUTENBERG. I would like to see the amendment accepted. I would like to have a vote on this amendment, unless, of course, the amendment is acceptable to both sides.

Frankly, I think it is a good amendment. It does justice in some measure to the memory of those who were killed. They were there as a peacekeeping force—1,800 of them. A quarter of the force was killed in that single incident. The crime victims fund is a fund that is there to assist—not to provide damage awards to the people but to help them discover the evidence that is necessary. The fund has a few hundred million dollars which would assist these 15 special masters by providing them per diem so they can travel and get the details from these families, as they must do in order to have a sensible trial for damages.

Mr. LUGAR. Mr. President, I appreciate that thought of the Senator. I indicate the amendment still needs to be discussed by some Members who have asked for an opportunity to speak; therefore, I am not prepared to accept it on our side at this point. So I am hopeful the Senator will allow us to lay the amendment aside temporarily for action tomorrow morning when others will be present to speak, and then we

would progress in the normal order to resolution.

Mr. LAUTENBERG. I have no objection.

Mr. LUGAR. I thank the Senator.

Mr. President, I ask unanimous consent that the Lautenberg amendment be temporarily laid aside and that Senator ALLEN be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 1144 TO AMENDMENT NO. 1136

Mr. ALLEN. Mr. President, I call up amendment No. 1144.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself and Mr. ALEXANDER, and Mr. GRAHAM of South Carolina, proposes an amendment numbered 1144.

Mr. ALLEN. 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 enhance efforts to combat the piracy of United States copyrighted materials)

At the end of subtitle B of title II, add the following:

SEC. 214. COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS.

(a) PROGRAM AUTHORIZED.—The Secretary may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development (OECD), including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provisionof training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) DISCHARGE THROUGH BUREAU OF ECONOMIC AFFAIRS.—The Secretary shall carry out the program authorized by subsection (a) through the Bureau of Economic Affairs of the Department.

(c) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(d) FUNDING.—Of the amount authorized to be appropriated for other educational and cultural exchange programs by section 102(a)(1)(B), $5,000,000 may be available in fiscal year 2004 for the program authorized by subsection (a).

Mr. ALLEN. Mr. President, I rise on behalf of my colleagues, Senator ALEXANDER of Tennessee and Senator GRAHAM of South Carolina, to offer amendment No. 1144, which will provide direct assistance to developing countries to combat piracy of U.S. copyrighted works, materials, and intellectual property.

Specifically, our amendment authorizes $5 million for the State Department to provide equipment and training to foreign law enforcement officials—judges and prosecutors—as well as assistance in complying with that foreign country's obligations under the appropriate international copyright and intellectual property treaties.

The United States is the world's largest creator, producer, and exporter of copyrighted materials. Unfortunately, this vital, important sector of our country's economy is at great risk due to widespread global piracy. This piracy and theft is more specifically defined as the unauthorized reproduction, distribution, and sale of U.S.-made movies, music, software, video games, and other creative works.

The widespread piracy of U.S. copyrighted works and intellectual property threatens U.S. jobs. It threatens our businesses, creativity, and our economic prosperity.

In 2001, the U.S. recording industry alone lost $4.2 billion to the piracy of compact discs worldwide. The U.S. motion picture industry lost $3 billion to videocassette piracy, and the U.S. video game entertainment industry lost $1.9 billion due to piracy in just 14 countries.

In 2000, hard-goods piracy cost the U.S. business software industry $11.8 billion.

A recent study was commissioned by the Business Software Alliance, and it concluded that the largest trade barrier facing the U.S. software industry is worldwide software piracy. An estimated 37 percent—37 percent—of all software loaded onto computers globally in 2000 was illegal—37 percent illegal.

Most importantly, this report by the Business Software Alliance found that by lowering the software piracy rates by just 10 percent around the world, the IT industry would contribute an additional $400 billion in economic growth worldwide.

This is a very serious problem that needs to be addressed here at home and internationally. Unfortunately, though, developing and economically depressed countries have significant problems enforcing intellectual property protection laws due primarily to a lack of law enforcement training and expertise.

Under the requirements of the World Trade Organization's Agreement on Trade Related Aspects of Intellectual Property Rights, all WTO countries must have a legal frame in place to effectively protect intellectual property and copyrighted works. Therefore, in order to be compliant, a nation must not only have adequate civil and criminal laws regarding copyright protection, but it also must effectively enforce those laws.

Our amendment would provide assistance and resources to adequately train and enforce intellectual property laws in developing countries. This amendment will significantly aid efforts to protect American copyright holders all around the world. Our amendment does not increase the overall authorization level in this bill but, rather, constitutes a small portion—less than 2 percent of the entire budget—for educational and cultural exchange programs.

This amendment has broad support from both the content and technology industries. For example, the Recording Industry Association of America, the Motion Picture Association of America, the EMI Music Group, and the Walt Disney Company all support this amendment. Additionally, the Business Software Alliance, Apple Computers, AutoDesk, Cisco Systems, Entrust, Hewlett-Packard, IBM, Intel, Intuit, Adobe, Network Associates, Symantec, and Microsoft all support the Allen-Alexander-Graham amendment.

Mr. President, I ask unanimous consent that letters from these groups be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Thank you, Mr. President.

Mr. BIDEN. Will the Senator yield for a unanimous consent request?

Mr. ALLEN. I yield.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be added as a cosponsor to the amendment.

Mr. ALLEN. It would be my great honor and pleasure to add Senator BIDEN of Delaware as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I thank my colleagues, in particular Senator ALEXANDER and Senator LINDSEY GRAHAM, as well as Senator BIDEN, for their hard work. I know the Senator who is presiding over the Senate right now cannot respond, but I very much appreciate Senator ALEXANDER's understanding, hard work, and support for this amendment. And I urge the rest of my colleagues to vote in favor of this important provision.

Finally, I express my gratitude to our chairman of the Foreign Relations Committee, Senator LUGAR, as well as the ranking member, Senator BIDEN, for their support, for their assistance in working through this amendment, and, hopefully, having it included as part of this important bill.

With that, Mr. President, I yield the floor.

EXHIBIT 1

RECORDING INDUSTRY ASSOCIATION OF AMERICA,
Washington, DC, July 9, 2003.

Senator GEORGE ALLEN,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR ALLEN: The Recording Industry Association of America (''RIAA'') would like to express its strong support for the Allen/Alexander amendment to the State Department Authorization bill being considered by the Senate. The amendment would authorize $10 million to the State Department for purposes of working with law enforcement officials in nations around the world to increase enforcement of intellectual property laws.

One of the greatest challenges facing the music industry, and other domestic industries that produce intellectual property, is international physical piracy. In recent years, the U.S. recording industry has lost nearly $5 billion in revenues as a result of physical piracy around the world. Although the RIAA and its sister international organization, IFPI, continue to work cooperatively with diplomatic and law enforcement entities throughout the world in an effort to address this growing problem, the Allen/Alexander amendment would significantly aid our efforts to protect American intellectual property abroad.

We appreciate the leadership of Senators Allen and Alexander and strongly support their amendment to the State Department Authorization bill.

MITCH GLAZIER,
Senior Vice President Government Relations.

THE EMI GROUP,
New York, NY, July 9, 2003.

Senator GEORGE ALLEN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of EMI—the world's third largest music company—I am writing to express our support for the Allen-Alexander Amendment to the Department of State Authorization bill currently pending in the Senate. The Allen-Alexander Amendment would authorize a State Department program to finance technical support and assistance for foreign governments that are combating intellectual property theft.

As you know, many of the industries founded on intellectual property are facing an international physical piracy crisis. In the last few years, international physical piracy has increased dramatically. Today, the pirate music market is estimated to be worth more than $4 billion a year and is having a substantial impact on our legitimate business. Many legitimate international markets that were once vibrant are being destroyed by physical, pirate product. Worldwide, about 40 percent of all music sold is pirate product. In countries like Mexico, Taiwan, and Brazil, the piracy rates exceed 60 percent. These were once countries where the record companies could build successful businesses.

International physical piracy is having a real impact on our companies. It contributed to our decision last year to publicly and painfully cut our work force by about 20 percent. As a result, hundreds of people were laid off in the United States. Moreover, we had to pare our artist rosters by one third. Other record companies have had to make similar moves and have actually withdrawn from countries where they once ran successful businesses—countries like Greece and Paraguay.

EMI, the other record companies and our trade associations are working hard to protect ourselves. The Recording Industry Association of America has investigators throughout the country—from Miami, to Chicago, to Los Angeles to New York. The International Federation of the Phonographic Industry has hundreds of investigators worldwide. In the last 18 months, due to their work, more than 60 illegal production lines with a combined capacity of nearly 300 million CDs (equal to about ⅓ of the U.S. market and larger than the entire market in France) were shut down. EMI has a high-ranking executive in charge of worldwide anti-piracy efforts. We have full-time, anti-piracy employees in every major EMI office worldwide.

But physical piracy has become the province of organized crime, and we cannot fight it without government help. Asian Triads and the American Mafia among other groups have been linked to physical piracy. Drug gangs, arms dealers and human smugglers have turned to music piracy to get quick easy money for their activities. Many of these counterfeiting rings are heavily armed. Our investigators and local law enforcement officers risk their lives when they raid pirate operations. Physical piracy involves complex, organized crime rings. They move quickly and across international boundaries.

A U.S. program to provide financial assistance to foreign governments fighting this crime will prove invaluable. It will demonstrate the U.S. government's meaningful commitment to protecting one of its vital industries, and it will provide foreign government's with the resources they need to fight this problem. Without this assistance and without U.S. leadership, the problem will continue.

EMI is the only major record company whose sole business is music. We are dedicated to making the music business work and thrive. And we have a workable model to accomplish that goal. We are aggressively distributing our product digitally and physically. We have implemented significant measures to curb rampant physical piracy, and we remain committed to intensifying those efforts in the future.

We appreciate your leadership in this important area and look forward to working with you to curtail the international physical piracy that is afflicting our industry.

Yours sincerely,

IVAN GAVIN,
Chief Operating Officer,
EMI Music, North America.

MOTION PICTURE ASSOCIATION
OF AMERICA, INC.,
Washington, DC, July 9, 2003.

DEAR SENATOR ALLEN: I write to you today to express our support for the Allen/Alexander Amendment, which we feel will prove to be a useful and effective tool in combating international piracy of copyrighted works. As you are no doubt aware, addressing the piracy of our creative works is an issue of primary importance to us.

The corrosive fallout of copyright poses an ever-growing hurdle, costing the film industry than $3 billion annually. Piracy in the international realm is of particular concern, since our industry earns approximately 40% of its revenues outside of the United States. International piracy has proven to be an enduring problem, threatening to eviscerate this vital market. All too often studios must compete in these foreign markets with illicit copies that have been illegally available for months before films arrive in foreign theaters, hit store shelves, or debut on the TV program guide.

The film industry is not the only victim vulnerable to theft—an entire segment of the economy is jeopardized. The piracy of America's intellectual property poses a grave threat to all of the U.S. Copyright Industries. These industries—movies, home video and television programming, music and sound recordings, books, video games and software—are a vital engine of economic growth for the American economy and generate more international revenues than any other single manufacturing sector, including automobiles and auto parts, aircraft, and agriculture. They are responsible for more than five percent of the nations' total GDP and are creating new jobs at three times the rate of the rest of the economy. The film industry alone has a surplus balance of trade with every country in the world.

We feel this measure will help fight international piracy and we support your efforts in addressing this problem.

Sincerely,

KEN INOUYE.

THE WALT DISNEY COMPANY,
Washington, DC.

Senator GEORGE ALLEN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ALLEN: I am writing to express The Walt Disney Company's support for the Allen/Alexander amendment designed to provide direct assistance to non-OECD countries for the purpose of combating piracy of U.S. copyrights works.

Copyright piracy costs the film industry more than $3 billion annually. You and Senator Alexander should be commended for your leadership in this effort. Staunching copyright piracy both domestically, and internationally, should be a paramount goal of our government. Piracy undercuts the creative process and saps the strength of the U.S. copyright industry, which is a leading source of job creation and exports.

Sincerely,

MITCH ROSE,
Vice President.

BUSINESS SOFTWARE ALLIANCE,
Washington, DC, July 9, 2003.

Hon. GEORGE ALLEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of the members of the Business Software Alliance, I am writing in support of the Allen-Alexander amendment to S. 925, the State Department Authorization bill.

Piracy results in significant harms to the U.S. software industry. BSA conducts an annual survey of software piracy around the world. In 2002, our study identified an estimated $13 billion in software piracy. This piracy results in lost jobs and tax revenues at a time when economic growth is critical to the continued success of our industry.

The Allen-Alexander amendment will authorize the State Department to educate nations about the world about the importance of copyright protection. The future growth of the software industry will be predominantly overseas where IT investments are still just beginning. Ensuring that software is properly licensed around the world, instead of pirated, will result in greater American tax revenues. This effort to authorize the State Department to educate foreign law enforcement and judicial officials about priracy deserves full Congressional support.

Sincerely,

ROBERT HOLLEYMAN,
President and Chief, Executive Officer.

NETWORK ASSOCIATES,
July 9, 2003.

Hon. GEORGE ALLEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of Network Associates, Inc., a world leader in security and availability software, I am writing in support of the Allen–Alexander amendment to S. 925, the State Department Authorization bill.

Piracy results in significant harms to the U.S. software industry. The Business Software Alliance conducts an annual survey of software piracy around the world. In 2002, their study identified an estimated $13 billion in software piracy. This piracy results in lost jobs and tax revenues at a time when economic growth is critical to the continued success of our industry.

The Allen—Alexander amendment will authorize the State Department to educate nations about the world about the importance of copyright protection. The future growth of the software industry will be predominantly overseas where IT investments are still just beginning. Ensuring that software

is properly licensed around the world, instead of pirated, will result in greater American tax revenues. This effort to authorize the State Department to educate foreign law enforcement and judicial officials about piracy deserves full Congressional support.

At Network Associates, we see piracy as a tool for criminals to use for their own nefarious gain. By proactively educating foreign law enforcement and judicial officials about piracy, we can begin to reduce the threats not only to our industry, but to the integrity of intellectual property itself.

Sincerely,

STEPHEN C. RICHARDS,
Chief Operating Officer & Chief Financial Officer.

INTERACTIVE DIGITAL SOFTWARE ASSOCIATION,
Washington, DC, July 9, 2003.

Hon. GEORGE ALLEN,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR ALLEN: The Interactive Digital Software Association (IDSA) is the U.S. trade association dedicated to serving the business and public affairs needs of companies that publish interactive games for video game consoles, personal computers, handheld devices, and the Internet. The IDSA's members collectively accounted for more than 90 percent of the entertainment software sold in the U.S. in 2002. IDSA operates an anti-piracy program aimed at combating the global piracy of our members' products.

We are writing to convey our full support for S. 925 and its provision for training resources for law enforcement officials, prosecutors and judges in non-OECD countries. Many non-OECD countries are the locales of some of the most virulent piracy environments afflicting our industry, not only from the standpoint of impeding the development of legitimate local markets for entertainment software but also frequently serving as the seedbed for the large-scale manufacture and export of thousands of infringing copies to destinations around the world.

A lack of knowledge of and appreciation for intellectual property among local law enforcement officials, prosecutors and even judges in many of these countries are frequently material factors contributing to the ineffectiveness of efforts to control and reduce the activities of local pirates. There is no question that the allocation and application of resources to address this problem would go a long way to enhancing the productivity of local law enforcement efforts targeting local pirate operations. Accordingly, IDSA would like to express its full support for the bill and its objectives.

Sincerely,

FREDERIC HIRSCH,
Senior Vice President.

ENTRUST®
July 9, 2003.

Hon. GEORGE ALLEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALLEN: On behalf of Entrust, Inc., I am writing in support of the Allen—Alexander amendment to S. 925, the State Department Authorization bill.

As you know, piracy results in significant harm to the U.S. software industry, which results in lost jobs and tax revenues at a time when economic growth is critical to the continued success of our industry.

The Allen–Alexander amendment will authorize the State Department to educate nations about the importance of copyright protection. The future growth of the software industry will be predominantly overseas where IT investments are still just beginning. Ensuring that software is properly licensed around the world, instead of pirated, will result in greater American tax revenues. This effort to authorize the State Department to educate foreign law enforcement and judicial officials about piracy deserves full Congressional support.

Thank you for your leadership,

Sincerely,

DANIEL F. BURTON,
Vice President, Government Affairs.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I rise in support of the antipiracy amendment that the Senator from Virginia just discussed and of which I am proud to be a cosponsor.

I am delighted that Senator BIDEN from Delaware, Senator GRAHAM from South Carolina, and other Members of the Senate are either cosponsors or interested in this amendment.

The Senator from Virginia has explained, very clearly, why this is important, why it is important to authorize the State Department to establish an antipiracy program that will help foreign governments establish and protect intellectual property rights. It authorizes $5 million for the program, which is an important amount, a good start, but a relatively small amount in the overall bill.

The antipiracy program, as the Senator from Virginia explained, would help protect American intellectual property abroad by, first, providing equipment and training for foreign law enforcement of intellectual property rights; second, train judges and prosecutors; and, third, assist foreign governments in complying with obligations under appropriate international copyright and intellectual property treaties and agreements.

We all know the importance of this. We have come to take it for granted in our country. We are a country of inventors, of artists, of entrepreneurs, of creators. So much of our wealth and our uniqueness comes from that. The Senator from Virginia knows that because of the technological progress in his State, as there is in mine. We know it in Tennessee especially because of our musicians.

We know the importance of protecting physical property in America. The owner has bought it or built it, and it belongs to them. Intellectual property should be treated no differently. Whether it is a song or a computer program, a patent or a piece of art, someone has created it, and it should belong to him or to her until he or she chooses to sell it or to give it to someone else.

Nashville is the home of country music. Memphis is the home of the blues. A lot of our Tennessee music started in Bristol which spreads itself across the States of Virginia and Tennessee. We have strong feelings about this in our part of the world.

The music business is suffering because of mass piracy of intellectual property. In the past 4 years, unit shipments of recorded music have fallen by 26 percent. In terms of sales, revenues are down 14 percent, from $14.6 billion in 1999 to $12.6 billion last year. The music industry worldwide has gone from a $39 billion industry in 2000 down to $32 billion in 2002, which is a decline of 18 percent. Much of this decline is due to music piracy, most of which occurs on the Internet. Computer users illegally download more than 2.6 billion copyrighted files, mostly songs, every month. At any given moment, approximately 4 to 5 million users are on line offering an estimated 800 million files for copy.

According to a November 2002 survey by Peter D. Hart Research, by a 2-to-1 margin most consumers who say they are downloading more music report that they are purchasing less. Much of this problem is domestic. We need to acknowledge that. But some of it also comes from abroad. About 25 percent of the total files available on unauthorized Internet services are hosted outside the United States.

In my State of Tennessee, this theft of intellectual property hurts a key sector of our economy. Nashville is home to more than 29 different major and independent record labels and 52 recording studios. It has one of the Nation's largest concentrations of song writers, performers, and music publishers. An estimated 20,000 Nashvillians work in music tourism, broadcasting, and related fields. The city is home to more than 1,500 entertainment companies. Musicians unions have more than 5,500 members in Music City.

I think the Presiding Officer can understand, especially because of his leadership on this issue, why protecting their intellectual property rights means more than just helping one artist earn money off a hit record. It means protecting thousands of jobs and maintaining an industry that brings joy to millions of fans in this country and around the world.

I urge my colleagues to support the amendment which authorizes a small but important amount of money to protect intellectual property rights around the world.

I thank the Senator from Virginia for his leadership and yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, we commend the distinguished Senators who have offered this amendment and worked carefully through the text of it to an amendment that is acceptable to both sides. I indicate my support and we are prepared to accept the amendment. My understanding is that the distinguished Senator from Delaware,

the ranking member, is prepared to accept the amendment.

Mr. BIDEN. I am prepared to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1144) was agreed to.

Mr. ALLARD. Mr. President, I rise today to thank the Foreign Relations Committee for their hard work on the legislation before us. Specifically, I am pleased to see included in S. 925, the State Department authorization, a provision relating to the international military education training and foreign military financing for Indonesia.

The committee has seen fit, and rightly so, to deny the release of any of these funds to Indonesia without certification from our President that the Indonesian Government has taken effective measures to conduct an investigation into the August 2002 attacks on American citizens and to prosecute those responsible.

By now I know that my colleagues in the Senate are aware of the tragedy that occurred last August in West Papua, Indonesia, which resulted in the deaths of two Americans. Justice has still not been found for Rick Spier or Ted Burgeon, and I am grateful that the Foreign Relations Committee has recognized the need for Indonesia and its military apparatus to determine what has occurred. Hopefully, this provision will demonstrate to the Indonesian Government that the United States Senate will not allow this issue to fall to the wayside, and that we remain committed to finding and punishing those responsible.

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. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LUGAR. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBERIA

Mr. FEINGOLD. Mr. President, I rise to comment on the urgent crisis in Liberia, and on my conviction that the United States has a role to play in its resolution. I also rise to call for the kind of information and clarity that we need if we are to take effective action.

In recent days the newspapers have reminded Americans of the special relationship that exists between America and the west African Republic of Liberia, a country founded by freed slaves from the United States in 1820. But it is important to note the more recent historical links between our countries as well.

During the cold war, eager for reliable client states in Africa, the United States supported Samuel Doe when he seized control of Liberia in a 1980 coup, and kept supporting him even when he stole the 1985 elections. In fact, in the first five years of the Doe regime, the United States contributed nearly $500 million in economic and military aid—effectively bolstering the government's staying power. The Doe regime was an extraordinarily brutal one that not only disenfranchised many Liberians, it also effectively erased the boundaries between legitimate and illegitimate political action. When the cold war was over and Charles Taylor's band of rebels—some of them children—clashed with government forces and other ethnic militias in the streets, the resulting conflict was so frighteningly gruesome that for many it was almost impossible to understand.

And the United States, no longer concerned about Communist influences in Monrovia, simply evacuated American citizens and then watched the country tear itself apart from the sidelines. In the end, Taylor essentially held the country hostage to his desire for power, and war-weary Liberians elected him President in the hopes of avoiding conflict. Taylor's desire for power and wealth turned out to extend beyond his own borders, however, and he became a primary patron of the brutal Revolutionary United Front, or RUF, force in Sierra Leone, which provided his regime with riches from Sierra Leone's diamond mines in exchange for military support and protection.

On November 2, 2001 the Washington Post ran a front-page article about alleged connections between al-Qaida's financing and the illicit sale of diamonds mined by Liberian-backed rebels in Sierra Leone—rebels who, you may recall, are best known for cutting off the limbs of civilians, including children, to make a political statement. Reports have also linked illicit diamond sales to Hezbollah. Additional articles focused on notorious arms dealer Victor Bout, whose deliveries to the region may have been paid for in diamonds. Law enforcement officials have suggested that Bout has been involved in arming international terrorists and the forces that harbor them worldwide. These reports have been the subject of controversy, and the connections and relationships involved are murky at best, but the issue that they expose—the vulnerability of weak states to exploitation by international criminals—is not in doubt.

Meanwhile, Taylor's criminal enterprise has proved the rule that order, when imposed through injustice and repression, tends to crumble, and the forces currently challenging the regime for power—the LURD and MODEL—appear to be have learned their abusive tactics from their enemies. Criminality rules, chaos threatens, and the civilians of Liberia—the people with a real interest in building a stable future, the people who simply want a chance to send their children to school, are once again likely to be caught in the crossfire.

It is time for the international community to stand up and say, ''no more'' to this cycle of chaos in west Africa. No more deals with thugs, no standing by as observers to cycles of slaughter, no more watching the predictable fomenting of instability across borders, no more standing by as organized crime expands its reach from the very seat of government, no more opportunities for terrorists. Enough—because more of the same threatens our interests and denies our basic humanity.

The United States should take a leadership role in responding to the Liberian crisis. And that means that we need to clarify the costs and commitments entailed in a response now, so that we can take informed and responsible action.

Recently the distinguished chair and ranking member of the Armed Services Committee indicated that they believe Congress should vote on any commitment of substantial forces in the region. I believe that they are right, and that United States troops must always be deployed in a manner consistent with the War Powers Act of 1973. But I also know that watching and waiting is not an option that will serve United States interests.

In Liberia, we can and should act in concert with the international community. In 2000, the British made a courageous decision and helped to bolster peacekeeping efforts in Sierra Leone, bringing an end to a violent spectacle that had outraged the world without provoking an effective response for years.

The French deployed to Cote d'Ivoire when it fell victim to the forces of disorder, are trying to reverse the trend toward violence and chaos that recently gripped that once-stable place. African states have mobilized as well, and they continue to work feverishly to resist the spread of misery, deprivation, and violence that has spread throughout this region. For historical reasons, most in the international community looks to the United States for commitment and leadership in stabilizing Liberia, which is the country that is at the heart of this regional decline in West Africa. In fact, unlike the situation we recently faced in Iraq, virtually the entire international community is urging the United States to act: from our closest allies in Britain to the Secretary General of the United Nations. And most importantly, west Africans themselves are asking for our help. Liberians are frantically waving U.S. flags, hoping to get our attention, praying we will come to their aid. This is a not a situation that involves antagonizing allies in the fight against

terrorism—instead, it calls for cooperating with the diverse actors around the world who are already committed to fighting for stability in the region.

And make no mistake, the United States is already among those actors. This is not some new issue that just emerged over the last month, and we are not at the precipice of deciding whether or not to get involved. Let us take just one example:

As of January 1 of this year, the United States had spent over $515 million on the peacekeeping mission in Sierra Leone and on Operation Focus Relief, which was devised to support that mission. Hundreds of millions more have been appropriated and requested for this purpose in 2003 and 2004. From the point of view of the United States taxpayer, we are already in quite deep.

There is no denying that Sierra Leone's long-term stability depends upon resolving the problem in Liberia. Over the July 4 recess, I sent a member of my staff to Sierra Leone, and to the region in the east that borders Liberia and which was formerly a RUF stronghold, to assess the situation. And I can tell you, from her report, that senior military experts in the region have recently underscored this point.

The question before us now is whether or not we will protect our investment and our interests by addressing the foremost underlying cause of instability in the region; and that is, the criminal enterprise currently governing Liberia, and the violent and abusive movements that have sprung up in resistance to it.

I have been to Liberia, and I have been to Cote d'Ivoire, and I have been to Sierra Leone. I have served on the Senate Foreign Relations Committee's Subcommittee on African Affairs since I came to the Senate in 1993. For over 7 years now I have served as either the chairman or ranking member of the subcommittee. In this role, and in Africa, I have met with amputees, refugees, widows and orphans. I have spoken with west African heads of state and west African civil society leaders about Liberia's influence on the region. I have no doubt in my mind that the humanitarian catastrophe and the dangerous instability in the region will not be resolved until Liberia is stabilized—and that means more than replacing one thug with another.

During my chairmanship of the subcommittee last year, we held a series of hearings focusing on the very real security threats that are posed by weak or failed states in Africa, including criminal networks like those in Somalia or west Africa which can provide a safe haven for terrorist activities. After the horror of September 11, 2001, consensus built across the political spectrum, acknowledging that the United States was shortsighted when we disengaged from Afghanistan and Pakistan once we no longer had cold war-related interests in those countries. So what happened? What happened was that America left a vacuum in its wake, and some of the forces that moved to fill that vacuum came to threaten our security in ways we could not have imagined.

The very same thing is true in sub-Saharan Africa. Manifestations of lawlessness such as piracy, illicit air transport networks, and trafficking in arms, drugs, gems and people simply beckon to those who would operate in the shadows, beyond the reach of the law.

It only takes one look at the war-ravaged state of Congo today, or the porous borders of west Africa, to see opportunities for those who would do us harm. In 1998, al-Qaida seized that opportunity, perpetrating attacks on the American embassies in Kenya and Tanzania that killed 223 people—Kenyans, Tanzanians, and Americans—and wounded thousands more. And unless we take action to make African societies less vulnerable to this kind of lawlessness rather than continuing our post-cold-war pattern of neglect, we may well reap the terrible consequences here at home.

But a word of caution and a clarification are in order here. It is difficult to verify links between west African chaos and international terrorism, in part because illicit diamonds are such effective money-laundering instruments. And I am not saying that al-Qaida is in league with Charles Taylor or the LURD or MODEL, and therefore we should go marching into Monrovia for that reason. I have not seen any information that would lead me to believe that to be true, and, frankly, I am not interested in harnessing the power and the emotion bound up in the fight against terrorism to every other policy issue for the sake of political convenience. My goal here is to protect the American people and to ensure that our international action is responsible.

And I am not saying that the United States military should stand poised to intervene throughout the continent wherever disorder reigns. Of course not. But just as Australia, backed up by the international community, responded to crisis in East Timor; just as Britain, backed up by the international community, responded to crisis in Sierra Leone; so too, sometimes, it falls to the United States to take a leadership role.

Unlike the issue of Iraq that came before us last year, I am not talking about starting a war with anyone in the face of widespread international opposition. Instead, I am talking about working with the international community to help stabilize a country that has fallen into the hands of undisciplined bands of thugs. For unilateral action in the face of massive global opposition, I set the bar very high. For action in concert with others that will be widely welcomed, I still set a high bar. It must be in our interest. And there are questions that must be answered to my satisfaction before any intervention can meet with my approval. And I remain very, very concerned about our overextension militarily around the world. I am neither a promilitary intervention Senator nor an antimilitary intervention Senator. Attaching ourselves to such labels is a mistake. I simply try to look at each situation and exercise my judgement. After years of studying this situation, my judgement tells me that the United States has a meaningful role to play here in Liberia.

And let us not forget that we are also talking about a human tragedy unfolding before our eyes. Tens of thousands are already displaced; hundreds died in fighting in Monrovia a few days ago. The quality of life of civilians in Liberia contends for the title of worst in the world. At some point, this has to matter. Common decency suggests that the international community should act to stop the downward spiral.

It is time to say: no more. After visiting the region, I called Charles Taylor a war criminal here on the Senate floor in 2001, saying publicly what many had said privately for a long time. The Special Court for Sierra Leone unsealed an indictment to this effect just last month. Like many of my colleagues, I strongly support the court. West Africa must break the cycle of violence and impunity, and all of us in the international community have a role to play in that effort. And I support President Bush, who is right to call on Charles Taylor to step down, just as the Special Court for Sierra Leone was right to indict him. But, let us be clear. Taylor should have no veto over internationally backed U.S. action. His days of dictating the destiny of the west African people are over.

U.S. action may involve sending American troops. But before making that decision, we need answers to several critical questions.

I have not seen the scenarios or projections for any kind of action or intervention that have surely been worked up by the administration. I should see them. We should all see them. And we should see them sooner rather than later. And we need answers to the questions: Will United States participation and leadership overstretch our resources? What are the costs? What commitments are we making? What is our exit strategy? And, what are our plans for the coordination of long-term stabilization efforts?

Of course the answers should inform any decision about what we should and should not do. No one should understand my remarks today as some sort of ''anything goes'' endorsement of any and all proposals that may emerge. But I do believe that we must do something, and that we need to confront these questions quickly. As I have noted, American inaction and indifference is not an option. We are already deeply involved. The success of any action we take cannot be guaranteed, but we know that the costs of inaction are very high and very dangerous.

I urge the administration to begin undertaking consultations urgently so

that we can move forward with an informed, effective, and timely response.

PATIENTS FIRST ACT

Mr. BUNNING. Mr. President, I am disappointed the Senate did not vote to move to full consideration of S. 11, the Patients First Act of 2003, to address the national crisis our doctors, hospitals and those needing healthcare face today.

One of the top issues we all hear about from doctors in our States is how they are being squeezed financially by skyrocketing medical liability premiums. The Senate had a real opportunity to help remedy this problem by passing the Patients First Act, but unfortunately, we didn't even get a chance to fully consider and vote on this bill.

Not only is medical liability hurting doctors, but it is now starting to affect the quality and availability of care for patients. First, let me give a little background on the situation in Kentucky. I know many other States face the same situation.

In March of this year, Kentucky joined 17 other States on the American Medical Association's list of ''crisis States.'' This means that the current liability system is affecting patient care.

Physicians across my State are facing some hard choices trying to figure out how to pay their rising premiums. Some are choosing to close their offices or retire early. Others are packing up and moving to other States with more sensible insurance regulations. Most concerning are reports of physicians no longer delivering babies because they cannot afford the liability insurance. This leaves expectant mothers in the lurch and creates huge, frightening gaps in critical medical coverage. In Kentucky, for example, Knox County hospital has stopped delivering babies which is forcing expectant mothers to travel to neighboring counties for care.

The Kentucky Medical Association conducted a survey last year on the effects of rising medical malpractice premiums. They found that 70 percent of the physicians in Kentucky saw their premiums go up. In the worst example, there was a $476,000 increase for a six-physician orthopedic office that didn't have any settlements or judgements against it.

Recently, I received a letter from Catholic Healthcare Partners, a hospital system with about 30 hospitals and 8,900 affiliated physicians across the country. In Kentucky, they own several hospitals, including Lourdes Hospital in Paducah and Marcum & Wallace Memorial Hospital in Irvine.

According to Catholic Healthcare Partners, the hospital system's liability insurance premiums increased by 50 percent in 2001 and 70 percent in 2002. In fact, in the past 3 years, their premiums have increased by almost $25 million. Unfortunately, Catholic Healthcare Partners is the rule instead of the exception.

In May, the Joint Economic Committee published a study on the impact of medical liability litigation. The report said the total premiums for medical liability insurance more than doubled from 1991 to 2001 to reach $21 billion. Hospitals and doctors simply cannot continue keeping their doors open and treating patients if their premiums continue to rise this rapidly.

For example, Appalachian Regional Healthcare is one of the largest rural health systems in the country and employs 150 physicians in its nine hospitals and other healthcare outlets. ARH provides services in both Kentucky and West Virginia, and employs most of the obstetricians and pediatricians in eastern Kentucky.

In January of this year, ARH made a decision to become completely self-insured. In 2001, the hospital system's key carrier for medical liability coverage dropped the hospital, and ARH couldn't find any other affordable coverage. For 2002, the bids for coverage the hospital received were $12 million to $13 million—which was more than the hospital system's net revenue and almost triple what they had paid the year before.

The hospital system is now building an insurance reserve in case there are any malpractice settlements against it. However, according to ARH representatives, they realize that even one single case could cripple the system and its physicians.

There is no doubt the system is broken. And for many Kentuckians, especially in our rural areas, there is no doubt skyrocketing insurance rates are making it harder for patients to get the quality care they need. The rising premiums not only take a toll on physicians and hospitals, but it means you, me, and everyone in this country is paying more for medical care. Very simply, individuals pay more for medical care because of the increases in premiums doctors face.

Although all of us are paying more, some people are making out like bandits—usually the trial attorneys. It hardly seems that you can turn on your television these days without seeing a commercial by one trial attorney or another looking for ''injured'' people. Some of these lawyers specialize in certain kinds of injuries while others aren't as picky and will take anyone involved in an accident. Most give a toll-free number, and many promise that ''we won't get paid unless you get paid.''

In a report by the Department of Health and Human Services released last year, it said the number of ''mega-verdicts is increasing rapidly,'' particularly within specialty areas of medicine. The report goes on to say lawyers have an ''interest in finding the most attractive cases'' and they have ''an incentive to gamble on a big 'win.'' Finally, the report says ''lawyers have few incentives to take on the more difficult cases or those of less attractive patients.''

Is this really the way we want our legal system to work? Are we really getting the best results with this type of legal system? The answer to both of these questions is no.

It seems like I have been voting for changes to our medical liability system since I have been in Congress, but we always seem to come up a few votes short. The Patients First Act places some commonsense controls on lawsuits against doctors. This will help bring some control over the rising medical liability premiums, and doctors in my State will be able to provide healthcare services.

For example, the bill places limits on noneconomic and punitive damages, but does not limit economic damages. The bill also limits the amount attorney's can collect from their clients depending on the size of the settlement. The bill requires lawsuits to be filed within 3 years of the injury, although this time limit is extended to children under the age of 6 who are injured.

Finally, the bill makes defendants liable for only their share of the injury that occurred and allows periodic payment of future damages. These changes could make a big difference in the availability and cost of healthcare in the United States and Kentucky. These changes could mean physicians in Kentucky thinking about leaving the state will be able to stay, and doctors thinking about leaving the profession will be able to continue practicing.

I am disappointed we did not have enough votes to proceed and fully consider the Patients First Act, however, I am hopeful we can come back and revisit this important issue soon, and give our doctors, hospitals, and especially those needing healthcare a more affordable system with better access.

CONFIRMATION OF DAVID CAMPBELL

Mr. LEAHY. Mr. President, yesterday, the Senate voted to confirm David Campbell to a lifetime appointment on the United States District Court for the District of Arizona. With this confirmation, we will fill the sole vacancy on that court—which is actually not even vacant yet. Mr. CAMPBELL is nominated to a new position that will become vacant on July 15. I have been glad to work with the Senators from Arizona to consider this nominee and provide bipartisan support. I congratulate the nominee and his family.

The Senate has now confirmed 133 judges nominated by President Bush, including 26 circuit court judges. One hundred judicial nominees were confirmed when Democrats acted as the Senate majority for 17 months from the summer of 2001 to adjournment last year. After today, 33 will have been confirmed in the other 12 months in which Republicans have controlled the confirmation process under President

Bush. This total of 133 judges confirmed for President Bush is more confirmations than the Republicans allowed President Clinton in all of 1995, 1996 and 1997—the first 3 years they controlled the Senate process for President Clinton. In those 3 full years, the Republican leadership in the Senate allowed only 111 judicial nominees to be confirmed, which included only 18 circuit court judges. We have already exceeded that total by 20 percent and the circuit court total by 40 percent with 6 months remaining to us this year. In truth, we have achieved all this in less than 2 years because of the delays in organizing and reorganizing the Senate in 2001. The Judiciary Committee was not even reassigned until July 10, 2001, so we have now confirmed 133 judges in less than 2 years.

In the first half of this year, the 33 confirmations is more than Republicans allowed to be confirmed in the entire 1996 session, when only 17 district court judges were added to the Federal courts across the Nation. In the first half of this year, with 9 circuit court confirmations, we have already exceeded the average of seven per year achieved by Republican leadership from 1995 through the early part of 2001. That is more circuit court confirmations in 6 months than Republicans allowed confirmed in the entire 1996 session, in which there were none confirmed; in all of 1997, when there were 7 confirmed; in all of 1999, when there were 7 confirmed; or in all of 2000, when there were 8 confirmed. The Senate is moving two to three times faster for this President's nominees than for President Clinton's, despite the fact that the current appellate court nominees are more controversial, divisive and less widely-supported than President Clinton's appellate court nominees were.

The confirmation of David Campbell to the District Court for Arizona illustrates the effect of the reforms to the process that the Democratic leadership has spearheaded, despite the poor treatment of too many Democratic nominees through the practice of anonymous holds and other obstructionist tactics employed by some in the preceding 6 years. David Campbell is the fourth Federal judge confirmed from Arizona for President Bush. Under Democratic control, the Senate confirmed Judge David Bury, Judge Cindy Jorgenson and Judge Frederick Martone to the District Court for the District of Arizona.

If the Senate did not confirm another judicial nominee all year and simply adjourned today, we would have treated President Bush more fairly and would have acted on more of his judicial nominees than Republicans did for President Clinton in 1995–97 or the period 1996–99. In addition, the vacancies on the Federal courts around the country are significantly lower than the 80 vacancies Republicans left at the end of 1997 or the 110 vacancies that Democrats inherited in the summer of 2001. We continue well below the 67 vacancy level that Senator HATCH used to call ''full employment'' for the Federal judiciary. Indeed we have reduced vacancies to their lowest level in the last 13 years. So while unemployment has continued to climb for Americans to 6.1 percent last month, the Senate has helped lower the vacancy rate in Federal courts to a historically low level that we have not witnessed in over a decade. Of course, the Senate is not adjourning for the year and the Judiciary Committee continues to hold hearings for Bush judicial nominees at between two and four times as many as it did for President Clinton's.

For those who are claiming that Democrats are blockading this President's judicial nominees, this is another example of how quickly and easily the Senate can act when we proceed cooperatively with consensus nominees. The Senate's record fairly considered has been outstanding—especially when contrasted with the obstruction of President Clinton's moderate judicial nominees by Republicans between 1996 and 2001.

Mr. NELSON of Florida. Mr. President, yesterday the Senate voted on the nomination of David Campbell to serve as a U.S. District Judge for the District of Arizona.

I was unable to vote because I was returning to Washington, DC from official travel to Iraq in connection with my duties as a member of the Senate Armed Services Committee.

Had I been present, I would have supported Mr. Campbell's confirmation to the district bench. After reviewing his credentials, I believe Mr. Campbell is well prepared to serve in this important position and has the proper judicial temperament to fairly and justly apply the law.

IN REMEMBRANCE OF SENATOR STROM THURMOND

Mrs. DOLE. Mr. President, I rise to speak on the passing of a dear friend and a leader in this Chamber, Strom Thurmond.

Strom retired this year at the age of 100—after more than a half century of serving the people of South Carolina and our Nation as U.S. Senator, as Governor of South Carolina, and as a State legislator. Remarkably, his career in the Senate spanned the administrations of 10 presidents—from Dwight Eisenhower to George W. Bush.

His passing certainly will be felt by so many Members of this Chamber who had grown accustomed to the courtly gentleman from South Carolina. But his life leaves a lesson for us all—in compassion, civility, dedication, hard work, and respect.

Before he was elected to the Senate in 1954 as the only write-in candidate in history to win a seat in Congress, Strom Thurmond was elected county school superintendent, State senator, and circuit judge until he resigned to enlist in the Army in World War II. He landed in Normandy as part of the 82d Airborne Division assault on D-day, and the story goes, flew into France in a glider, crash-landed in an apple orchard. He went on to help liberate Paris, and he received a Purple Heart, five battle stars, and numerous other awards for his World War II service.

My husband, Bob, and I were honored to have known Strom Thurmond for so many years and to count him among our friends. He and Bob shared a great deal of common history dating from their World War II days, and his Southern gallantry always had a way of making this North Carolinian feel right at home.

I first worked with Strom Thurmond when I served as Deputy Special Assistant to the President at the White House. Even then, he was an impressive Senator. President Reagan praised his ''expert handling,'' as chairman of the Senate Judiciary Committee, of nominees to the U.S. Supreme Court. In fact, it was Strom Thurmond's skill as chairman that helped to shepherd through the nomination of Sandra Day O'Connor as the Nation's first female on the United States Supreme Court.

I always admired Strom Thurmond for his constant dedication to the people of South Carolina and the industries of that State. Bob Dole has joked that ''Someone once asked if Strom had been around since the Ten Commandments.'' Bob said that couldn't have been true—if Strom Thurmond had been around, the 11th Commandment would have been ''Thou shall support the textile industry.'' That industry still needs a lot of help. In fact, when President Reagan called Strom to wish him a Happy 79th birthday back in 1981, Strom Thurmond, with his constant attention to South Carolina interests, used the opportunity to talk to the President about the textile industry.

Indeed, South Carolina is full of stories of how the senior senator from South Carolina managed to cut through red tape to make sure that his residents got the things they needed. And whenever South Carolinians called—or anyone else for that matter—Strom Thurmond could always be counted on to show up: at a Fourth of July parade, a county festival, or a State fair, armed with his trademark Strom Thurmond key chains.

And North Carolinians developed a fondness for Strom Thurmond. He often flew into Charlotte before driving to his Edgefield, SC home. And he became so familiar in the airport that many of the workers there knew him—and he knew them, often stopping to share a kind word or a funny story.

And I was so honored that just before he went home for good, he came in his wheelchair, with Nancy's help, to visit me in my basement office and welcome me to the Senate.

Bob and I sent our heartfelt condolences to Strom's family: our dear friend Nancy and the children, and daughter, Julie, who worked with me

at the Red Cross. He was a loving husband, proud father, and a new grandfather. And, of course, he loved the people of South Carolina—for whom he worked tirelessly throughout his career in public service, and to whom he chose to return when his work was done in the Senate.

Today, as I remember him, his life, and his legacy, I think of the Bible in the 25th Chapter of Matthew, when the Lord said, ''Well done, thou good and faithful servant. . . . Enter thou into the joy of the Lord.''

May God bless him and his family.

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 series of terrible crimes that occurred in Ashton, MD. During September 2001, an Arab-American homemaker was attacked and her property vandalized by a female neighbor. The neighbor spread feces across the Arab Americans' porch three times, pelted the home with dead plants, and doused the woman with liquid. The neighbor doused the Arab-American woman a second time, this time with bleach, which burned the victim's skin and discolored her clothes.

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.

JUDGES ACT

Mr. LEAHY. Mr President, earlier this year, the House Republicans saddled the bipartisan, non-controversial AMBER Alert bill with numerous unrelated and ill-conceived provisions, collectively known as the ''Feeney amendment,'' that effectively overturned the basic structure of the carefully crafted sentencing guideline system. At the time, we were warned by distinguished jurists that these provisions would irrevocably harm our sentencing system and compromise justice. For example, the Nation's Chief Justice warned that the Feeney amendment, if enacted, ''would do serious harm to the basic structure of the sentencing guideline system and would seriously impair the ability of courts to impose just and responsible sentences.'' Despite such objections, and without any serious process in the House or Senate, these provisions were pushed through conference with minor changes and enacted.

We are now beginning to witness the far-reaching impact of this folly. Not only have we compromised the sentencing system, but we have alienated and minimized the effectiveness of our Federal judges, prompting at least one to announce early retirement.

As enacted, the Feeney amendment, substantially reversed provisions allowing Federal judges to depart from sentencing guidelines when justice requires. It also created a ''black list'' of judges who impose sentences that the Justice Department does not like, and limited the number of Federal judges who can serve on the Sentencing Commission, thus reducing the influence of practical judicial experience on sentencing decisions.

In response, in a June 24 op-ed in the New York Times, Republican-appointed district judge and former Federal prosecutor, John S. Martin, Jr., decried these provisions as ''an assault on judicial independence,'' ''at odds with the sentencing philosophy that has been a hallmark of the American system of justice,'' and tragically, the impetus for his decision to retire from the bench, rather than exercise his option to continue in a lifetime position with a reduced workload. ''When I took my oath of office 13 years ago I never thought I would leave the Federal bench. . . . I no longer want to be part of our unjust criminal justice system.''

It is shameful that we have allowed such half-baked, poorly-crafted legislation to lead to the loss of a judge that has dedicated his career to fighting crime and preserving justice. When he was appointed by the first President Bush in 1990, Judge Martin brought with him to the bench years of knowledge and experience as a Federal prosecutor, including 3 years as a U.S. Attorney for the Southern District of New York. As a former Federal prosecutor, he is no slouch on crime. He knows very well the importance of vigorously pursuing and punishing wrongdoers. But his experience has also taught him that these goals cannot trounce the equally-critical pursuit of justice and fairness.

Unless we reverse the damaging provisions in the Feeney amendment, we will continue to compromise justice, alienate Federal judges, and threaten the stability and integrity of our judicial system. That is why I joined Senators KENNEDY, FEINGOLD, and LAUTENBERG in introducing the Judicial Use of Discretion to Guarantee Equity in Sentencing Act of 2003, or the JUDGES Act. This bill would correct the Feeney amendment's far-reaching provisions by restoring judicial discretion and allowing judges to impose just and responsible sentences. In addition, the JUDGES Act would reverse the provisions limiting the number of Federal judges who can serve on the Sentencing Commission. Finally, the JUDGES Act would follow through on the advice of Chief Justice Rehnquist to engage in a ''thorough and dispassionate inquiry'' on the Federal sentencing structure by directing the Sentencing Commission to conduct a comprehensive study on sentencing departures and report to Congress with 180 days.

In his New York Times op-ed, Judge Martin raised another important point: Limiting judicial discretion and involvement in sentencing practices also reduces the personal satisfaction that judges derive from knowing that they are integrally involved in promoting a more just society, and in doing so removes a powerful incentive that prompts potential judges to accept a judicial appointment, despite inadequate pay. ''When I became a Federal judge, I accepted the fact that I would be paid much less than I could earn in private practice. . . . I believed I would be compensated by the satisfaction of serving the public good—the administration of justice. In recent years, however, this sense has been replaced by the distress I feel at being part of a sentencing system that is unnecessarily cruel and rigid.''

We all know that judicial pay is a challenging issue. Indeed, this is why I introduced a bill, S. 787, to restore the many cost of living adjustments that Congress has failed to provide the judiciary, and have joined Chairman HATCH and many other members of the Judiciary Committee in sponsoring S. 1023 to increase the annual salaries of Federal judges and justices. I encourage my colleagues to support these efforts. But I ask them not to make the challenge of judicial pay worse by taking away the intangible compensation that is the satisfaction from serving the public good. Unfortunately, the Feeney amendment has done just that.

I again urge my colleagues to support the JUDGES Act, and I ask unanimous consent that Judge Martin's June 24 op-ed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 24, 2003]

LET JUDGES DO THEIR JOBS

(By John S. Martin Jr.)

I have served as a federal judge for 13 years. Having reached retirement age, I now have the option of continuing to be a judge for the rest of my life, with a reduced workload, or returning to private practice. Although I find my work to be interesting and challenging, I have decided to join the growing number of federal judges who retire to join the private sector.

When I became a federal judge, I accepted the fact that I would be paid much less than I could earn in private practice; judges make less than second-year associates at many law firms, and substantially less than a senior Major League umpire. I believed I would be compensated by the satisfaction of serving the public good—the administration of justice. In recent years, however, this sense has been replaced by the distress I feel at being part of a sentencing system that is unnecessarily cruel and rigid.

For most of our history, our system of justice operated on the premise that justice in sentencing is best achieved by having a sentence imposed by a judge who, fully informed about the offense and the offender, has discretion to impose a sentence within the statutory limits. Although most judges and legal

scholars recognize the need for discretion in sentencing, Congress has continually tried to limit it, initially through the adoption of mandatory-minimum sentencing laws.

Congress's distrust of judicial discretion led to the adoption in 1984 of the Sentencing Reform Act, which created the United States Sentencing Commission. The commission was created on the premise, not unreasonable, that uniformity in sentencing nationwide could be promoted if judges and other criminal law experts provided guidelines for federal judges to follow in imposing sentences. However, Congress has tried to micromanage the work of the commission and has undermined its efforts to provide judges with some discretion in sentencing or to ameliorate excessively harsh terms.

For example, when an extensive study demonstrated that there was no justification for treating crack cocaine as 100 times more dangerous than powdered cocaine, the ratio adopted by Congress in fixing mandatory minimum sentences, the commission proposed reducing the guideline ratios. However, the proposal was withdrawn when Congressional leaders made it clear that Congress would overrule it.

Congress's most recent assault on judicial independence is found in amendments that were tacked onto the Amber Alert bill, which President Bush signed into law on April 30. These amendments are an effort to intimidate judges to follow sentencing guidelines.

From the outset, the sentencing commission recognized the need to avoid too rigid an application of the guideline system and provided that judges would have the power to adjust sentences when circumstances in an individual case warranted. The recent amendments require the commission to amend the guidelines to reduce such adjustments and require that every one be reported to Congress. They also require that departures by district judges be reviewed by the appellate courts with little deference to the sentencing judge.

Congress's disdain for the judiciary is further manifested in a provision that changes the requirement that ''at least three'' of the seven members of the sentencing commission be federal judges to a restriction that ''no more than'' three judges may serve on it. Apparently Congress believes America's sentencing system will be jeopardized if more than three members of the commission have actual experience in imposing sentences.

Every sentence imposed affects a human life and, in most cases, the lives of several innocent family members who suffer as a result of a defendant's incarceration. For a judge to be deprived of the ability to consider all of the factors that go into formulating a just sentence is completely at odds with the sentencing philosophy that has been a hallmark of the American system of justice.

When I took my oath of office 13 years ago I never thought that I would leave the federal bench. While I might have stayed on despite the inadequate pay, I no longer want to be part of our unjust criminal justice system.

VETERAN'S MEMORIAL

Mrs. LINCOLN. Mr. President, I rise today on behalf of all Arkansans to recognize the veterans who have served in our Armed Forces. A beautiful memorial in Saline County, AK, has been built, and will be dedicated on July 10, to honor those who have protected and served our country. All service men and women are being honored, including my father, who served in Korea. He taught me at a very early age to have tremendous respect for those who have fought to defend our freedom. Not only will this memorial honor our veterans, it will also remind future generations of the sacrifices that were made for this great country.

I also wish to recognize those who brought this day together for our Veterans. Judge Lanny Fite, State Representative Dwight Fite, the Saline County Veteran's Board, Jack McCray, Gary Ballard, and many others have given of themselves to make this memorial possible. I am grateful for their efforts to honor the men and women who serve our Nation in uniform. This memorial is a fitting tribute of which Saline County and our entire State can be proud.

ADDITIONAL STATEMENTS

HONORING THE GENERAL MOTORS CORVETTE ASSEMBLY PLANT

● Mr. BUNNING. Mr. President, I have the privilege and honor of rising today to recognize the hard work of those at the Corvette assembly plant in Bowling Green, KY, on the 50th anniversary of the Corvette.

America's love for the Corvette began in 1953, when the first American sports car took over the highways. Since then, the automotive industry has never been the same. Kentucky became part of this American icon in 1981, when an old air-conditioner manufacturing plant, located in western Kentucky, was converted into an automobile assembly plant. The Bowling Green plant holds the proud honor of being the sole Corvette producer. Another state-of-the-art renovation in 1996 once again placed the Bowling Green plant on the road to excellence in preparation for production of the latest Corvettes.

Each year, milestone after milestone, and award on top of award, the Bowling Green plant consistently shines. For 2 years Corvettes produced in Kentucky have captured Motor Trend Magazine's highly respected ''Car of the Year'' designation. In 1992, the Bowling Green plant produced the one-millionth Corvette.

However, the secret of their success lies in the hard work and determination of the Bowling Green team. Without skillful minds and driven hands, innovative ideas and quality-built cars would never come to fruition.

It is not often we have the chance to honor such a milestone. Please join me in congratulating all those who have worked at the General Motors Bowling Green assembly plant. I am pleased they are continuing the Corvette tradition with a Kentucky touch.●

DISTRICT OF COLUMBIA'S FISCAL YEAR 2004 BUDGET REQUEST ACT—PM 43

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 Governmental Affairs:

To the Congress of the United States:

Consistent with my constitutional authority and sections 202(c) and (e) of the District of Columbia Financial Management and Responsibility Assistance Act of 1995 and section 446 of the District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's Fiscal Year 2004 Budget Request Act.

The proposed Fiscal Year 2004 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For Fiscal Year 2004, the District estimates total revenues and expenditures of $5.6 billion.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 9, 2003.*

MESSAGE FROM THE HOUSE

At 11:06 a.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 bills, in which it requests the concurrence of the Senate:

H.R. 1761. An act to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the ''Garner E. Shriver Post Office Building''.

H.R. 2396. An act to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Durate, California, as the ''Francisco A. Martinez Flores Post Office''.

H.R. 2631. An act to provide that the actuarial value of the prescription drug benefits offered to Medicare eligible enrollees by a plan under the Federal employees health benefits program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally.

H.R. 2658. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1761. An act to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the ''Garner E. Shriver Post Office Building''; to the Committee on Governmental Affairs.

H.R. 2396. An act to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Durate, California, as the ''Francisco A. Martinez Flores Post Office''; to the Committee on Governmental Affairs.

H.R. 2631. An act to provide that the actuarial value of the prescription drug benefits

offered to Medicare eligible enrollees by a plan under the Federal employees health benefits program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally; to the Committee on Governmental Affairs.

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–3028. A communication from The Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled ''Prisoners of War Benefit Amendments of 2003''; to the Committee on Veterans' Affairs.

EC–3029. A communication from the Secretary of State, transmitting, a draft of proposed legislation entitled ''Compact of Free Association Amendments Act of 2003''; to the Committee on Energy and Natural Resources.

EC–3030. A communication from the Secretary of the Interior, transmitting, pursuant to law, the 2002 Annual Report for the Department of the Interior's Office of Surface Mining; to the Committee on Energy and Natural Resources.

EC–3031. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''North Dakota Regulatory Program'' (ND–046–FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC–3032. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Texas Regulatory Program'' (TX–043–FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC–3033. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Illinois Regulatory Program'' (IL–099–FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC–3034. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Pennsylvania Regulatory Program'' (PA–128–FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC–3035. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (WV–098–FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC–3036. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02–05; to the Committee on Appropriations.

EC–3037. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination Number 2003–27, relative to waiving prohibition on United States Military Assistance to the Rome Statute Establishing the International Criminal Court; to the Committee on Foreign Relations.

EC–3038. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a danger pay allowance to US government civilians in Saudi Arabia; to the Committee on Foreign Relations.

EC–3039. A communication from the President of the United States, transmitting, pursuant to law, an annual report on peacekeeping operations and costs of maintaining international stability; to the Committee on Foreign Relations.

EC–3040. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements, other than treaties; to the Committee on Foreign Relations.

EC–3041. A communication from the General Counsel, Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, a report relative to the vacancy, the designation of acting officer, and nomination for the position of Director of Office of Management and Budget, received July 7, 2003; to the Committee on Governmental Affairs.

EC–3042. A communication from the General Counsel, Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, the report of a vacancy and nomination confirmed for the position of Deputy Director of Management; to the Committee on Governmental Affairs.

EC–3043. A communication from the Acting Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report of the Office of Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–3044. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through February 28, 2003; to the Committee on Governmental Affairs.

EC–3045. A communication from the Chairman of the Board, Pension Benefit Guaranty Corporation, Secretary of Labor, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC–3046. A communication from the Administrator, National Aeronautics and Space Administration, Office of the Administrator, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC–3047. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15–99, ''Honoraria Temporary Amendment Act of 2003''; to the Committee on Governmental Affairs.

EC–3048. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15–100, ''Lead-Based Paint Abatement and Control Temporary Amendment Act of 2003''; to the Committee on Governmental Affairs.

EC–3049. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of D.C. Act 15-106, ''Fiscal Year 2004 Budget Support Act of 2003''; to the Committee on Governmental Affairs.

EC–3050. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-101, ''Dedication and Designation of Commodore, Joshua Barney Drive, N.E., Fort Lincoln Drive, N.E., and Lincoln Drive North, N.E., Act of 2003''; to the Committee on Governmental Affairs.

EC–3051. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report of the corrected version of the Postal Rate's Commission's Report to the Congress on FY 2002 International Mail Volumes, Costs, and Revenues; to the Committee on Governmental Affairs.

EC–3052. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC–3053. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 7E for Fiscal Years 2000 Through 2003 as of March 31, 2003''; to the Committee on Governmental Affairs.

EC–3054. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Auditor's Review of the University of the District of Columbia's Land-Grant Endowment Fund''; to the Committee on Governmental Affairs.

EC–3055. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report containing copies of the Postal Rate Commission's Report to the Congress on FY 2002 International Mail Volumes, Costs, and Revenues; to the Committee on Governmental Affairs.

EC–3056. A communication from the Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Occupational Injury and Illness Recording Requirements — Deletion of MSD Column Requirements'' (RIN1218-AC06) received on July 7, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3057. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Interim Final Regulation'' (RIN0938-AL42) received on July 7, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3058. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled ''Clarifying of Release Gratuities—Release Transportation Regulations to More Closely Conform to Statutory Provisions'' (RIN1120-AB21, 68 FR 34301) received on July 7, 2003; to the Committee on the Judiciary.

EC–3059. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled ''Release Gratuities, Transportation, and Clothing: Aliens'' (RIN1120-AA93, 68FR34299), received on July 7, 2003; to the Committee on the Judiciary.

EC–3060. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC–3061. A communication from the White House Liaison, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC–3062. A communication from the White House Liaison, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, Drug Enforcement Administration, received on July 7, 2003; to the Committee on the Judiciary.

EC–3063. A communication from the White House Liaison, transmitting, pursuant to

law, the report of a nomination for the position of Director, Office on Violence Against Women, received on July 7, 2003; to the Committee on the Judiciary.

EC–3064. A communication from the White House Liaison, transmitting, pursuant to law, the report of the designation of acting officer, nomination, and discontinuation of service in acting role for the position of Administrator, Drug Enforcement Administration, received on July 7, 2003; to the Committee on the Judiciary.

EC–3065. A communication from the White House Liaison, transmitting, pursuant to law, the report of a vacancy, designation of acting officer, and nomination for the position of Assistant Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC–3066. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC–3067. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Associate Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC–3068. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC–3069. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Designation of Special Control for Eight Surgical Suture'' (Docket No. 02N-0228) received July 7, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3070. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Skin Protectant Drug Products for Over-the-Counter Use; Final Monograph'' (RIN0910-AA01/ Docket No. 78N-0021) received on July 7, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3071. A communication from the Attorney-Advisor, Department of Transportation, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Aviation and International Affairs, received on June 26, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3072. A communication from an Administrator, Risk Management Agency, Federal Crop Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Small Grains Crop Insurance Provisions and Wheat Crop Insurance Winter Coverage Endorsement'' (RIN0564-AB63) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3073. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2002 Marketing Quotas and Price Support for Flue-Cured Tobacco'' (RIN0560-AG60) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3074. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Salmonella Enteritidis Phage-Type 4; Remove Import Restrictions and Salmonella Enteritidis Serotype Enteritidis; Remove Regulations'' (RIN0579-AB31) received on June 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3075. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans and Approval Under Section 112(i) of the Clean Air Act; Virginia; State Operating Permit Program'' (FRL#7519-2) received on June 25, 2003; to the Committee on Environment and Public Works.

EC–3076. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Stay of Authority Under 40 CFR 50.9 (b) Related to Applicability of 1-Hor Ozone Standard'' (FRL#7519-3) received on June 25, 2003; to the Committee on Environment and Public Works.

EC–3077. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''State and Federal Operating Permits Programs: Amendments to Compliance Certification Requirements'' (FRL#7519-5) received on June 25, 2003; to the Committee on Environment and Public Works.

EC–3078. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Texas; Approval of Selection 179B Demonstration of Attainment, Carbon Monoxide Motor Vehicle Emissions Budget for Conformity, and Contingency Measure for El Paso Carbon Monoxide Nonattainment Area'' (FRL#7521-2) received on June 25, 2003; to the Committee on Environment and Public Works.

EC–3079. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plas; Mechklenburg County, North Carolina Update to Materials Incorporated by Reference'' (FRL#7511-6) received on June 25, 2003; to the Committee on Environment and Public Works.

EC–3080. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irradiation of Sweetpotatoes from Hawaii'' (APHIS Docket No. 03-062-1) received on June 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3081. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Fruits and Vegetables'' (doc. no. 02-026-4) received on June 25, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3082. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus thuringiensis Cry34AB1 and Cry35b1 Proteins and the Genetic Material Necessary for their Production in Corn; Temporary Exemption from the Requirement of a Tolerance'' (FRL# 7310-1) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3083. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Diallyl Sulfides; Exemption from the Requirement of a Tolerance'' (FRL#7303-6) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3084. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Famoxadone; Pesticide Tolerance'' (FRL#7310-9) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3085. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerance; Technical Correction'' (FRL#7316-5) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3086. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fludioxnil; Pesticide Tolerance'' (FRL#7313-7) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3087. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticide Tolerance Nomenclature Changes; Technical Amendment'' (FRL#7308-9) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3088. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticide Tolerance Nomenclature Changes; Technical Amendment'' (FRL#7316-9) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3089. A communication from an Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Administrative Review Requirements — Food Retailers/Wholesalers'' (RIN0584-AD23) received on July 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 1382. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

By Mr. CAMPBELL, from the Committee on Appropriations, without amendment:

S. 1383. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON:

S. 1379. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH (for himself, Mr. BAYH, Mr. ALLEN, Mr. CRAPO, Mr. HAGEL, Mr. COLEMAN, Mr. BENNETT, Mr. HATCH, Mr. ENZI, Mr. THOMAS, and Mr. FITZGERALD):

S. 1380. A bill to distribute universal service support equitably throughout rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. SMITH, Mr. BREAUX, Mr. MILLER, Mr. CHAMBLISS, Mr. PRYOR, Ms. COLLINS, Ms. LANDRIEU, Mr. SHELBY, and Mr. CRAIG):

S. 1381. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

By Mr. STEVENS:

S. 1382. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CAMPBELL:

S. 1383. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. ALLARD:

S. 1384. A bill to amend title 23, United States Code, to provide State and local authorities a means by which to eliminate congestion on the Interstate System; to the Committee on Environment and Public Works.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1385. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 215

At the request of Mrs. FEINSTEIN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 239

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 239, a bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

S. 274

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. NICKLES) 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. 377

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 377 , a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 451

At the request of Ms. SNOWE, the name of the Senator from Texas (Mr. CORNYN) 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. 602

At the request of Mr. DORGAN, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 602, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 741

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 764

At the request of Mr. CAMPBELL, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 774

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts.

S. 966

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 966, a bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes.

S. 970

At the request of Mr. HOLLINGS, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 970 , a bill to amend the Internal Revenue Code of 1986 to preserve jobs and production activities in the United States.

S. 1023

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1023, a bill to increase the annual salaries of justices and judges of the United States.

S. 1032

At the request of Mr. SARBANES, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1032, a bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public.

S. 1046

At the request of Mrs. CLINTON, her name 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. 1153

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. SMITH) 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. 1210

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1210, a bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

S. 1281

At the request of Mr. GRAHAM of Florida, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1281, a bill to amend title 38, United States Code, to presume additional diseases of former prisoners of war to be service-connected for compensation purposes, to enhance the Dose Reconstruction Program of the Department of Defense, to enhance and fund certain other epidemiological studies, and for other purposes.

S. 1289

At the request of Mr. GRAHAM of Florida, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1289, a bill to name the Department of Veterans Affairs Medical Center in Minneapolis, Minnesota, after Paul Wellstone.

S. 1324

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky

(Mr. BUNNING) was added as a cosponsor of S. 1324, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for agricultural products of the United States, and for other purposes.

S. 1326

At the request of Mr. VOINOVICH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1326, a bill to establish the position of Assistant Secretary of Commerce for Manufacturing in the Department of Commerce.

S. 1333

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1333, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 1358

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1358, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosure of information protected from prohibited personnel practices, require a statement in non-disclosure 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.

S. 1360

At the request of Mr. GRAHAM of Florida, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1360, a bill to amend section 7105 of title 38, United States Code, to clarify the requirements for notices of disagreement for appellate review of Department of Veterans Affairs activities.

S. 1368

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1370

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1370, a bill to amend the Fair Credit Reporting Act to provide for disclosure of credit-scoring information by creditors and consumer reporting agencies.

S. 1374

At the request of Mr. DURBIN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Mrs. MURRAY), the Senator from Arkansas (Mr. PRYOR), the Senator from North Carolina (Mr. EDWARDS), the Senator from North Dakota (Mr. DORGAN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1374, a bill to provide health care professionals with immediate relief from increased medical malpractice insurance costs and to deal with the root causes of the current medical malpractice insurance crisis.

S. CON. RES. 25

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an ''American Jewish History Month'', and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON:

S. 1379. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Banking, Housing and Urban Affairs.

Mr. JOHNSON. Mr. President, I rise today to introduce the American Veterans Disabled for Life Commemorative Coin Act of 2003. This bill will authorize the Secretary of the Treasury to mint a commemorative coin honoring the millions of veterans of the U.S. Armed Forces who were disabled while serving our country. Revenues from the surcharge on the coin would go to the Disabled Veterans' LIFE Memorial Foundation to help cover the costs of building the American Veterans Disabled for Life Memorial in Washington, DC.

The three-acre site for the Memorial is located on Washington Avenue at 2nd Street, SW., across from the U.S. Botanic Gardens, and in full view of the U.S. Capitol Building. Federal legislation for the Memorial, Public Law 106–348, was signed into law by President Bill Clinton on October 24, 2000. Sponsors included Senator JOHN MCCAIN, Senator Max Cleland, Congressman SAM JOHNSON, and Congressman JACK MURTHA. The National Capital Planning Commission unanimously approved the Capitol Hill location on October 10, 2001.

The mission of the Disabled Veterans' LIFE Memorial Foundation is to commemorate the selfless and continuing sacrifice of America's 2.3 million living disabled veterans, ensuring they will always be remembered; to provide all Americans with a place to express their appreciation for the men and women who came home from war bearing the scars of our great Nation's defense, and to serve as an eternal reminder of disabled veterans' honor, service, and sacrifice.

Recent events have brought about a renewed reverence and respect for the men and women who gave so much in service of our Nation. This legislation would help bring national attention to America's disabled veterans, and would serve as a fitting tribute to their sacrifice.

The Disabled Veterans LIFE Memorial Foundation was co-founded in 1996 by the Lois Pope Life Foundation and the Disabled American Veterans. Lois Pope, one of America's leading philanthropists, is the founder and President of the Lois Pope Leaders in Furthering Education Foundation. In addition to supporting veterans programs, this organization provides awards for medical research, scholarships, and summer camp programs. Formed in 1920, the Disabled American Veterans is a nonprofit organization representing America's disabled veterans, their families, and survivors.

The drive to build the Memorial, which is scheduled for completion within the next several years, is well under way, but has a long way to go. Prominent national figures including Retired Army General H. Norman Schwarzkopf, Poet Laureate Dr. Maya Angelou, and New York Giants star defensive end Michael Strahan are lending their support to this effort.

We have an obligation to assure that men and women who each day endure the cost of freedom are never forgotten. The American Veterans Disabled for Life Commemorative Coin Act of 2003 will honor these veterans and help fund the American Veterans Disabled for Life Memorial. I ask my colleagues in the Senate to join me in supporting America's disabled veterans with this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1379

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 ''American Veterans Disabled for Life Commemorative Coin Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the armed forces of the United States have answered the call and served with distinction around the world – from hitting the beaches in World War II in the Pacific and Europe, to the cold and difficult terrain in Korea, the steamy jungles of Vietnam, and the desert sands of the Middle East;

(2) all Americans should commemorate those who come home having survived the ordeal of war, and solemnly honor those who made the ultimate sacrifice in giving their lives for their country;

(3) all Americans should honor the millions of living disabled veterans who carry the scars of war every day, and who have made enormous personal sacrifices defending the principles of our democracy;

(4) in 2000, Congress authorized the construction of the American Veterans Disabled for Life Memorial;

(5) the United States should pay tribute to the Nation's living disabled veterans by

minting and issuing a commemorative silver dollar coin; and

(6) the surcharge proceeds from the sale of a commemorative coin would raise valuable funding for the construction of the American Veterans Disabled for Life Memorial.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 500,000 $1 coins in commemoration of disabled American veterans, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the design selected by the Disabled Veterans' LIFE Memorial Foundation for the American Veterans Disabled for Life Memorial.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2006''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Disabled Veterans' LIFE Memorial Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2006.

SEC. 7. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) SURCHARGES.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(c) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(d) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Disabled Veterans' LIFE Memorial Foundation for the purpose of establishing an endowment to support the construction of American Veterans' Disabled for Life Memorial in Washington, D.C.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Disabled Veterans' LIFE Memorial Foundation as may be related to the expenditures of amounts paid under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

By Mr. SMITH (for himself, Mr. BAYH, Mr. ALLEN, Mr. CRAPO, Mr. HAGEL, Mr. COLEMAN, Mr. BENNETT, Mr. HATCH, Mr. ENZI, Mr. THOMAS, and Mr. FITZGERALD):

S. 1380. A bill to distribute universal service support equitably throughout rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, today I rise in support of fairness for rural America and introduce the Rural Universal Service Equity Act of 2003.

Universal service is a decades old Federal program intended to keep telephone service available and affordable across America. The Federal Universal Service Program has been a tremendous success. America's telephone network is the envy of the world. However, the program faces challenges, and it is imperfect.

The Rural Universal Service Equity Act addresses an inequity in the way Universal Service support is distributed to rural customers served by larger phone companies. Under the program, only eight States receive funding. Three of those States receive more than 80 percent of the funds and one State receives more than half of all dollars available under the program.

Yet many of the most rural States in America the very States the program was intended to assist—receive no funding at all. North Dakota, South Dakota, Idaho, Iowa, Utah, Kansas, Oklahoma, New Mexico, Nebraska and other rural States receive no funding under this program.

My State of Oregon is an example of the unfairness of the program. Oregon has an average of 36 residents per square mile, according to U.S. Census Bureau data. Oregon has many rural and remote areas but does not receive any funding under this program for larger carriers. However, States with between 60 and 101 residents per square mile or more than twice the density of Oregon—receive 90 percent of the funding.

How could this happen? When the FCC created this program in 1999, it determined which States would be eligible for funding by comparing the average cost of providing telephone service per line in each State to a benchmark tied to the national average cost per line. If a State's average cost of service per line exceeded the benchmark, that State would be eligible for funding. If the average cost was below the national benchmark, it would not be eligible.

This method is skewed, in part, because telephone service in a metropolitan area is less expensive to provide than service in a rural area. Customers in cities are closer to one another, and the same facilities can serve more people at a lower cost.

As a consequence, if you are served by a larger carrier and you live in a State with a city—no matter how rural an area, or no matter how far from the city you live—your State probably receives no support.

This problem is exacerbated because the FCC formula also doesn't fully account for the actual cost of providing service in rural areas with natural obstacles such as mountains, lakes and rivers.

In short, the formula is flawed, and the result is unfair to millions in rural America: Three States that are not among the 15 least populated States—receive more than 80 percent of the fund.

The Rural Universal Service Equity Act of 2003 would make this program fair. The Act directs the FCC to replace the current state-wide average formula with a new formula that distributes funds to telephone company wire centers with the highest cost.

Wire centers are the telephone facilities where all of the telephone lines in a given area converge. And because funds would be directed to high-cost wire centers, as opposed to States with the highest average costs, rural residents would no longer be penalized if they lived in a State with a city hundreds of miles away.

The Act also: directs the FCC to develop rules to implement a program that is equitable among States; delegates to the FCC the determination of what an appropriate benchmark for what a high cost wire center should be; directs the FCC to not increase the size of the current program for high cost carriers; ensures a minimum level of support for States that currently receive funding under the program; and

requires GAO to study and report back to Congress on the need for comprehensive universal service reform.

Finally, I am concerned that the Universal Service Program has challenges beyond the inequities of the program for larger carriers. I look forward to participating in the broader debate on how to reform the Universal Service Program and ensure its long term viability and effectiveness. This bill will help further that debate.

However, broadly reforming the Universal Service Program is complex and divisive. It may take years. And I do not believe the inequities of the program for larger carriers should be allowed to continue while Congress grapples with the broader issues. Millions of rural Americans are being disserved, and we can solve this one problem today.

I urge my colleagues to join me and support the Rural Universal Service Equity Act of 2003. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1380

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 ''Rural Universal Service Equity Act of 2003''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Federal Communications Commission's high cost program for certain carriers provides no Federal support to 42 States.

(2) Federal universal service support should be calculated and targeted to small geographic regions within a State to provide greater assistance to the rural consumers most in need of support.

(3) Local telephone competition and emerging technologies are threatening the viability of Federal universal service support.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To begin consideration of universal service reform.

(2) To spread the benefits of the existing Federal high cost support mechanism more equitably across the nation.

SEC. 3. COMPTROLLER GENERAL REPORT ON NEED TO REFORM HIGH COST SUPPORT MECHANISM.

Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the need to reform the high cost support mechanism for rural, insular, and high cost areas. As part of the report, the Comptroller General shall provide an overview and discuss whether—

(1) existing Federal and State high cost support mechanisms ensure rate comparability between urban and rural areas;

(2) the Federal Communications Commission and the States have taken the necessary steps to remove implicit support;

(3) the existing high cost support mechanism has affected the development of local competition in urban and rural areas; and

(4) amendments to section 254 of the Communications Act of 1934 (47 U.S.C. 254) are necessary to preserve and advance universal service.

SEC. 4. ELIGIBILITY FOR UNIVERSAL SERVICE SUPPORT FOR HIGH COST AREAS.

Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following new subsection:

''(m) UNIVERSAL SERVICE SUPPORT FOR HIGH COST AREAS.—

''(1) CALCULATING SUPPORT.—In calculating Federal universal service support for eligible telecommunications carriers that serve rural, insular, and high cost areas, the Commission shall, subject to paragraphs (2) and (3), revise the Commission's support mechanism for high cost areas to provide support to each wire center in which the incumbent local exchange carrier's average cost per line for such wire center exceeds the national average cost per line by such amount as the Commission determines appropriate for the purpose of ensuring the equitable distribution of universal service support throughout the United States.

''(2) HOLD HARMLESS SUPPORT.—In implementing this subsection, the Commission shall ensure that no State receives less Federal support calculated under paragraph (1) than the State would have received, up to 10 percent of the total support distributed, under the Commission's support mechanism for high cost areas as in effect on the date of the enactment of this subsection.

''(3) LIMITATION ON TOTAL SUPPORT TO BE PROVIDED.—The total amount of support for all States, as calculated under paragraphs (1) and (2), shall be equivalent to the total support calculated under the Commission's support mechanism for high cost areas as in effect on the date of the enactment of this subsection.

''(4) CONSTRUCTION OF LIMITATION.—The limitation in paragraph (3) shall not be construed to preclude fluctuations in support on the basis of changes in the data used to make such calculations.

''(5) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this subsection, the Commission shall complete the actions (including prescribing or amending regulations) necessary to implement the requirements of this subsection.

''(6) DEFINITION.—In this subsection, the term 'Commission's support mechanism for high cost areas' means sections 54.309 and 54.311 of the Commission's regulations (47 CFR 54.309, 54.311), and regulations referred to in such sections.''.

SEC. 5. NO EFFECT ON RURAL TELEPHONE COMPANIES.

Nothing in this Act shall be construed to affect the support provided to an eligible telecommunications carrier under section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) that is a rural telephone company (as defined in section 3 of such Act (47 U.S.C. 153)).

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. SMITH, Mr. BREAUX, Mr. MILLER, Mr. CHAMBLISS, Mr. PRYOR, Ms. COLLINS, Ms. LANDRIEU, Mr. SHELBY, and Mr. CRAIG):

S. 1381. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Reforestation Tax Act of 2003, and I am pleased to be joined by Senators LINCOLN, SMITH, BREAUX, MILLER, CHAMBLISS, PRYOR, COLLINS, LANDRIEU, SHELBY and CRAIG.

The U.S. forest products industry is essential to the health of the U.S. economy. It employs approximately 1.5 million people, supports an annual payroll of $40.8 billion, and ranks among the top ten manufacturing employers in 46 States. This includes the State of Maine where 89.2 percent of the land is forested. Without fair tax laws, future growth in the industry will occur overseas and more and more landowners will be forced to sell their land for some other higher economic value such as development. The loss of a health and strong forest products industry will have a long-term negative impact on both the economy and the environment.

The legislation I am introducing today partially restores the balance between corporate and private landowners in terms of capital gains tax treatment by reducing the capital gains paid on timber for individuals and corporations. The bill is also intended to encourage the reforestation of timberland, whether it has been harvested or previously cleared for other uses, such as agriculture.

Trees take a long time to grow, anywhere from 15 years to, more typically in Maine, 40 to 50 years. During these years, the grower faces huge risks from fire, pests, weather and inflation, all of which are uninsurable. This legislation helps to mitigate these risks by providing a sliding scale reduction in the amount of taxable gain based on the number of years the asset is held.

Specifically, the bill would change the way that capital gains are calculated for timber by taking the amount of the gain and subtracting three percent for each year the timber was held. The reduction would be capped at 50 percent bringing the effective capital gains tax rate to 7.5 percent for most non-corporate holdings and 17.5 percent for corporations.

Since 1944, the tax code has treated timber as a capital asset, making it eligible for the capital gains tax rate rather than the ordinary income tax rate. This recognized the long-term risk and inflationary gain in timber. Tax bill enacted in 1997 and in 2003 lowered the capital gains rate for individuals, but not for corporations. As a result, individuals face a maximum capital gains rate of 15 percent, while corporations face a maximum rate of 35 percent for the identical asset.

As this difference in rates implies, non-corporate timberland owners receive far more favorable capital gains tax treatment than corporate owners. In addition, pension funds and other tax-exempt entities are also investing in timberland, which only further highlights the disparity that companies face.

Secondly, reforestation expenses are currently taxed at a higher rate in the U.S. than in any other major competitor country. The U.S. domestic forest products industry is already struggling to survive intense competition from the Southern Hemisphere where labor and fiber costs are extremely low, and recent investments from wealthier nations who have built state of the art

pulp and papermaking facilities. While there is little Congress can do to change labor and fiber costs, Congress does have the ability to level the playing field when it comes to taxation.

This legislation encourages both individuals and companies to engage in increased reforestation by allowing all growers of timber to deduct all reforestation expenses in the year such costs are incurred. Currently, only the first $10,000 of reforestation expenses is eligible for a ten percent tax credit and can be amortized over seven years.

Eligible reforestation expenses are the initial expenses to establish a new stand of trees, such as site preparation, the cost of the seedlings, the labor costs required to plant the seedlings and to care for the trees in the first few years, as well as the cost of equipment used in reforestation.

The planning of trees should be encouraged rather than discouraged by our tax system as trees provide a tremendous benefit to the environment, preventing soil erosion, cleansing streams and waterways, providing habitat for numerous species, and absorbing carbon dioxide from the atmosphere.

Tax incentives for planting on private lands will also decrease pressure to obtain timber from ecologically sensitive public lands, allowing these public lands to be protected.

Finally, the bill would notify the passive loss rules for small, closely-held landowners to allow them to deduct normal operating expenses pertaining to management of their timber lands.

I ask my colleagues for their support for private landowners and for the U.S. forest products industry that is so important to the health of the our economy.

By Mr. ALLARD:

S. 1384. A bill to amend title 23, United States Code, to provide State and local authorities a means by which to eliminate congestion on the Interstate System; to the Committee on Environment and Public Works.

Mr. ALLARD. Mr. President, as the month of August nears and the remaining summer days dwindle, many Americans are turning their attention to the highway as they plan family vacations and road trips, setting their sights on destinations that may be close to home or several States away. As they plot their travel plans, they must take into account several road-related factors, including, what route to take, which highway to use and how long it will take to get to their. Road safety, highway quality and congestion will undoubtedly be major considerations that will enter this equation.

In addition to personal mobility, roads also serve as the backbone of the national economy. Our economic success depends on a sound transportation system that efficiently carries goods to and from the marketplace. We must work diligently throughout the upcoming highway re-authorization to provide a policy framework that facilitates access to both markets for goods and places for people.

It is for these reasons, among others, that I rise today to introduce the Freeing Alternatives to Speedy Transportation Act, or for short, the FAST Act—legislation that will ease and alleviate traffic congestion, increase highway capacity, decrease pollution and improve the quality of life for millions of Americans. The legislation has already been introduced in the House of Representatives by Congressman KENNEDY of Minnesota. His bi-partisan version of the bill has gained strong support and momentum, and I thank him for his leadership on transportation matters.

It is easy to say how important our roads are to our success. But the question that has everyone stumped is how to pay for it all. We must look to creative policies that place the State in the drivers seat toward ending the transportation funding dilemma—policies that capitalize on user choice and private financing. The FAST Act provides just that—flexibility and innovation to move forward with important Interstate highway expansion projects—projects that would not be possible with out the FAST Act—to ease congestion and alleviate the strain on our roads.

The FAST Act removes the obstacles that prevent States from collecting user fees on Interstate highway expansion projects. It allows a State to create an authority that collects user fees to finance expansion lanes on Interstates, while building in several protective measures that boost consumer confidence and protection. The fees are collected only on the expansion land—the existing lanes remain open and free of charge. Fees can be used only for the construction of the FAST lane and accompanying structures—the money cannot be diverted to other accounts or projects. It allows the State to collect, as part of the fee, a maintenance reserve for that lane, and guarantees that the fee will be removed once the project is paid off. In other words, the fee pays for the project, ends, and the FAST lane then becomes available to everyone free of the fee. While I realize this bill is but one avenue in bridging our highway policy needs, the options it opens through user-choice and dedicated funding will promote sound State planning and decision making.

The FAST Act has the support of the Colorado Department of Transportation, think tanks, State governments and many others who hope to find new ways to expend highways. Tom Norton, Executive Director of the Colorado Department of Transportation, wrote in support of the FAST Act, ''With nationwide transportation needs continually increasing, Federal Government, as well as the States, must seek new funding sources to keep up with this demand. This needed legislation provides States the ability to explore a new source in order to fund highway expansion.'' In addition to the backing the legislation has received from the Colorado Department of Transportation, both the Minnesota and Washington DOTs support the bill as well.

Earlier this week, the Joint Economic Committee released a white paper, noting ''roads are deteriorating while congestion worsens every year.'' The paper highlights the FAST Act as a new funding mechanism for highways, noting that many economists believe that the new authorization bill should grant the states more flexibility in raising money for funding transportation projects. It concludes by stating that the FAST Act is a modest measure that can help bridge the financing chasm.

Numerous organizations and associations across the country have either endorsed the FAST Act or have strong and positive interest in the legislation. These groups include: Americans for Tax Reform, American Highway Users Alliance, Associated General Contractors of America, National Taxpayers Union, Association for Commuter Transportation, and the American Association of State and Highway Transportation Officials.

As the population of the United States continues to surge and miles traveled by automobiles increase every year, transportation planners must find new and innovative ways to expand highway congestion. With today's budget crisis, this task becomes even more formidable as States look for new ways to stretch every dollar. The FAST Act give States one more tool in their battle against congestion. It creates a new source of revenue through user choice. It give them flexibility in managing construction and maintenance, encourages public-private partnerships and speeds traffic through a series of electronic gateways instead of creating logjams at toll booths. It is one more tool in the toolbox of innovative finance options that will lead to a more efficient, safer highway system.

I ask unanimous consent that supporting documents and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,
DEPARTMENT OF TRANSPORTATION,
Denver, CO, April 25, 2003.

Hon. WAYNE ALLARD,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ALLARD: We are writing in support of ''Fast Act'' H.R. 1767, the fast fees legislation introduced in the House earlier this month by Representatives Mark Kennedy and Adam Smith. We understand that you are considering sponsoring this legislation in the Senate and support your interest in this legislation.

This proposed bill is consistent with legislation that was enacted last year by the Colorado State Legislature. Our state law allowed us to create the Colorado Tolling Enterprise, which enables the state to collect fees for new capacity on state highways. H.R. 1767 would expand our opportunity to create new capacity on interstate highways as well.

The philosophy of H.R. 1767 is consistent with our state law in creating new ways of increasing highway capacity.

With nationwide transportation needs continually increasing, federal government, as well as the states must seek new funding sources to keep up with these demands. This needed legislation provides states the ability to explore a new source in order to fund highway projects.

As you work to reauthorize TEA–21, we encourage you to support legislation that provides greater flexibility to the states as we all seek to improve our highways and meet the needs of a growing state.

Sincerely,

TOM NORTON,
Executive Director, CDOT.

MARGARET ''PEGGY'' CATLIN,
Executive Director, Colorado Tolling Enterprise.

JOINT ECONOMIC COMMITTEE, (CHAIRMAN ROBERT F. BENNETT—ECONOMIC POLICY RESEARCH, JULY 7, 2003)

NEW POSSIBILITIES FOR FINANCING ROADS

It is an unfortunate fact of life that our roads are deteriorating while congestion worsens every year. Fixing our roads will not be easy; billions of dollars will be needed to stave off further declines, and there is little appetite in Congress to raise federal taxes on gasoline. The table below shows that current spending proposals for highways and mass transit for the next six years far outstrip the $218 billion spent on roads and mass transit over the previous six years. The overarching question is how will the federal government fund a significant increase in surface transportation expenditures without raising gasoline taxes.

	Package size (billions $)	Gas tax increase
House Infrastructure and Transportation.	375	Yes, by indexing tax retroactively to 1993 and for subsequent years to inflation.
Congressional 2004 Budget Resolution.	280	No.
Senate Environment and Public Works.	311	?
Administration	247	No.

Source: Congressional Research Service, H. Con. Res. 95.

A NEW FUNDING MECHANISM FOR HIGHWAYS

There are other ways to fund transportation spending increases that should be explored. For instance, many economists believe a new transportation authorization bill should grant the states more flexibility in raising money for funding transportation projects. To that end, Reps. Mark Kennedy (R-MN) and Adam Smith (D-WA) have proposed the Freeing Alternatives for Speedy Transportation (FAST) Act (H.R. 1767). The bill would remove the current prohibition on tolls for federal highways, as well as ensure that states wouldn't be penalized for coming up with innovative ways to fund transportation construction. While toll lanes alone cannot make up the projected shortfall between the various spending proposals and revenues that will be generated by the gas tax, the judicious use of tolls would raise significant revenue.

EFFICIENT TOLLS CAN REDUCE CONGESTION

Ideally, the toll charge would vary based on the current congestion level on the road—the more cars on the road, the higher the price of the toll lane. As the toll increases, drivers will change their behavior; when the toll is relatively high people will use car pools, take mass transit, or postpone unnecessary trips. In high-traffic corridors the market can pay the bulk of the cost of constructing and maintaining the road.

Since roads are not continuously congested, variable tolls reduce traffic and spread it out more evenly over the course of the day. In essence, properly managed fares can reduce the level of lane expansion necessary by maximizing the efficiency of the current infrastructure. The idea of variable pricing for toll lanes is the same principle that dictates lower ticket prices for movie matinees and discounts for ''early bird'' dining specials at restaurants: price differentials over the course of a day can alleviate crowds.

Regardless of the degree of success, innovative congestion pricing would not come close to alleviating the need for new roads. Most large cities desperately need new and improved highways to deal with the immense increases in traffic that have occurred in recent years.

TOLLBOOTHS ARE PASSÉ

When most people think of tolls they associate it with long queues of cars waiting to pay 50¢ to cross a bridge, thereby increasing congestion on roads. In reality, leaps in tolling technology have made cumbersome tollbooths unnecessary. Today, cars can use transponders to electronically pay tolls without stopping the flow of traffic. Transponders are inexpensive and the tolling authority often provides them at no cost to drivers. Drivers can either receive a monthly bill or else pre-pay (anonymously, should they wish) for a certain number of trips.

Proposals, like the FAST Act, encourage states to take advantage of this innovative technology by allowing them to toll new lanes on the federal interstate provided that they use an electronic tolling system.

TOLLS ARE NOT THE SAME AS TAXES

Some politicians resist any legislation that might lead to an expansion of tolled lanes on the principle that tolls merely represent a new form of taxation. However, it is important to note that tolling is not just another name for a tax. When used on newly built lanes financed by toll revenues, tolls serve as a voluntary access charge for drivers who choose to use a lane that is less congested. In essence, when people use a toll lane they are buying time.

Dedicated toll lanes function much the same as FedEx and other next-day shipping companies. Someone wishing to send a package via U.S. mail can do so at an inexpensive price, but the delivery will take longer and the ultimate delivery date will be less predictable. However, someone who absolutely needs a package delivered overnight can guarantee an on-time delivery by paying extra and using FedFx.

Those who worry that states will exploit tolls to fund revenue shortfalls by gouging citizens should be heartened to know that the FAST Act specifically addresses this temptation in its legislation. The FAST Act requires that all revenues raised from tolls be dedicated only to the lanes where the tolls are collected. States are also constrained from charging unreasonably high access charges by the marketplace. Because tolls are added only on new lanes, drivers will always have a choice whether or not to pay the toll. If the toll is set at a price drivers are not willing to pay, the newly added lane will be underutilized, costing the state potential revenue and drawing the ire of its citizens.

TOLLING SUCCESS STORIES

Various permutations of congestion pricing have been in place since Singapore's Area Licensing Scheme was introduced in 1975. With electronic tolling, Singapore managed to reduce the number of single drivers and better utilized its road capacity by distributing trips more evenly throughout the day.

Domestically, there have been several value pricing projects established under the Value Pricing Pilot program. Perhaps the most successful pilot project is the High Occupancy Toll (HOT) lanes on Interstate 15 in San Diego. The program allowed two lanes, previously reserved for carpools with at least two passengers, to provide access to all drivers willing to pay a toll to enter the lane. The toll was set at a level so as to ensure that traffic in the lanes traveled near the speed limit.

The project was immensely successful and led to several dramatic improvements in road performance. The number of people carpooling increased and rates of carpooling violations decreased. Drivers believed that the toll lanes were safer and more reliable. Revenues generated were high enough that an express bus was added to I–15, providing another alternative for commuters. An overwhelming 94 percent of transit riders, 92 percent of carpoolers, and over 70 percent of all commuters felt that congestion pricing was a ''fair'' system given that travelers choose to pay the charge. The managed lanes on I–15 have proven so successful that the San Diego Association of Governments plans to expand its value pricing system by replacing the two HOT lanes with four new HOT lanes.

Most recently, in February 2003 London introduced a congestion-pricing scheme that charges vehicles entering the central city. Though met with intense skepticism by political opponents, the pricing experiment has proven to be even more successful than its designers had anticipated. The average driving speed in London's central city has increased 37 percent and the total number of cars entering Central London has decreased by 20 percent.

FREEDOM FOR STATES

The FAST Act and similar proposals encouraging greater utilization of toll lanes do not seek to mandate the wholesale use of tolls by states. However, states should have the option to use tolls to finance the reconstruction of new roads and should incur no penalty for doing so. In a federal system of government, states should be encouraged to pursue innovative methods for financing and providing essential services to the citizenry, and this is indeed what the FAST Act would achieve. Given the significant difference between proposed highway spending plans and projected gas tax revenues, the FAST Act is a modest measure that can help bridge the chasm.

FURTHER READING

Joint Economic Committee Hearing on Financing Our Nation's Roads—http://jec.senate.gov/hearings/hearings_may06.html.

Getting Unstuck: Three Big Ideas to Get America Moving Again, by Robert D. Atkinson—http://www.ppionline.org/documents/Transportation_1202.pdf.

Privatization Watch—The Surface Transportation Issue—http://www.rppi.org/may03pw.pdf.

JEC publications released in June:

''Putting the U.S. Economy in Global Context,'' June 24, 2003. Compares economic growth—as measured by GDP—in the U.S. and other major economies.

''Prescription Drugs Are Only Reason Why Medicare Needs Reform,'' June 17, 2003. Explains why the program needs market-based reforms to become more financially viable and responsive to patients.

''Health Insurance Spending Growth—How Does Medicare Compare?'' June 10, 2003. Compares cost growth rates of Medicare with various other insurers, such as the Federal. Employee Health Benefits Program (FEHBP).

''Recent Economic Developments: Looking Ahead to Stronger Growth,'' June 3, 2003. Gives an overview of the U.S. economy, including a review of key economic data released in May.

Other recent JEC publications include:

''Medicare Beneficiaries' Links to Drug Coverage.''

''A Primer on Deflation.''

''Economics of the Debt Limit.''

''Dividend Tax Relief and Capped Exclusions.''

''How the Top Individual Income Tax Rate Affects Small Businesses.''

S. 1384

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 ''Freeing Alternatives for Speedy Transportation Act'' or the ''FAST Act''.

SEC. 2. INTERSTATE SYSTEM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 165. FAST fees

''(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System FAST Lanes program under which the Secretary, notwithstanding sections 129 and 301, shall permit a State, or a public or private entity designated by a State, to collect fees to finance the expansion of a highway, for the purpose of reducing traffic congestion, by constructing 1 or more additional lanes (including bridge, support, and other structures necessary for that construction) on the Interstate System.

''(b) ELIGIBILITY.—To be eligible to participate in the program, a State shall submit to the Secretary for approval an application that contains—

''(1) an identification of the additional lanes (including any necessary bridge, support, and other structures) to be constructed on the Interstate System under the program;

''(2) in the case of 1 or more additional lanes that affect a metropolitan area, an assurance that the metropolitan planning organization established under section 134 for the area has been consulted during the planning process concerning the placement and amount of fees on the additional lanes; and

''(3) a facility management plan that includes—

''(A) a plan for implementing the imposition of fees on the additional lanes;

''(B) a schedule and finance plan for construction, operation, and maintenance of the additional lanes using revenues from fees (and, as necessary to supplement those revenues, revenues from other sources); and

''(C) a description of the public or private entities that will be responsible for implementation and administration of the program.

''(c) REQUIREMENTS.—The Secretary shall approve the application of a State for participation in the program after the Secretary determines that, in addition to meeting the requirements of subsection (b), the State has entered into an agreement with the Secretary that provides that—

''(1) fees collected from motorists using a FAST lane shall be collected only through the use of noncash electronic technology;

''(2) all revenues from fees received from operation of FAST lanes shall be used only for—

''(A) debt service relating to the investment in FAST lanes;

''(B) reasonable return on investment of any private entity financing the project, as determined by the State;

''(C) any costs necessary for the improvement, and proper operation and maintenance (including reconstruction, resurfacing, restoration, and rehabilitation), of FAST lanes and existing lanes, if the improvement—

''(i) is necessary to integrate existing lanes with the FAST lanes;

''(ii) is necessary for the construction of an interchange (including an on- or off-ramp) from the FAST lane to connect the FAST lane to—

''(I) an existing FAST lane;

''(II) the Interstate System; or

''(III) a highway; and

''(iii) is carried out before the date on which fees for use of FAST lanes cease to be collected in accordance with paragraph (6); or

''(D) the establishment by the State of a reserve account to be used only for long-term maintenance and operation of the FAST lanes;

''(3) fees may be collected only on and for the use of FAST lanes, and may not be collected on or for the use of existing lanes;

''(4) use of FAST lanes shall be voluntary;

''(5) revenues from fees received from operation of FAST lanes may not be used for any other project (except for establishment of a reserve account described in paragraph (2)(D) or as otherwise provided in this section);

''(6) on completion of the project, and on completion of the use of fees to satisfy the requirements for use of revenue described in paragraph (2), no additional fees shall be collected; and

''(7)(A) to ensure compliance with paragraphs (1) through (5), annual audits shall be conducted for each year during which fees are collected on FAST lanes; and

''(B) the results of each audit shall be submitted to the Secretary.

''(d) APPORTIONMENT.—

''(1) IN GENERAL.—Revenues collected from FAST lanes shall not be taken into account in determining the apportionments and allocations that any State or transportation district within a State shall be entitled to receive under or in accordance with this chapter.

''(2) NO EFFECT ON STATE EXPENDITURE OF FUNDS.—Nothing in this section affects the expenditure by any State of funds apportioned under this chapter.''.

(b) CONFORMING AMENDMENT.—

(1) The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 164 the following:

''165. FAST fees.''.

(2) Section 301 of title 23, United States Code, is amended by inserting after ''tunnels,'' the following: ''and except as provided in section 165,''.

SEC. 3. TOLL FEASIBILITY.

Section 106 of title 23, United States Code, is amended by adding at the end the following:

''(i) TOLL FEASIBILITY.—The Secretary shall select and conduct a study on a project under this title that is intended to increase capacity, and that has an estimated total cost of at least $50,000,000, to determine whether—

''(1) a toll facility for the project is feasible; and

''(2) privatizing the construction, operation, and maintenance of the toll facility is financially advisable (while retaining legal and administrative control of the portion of the applicable Interstate route).''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1136. Mr. LUGAR proposed an amendment to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

SA 1137. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1138. Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1139. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1140. Mr. BINGAMAN (for himself and Ms. COLLINS) 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.

SA 1141. Mrs. BOXER (for herself, Mr. CHAFEE, Ms. MIKULSKI, Mrs. MURRAY, Ms. SNOWE, Mr. BIDEN, Mrs. CLINTON, and Mr. LAUTENBERG) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

SA 1142. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 925, supra; which was ordered to lie on the table.

SA 1143. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 925, supra; which was ordered to lie on the table.

SA 1144. Mr. ALLEN (for himself, Mr. ALEXANDER, Mr. GRAHAM, of South Carolina, and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1145. Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1146. Mr. SMITH (for himself, Mr. BIDEN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 925, supra; which was ordered to lie on the table.

SA 1147. Mr. BROWNBACK (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1148. Ms. MURKOWSKI (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 925, supra; which was ordered to lie on the table.

SA 1149. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 925, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1136. Mr. LUGAR proposed an amendment to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Foreign Affairs Act, Fiscal Year 2004''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Foreign Relations Authorizations.

(2) Division B—Foreign Assistance Authorizations.

(3) Division C—Millennium Challenge Assistance.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—FOREIGN RELATIONS AUTHORIZATIONS

Sec. 100. Short title; definitions.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

Sec. 101. Administration of foreign affairs.
Sec. 102. United States educational, cultural, and public diplomacy programs.
Sec. 103. International organizations and conferences.
Sec. 104. International commissions.
Sec. 105. Migration and refugee assistance.

Subtitle B—United States International Broadcasting Activities

Sec. 111. Authorizations of appropriations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 201. Interference with protective functions.
Sec. 202. Authority to issue administrative subpoenas.
Sec. 203. Enhanced Department of State authority for uniformed security officers.
Sec. 204. Reimbursement rate for airlift services provided to the Department of State.
Sec. 205. Immediate response facilities.
Sec. 206. Security capital cost sharing.
Sec. 207. Prohibition on transfer of certain visa processing fees.
Sec. 208. Reimbursement from United States Olympic Committee.

Subtitle B—Educational, Cultural, and Public Diplomacy Authorities

Sec. 211. Authority to promote biotechnology.
Sec. 212. The United States Diplomacy Center.
Sec. 213. Latin America civilian government security program.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Sec. 301. Fellowship of Hope Program.
Sec. 302. Cost-of-living allowances.
Sec. 303. Additional authority for waiver of annuity limitations on reemployed Foreign Service annuitants.
Sec. 304. Home leave.
Sec. 305. Increased limits applicable to post differentials and danger pay allowances.
Sec. 306. Suspension of Foreign Service members without pay.
Sec. 307. Claims for lost pay.
Sec. 308. Repeal of requirement for recertification process for members of the Senior Foreign Service.
Sec. 309. Deadline for issuance of regulations regarding retirement credit for Government service performed abroad.
Sec. 310. Separation of lowest ranked Foreign Service members.
Sec. 311. Disclosure requirements applicable to proposed recipients of the personal rank of ambassador or minister.
Sec. 312. Provision of living quarters and allowances to the United States Representatives to the United Nations.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Sec. 401. Limitation on the United States share of assessments for United Nations Peacekeeping Operations after calendar year 2004.
Sec. 402. Report to Congress on implementation of the Brahimi report.
Sec. 403. Membership on United Nations councils and commissions.

TITLE V—DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

Sec. 501. Designation of foreign terrorist organizations.

TITLE VI—STRENGTHENING OUTREACH TO THE ISLAMIC WORLD

Subtitle A—Public Diplomacy

Sec. 601. Plans, reports, and budget documents.
Sec. 602. Recruitment and training.
Sec. 603. Report on foreign language briefings.

Subtitle B—Strengthening United States Educational and Cultural Exchange Programs

Sec. 611. Definitions.
Sec. 612. Expansion of educational and cultural exchanges.
Sec. 613. Secondary exchange program.
Sec. 614. Authorization of appropriations.

Subtitle C—Fellowship Program

Sec. 621. Short title.
Sec. 622. Fellowship program.
Sec. 623. Fellowships.
Sec. 624. Administrative provisions.

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION

Sec. 701. Short title.
Sec. 702. Inadmissibility of aliens supporting international child abductors and relatives of such abductors.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Repeal of requirement for semiannual report on extradition of narcotics traffickers.
Sec. 802. Technical amendments to the United States International Broadcasting Act of 1994.
Sec. 803. Foreign language broadcasting.
Sec. 804. Fellowships for multidisciplinary training on nonproliferation issues.
Sec. 805. Requirement for report on United States policy toward Haiti.
Sec. 806. Victims of violent crime abroad.
Sec. 807. Limitation on use of funds relating to United States policy with respect to Jerusalem as the Capital of Israel.
Sec. 808. Requirement for additional report concerning efforts to promote Israel's diplomatic relations with other countries.
Sec. 809. United States policy regarding the recognition of a Palestinian State.
Sec. 810. Middle East Broadcasting Network.
Sec. 811. Sense of Congress relating to international and economic support for a successor regime in Iraq.
Sec. 812. Sense of Congress relating to Magen David Adom Society.
Sec. 813. Sense of Congress on climate change.
Sec. 814. Extension of authorization of appropriation for the United States Commission on International Religious Freedom.

TITLE IX—PEACE CORPS CHARTER FOR THE 21ST CENTURY

Sec. 901. Short title.
Sec. 902. Findings.
Sec. 903. Definitions.
Sec. 904. Strengthened independence of the Peace Corps.
Sec. 905. Reports and consultations.
Sec. 906. Increasing the number of volunteers.
Sec. 907. Special volunteer recruitment and placement for countries whose governments are seeking to foster greater understanding between their citizens and the United States.
Sec. 908. Global infectious diseases initiative.
Sec. 909. Peace Corps National Advisory Council.
Sec. 910. Readjustment allowances.
Sec. 911. Programs and projects of returned Peace Corps volunteers to promote the goals of the Peace Corps.
Sec. 912. Authorization of appropriations.

DIVISION B—FOREIGN ASSISTANCE AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Development Assistance and Related Programs Authorizations

Sec. 2101. Development assistance.
Sec. 2102. Child Survival and Health Programs Fund.
Sec. 2103. Development credit authority.
Sec. 2104. Program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries.
Sec. 2105. International organizations and programs.
Sec. 2106. Continued availability of certain funds withheld from international organizations.
Sec. 2107. International disaster assistance.
Sec. 2108. Transition initiatives.
Sec. 2109. Famine assistance.
Sec. 2110. Assistance for the independent states of the former Soviet Union.
Sec. 2111. Assistance for Eastern Europe and the Baltic States.
Sec. 2112. Operating expenses of the United States Agency for International Development.

Subtitle B—Counternarcotics, Security Assistance, and Related Programs Authorizations

Sec. 2121. Complex foreign contingencies.
Sec. 2122. International narcotics control and law enforcement.
Sec. 2123. Economic support fund.
Sec. 2124. International military education and training.
Sec. 2125. Peacekeeping operations.
Sec. 2126. Nonproliferation, anti-terrorism, demining, and related assistance.
Sec. 2127. Foreign military financing program.

Subtitle C—Independent Agencies Authorizations

Sec. 2131. Inter-American Foundation.
Sec. 2132. African Development Foundation.

Subtitle D—Multilateral Development Bank Authorizations

Sec. 2141. Contribution to the seventh replenishment of the Asian Development Fund.
Sec. 2142. Contribution to the thirteenth replenishment of the International Development Association.

Sec. 2143. Contribution to the ninth replenishment of the African Development Fund.

Subtitle E—Authorization for Iraq Relief and Reconstruction

Sec. 2151. Authorization of assistance for relief and reconstruction efforts.
Sec. 2152. Reporting and consultation.
Sec. 2153. Special assistance authority.
Sec. 2154. Inapplicability of certain restrictions.
Sec. 2155. Termination of authorities.

TITLE XXII—AMENDMENTS TO GENERAL FOREIGN ASSISTANCE AUTHORITIES

Subtitle A—Foreign Assistance Act Amendments and Related Provisions

Sec. 2201. Development policy.
Sec. 2202. Assistance for nongovernmental organizations.
Sec. 2203. Authority for use of funds for unanticipated contingencies.
Sec. 2204. Authority to accept lethal excess property.
Sec. 2205. Reconstruction assistance under international disaster assistance authority.
Sec. 2206. Funding authorities for assistance for the independent states of the former Soviet Union.
Sec. 2207. Waiver of net proceeds resulting from disposal of United States defense articles provided to a foreign country on a grant basis.
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Sec. 3101. Establishment and management of the Millennium Challenge Corporation.
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Sec. 3201. Powers of the Corporation.
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Sec. 3207. Administrative authorities.
Sec. 3208. Applicability of chapter 91 of title 31, United States Code.

TITLE XXXIII—THE MILLENNIUM CHALLENGE ACCOUNT AND AUTHORIZATION OF APPROPRIATIONS

Sec. 3301. Establishment of the Millennium Challenge Account.
Sec. 3302. Authorization of appropriations.

DIVISION A—FOREIGN RELATIONS AUTHORIZATIONS

SEC. 100. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This division may be cited as the ''Foreign Relations Authorization Act, Fiscal Year 2004''.

(b) DEFINITIONS.—In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DEPARTMENT.—The term ''Department'' means the Department of State.

(3) SECRETARY.—Except as otherwise provided in this division, the term ''Secretary'' means the Secretary of State.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Diplomatic and Consular Programs'', $4,171,504,000 for the fiscal year 2004.

(B) WORLDWIDE SECURITY UPGRADES.—Of the amounts authorized to be appropriated by subparagraph (A), $646,701,000 for the fiscal year 2004 is authorized to be appropriated for worldwide security upgrades.

(2) CAPITAL INVESTMENT FUND.—For ''Capital Investment Fund'', $157,000,000 for the fiscal year 2004.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For ''Embassy Security, Construction and Maintenance'', $926,400,000 for

the fiscal year 2004, in addition to the amounts authorized to be appropriated for such purpose by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453).

(4) REPRESENTATION ALLOWANCES.—For ''Representation Allowances'', $9,000,000 for the fiscal year 2004.

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For ''Protection of Foreign Missions and Officials'', $10,000,000 for the fiscal year 2004.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service'', $1,000,000 for the fiscal year 2004.

(7) REPATRIATION LOANS.—For ''Repatriation Loans'', $1,219,000 for the fiscal year 2004.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For ''Payment to the American Institute in Taiwan'', $19,773,000 for the fiscal year 2004.

(9) OFFICE OF THE INSPECTOR GENERAL.—For ''Office of the Inspector General'', $31,703,000 for the fiscal year 2004.

SEC. 102. UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY PROGRAMS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated for the Department to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with the purposes of such Acts:

(1) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For the ''Fulbright Academic Exchange Programs'' $127,365,000 for the fiscal year 2004.

(ii) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAM.—Of the amount authorized to be appropriated by clause (i), $5,000,000 to carry out the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—For other educational and cultural exchange programs authorized by law, $274,981,000 for the fiscal year 2004.

(2) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the ''National Endowment for Democracy'', $42,000,000 for the fiscal year 2004.

(3) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the ''Center for Cultural and Technical Interchange Between East and West'', $15,000,000 for the fiscal year 2004.

(4) DANTE B. FASCELL NORTH-SOUTH CENTER.—For the ''Dante B. Fascell North-South Center'', $2,000,000 for the fiscal year 2004.

(b) ASIA FOUNDATION.—Section 404 of The Asia Foundation Act (22 U.S.C. 4403) is amended to read as follows:

''SEC. 404. There are authorized to be appropriated to the Secretary of State $15,000,000 for the fiscal year 2004 for grants to The Asia Foundation pursuant to this title.''.

SEC. 103. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There is authorized to be appropriated for ''Contributions to International Organizations'', $1,010,463,000 for the fiscal year 2004 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—

(1) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated for ''Contributions for International Peacekeeping Activities'', $550,200,000 for the fiscal year 2004 for the Department to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(2) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to paragraph (1) are authorized to be available until September 30, 2005.

(c) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATION.—In addition to amounts authorized to be appropriated by subsection (a), there is authorized to be appropriated for the Department such sums as may be necessary for the fiscal year 2004 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to the appropriate congressional committees that such amounts are necessary due to such fluctuations.

SEC. 104. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under ''International Commissions'' for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international commissions and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For ''International Boundary and Water Commission, United States and Mexico''—

(A) for ''Salaries and Expenses'', $31,562,000 for the fiscal year 2004; and

(B) for ''Construction'', $8,901,000 for the fiscal year 2004.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For ''International Boundary Commission, United States and Canada'', $1,261,000 for the fiscal year 2004.

(3) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission'', $7,810,000 for the fiscal year 2004.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $20,043,000 for the fiscal year 2004.

SEC. 105. MIGRATION AND REFUGEE ASSISTANCE.

(a) IN GENERAL.—There is authorized to be appropriated for ''Migration and Refugee Assistance'' for authorized activities, $760,197,000 for the fiscal year 2004.

(b) REFUGEES RESETTLING IN ISRAEL.—Of the amount authorized to be appropriated by subsection (a), $50,000,000 is authorized to be available for the fiscal year 2004 for the resettlement of refugees in Israel.

Subtitle B—United States International Broadcasting Activities

SEC. 111. AUTHORIZATIONS OF APPROPRIATIONS.

The following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with the purposes of such Acts:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—For ''International Broadcasting Operations'', $561,005,000 for the fiscal year 2004.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For ''Broadcasting Capital Improvements'', $11,395,000 for the fiscal year 2004.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 117. Interference with certain protective functions

''Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title or imprisoned not more than one year, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''117. Interference with certain protective functions.''.

SEC. 202. AUTHORITY TO ISSUE ADMINISTRATIVE SUBPOENAS.

Section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) is amended by adding at the end the following new subsection:

''(d) ADMINISTRATIVE SUBPOENAS.—

''(1) IN GENERAL.—If the Secretary determines that there is an imminent threat against a person, foreign mission, or international organization protected under the authority of subsection (a)(3), the Secretary may issue in writing, and cause to be served, a subpoena requiring—

''(A) the production of any records or other items relevant to the threat; and

''(B) testimony by the custodian of the items required to be produced concerning the production and authenticity of those items.

''(2) REQUIREMENTS.—

''(A) RETURN DATE.—A subpoena under this subsection shall describe the items required to be produced and shall specify a return date within a reasonable period of time within which the requested items may be assembled and made available. The return date specified may not be less than 24 hours after service of the subpoena.

''(B) NOTIFICATION TO ATTORNEY GENERAL.—As soon as practicable following the issuance of a subpoena under this subsection, the Secretary shall notify the Attorney General of its issuance.

''(C) OTHER REQUIREMENTS.—The following provisions of section 3486 of title 18, United

States Code, shall apply to the exercise of the authority of paragraph (1):

''(i) Paragraphs (4) through (8) of subsection (a).

''(ii) Subsections (b), (c), and (d).

''(3) DELEGATION OF AUTHORITY.—The authority under this subsection may be delegated only to the Deputy Secretary of State.

''(4) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report regarding the exercise of the authority under this subsection during the previous calendar year.''.

SEC. 203. ENHANCED DEPARTMENT OF STATE AUTHORITY FOR UNIFORMED SECURITY OFFICERS.

The State Department Basic Authorities Act of 1956 is amended by inserting after section 37 (22 U.S.C. 2709) the following new section:

''SEC. 37A. PROTECTION OF BUILDINGS AND AREAS IN THE UNITED STATES BY DESIGNATED LAW ENFORCEMENT OFFICERS.

''(a) DESIGNATION OF LAW ENFORCEMENT OFFICERS.—The Secretary of State may designate Department of State uniformed guards as law enforcement officers for duty in connection with the protection of buildings and areas within the United States for which the Department of State provides protective services, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

''(b) POWERS OF OFFICERS.—While engaged in the performance of official duties as a law enforcement officer designated under subsection (a), an officer may—

''(1) enforce Federal laws and regulations for the protection of persons and property;

''(2) carry firearms; and

''(3) make arrests without warrant for any offense against the United States committed in the officer's presence, or for any felony cognizable under the laws of the United States if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing such felony in connection with the buildings and areas, or persons, for which the Department of State is providing protective services.

''(c) REGULATIONS.—(1) The Secretary of State may prescribe regulations necessary for the administration of buildings and areas within the United States for which the Department of State provides protective services. The regulations may include reasonable penalties, within the limits prescribed in subsection (d), for violations of the regulations.

''(2) The Secretary shall consult with the Secretary of Homeland Security in prescribing the regulations under paragraph (1).

''(3) The regulations shall be posted and kept posted in a conspicuous place on the property.

''(d) PENALTIES.—A person violating a regulation prescribed under subsection (c) shall be fined under title 18, United States Code, or imprisoned for not more than 30 days, or both.

''(e) TRAINING OFFICERS.—The Secretary of State may also designate firearms and explosives training officers as law enforcement officers under subsection (a) for the limited purpose of safeguarding firearms, ammunition, and explosives that are located at firearms and explosives training facilities approved by the Secretary or are in transit between training facilities and Department of State weapons and munitions vaults.

''(f) ATTORNEY GENERAL APPROVAL.—The powers granted to officers designated under this section shall be exercised in accordance with guidelines approved by the Attorney General.

''(g) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section shall be construed to affect the authority of the Secretary of Homeland Security, the Administrator of General Services, or any Federal law enforcement agency.''.

SEC. 204. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.

(a) AUTHORITY.—Subsection (a) of section 2642 of title 10, United States Code, is amended by inserting ''or the Department of State'' after ''Central Intelligence Agency''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT TO SECTION HEADING.—The heading for such section is amended to read as follows:

''§ 2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 157 of such title is amended to read as follows:

''2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State.''.

SEC. 205. IMMEDIATE RESPONSE FACILITIES.

Section 34(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706(c)) is amended to read as follows:

''(c)(1) The Secretary may waive the notification requirement of subsection (a) and of any other law if the Secretary determines that—

''(A) compliance with the requirement would pose a substantial risk to human health or welfare; or

''(B) doing so is necessary to provide for the establishment, or renovation of, a diplomatic facility in urgent circumstances, except that the notification requirement may not be waived with respect to the reprogramming of more than $10,000,000 for such facility in any one instance.

''(2) In the case of any waiver under this subsection, the Secretary shall transmit a notification of the waiver to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives as soon as is practicable, but not later than 3 days after the obligation of the funds. The notification shall include an explanation of the circumstances warranting the exercise of the waiver.''.

SEC. 206. SECURITY CAPITAL COST SHARING.

(a) AUTHORIZATION.—The first section of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292) is amended by adding at the end the following new subsection:

''(c)(1) The Secretary of State may, in accordance with this section, collect from every agency of the Federal Government that has assigned employees to any United States diplomatic facility a fee for the purpose of constructing new United States diplomatic facilities.

''(2) The Secretary is authorized to determine annually and charge each Federal agency the amount to be collected under paragraph (1) from the agency. To determine such amount, the Secretary may prescribe and use a formula that takes into account the number of employees of each agency, including contractors and locally hired personnel, who are assigned to each United States diplomatic facility and are under the authority of the chief of mission pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

''(3) The head of an agency charged a fee under this section shall remit the amount of the fee to the Secretary of State through the Intra-Governmental Payment and Collection System or other appropriate means.

''(4) There shall be established on the books of the Treasury an account to be known as the 'Capital Security Cost-Share Program Fund', which shall be administered by the Secretary. There shall be deposited into the account all amounts collected by the Secretary pursuant to the authority under paragraph (1), and such funds shall remain available until expended. The Secretary shall include in the Department of State's Congressional Presentation Document each year an accounting of the sources and uses of the amounts deposited into the account.

''(5) The Secretary shall not collect a fee for an employee of an agency of the Federal Government who is assigned to a United Stated diplomatic facility that is located at a site for which the Secretary has granted a waiver under section 606(a)(2)(B)(i) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)(i)).

''(6) In this subsection—

''(A) the term 'agency of the Federal Government'—

''(i) includes the Interagency Cooperative Administrative Support Service; and

''(ii) does not include the Marine Security Guard; and

''(B) the term 'United States diplomatic facility' has the meaning given that term in section 603 of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2004.

SEC. 207. PROHIBITION ON TRANSFER OF CERTAIN VISA PROCESSING FEES.

Section 140(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended by inserting before the period at the end the following: '', and shall not be transferred to any other agency''.

SEC. 208. REIMBURSEMENT FROM UNITED STATES OLYMPIC COMMITTEE.

(a) IN GENERAL.—The Secretary shall seek, to the extent practicable, reimbursement from the United States Olympic Committee for security provided to the United States Olympic Team by Diplomatic Security Special Agents during the 2004 Summer Olympics.

(b) OFFSETTING RECEIPT.—Reimbursements provided under subsection (a) shall be deposited as an offsetting receipt to the appropriate Department account.

(c) AVAILABILITY OF FUNDS.—Funds collected under the authority in subsection (a) shall remain available for obligation until September 30, 2005.

Subtitle B—Educational, Cultural, and Public Diplomacy Authorities

SEC. 211. AUTHORITY TO PROMOTE BIOTECHNOLOGY.

The Secretary is authorized to support, by grants, cooperative agreements, or contracts, outreach and public diplomacy activities regarding the benefits of agricultural biotechnology and science-based regulatory systems, and the application of agricultural biotechnology for trade and development purposes. The total amount of grants made pursuant to this authority in a fiscal year shall not exceed $500,000.

SEC. 212. THE UNITED STATES DIPLOMACY CENTER.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 58 (22 U.S.C. 2730) the following new section:

"SEC. 59. THE UNITED STATES DIPLOMACY CENTER.

''(a) ACTIVITIES.—

''(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services, including organizing conference activities, museum shop services, and food services, in the public exhibit and related space utilized by the United States Diplomacy Center.

''(2) PAYMENT OF EXPENSES.—The Secretary may pay all reasonable expenses of conference activities conducted by the Center, including refreshments and reimbursement of travel expenses incurred by participants.

''(3) RECOVERY OF COSTS.—Any revenues generated under the authority of paragraph (1) for visitor services may be retained, as a recovery of the costs of operating the Center, and credited to any Department of State appropriation.

''(b) DISPOSITION OF UNITED STATES DIPLOMACY CENTER ARTIFACTS AND MATERIALS.—

''(1) PROPERTY OF SECRETARY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary to be suitable for display in the United States Diplomacy Center shall be considered to be the property of the Secretary in the Secretary's official capacity and shall be subject to disposition solely in accordance with this subsection.

''(2) SALE OR TRADE.—Whenever the Secretary makes the determination under paragraph (3) with respect to an item, the Secretary may sell at fair market value, trade, or transfer the item, without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the Center's mission and may not be used for any purpose other than the acquisition and direct care of collections.

''(3) DETERMINATIONS PRIOR TO SALE OR TRADE.—The determination referred to in paragraph (2), with respect to an item, is a determination that—

''(A) the item no longer serves to further the purposes of the Center established in the collections management policy of the Center; or

''(B) in order to maintain the standards of the collections of the Center, the sale or exchange of the item would be a better use of the item.

''(4) LOANS.—The Secretary may also lend items covered by paragraph (1), when not needed for use or display in the Center, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.''.

SEC. 213. LATIN AMERICA CIVILIAN GOVERNMENT SECURITY PROGRAM.

The Secretary is authorized to establish, through an institution of higher education in the United States that has prior experience in the field, an educational program designed to promote civilian control of government ministries in Latin America that perform national security functions by teaching and reinforcing among young professionals from countries in Latin America the analytical skills, knowledge of civil institutions, and leadership skills necessary to manage national security functions within a democratic civil society.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SEC. 301. FELLOWSHIP OF HOPE PROGRAM.

(a) FELLOWSHIP AUTHORIZED.—Chapter 5 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended by adding at the end the following new section:

''SEC. 506. FELLOWSHIP OF HOPE.—(a) The Secretary is authorized to establish the Fellowship of Hope Program. Under the program, the Secretary may assign a member of the Service, for not more than one year, to a position with any designated country or designated entity that permits an employee to be assigned to a position with the Department.

''(b) The salary and benefits of a member of the Service shall be paid as described in subsection (b) of section 503 during a period in which such member is participating in the Fellowship of Hope Program. The salary and benefits of an employee of a designated country or designated entity participating in such program shall be paid by such country or entity during the period in which such employee is participating in the program.

''(c) In this section:

''(1) The term 'designated country' means a member country of—

''(A) the North Atlantic Treaty Organization; or

''(B) the European Union.

''(2) The term 'designated entity' means—

''(A) the North Atlantic Treaty Organization; or

''(B) the European Union.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such Act is amended—

(1) in section 503 (22 U.S.C. 3983)—

(A) in the section heading, by striking ''AND'' and inserting ''FOREIGN GOVERNMENTS, OR''; and

(B) in subsection (a)(1), by inserting after ''body'' the following: '', or with a foreign government under section 506''; and

(2) in section 2, in the table of contents—

(A) by striking the item relating to section 503 and inserting the following:

''Sec. 503. Assignments to agencies, international organizations, foreign governments, or other bodies.''; and

(B) by inserting after the item relating to section 505 the following:

''Sec. 506. Fellowship of Hope Program.''.

SEC. 302. COST-OF-LIVING ALLOWANCES.

Section 5924(4) of title 5, United States Code, is amended—

(1) in the first sentence of subparagraph (A)—

(A) by inserting ''activities required for successful completion of a grade or course and'' after ''(including''; and

(B) by striking ''not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest locality where an adequate school is available'' and inserting ''subject to the approval of the head of the agency involved'';

(2) by striking subparagraph (B) and inserting the following:

''(B) The travel expenses of dependents of an employee to and from a secondary, post-secondary, or post-baccalaureate educational institution, not to exceed 1 annual trip each way for each dependent, except that an allowance payment under subparagraph (A) of this paragraph may not be made for a dependent during the 12 months following the arrival of the dependent at the selected educational institution under authority contained in this subparagraph.''; and

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

''(D) Allowances provided pursuant to subparagraphs (A) and (B) may include, at the election of the employee, payment or reimbursement of the costs incurred to store baggage for the employee's dependent at or in the vicinity of the dependent's school during the dependent's annual trip between the school and the employee's duty station, except that such payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage with the dependent in connection with the annual trip, and such payment or reimbursement shall be in lieu of transportation of the baggage.''.

SEC. 303. ADDITIONAL AUTHORITY FOR WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

''(g) The Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

''(1) if, and for so long as, such waiver is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

''(2) if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee.''.

SEC. 304. HOME LEAVE.

Chapter 9 of title I of the Foreign Service Act of 1980 is amended—

(1) in section 901(6) (22 U.S.C. 4081(6)), by striking ''unbroken by home leave'' both places that it appears; and

(2) in section 903(a) (22 U.S.C. 4083(a)), by striking ''18 months'' in the first sentence and inserting ''12 months''.

SEC. 305. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.

(a) POST DIFFERENTIALS.—Section 5925(a) of title 5, United States Code, is amended by striking ''25 percent'' in the third sentence and inserting ''35 percent''.

(b) DANGER PAY ALLOWANCES.—Section 5928 of title 5, United States Code, is amended by striking ''25 percent'' both places that it appears and inserting ''35 percent''.

SEC. 306. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

(a) SUSPENSION.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end the following new subsection:

''(c) SUSPENSION.—(1) The Secretary may suspend a member of the Foreign Service without pay when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed and there is a connection between the conduct and the efficiency of the Foreign Service.

''(2) Any member of the Foreign Service for which a suspension is proposed shall be entitled to—

''(A) written notice stating the specific reasons for the proposed suspension;

''(B) a reasonable time to respond orally and in writing to the proposed suspension;

''(C) representation by an attorney or other representative; and

''(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

''(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11 of this title.

''(4) In the case of a grievance filed under paragraph (3), the review by the Foreign Service Grievance Board—

''(A) shall be limited to a determination of whether the reasonable cause requirement has been fulfilled and whether there is a connection between the conduct and the efficiency of the Foreign Service; and

''(B) may not exercise the authority provided under section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)).

''(5) In this section:

''(A) The term 'reasonable time' means—

''(i) with respect to a member of the Foreign Service assigned to duty in the United

States, 15 days after receiving notice of the proposed suspension; and

''(ii) with respect to a member of the Foreign Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

''(B) The term 'suspend' or 'suspension' means the placing of a member of the Foreign Service, for disciplinary reasons, in a temporary status without duties.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT OF SECTION HEADING.—Such section, as amended by subsection (a), is further amended by inserting ''; suspension'' before the period at the end.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 2 of such Act is amended to read as follows:

''Sec. 610. Separation for cause; suspension.''.

SEC. 307. CLAIMS FOR LOST PAY.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

''(o) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, as well as provide back pay and other categories of payments under section 5596 of title 5, United States Code, as part of the settlement or compromise of administrative claims or grievances filed against the Department.''.

SEC. 308. REPEAL OF REQUIREMENT FOR RECERTIFICATION PROCESS FOR MEMBERS OF THE SENIOR FOREIGN SERVICE.

Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is repealed.

SEC. 309. DEADLINE FOR ISSUANCE OF REGULATIONS REGARDING RETIREMENT CREDIT FOR GOVERNMENT SERVICE PERFORMED ABROAD.

Section 321(f) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1383; 5 U.S.C. 8411 note) is amended by inserting '', not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Year 2004,'' after ''regulations''.

SEC. 310. SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.

Section 2311(b)(1) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (subdivision B of division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–826; 22 U.S.C. 4010 note) is amended—

(1) by striking ''Not later than 90 days after the date of enactment of this Act, the'' and inserting ''The'';

(2) by striking ''5 percent'' and inserting ''2 percent''; and

(3) by striking ''for 2 or more of the 5 years preceding the date of enactment of this Act'' and inserting ''at least twice in any 5-year period''.

SEC. 311. DISCLOSURE REQUIREMENTS APPLICABLE TO PROPOSED RECIPIENTS OF THE PERSONAL RANK OF AMBASSADOR OR MINISTER.

Section 302(a)(2)(B)(ii)(IV) of the Foreign Service Act of 1980 (22 U.S.C. 3942(a)(2)(B)(ii)(IV)) is amended by inserting before the period at the end the following: '', including information that is required to be disclosed on the Standard Form 278, or any successor financial disclosure report''.

SEC. 312. PROVISION OF LIVING QUARTERS AND ALLOWANCES TO THE UNITED STATES REPRESENTATIVES TO THE UNITED NATIONS.

Section 9 of the United Nations Participation Act of 1945 (22 U.S.C. 287e–1) is amended to read as follows:

''SEC. 9. (a) The Secretary of State may, under such regulations as the Secretary shall prescribe, and notwithstanding subsections (a) and (b) of section 3324 of title 31, United States Code, and section 5536 of title 5, United States Code—

''(1) make available to the Permanent Representative of the United States to the United Nations and the Deputy Permanent Representative of the United States to the United Nations—

''(A) living quarters leased or rented by the United States for a period that does not exceed 10 years; and

''(B) allowances for unusual expenses incident to the operation and maintenance of such living quarters that are similar to expenses authorized to be funded by section 5913 of title 5, United States Code;

''(2) make available living quarters in New York leased or rented by the United States for a period of not more than 10 years to—

''(A) not more than 40 members of the Foreign Service assigned to the United States Mission to the United Nations or other United States representatives to the United Nations; and

''(B) not more than 2 employees who serve at the pleasure of the Permanent Representative of the United States to the United Nations; and

''(3) provide an allowance, as the Secretary considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses with respect to attending any such session.

''(b) The Secretary may not make available living quarters or allowances under subsection (a) to an employee who is occupying living quarters that are owned by such employee.

''(c) Living quarters and allowances provided under subsection (a) shall be considered for all purposes as authorized—

''(1) by chapter 9 of title I of the Foreign Service Act of 1980; and

''(2) by section 5913 of title 5, United States Code.

''(d) The Inspector General for the Department of State and the Broadcasting Board of Governors shall periodically review the administration of this section with a view to achieving cost savings and developing appropriate recommendations to make to the Secretary of State regarding the administration of this section.''.

TITLE IV—INTERNATIONAL ORGANIZATIONS

SEC. 401. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS AFTER CALENDAR YEAR 2004.

Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding at the end the following new clause:

''(v) For assessments made during a calendar year after calendar year 2004, 27.40 percent.''.

SEC. 402. REPORT TO CONGRESS ON IMPLEMENTATION OF THE BRAHIMI REPORT.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report assessing the progress made to implement the recommendations set out in the Report of the Panel on United Nations Peace Operations, transmitted from the Secretary General of the United Nations to the President of the General Assembly and the President of the Security Council on August 21, 2000 (''Report'').

(b) CONTENT.—The report required by subsection (a) shall include—

(1) an assessment of the United Nations progress toward implementing the recommendations set out in the Report;

(2) a description of the progress made toward strengthening the capability of the United Nations to deploy a civilian police force and rule of law teams on an emergency basis at the request of the United Nations Security Council; and

(3) a description of the policies, programs, and strategies of the United States Government that support the implementation of the recommendations set out in the Report, especially in the areas of civilian police and rule of law.

SEC. 403. MEMBERSHIP ON UNITED NATIONS COUNCILS AND COMMISSIONS.

(a) IN GENERAL.—Section 408 of the Department of State Authorization Act, Fiscal Year 2003 (division A of Public Law 107–228; 116 Stat. 1391; 22 U.S.C. 287 note) is amended—

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

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

''(3) to prevent membership on the United Nations Commission on Human Rights or the United Nations Security Council by—

''(A) any member nation the government of which, in the judgment of the Secretary, based on the Department's Annual Country Reports on Human Rights and the Annual Report on International Report on Religious Freedom, consistently violates internationally recognized human rights or has engaged in or tolerated particularly severe violations of religious freedom in that country; or

''(B) any member nation the government of which, as determined by the Secretary—

''(i) is a sponsor of terrorism; or

''(ii) is the subject of United Nations sanctions; and''; and

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

''(4) to advocate that the government of any member nation that the Secretary determines is a sponsor of terrorism or is the subject of United Nations sanctions is not elected to a leadership position in the United Nations General Assembly, the United Nations Commission on Human Rights, the United Nations Security Council, or any other entity of the United Nations.''.

(b) CONFORMING AMENDMENT.—The heading of section 408 is amended to read as follows:

''SEC. 408. MEMBERSHIP ON UNITED NATIONS COMMISSIONS AND COUNCILS AND THE INTERNATIONAL NARCOTICS CONTROL BOARD.''.

TITLE V—DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

SEC. 501. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking ''Subject to paragraphs (5) and (6), a'' and inserting ''A''; and

(B) by striking ''for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)'' and inserting ''until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)'';

(2) by striking subparagraph (B) and inserting the following:

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth

in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

''(ii) PETITION PERIOD.—For purposes of clause (i)—

''(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

''(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

''(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

''(iv) DETERMINATION.—

''(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

''(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

''(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).''; and

(3) by adding at the end the following:

''(C) OTHER REVIEW OF DESIGNATION.—

''(i) IN GENERAL.—If in a 4-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

''(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.''.

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) AMENDMENTS TO A DESIGNATION.—

''(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

''(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

''(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

''(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking ''or a redesignation made under paragraph (4)(B)'' and inserting ''at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)''; and

(ii) in clause (i), by striking ''or redesignation'';

(C) in paragraph (7), by striking '', or the revocation of a redesignation under paragraph (6),''; and

(D) in paragraph (8)—

(i) by striking '', or if a redesignation under this subsection has become effective under paragraph (4)(B),''; and

(ii) by striking ''or redesignation''; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking ''of the designation in the Federal Register,'' and all that follows through ''review of the designation'' and inserting ''in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review'';

(B) in paragraph (2), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation'';

(C) in paragraph (3), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation''; and

(D) in paragraph (4), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation'' each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term ''designation'', as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

TITLE VI—STRENGTHENING OUTREACH TO THE ISLAMIC WORLD

Subtitle A—Public Diplomacy

SEC. 601. PLANS, REPORTS, AND BUDGET DOCUMENTS.

Section 502 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462) is amended to read as follows:

''SEC. 502. PLANS, REPORTS, AND BUDGET DOCUMENTS.

''(a) INTERNATIONAL INFORMATION STRATEGY.—The President shall develop and report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an international information strategy. The international information strategy shall consist of public information plans designed for major regions of the world, including a focus on regions with significant Muslim populations.

''(b) NATIONAL SECURITY STRATEGY.—In preparation of the report required by section 108 of the National Security Act of 1947 (50 U.S.C. 404a), the President shall ensure that the report includes a comprehensive discussion of how public diplomacy activities are integrated into the national security strategy of the United States, and how such activities are designed to advance the goals and objectives identified in the report pursuant to section 108(b)(1) of that Act.

''(c) PLANS REGARDING DEPARTMENT ACTIVITIES.—

''(1) STRATEGIC PLAN.—In the updated and revised strategic plan for program activities of the Department required to be submitted under section 306 of title 5, United States Code, the Secretary shall identify how public diplomacy activities of the Department are designed to advance each strategic goal identified in the plan.

''(2) ANNUAL PERFORMANCE PLAN.—The Secretary shall ensure that each annual performance plan for the Department required by section 1115 of title 31, United States Code, includes a detailed discussion of public diplomacy activities of the Department.

''(3) BUREAU AND MISSION PERFORMANCE PLAN.—The Secretary shall ensure that each Bureau Performance Plan and each Mission Performance Plan, under regulations of the Department, includes an extensive public diplomacy component.''.

SEC. 602. RECRUITMENT AND TRAINING.

(a) IN GENERAL.—Chapter 7 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4021 et seq.) is amended by adding at the end the following new section:

''SEC. 709. PUBLIC DIPLOMACY TRAINING.

''The Secretary shall ensure that public diplomacy is an important component of training at all levels of the Foreign Service.''.

(b) JUNIOR OFFICER TRAINING.—Section 703(b) of the Foreign Service Act of 1980 (22 U.S.C. 4023(b)) is amended in the first sentence by inserting ''public diplomacy,'' before ''consular''.

(c) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting at the end of items relating to chapter 7 the following new item:

''Sec. 709. Public Diplomacy Training.''.

SEC. 603. REPORT ON FOREIGN LANGUAGE BRIEFINGS.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees containing an evaluation of the feasibility of conducting regular, televised briefings by personnel of the Department of State about United States foreign policy in major foreign languages, including Arabic, Farsi, Chinese, French, and Spanish.

Subtitle B—Strengthening United States Educational and Cultural Exchange Programs

SEC. 611. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE COUNTRY.—The term ''eligible country'' means a country or entity in Africa, the Middle East, South Asia, or Southeast Asia that—

(A) has a significant Muslim population; and

(B) is designated by the Secretary as an eligible country.

(2) SECONDARY SCHOOL.—The term ''secondary school'' means a school that serves

students in any of grades 9 through 12 or equivalent grades in a foreign education system, as determined by the Secretary, in consultation with the Secretary of Education.

(3) UNITED STATES ENTITY.—The term ''United States entity'' means an entity that is organized under laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or American Samoa.

(4) UNITED STATES SPONSORING ORGANIZATION.—The term ''United States sponsoring organization'' means a nongovernmental organization based in the United States and controlled by a citizen of the United States or a United States entity that is designated by the Secretary, pursuant to regulations, to carry out a program authorized by section 612.

SEC. 612. EXPANSION OF EDUCATIONAL AND CULTURAL EXCHANGES.

(a) STATEMENT OF POLICY.—The purpose of this section is to provide for the expansion of international educational and cultural exchange programs with eligible countries.

(b) SPECIFIC PROGRAMS.—In carrying out the purpose of this section, the Secretary is authorized to conduct or initiate the following programs in eligible countries:

(1) FULBRIGHT EXCHANGE PROGRAM.—The Secretary is authorized to substantially increase the number of awards under the J. William Fulbright Educational Exchange Program. The Secretary shall take all appropriate steps to increase support for binational Fulbright commissions in eligible countries in order to enhance academic and scholarly exchanges with those countries.

(2) HUBERT H. HUMPHREY FELLOWSHIPS.—The Secretary is authorized to substantially increase the number of Hubert H. Humphrey Fellowships awarded to candidates from eligible countries.

(3) SISTER INSTITUTIONS PROGRAMS.—The Secretary is authorized to encourage the establishment of ''sister institution'' programs between United States and foreign institutions (including cities and municipalities) in eligible countries, in order to enhance mutual understanding at the community level.

(4) LIBRARY TRAINING EXCHANGES.—The Secretary is authorized to develop a demonstration program to assist governments in eligible countries to establish or upgrade their public library systems to improve literacy. The program may include training in the library sciences.

(5) INTERNATIONAL VISITORS PROGRAM.—The Secretary is authorized to expand the number of participants in the International Visitors Program from eligible countries.

(6) YOUTH AMBASSADORS.—The Secretary is authorized to establish a program for visits by middle and secondary school students to the United States during school holidays in their home country for periods not to exceed 4 weeks. Participating students shall reflect the economic and geographic diversity of their countries. Activities shall include cultural and educational activities designed to familiarize participating students with American society and values.

(7) EDUCATIONAL REFORM.—The Secretary is authorized to enhance programs that seek to improve the quality of primary and secondary school systems in eligible countries and promote civic education, to foster understanding of the United States, and through teachers exchanges, teacher training, textbook modernization, and other efforts.

(8) PROMOTION OF RELIGIOUS FREEDOM.—The Secretary is authorized to establish a program to promote dialogue and exchange among leaders and scholars of all faiths from the United States and eligible countries.

(9) BRIDGING THE DIGITAL DIVIDE.—The Secretary is authorized to establish a program to help foster access to information technology among underserved populations and civil society groups in eligible countries.

(10) SPORTS DIPLOMACY.—The Secretary is authorized to expand efforts to promote United States public diplomacy interests in eligible countries and elsewhere through sports diplomacy. Initiatives under this program may include—

(A) sending individuals from the United States to train foreign athletes or teams;

(B) sending individuals from the United States to assist countries in establishing or improving their sports, health, or physical education programs;

(C) providing assistance to athletic governing bodies in the United States to support efforts of such organizations to foster cooperation with counterpart organizations abroad; and

(D) utilizing United States professional athletes and other well-known United States sports personalities in support of public diplomacy goals and activities.

(11) COLLEGE SCHOLARSHIPS.—

(A) IN GENERAL.—The Secretary is authorized to establish a program to offer scholarships to permit an individual to attend an eligible college or university if such individual—

(i) has graduated from secondary school; and

(ii) is a citizen or resident of an eligible country.

(B) ELIGIBLE COLLEGE OR UNIVERSITY DEFINED.—In this paragraph the term ''eligible college or university'' means a college or university that—

(i) is primarily located in an eligible country;

(ii) is organized under laws of the United States, a State, or the District of Columbia;

(iii) is accredited by an accrediting agency recognized by the Secretary of Education; and

(iv) is not controlled by the government of an eligible country.

SEC. 613. SECONDARY EXCHANGE PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to establish an international exchange visitor program, modeled on the Future Leaders Exchange Program, under which eligible secondary school students from eligible countries would—

(1) attend public secondary school in the United States;

(2) live with an American host family; and

(3) participate in activities designed to promote a greater understanding of American and Islamic values and culture.

(b) ELIGIBILITY CRITERIA FOR STUDENTS.—A student is eligible to participate in the program authorized under subsection (a) if the student—

(1) is from an eligible country;

(2) is at least 15 years of age but not more than 18 years of age at the time of enrollment in the program;

(3) is enrolled in a secondary school in an eligible country;

(4) has completed not more than 11 years of primary and secondary education, exclusive of kindergarten;

(5) demonstrates maturity, good character, and scholastic aptitude, and has the proficiency in the English language necessary to participate in the program;

(6) has not previously participated in an exchange program in the United States sponsored by the United States Government; and

(7) is not inadmissible under the Immigration and Nationality Act or any other law related to immigration and nationality.

(c) PROGRAM REQUIREMENTS.—The program authorized by subsection (a) shall satisfy the following requirements:

(1) COMPLIANCE WITH ''J'' VISA REQUIREMENTS.—Participants in the program shall satisfy all requirements applicable to the admission of nonimmigrant aliens described in section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)). The program shall be considered a designated exchange visitor program for purposes of the application of section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(2) BROAD PARTICIPATION.—Whenever appropriate, special provisions shall be made to ensure the broadest possible participation in the program, particularly among females and less advantaged citizens of eligible countries.

(3) REGULAR REPORTING TO THE SECRETARY.—Each United States sponsoring organization shall report regularly to the Secretary information about the progress made by the organization in implementation of the program.

SEC. 614. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated for educational and cultural exchange programs under section 102(a)(1), there is authorized to be made available to the Department $30,000,000 for the fiscal year 2004 to carry out programs authorized by this subtitle.

Subtitle C—Fellowship Program

SEC. 621. SHORT TITLE.

This subtitle may be cited as the ''Edward R. Murrow Fellowship Act''.

SEC. 622. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program pursuant to which the Broadcasting Board of Governors shall provide fellowships to foreign national journalists while they serve, for a period of 6 months, in positions at the Voice of America, RFE/RL, Incorporated, or Radio Free Asia.

(b) DESIGNATION OF FELLOWSHIPS.—Fellowships under this subtitle shall be known as ''Edward R. Murrow Fellowships''.

(c) PURPOSE OF THE FELLOWSHIPS.—Fellowships under this subtitle shall be provided in order to allow each recipient (in this subtitle referred to as a ''Fellow'') to serve on a short-term basis at the Voice of America, RFE/RL, Incorporated, or Radio Free Asia in order to obtain direct exposure to the operations of professional journalists.

SEC. 623. FELLOWSHIPS.

(a) LIMITATION.—Not more than 20 fellowships may be provided under this subtitle each fiscal year.

(b) REMUNERATION.—The Board shall determine, taking into consideration the position in which each Fellow will serve and the Fellow's experience and expertise, the amount of remuneration the Fellow will receive for service under this subtitle.

(c) HOUSING AND TRANSPORTATION.—The Broadcasting Board of Governors shall, pursuant to regulations—

(1) provide housing for each Fellow while the Fellow is serving abroad, including housing for family members if appropriate; and

(2) pay the costs and expenses incurred by each Fellow for travel between the journalist's country of nationality or last habitual residence and the offices of the Voice of America, RFE/RL, Incorporated, or Radio Free Asia and the country in which the Fellow serves, including (where appropriate) for travel of family members.

SEC. 624. ADMINISTRATIVE PROVISIONS.

(a) DETERMINATIONS.—The Broadcasting Board of Governors shall determine which of the individuals selected by the Board will serve at Voice of America, RFE/RL, Incorporated, or Radio Free Asia and the position in which each will serve.

(b) AUTHORITIES.—Fellows may be employed—

(1) under a temporary appointment in the Civil Service;

(2) under a limited appointment in the Foreign Service; or

(3) by contract under the provisions of section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(c) FUNDING.—Funds available to the Broadcasting Board of Governors shall be used for the expenses incurred in carrying out this subtitle.

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION

SEC. 701. SHORT TITLE.

This title may be cited as the ''International Parental Child Abduction Prevention Act of 2003''.

SEC. 702. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.

(a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(ii)) is amended by striking subclause (III) and inserting the following:

''(III) is a spouse (other than a spouse who is the parent of the abducted child), son or daughter (other than the abducted child), grandson or granddaughter (other than the abducted child), parent, grandparent, sibling, cousin, uncle, aunt, nephew, or niece of an alien described in clause (i), or is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State, at the Secretary of State's sole and unreviewable discretion,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence, or until the abducted child is 21 years of age.''.

(b) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS; IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE ALIENS IN THE CONSULAR LOOKOUT AND SUPPORT SYSTEM.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

''(iv) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS.—The Secretary of State may, at the Secretary of State's sole and unreviewable discretion, at any time, cancel a designation made pursuant to clause (ii)(III).

''(v) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are potentially inadmissible under clause (ii).

''(vi) ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE PERSONS IN CONSULAR LOOKOUT AND SUPPORT SYSTEM.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to cause the entry into the Consular Lookout and Support System of the name or names of, and identifying information about, such individual and of any persons identified pursuant to clause (v) as potentially inadmissible under clause (ii).

''(vii) DEFINITIONS.—In this subparagraph:

''(I) CHILD.—The term 'child' means a person under 21 years of age regardless of marital status.

''(II) SIBLING.—The term 'sibling' includes step-siblings and half-siblings.''.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and each February 1 thereafter for 4 years, the Secretary shall submit to the Committee on International Relations and the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate, an annual report that describes the operation of section 212(a)(10)(C) of the Immigration and Nationality Act, as amended by this section, during the prior calendar year to which the report pertains.

(2) CONTENT.—Each annual report submitted in accordance with paragraph (1) shall specify, to the extent that corresponding data is reasonably available, the following:

(A) The number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(B) The cumulative total number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) since the beginning of the first reporting period.

(C) The number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which the name of an alien was placed in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(D) The cumulative total number of names, disaggregated according to the nationality of the aliens concerned, known to the Secretary of State to appear in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) at the end of the reporting period.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. REPEAL OF REQUIREMENT FOR SEMI-ANNUAL REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.

Section 3203 of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 575) is repealed.

SEC. 802. TECHNICAL AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

Section 304(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(c)) is amended—

(1) in the first sentence, by striking ''Director's'' and inserting ''Secretary's''; and

(2) in the last sentence, by striking ''Director'' and inserting ''Secretary''.

SEC. 803. FOREIGN LANGUAGE BROADCASTING.

(a) IN GENERAL.—During the 1-year period following the date of enactment of this Act, the Broadcasting Board of Governors may not eliminate foreign language broadcasting in any of the following languages: Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Polish, Slovene, Slovak, Romanian, Croatian, Armenian, and Ukrainian.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall report to the appropriate congressional committees on the state of democratic governance and freedom of the press in the following countries: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia, Slovakia, Romania, Croatia, Armenia, and Ukraine.

(c) SENSE OF CONGRESS.—It is the sense of Congress that providing surrogate broadcasting in countries that have a stable, democratic government and a vibrant, independent press with legal protections should not be a priority of United States international broadcasting efforts.

SEC. 804. FELLOWSHIPS FOR MULTIDISCIPLINARY TRAINING ON NONPROLIFERATION ISSUES.

(a) FELLOWSHIPS AUTHORIZED.—In carrying out international exchange programs, the Secretary shall design and implement a program to encourage eligible students to study at an accredited United States institution of higher education in an appropriate graduate program.

(b) ELIGIBLE STUDENT DEFINED.—In this section, the term ''eligible student'' means a citizen of a foreign country who—

(1) has completed undergraduate education; and

(2) is qualified (as determined by the Secretary).

(c) APPROPRIATE GRADUATE PROGRAM DEFINED.—In this section, the term ''appropriate graduate program'' means a graduate level program that provides for the multidisciplinary study of issues relating to weapons nonproliferation and includes training in—

(1) diplomacy;

(2) arms control;

(3) multilateral export controls; or

(4) threat reduction assistance.

(d) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for educational and cultural exchange programs under section 1102, $2,000,000 may be available to carry out this section.

SEC. 805. REQUIREMENT FOR REPORT ON UNITED STATES POLICY TOWARD HAITI.

(a) FINDINGS.—Congress makes the following findings:

(1) Haiti is plagued by chronic political instability, economic and political crises, and significant social challenges.

(2) The United States has a political and economic interest and a humanitarian and moral responsibility in assisting the Government and people of Haiti in resolving the country's problems and challenges.

(3) The situation in Haiti is increasingly cause for alarm and concern, and a sustained, coherent, and active approach by the United States Government is needed to make progress toward resolving Haiti's political and economic crises.

(b) REQUIREMENT FOR REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that describes United States policy toward Haiti. The report shall include the following:

(1) A description of the activities carried out by the United States Government to resolve Haiti's political crisis and to promote the holding of free and fair elections in Haiti at the earliest possible date.

(2) A description of the activities that the United States Government anticipates initiating to resolve the political crisis and promote free and fair elections in Haiti.

(3) An assessment of whether Resolution 822 issued by the Permanent Council of the Organization of American States on September 4, 2002, is still an appropriate framework for a multilateral approach to resolving the political and economic crises in Haiti, and of the likelihood that the Organization of American States will develop a new framework to replace Resolution 822.

(4) A description of the status of efforts to release the approximately $146,000,000 in loan funds that have been approved by the Inter-

American Development Bank to Haiti for the purposes of rehabilitating rural roads, reorganizing the health sector, improving potable water supply and sanitation, and providing basic education, a description of any obstacles that are delaying the release of the loan funds, and recommendations for overcoming such obstacles, including whether any of the following would facilitate the release of such funds:

(A) Establishing an International Monetary Fund staff monitoring program in Haiti.

(B) Obtaining bridge loans or other sources of funding to pay the cost of any arrears owed by the Government of Haiti to the Inter-American Development Bank.

(C) Providing technical assistance to the Government of Haiti to permit the Government to meet international financial transparency requirements.

SEC. 806. VICTIMS OF VIOLENT CRIME ABROAD.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on services overseas for United States citizens or nationals of the United States who are victims of violent crime abroad. The report shall include—

(1) a proposal for providing increased services to victims of violent crime, including information on—

(A) any organizational changes necessary to provide such an increase; and

(B) the personnel and budgetary resources necessary to provide such an increase; and

(2) proposals for funding and administering financial compensation for United States citizens or nationals of the United States who are victims of violent crime outside the United States similar to victims compensation programs under the terms of the Crime Victims Fund (42 U.S.C. 10601).

(b) ESTABLISHMENT OF A DATABASE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a database to maintain statistics on incidents of violent crime against United States citizens or nationals of the United States abroad that are reported to United States missions.

(c) DEFINITIONS.—In this section—

(1) the term ''violent crime'' means murder, non-negligent manslaughter, forcible rape, robbery, or aggravated assault; and

(2) the term ''national of the United States'' has the same meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

SEC. 807. LIMITATION ON USE OF FUNDS RELATING TO UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this division may be expended for the operation of any United States consulate or diplomatic facility in Jerusalem that is not under the supervision of the United States Ambassador to Israel.

(b) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this division may be available for the publication of any official document of the United States that lists countries, including Israel, and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 808. REQUIREMENT FOR ADDITIONAL REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.

Section 215(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1366) is amended by inserting ''and again not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Year 2004,'' after ''Act,'' in the matter preceding paragraph (1).

SEC. 809. UNITED STATES POLICY REGARDING THE RECOGNITION OF A PALESTINIAN STATE.

Congress reaffirms the policy of the United States as articulated in President George W. Bush's speech of June 24, 2002, regarding the criteria for recognizing a Palestinian state. Congress reiterates the President's statement that the United States will not recognize a Palestinian state until the Palestinians elect new leadership that—

(1) is not compromised by terrorism;

(2) demonstrates, over time, a firm and tangible commitment to peaceful co-existence with the State of Israel and an end to anti-Israel incitement; and

(3) takes appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including dismantling terrorist infrastructures, confiscating unlawful weaponry, and establishing a new security entity that cooperates fully with appropriate Israeli security organizations.

SEC. 810. MIDDLE EAST BROADCASTING NETWORK.

(a) AUTHORITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 309 the following new section:

''SEC. 310. MIDDLE EAST BROADCASTING NETWORK.

''(a) AUTHORITY.—Grants authorized under section 305 shall be available to make annual grants to a Middle East Broadcasting Network for the purpose of carrying out radio and television broadcasting to the Middle East region.

''(b) FUNCTION.—The Middle East Broadcasting Network shall provide radio and television programming to the Middle East region consistent with the broadcasting standards and broadcasting principles set forth in section 303 of this Act.

''(c) GRANT AGREEMENT.—Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

''(1) The Board may not make any grant to the nonprofit corporation, Middle East Broadcasting Network, unless its certificate of incorporation provides that—

''(A) the Board of Directors of the Middle East Broadcasting Network shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members; and

''(B) such Board of Directors shall make all major policy determinations governing the operation of the Middle East Broadcasting Network, and shall appoint and fix the compensation of such managerial officers and employees of the Middle East Broadcasting Network as it considers necessary to carry out the purposes of the grant provided under this title, except that no officer or employee may be paid a salary or other compensation in excess of the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(2) Any grant agreement under this section shall require that any contract entered into by the Middle East Broadcasting Network shall specify that obligations are assumed by the Middle East Broadcasting Network and not the United States Government.

''(3) Any grant agreement shall require that any lease agreement entered into by the Middle East Broadcasting Network shall be, to the maximum extent possible, assignable to the United States Government.

''(4) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

''(5) Duplication of language services and technical operations between the Middle East Broadcasting Network (including Radio Sawa), RFE/RL, and the International Broadcasting Bureau will be reduced to the extent appropriate, as determined by the Board.

''(d) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this title may be construed to make the Middle East Broadcasting Network a Federal agency or instrumentality, nor shall the officers or employees of the Middle East Broadcasting Network be deemed to be officers or employees of the United States Government.

''(e) AUDIT AUTHORITY.—

''(1) IN GENERAL.—Such financial transactions of the Middle East Broadcasting Network as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Middle East Broadcasting Network are normally kept.

''(2) ACCESS TO RECORDS.—Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Middle East Broadcasting Network pertaining to such financial transactions as necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Middle East Broadcasting Network shall remain in the custody of the Middle East Broadcasting Network.

''(3) INSPECTOR GENERAL.—Notwithstanding any other provisions of law, the Inspector General of the Department of State and the Foreign Service is authorized to exercise the authorities of the Inspector General Act with respect to the Middle East Broadcasting Network.''.

(b) CONFORMING AMENDMENTS.—

(1) AUTHORITIES OF BOARD.—Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204), is amended—

(A) in paragraph (5) of subsection (a), by striking ''and 309'' and inserting '', 309, and 310'';

(B) in paragraph (6) of subsection (a), by striking ''and 309'' and inserting '', 309, and 310''; and

(C) in subsection (c), by striking ''and 309'' and by inserting '', 309, and 310''.

(2) INTERNATIONAL BROADCASTING BUREAU.—Section 307 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6206), is amended—

(A) in subsection (a), by striking ''and 309'' and inserting '', 309, and 310''; and

(B) in subsection (c), by inserting '', and Middle East Broadcasting Network,'' after ''Asia''.

(3) IMMUNITY FOR LIABILITY.—Section 304(g) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(g)), is amended—

(A) by striking ''and'' after ''Incorporated'', and by inserting a comma; and

(B) by adding '', and Middle East Broadcasting Network'' after ''Asia''.

(4) CREDITABLE SERVICE.—Section 8332(b)(11) of title 5, United States Code, is

amended by adding ''Middle East Broadcasting Network,'' after ''the Asia Foundation;''.

SEC. 811. SENSE OF CONGRESS RELATING TO INTERNATIONAL AND ECONOMIC SUPPORT FOR A SUCCESSOR REGIME IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) A peaceful and prosperous Iraq will benefit the entire international community.

(2) Winning the peace in Iraq will require the support of the international community, including the assistance of the United Nations and the specialized agencies of the United Nations.

(3) While Iraq's long-term economic prospects are good, the short-term economic situation will be difficult.

(4) Iraq has an estimated $61,000,000,000 in foreign debt, approximately $200,000,000,000 in pending reparations claims through the United National Compensation Commission, and an unknown amount of potential liability for terrorism-related claims brought in United States courts.

(5) The revenue from the export of oil from Iraq is projected to be less than $15,000,000,000 each year for the years 2004, 2005, and 2006.

(b) SENSE OF CONGRESS ON A SUCCESSOR REGIME IN IRAQ.—It is the sense of Congress that—

(1) the President should be commended for seeking the support of the international community to build a stable and secure Iraq;

(2) the President's position that the oil resources of Iraq, and the revenues derived therefrom, are the sovereign possessions of the people of Iraq should be supported; and

(3) the President should pursue measures, in cooperation with other nations, to protect an interim or successor regime in Iraq, to the maximum extent possible, from the negative economic implications of indebtedness incurred by the regime of Saddam Hussein, and to assist in developing a resolution of all outstanding claims against Iraq.

SEC. 812. SENSE OF CONGRESS RELATING TO MAGEN DAVID ADOM SOCIETY.

It is the sense of Congress that, in light of the findings of fact set out in section 690(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1414) and the fact that the Federation of Red Cross and Red Crescent Societies has not granted full membership to the Magen David Adom Society, the United States should continue to press for full membership for the Magen David Adom Society in the International Red Cross Movement.

SEC. 813. SENSE OF CONGRESS ON CLIMATE CHANGE.

(a) FINDINGS.—Congress makes the following findings:

(1) Evidence continues to build that increases in atmospheric concentrations of man-made greenhouse gases are contributing to global climate change.

(2) The Intergovernmental Panel on Climate Change (IPCC) has concluded that ''there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities'' and that the average temperature on Earth can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century.

(3) The National Academy of Sciences confirmed the findings of the IPCC, stating that ''the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue'' and that ''there is general agreement that the observed warming is real and particularly strong within the past twenty years''. The National Academy of Sciences also noted that ''because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments upward or downward''.

(4) The IPCC has stated that in the last 40 years the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying island nations and coastal regions throughout the world.

(5) In October 2000, a United States Government report found that global climate change may harm the United States by altering crop yields, accelerating sea-level rise, and increasing the spread of tropical infectious diseases.

(6) In 1992, the United States ratified the United Nations Framework Convention on Climate Change (UNFCCC), the ultimate objective of which is the ''stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner''.

(7) The UNFCCC stated in part that the Parties to the Convention are to implement policies ''with the aim of returning . . . to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases'' under the principle that ''policies and measures . . . should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change''.

(8) There is a shared international responsibility to address this problem, as industrial nations are the largest historic and current emitters of greenhouse gases, and developing nations' emissions will significantly increase in the future.

(9) The UNFCCC further stated that ''developed country Parties should take the lead in combating climate change and the adverse effects thereof'', as these nations are the largest historic and current emitters of greenhouse gases. The UNFCCC also stated that ''steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas''.

(10) Senate Resolution 98 of the One Hundred Fifth Congress, which expressed that developing nations must also be included in any future, binding climate change treaty and such a treaty must not result in serious harm to the United States economy, should not cause the United States to abandon its shared responsibility to help reduce the risks of climate change and its impacts. Future international efforts in this regard should focus on recognizing the equitable responsibilities for addressing climate change by all nations, including commitments by the largest developing country emitters in a future, binding climate change treaty.

(11) While the United States has elected not to become a party to the Kyoto Protocol at this time, it is the position of the United States that it will not interfere with the plans of any nation that chooses to ratify and implement the Kyoto Protocol to the UNFCCC.

(12) American businesses need to know how governments worldwide will address the risks of climate change.

(13) The United States benefits from investments in the research, development, and deployment of a range of clean energy and efficiency technologies that can reduce the risks of climate change and its impacts and that can make the United States economy more productive, bolster energy security, create jobs, and protect the environment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should demonstrate international leadership and responsibility in reducing the health, environmental, and economic risks posed by climate change by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors;

(2) creating flexible international and domestic mechanisms, including joint implementation, technology deployment, tradable credits for emissions reductions and carbon sequestration projects that will reduce, avoid, and sequester greenhouse gas emissions;

(3) participating in international negotiations, including putting forth a proposal to the Conference of the Parties, with the objective of securing United States participation in a future binding climate change Treaty in a manner that is consistent with the environmental objectives of the UNFCCC, that protects the economic interests of the United States, and that recognizes the shared international responsibility for addressing climate change, including developing country participation; and

(4) establishing a bipartisan Senate observer group designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to monitor any international negotiations on climate change, to ensure that the advice and consent function of the Senate is exercised in a manner so as to facilitate timely consideration of any new treaty submitted to the Senate.

SEC. 814. EXTENSION OF AUTHORIZATION OF APPROPRIATION FOR THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

Section 207(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435(a)) is amended by striking ''2003'' and inserting ''2004''.

TITLE IX—PEACE CORPS CHARTER FOR THE 21ST CENTURY

SEC. 901. SHORT TITLE.

This title may be cited as the ''Peace Corps Charter for the 21st Century Act''.

SEC. 902. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service of United States volunteers abroad.

(2) The Peace Corps has sought to fulfill three goals, as follows:

(A) To help people in developing nations meet basic needs.

(B) To promote understanding of America's values and ideals abroad.

(C) To promote an understanding of other peoples by Americans.

(3) The three goals, which are codified in the Peace Corps Act, have guided the Peace Corps and its volunteers over the years, and worked in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(4) Since its establishment, approximately 165,000 Peace Corps volunteers have served in 135 countries.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier

international service organization dedicated to promoting grassroots development.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote peace, friendship, and international understanding.

(7) The Peace Corps is currently operating with an annual budget of $275,000,000 in 70 countries with 7,000 Peace Corps volunteers.

(8) The Peace Corps is an independent agency, and therefore no Peace Corps personnel or volunteers should be used to accomplish any goal other than the goals established by the Peace Corps Act.

(9) The Crisis Corps has been an effective tool in harnessing the skills and talents for returned Peace Corps volunteers and should be expanded to utilize to the maximum extent the talent pool of returned Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation about American values and ideals in many parts of the world, particularly those with substantial Muslim populations, and a greater Peace Corps presence in such places could foster greater understanding and tolerance.

(11) Congress has declared that the Peace Corps should be expanded to sponsor a minimum of 10,000 Peace Corps volunteers.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps must not jeopardize the quality of the Peace Corps volunteer experience, and therefore can only be accomplished by an appropriate increase in field and headquarters support staff.

(14) In order to ensure that proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan National Peace Corps Advisory Council composed of distinguished returned Peace Corps volunteers and other individuals, with diverse backgrounds and expertise, can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps in discharging the Director's duties and responsibilities.

SEC. 903. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Peace Corps.

(2) PEACE CORPS VOLUNTEER.—The term ''Peace Corps volunteer'' means a volunteer or a volunteer leader under the Peace Corps Act.

(3) RETURNED PEACE CORPS VOLUNTEER.—The term ''returned Peace Corps volunteer'' means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 904. STRENGTHENED INDEPENDENCE OF THE PEACE CORPS.

(a) RECRUITMENT OF VOLUNTEERS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: ''As the Peace Corps is an independent agency, all recruiting of volunteers shall be undertaken primarily by the Peace Corps.''.

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by inserting after ''*Provided*, That'' the following: ''such detail or assignment does not contradict the standing of Peace Corps volunteers as being independent: *Provided further*, That''.

SEC. 905. REPORTS AND CONSULTATIONS.

(a) ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.—The Peace Corps Act is amended by striking the heading for section 11 (22 U.S.C. 2510) and all that follows through the end of such section and inserting the following:

''SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

''(a) ANNUAL REPORTS.—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain—

''(1) a description of efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

''(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

''(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

''(2) a description of—

''(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to Congress;

''(B) the rationale for undertaking such new initiatives;

''(C) an estimate of the cost of such initiatives; and

''(D) any impact such initiatives may have on the safety of volunteers; and

''(3) a description of standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

''(A) by colocating volunteers with international or local nongovernmental organizations; or

''(B) with the placement of multiple volunteers in one location.

''(b) CONSULTATIONS ON NEW INITIATIVES.—The Director of the Peace Corps should consult with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, but in any event as soon as is practicable thereafter.''.

(b) ONE-TIME REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report containing—

(1) a description of the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service;

(2) a comparison of such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommendations for any additional student loan forgiveness programs that could attract more applicants from more low- and middle-income applicants facing high student loan obligations.

SEC. 906. INCREASING THE NUMBER OF VOLUNTEERS.

(a) REQUIREMENT.—The Director shall develop a plan to increase the number of Peace Corps volunteers to a number that is not less than twice the number of Peace Corps volunteers who were enrolled in the Peace Corps on September 30, 2002.

(b) REPORT ON INCREASING THE NUMBER OF VOLUNTEERS.—

(1) INITIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report describing in detail the Director's plan for increasing the number of Peace Corps volunteers as described in subsection (a), including a five-year budget plan for funding such increase in the number of volunteers.

(2) SUBSEQUENT REPORTS.—Not later than January 31 of each year in which the number of Peace Corps volunteers is less than twice the number of Peace Corps volunteers who were enrolled in the Peace Corps on September 30, 2002, the Director shall submit to the appropriate congressional committees an update on the report described in paragraph (1).

SEC. 907. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR COUNTRIES WHOSE GOVERNMENTS ARE SEEKING TO FOSTER GREATER UNDERSTANDING BETWEEN THEIR CITIZENS AND THE UNITED STATES.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report describing the initiatives that the Peace Corps intends to pursue with eligible countries where the presence of Peace Corps volunteers would facilitate a greater understanding that there exists a universe of commonly shared human values and aspirations. Such report shall include—

(1) a description of the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in such countries; and

(2) a list of the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS.—Notwithstanding any other provision of law, the Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers having language and cultural expertise, including those returned Peace Corps volunteers who may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

SEC. 908. GLOBAL INFECTIOUS DISEASES INITIATIVE.

The Director, in cooperation with international public health experts such as experts of the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials, shall develop a program of training for all Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases in order to ensure that all Peace Corps volunteers make a contribution to the global campaign against such diseases.

SEC. 909. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511) is amended—

(1) in subsection (b)(2) by striking subparagraph (D) and inserting the following:

''(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps.'';

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence, by striking ''fifteen'' and inserting ''seven''; and

(ii) by striking the second sentence and inserting the following: ''Four of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than four shall be members of the same political party.'';

(B) by striking subparagraph (D) and inserting the following:

''(D) The members of the Council shall be appointed for 2-year terms.'';

(C) by striking subparagraphs (B) and (H); and

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

(3) by striking subsection (g) and inserting the following:

''(g) CHAIR.—The President shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a period not to exceed two years.'';

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

''(h) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter at a date and time to be determined by the Chair of the Council.''; and

(5) by striking subsection (i) and inserting the following:

''(i) REPORT.—Not later than July 30 of each year, the Council shall submit a report to the President and the Director of the Peace Corps describing how the Council has carried out its functions under subsection (b)(2).''.

SEC. 910. READJUSTMENT ALLOWANCES.

(a) INCREASED RATES.—The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking ''$125'' and inserting ''$275''; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking ''$125'' and inserting ''$275''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 911. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS TO PROMOTE THE GOALS OF THE PEACE CORPS.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the third purpose of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)), relating to promoting an understanding of other peoples on the part of the American people.

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—The Chief Executive Officer of the Corporation for National and Community Service (hereafter in the section referred to as the ''Corporation'') shall award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop programs and projects to carry out the purpose described in subsection (a).

(2) PROGRAMS AND PROJECTS.—The programs and projects that may receive grant funds under this section include—

(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY.—To be eligible for a grant under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers with a background in community service, education, or health. The nonprofit corporation shall meet all management requirements that the Corporation determines appropriate and prescribes as conditions for eligibility for the grant.

(c) GRANT REQUIREMENTS.—A grant under this section shall be made pursuant to a grant agreement between the Corporation and the nonprofit corporation that—

(1) requires grant funds be used only to support programs and projects to carry out the purpose described in subsection (a) through the funding of proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) requires the nonprofit corporation to give preferential consideration to proposals submitted by returned Peace Corps volunteers that request less than $100,000 to carry out a program or project;

(3) requires that not more than 20 percent of the grant funds made available to the nonprofit corporation be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) prohibits the nonprofit corporation from receiving grant funds for more than 2 years unless, beginning in the third year, the nonprofit corporation makes available, to carry out the programs or projects that receive grant funds during that year, non-Federal contributions—

(A) in an amount not less than $2 for every $3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) requires the nonprofit corporation to manage, monitor, and report to the Corporation on the progress of each program or project for which the nonprofit corporation provides funding from a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make any member of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) FACTORS IN AWARDING GRANTS.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Corporation shall—

(1) consider the need to minimize overhead costs and maximize resources available to fund programs and projects; and

(2) seek to ensure that programs and projects receiving grant funds are carried out across a broad geographical distribution.

(f) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) FUNDING.—

(1) IN GENERAL.—In addition to any other funds made available to the Corporation under any other provision of law, there is authorized to be appropriated to the Corporation to carry out this section, $10,000,000.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 912. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended—

(1) by striking ''2002, and'' and inserting ''2002,''; and

(2) by inserting before the period at the end the following: '', $359,000,000 for fiscal year 2004, $401,000,000 for fiscal year 2005, $443,000,000 for fiscal year 2006, and $485,000,000 for fiscal year 2007''.

DIVISION B—FOREIGN ASSISTANCE AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Foreign Assistance Authorization Act, Fiscal Year 2004''.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Development Assistance and Related Programs Authorizations

SEC. 2101. DEVELOPMENT ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for ''Development Assistance'', $1,360,000,000 for fiscal year 2004 to carry out sections 103, 105, 106, and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, 2151d, and 2293).

(b) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

(c) REPEAL OF OBSOLETE AUTHORIZATIONS.—

(1) AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.—Section 103(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(a)) is amended—

(A) by striking ''(a)(1)'' and inserting ''(a)'';

(B) by striking paragraphs (2) and (3); and

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

(2) EDUCATION AND HUMAN RESOURCES DEVELOPMENT.—Section 105(a) of such Act (22 U.S.C. 2151c(a)) is amended by striking the second sentence.

(3) ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES.—Section 106 of such Act (22 U.S.C. 2151d) is amended by striking subsections (e) and (f).

(d) TECHNICAL AMENDMENT OF DEVELOPMENT FUND FOR AFRICA.—Section 497 of the Foreign Assistance Act of 1961 (22 U.S.C. 2294) is amended by striking ''AUTHORIZATIONS OF APPROPRIATIONS FOR THE DEVELOPMENT FUND FOR AFRICA.—'' and inserting ''AVAILABILITY OF FUNDS.—''.

SEC. 2102. CHILD SURVIVAL AND HEALTH PROGRAMS FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for ''Child Survival and Health Programs Fund'', $1,495,000,000 for fiscal year 2004 to carry out sections 104 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b and 2293). Amounts authorized to be appropriated under this section are in addition to amounts available under other provisions of law to combat the human immunodeficiency virus (HIV) or the acquired immune deficiency syndrome (AIDS).

(b) FAMILY PLANNING PROGRAMS.—Of the amount authorized to be appropriated under subsection (a), $346,000,000 may be used for assistance under sections 104(b) and 496(i)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(b) and 2293(i)(3)).

(c) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

(d) REPEAL OF OBSOLETE AUTHORIZATIONS AND TECHNICAL AMENDMENTS.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraphs (B) and (C); and

(B) by striking ''(2)(A)'' and inserting ''(2)''; and

(2) in paragraph (3), by striking the last sentence.

SEC. 2103. DEVELOPMENT CREDIT AUTHORITY.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 108 (22 U.S.C. 2151f) the following:

''SEC. 108A. DEVELOPMENT CREDIT AUTHORITY.

''(a) FINDINGS.—Congress makes the following findings:

''(1) Developing countries often have large reserves of privately held capital that are not being adequately mobilized and invested due to weak financial institutions and other market imperfections in such countries.

''(2) Partial loan guarantees, particularly when used as an integral part of a development strategy, are useful to leverage local private capital for development while reforming and strengthening developing country financial markets.

''(3) Requiring risk-sharing guarantees and limiting guarantee assistance to private lenders encourages such lenders to provide appropriate oversight and management of development projects funded with loans made by such lenders and, thereby, maximize the benefit which such projects will achieve.

''(b) POLICY.—It is the policy of the United States to make partial loan guarantees available to private lenders to fund development projects in developing countries that encourage such lenders to provide appropriate oversight and management of such development projects.

''(c) AUTHORITY.—To carry out the policy set forth in subsection (b), the President is authorized to provide assistance in the form of loans and partial loan guarantees to private lenders in developing countries to achieve the economic development purposes of the provisions of this part.

''(d) PRIORITY FOR ASSISTANCE.—The President, in providing assistance under this section, shall give priority to providing partial loan guarantees made pursuant to the authority in subsection (c) that are used in transactions in which the financial risk of loss to the United States Government under such guarantee does not exceed the financial risk of loss of the private lender that receives such guarantee.

''(e) TERMS AND CONDITIONS.—Assistance provided under this section shall be provided on such terms and conditions as the President determines appropriate.

''(f) OBLIGATIONS OF THE UNITED STATES.—A partial loan guarantee made under subsection (c) shall constitute an obligation, in accordance with the terms of such guarantee, of the United States of America and the full faith and credit of the United States of America is pledged for the full payment and performance of such obligation.

''(g) PROCUREMENT PROVISIONS.—Assistance may be provided under this section notwithstanding section 604(a).

''(h) DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT.—There is established on the books of the Treasury an account known as the Development Credit Authority Program Account. There shall be deposited into the account all amounts made available for providing assistance under this section, other than amounts made available for administrative expenses to carry out this section. Amounts in the Account shall be available to provide assistance under this section.

''(i) AVAILABILITY OF FUNDS.—

''(1) IN GENERAL.—Of the amounts authorized to be available for the purposes of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151) and the Support for Eastern European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), not more than $21,000,000 for fiscal year 2004 may be made available to carry out this section.

''(2) TRANSFER OF FUNDS.—Amounts made available under paragraph (1) may be transferred to the Development Credit Authority Program Account established by subsection (h) of such section.

''(3) SUBSIDY COST.—Amounts made available under paragraphs (1) and (2) shall be available for subsidy cost as defined in section 502(5) of the Federal Reform Credit Act of 1990 (2 U.S.C. 661a(5)) of activities under this section.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated for administrative expenses to carry out this section $8,000,000 for fiscal year 2004.

''(2) TRANSFER OF FUNDS.—The amounts appropriated for administrative expenses under paragraph (1) may be transferred to and merged with amounts made available under section 667(a).

''(k) AVAILABILITY.—Amounts appropriated or made available under this section are authorized to remain available until expended.''.

SEC. 2104. PROGRAM TO PROVIDE TECHNICAL ASSISTANCE TO FOREIGN GOVERNMENTS AND FOREIGN CENTRAL BANKS OF DEVELOPING OR TRANSITIONAL COUNTRIES.

Section 129(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151aa(j)(1)) is amended by striking ''$5,000,000 for fiscal year 1999'' and inserting ''$14,000,000 for fiscal year 2004''.

SEC. 2105. INTERNATIONAL ORGANIZATIONS AND PROGRAMS.

Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222) is amended to read as follows:

''SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the President $314,500,000 for fiscal year 2004 for grants to carry out the purposes of this chapter. Amounts appropriated pursuant to the authorization of appropriations in this section are in addition to amounts otherwise available for such purposes.''.

SEC. 2106. CONTINUED AVAILABILITY OF CERTAIN FUNDS WITHHELD FROM INTERNATIONAL ORGANIZATIONS.

Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is amended by adding at the end the following new subsection:

''(e) Funds available in any fiscal year to carry out the provisions of this chapter that are returned or not made available for organizations and programs because of the application of this section shall remain available for obligation until September 30 of the fiscal year after the fiscal year for which such funds are appropriated.''.

SEC. 2107. INTERNATIONAL DISASTER ASSISTANCE.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended by striking ''$25,000,000 for fiscal year 1986 and $25,000,000 for fiscal year 1987'' and inserting ''$235,500,000 for fiscal year 2004''.

SEC. 2108. TRANSITION INITIATIVES.

Section 494 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292c) is amended to read as follows:

''SEC. 494. TRANSITION AND DEVELOPMENT ASSISTANCE.

''(a) TRANSITION AND DEVELOPMENT ASSISTANCE.—The President is authorized to furnish assistance to support the transition to democracy and to long-term development in accordance with the general authority contained in section 491, including assistance to—

''(1) develop, strengthen, or preserve democratic institutions and processes;

''(2) revitalize basic infrastructure; and

''(3) foster the peaceful resolution of conflict.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President $55,000,000 for fiscal year 2004 to carry out this section.

''(c) AVAILABILITY.—Amounts appropriated under this section for the purpose specified in subsection (b)—

''(1) are authorized to remain available until expended; and

''(2) are in addition to amounts otherwise available for such purpose.''.

SEC. 2109. FAMINE ASSISTANCE.

(a) AUTHORITY.—Chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292 et seq.), as amended by section 520, is amended by adding at the end the following new section:

''SEC. 495. FAMINE ASSISTANCE.

''(a) AUTHORIZATION.—The President is authorized to provide assistance for famine prevention and relief, including for famine prevention and for mitigation of the effects of famine.

''(b) AUTHORITIES.—Assistance authorized by subsection (a) shall be provided in accordance with the general authority contained in section 491.

''(c) NOTIFICATION.—The President shall transmit advance notification of any assistance to be provided under subsection (a) to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representative in accordance with section 634A (22 U.S.C. 2394–1).

''(d) FAMINE FUND.—There is established on the books of the Treasury an account to be known as the Famine Fund. There shall be deposited into the account all amounts made available for providing assistance under subsection (a). Amounts in the Fund shall be available to provide assistance under such subsection.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President such sums as may be necessary for fiscal year 2004 to carry out this section.

''(f) AVAILABILITY.—Amounts appropriated under this section—

''(1) are authorized to remain available until expended; and

''(2) are in addition to amounts otherwise available for such purpose.''.

SEC. 2110. ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for ''Assistance for the Independent States of the Former Soviet Union'', $646,000,000 for fiscal year 2004 to carry out chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq. and 2296 et seq.).

(b) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

SEC. 2111. ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for ''Assistance for Eastern Europe and the Baltic States'' $475,000,000 for fiscal year 2004 to carry out the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended;

(2) are in addition to amounts otherwise available for such purposes;

(3) may be made available notwithstanding any other provision of law; and

(4) shall be considered to be economic assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for purposes of making applicable the administrative authorities contained in that Act for the use of economic assistance.

SEC. 2112. OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 667 of the Foreign Assistance Act of 1961 (22 U.S.C. 2427) is amended—

(1) in subsection (a)—

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

''(1) $750,400,000 for the fiscal year 2004 for necessary operating expenses of the United States Agency for International Development, of which $146,300,000 is authorized to be appropriated for overseas construction and related costs and for enhancement of information technology and related investments; and''; and

(B) in paragraph (2) of such subsection, by striking ''agency'' and inserting ''Agency'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) There are authorized to be appropriated to the President, in addition to funds available under subsection (a) or any other provision of law for such purposes—

''(1) $35,000,000 for fiscal year 2004 for necessary operating expenses of the Office of Inspector General of the United States Agency for International Development; and

''(2) such amounts as may be necessary for increases in pay, retirement, and other employee benefits authorized by law for the employees of such Office, and for other nondiscretionary costs of such Office.''.

(b) CONFORMING AMENDMENT.—The heading of section 667 of the Foreign Assistance Act of 1961 (22 U.S.C. 2427) is amended by striking ''EXPENSES.—'' and inserting ''EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—''.

Subtitle B—Counternarcotics, Security Assistance, and Related Programs Authorizations

SEC. 2121. COMPLEX FOREIGN CONTINGENCIES.

Chapter 5 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) is amended by adding at the end the following new section:

''SEC. 452. COMPLEX FOREIGN CRISES CONTINGENCY FUND.

''(a) ESTABLISHMENT OF FUND.—There is hereby established on the books of the Treasury a fund to be known as the Complex Foreign Crises Contingency Fund (in this section referred to as the 'Fund') for the purpose described in subsection (b).

''(b) PURPOSE.—The purpose of the Fund is to provide the President with increased flexibility to respond to complex foreign crises, including the ability—

''(1) to provide support for peace and humanitarian intervention operations; and

''(2) to prevent or respond to foreign territorial disputes, armed ethnic or civil conflicts that pose threats to regional or international peace, and acts of ethnic cleansing, mass killings, and genocide.

''(c) ELEMENTS.—The Fund shall consist of amounts authorized to be appropriated to the Fund under subsection (g).

''(d) AUTHORITY TO FURNISH ASSISTANCE.—(1) Notwithstanding any other provision of law, whenever the President determines it to be important to the national interests of the United States, the President is authorized to furnish assistance using amounts in the Fund for the purpose of responding to a complex foreign crisis.

''(2) The authority to furnish assistance under paragraph (1) for the purpose specified in that paragraph is in addition to any other authority under law to furnish assistance for that purpose.

''(e) LIMITATION ON USE OF FUNDS.—No amounts in the Fund shall be available to respond to natural disasters.

''(f) NOTICE OF EXERCISE OF AUTHORITY.—The President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives at least 5 days before each exercise of the authority in this section in accordance with procedures applicable to reprogramming notifications pursuant to section 634A.

''(g) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the President for fiscal year 2004 such sums as may be necessary to carry out this section.

''(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall be deposited in the Fund.

''(3) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.''.

SEC. 2122. INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2004.—Paragraph (1) of section 482(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291a(a)) is amended by striking ''$147,783,000'' and all that follows and inserting ''$985,000,000 for fiscal year 2004, of which $700,000,000 is authorized to be appropriated for the Andean Counterdrug Initiative.''.

(b) AVAILABILITY OF FUNDS FOR COLOMBIA.—That section is further amended by adding at the end the following new paragraphs:

''(3) Notwithstanding any other provision of law, amounts authorized to be appropriated to carry out the purposes of section 481 for fiscal year 2004, and amounts appropriated for fiscal years before fiscal year 2004 for purposes of such section that remain available for obligation, may be used to furnish assistance to the Government of Colombia—

''(A) to support a unified campaign against narcotics trafficking and terrorist activities; and

''(B) to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

''(4) Assistance furnished to the Government of Colombia under this section—

''(A) shall be subject to the limitations on the assignment of United States personnel in Colombia under subsections (b) through (d) of section 3204 of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 576);

''(B) shall be subject to the condition that no United States Armed Forces personnel and no employees of United States contractors participate in any combat operation in connection with such assistance; and

''(C) shall be subject to the condition that the Government of Colombia is fulfilling its commitment to the United States with respect to its human rights practices, including the specific conditions set forth in subparagraphs (A) through (E) of section 564(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003 (division E of Public Law 108–7; 117 Stat. 205).''.

SEC. 2123. ECONOMIC SUPPORT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a(a)) is amended to read as follows:

''(a) There is authorized to be appropriated to the President to carry out the purposes of this chapter $2,535,000,000 for fiscal year 2004.''.

(b) AUTHORIZATION OF ASSISTANCE FOR ISRAEL.—Section 513(b)(1) of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 856), as amended by section 1221(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1430), is further amended by striking ''fiscal years 2002 and 2003'' and inserting ''fiscal years 2003 and 2004''.

(c) AUTHORIZATION OF ASSISTANCE FOR EGYPT.—Section 514(b)(1) of the Security Assistance Act of 2000 (Public Law 106–280), as amended by section 1221(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1430), is further amended by striking ''fiscal years 2002 and 2003'' and inserting ''fiscal years 2003 and 2004''.

SEC. 2124. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

Section 542 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347a) is amended by striking ''There are authorized'' and all that follows through ''fiscal year 1987'' and inserting ''There is authorized to be appropriated to the President to carry out the purposes of this chapter $91,700,000 for the fiscal year 2004''.

SEC. 2125. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(a)) is amended by striking ''There are authorized'' and all that follows through ''fiscal year 1987'' and inserting ''There is authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $101,900,000 for the fiscal year 2004''.

SEC. 2126. NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for fiscal year 2004, $485,200,000 for Nonproliferation, Anti-Terrorism, Demining, and Related Programs for the purpose of carrying out nonproliferation, anti-terrorism, demining, and related programs and activities under—

(1) chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.);

(2) chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.);

(3) section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348), as amended by section 2212 of this Act, to the extent such assistance is used for activities identified in the last sentence of that section, including not to exceed $675,000 for administrative expenses related to such activities, which amount shall be in addition to funds otherwise made available for such purposes;

(4) section 504 of the FREEDOM Support Act (22 U.S.C. 5854) and programs under the Nonproliferation and Disarmament Fund to

promote bilateral and multilateral activities relating to nonproliferation and disarmament, notwithstanding any other provision of law, including, when in the national security interests of the United States, with respect to international organizations and countries other than the independent states of the former Soviet Union;

(5) section 23 of the Arms Export Control Act (22 U.S.C. 2763), for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law;

(6) section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221);

(7) the Radiological Terrorism Threat Reduction Act of 2003 under title XII of this Act; and

(8) the Global Pathogen Surveillance Act of 2003 under title XIII of this Act.

(b) AVAILABILITY.—Amounts appropriated under this section for the purpose specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for that purpose.

SEC. 2127. FOREIGN MILITARY FINANCING PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763), $4,414,000,000 for fiscal year 2004.

(b) ASSISTANCE FOR ISRAEL.—Section 513 of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 856), as amended by section 1221(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1430), is further amended—

(1) in subsection (c)(1), by striking ''fiscal years 2002 and 2003'' and inserting ''fiscal years 2003 and 2004'';

(2) in subsection (c)(3), by striking ''Funds authorized'' and all that follows through ''later.'' and inserting ''Funds authorized to be available for Israel under subsection (b)(1) and paragraph (1) for fiscal year 2004 shall be disbursed not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2004, or October 31, 2004, whichever is later.''; and

(3) in subsection (c)(4)—

(A) by striking ''fiscal years 2002 and 2003'' and inserting ''fiscal years 2003 and 2004''; and

(B) by striking ''$535,000,000 for fiscal year 2002 and not less than $550,000,000 for fiscal year 2003'' and inserting ''$550,000,000 for fiscal year 2003 and not less than $565,000,000 for fiscal year 2004''.

(c) ASSISTANCE FOR EGYPT.—Section 514 of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 857), as amended by section 1221(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (116 Stat. 1430), is further amended—

(1) in subsection (c) by striking ''fiscal years 2002 and 2003'' and inserting ''fiscal years 2003 and 2004''; and

(2) in subsection (e), by striking ''Funds estimated'' and all that follows through ''of the respective fiscal year, whichever is later'' and inserting the following: ''Funds estimated to be outlayed for Egypt under subsection (c) during fiscal year 2004 shall be disbursed to an interest-bearing account for Egypt in the Federal Reserve Bank of New York not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2004, or by October 31, 2003, whichever is later''.

Subtitle C—Independent Agencies Authorizations

SEC. 2131. INTER-AMERICAN FOUNDATION.

Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is amended by striking ''There are authorized to be appropriated $28,000,000 for fiscal year 1992 and $31,000,000 for fiscal year 1993'' and inserting ''There is authorized to be appropriated $15,185,000 for fiscal year 2004''.

SEC. 2132. AFRICAN DEVELOPMENT FOUNDATION.

The first sentence of section 510 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h–8) is amended by striking ''$3,872,000 for fiscal year 1986 and $3,872,000 for fiscal year 1987'' and inserting ''$17,689,000 for fiscal year 2004''.

Subtitle D—Multilateral Development Bank Authorizations

SEC. 2141. CONTRIBUTION TO THE SEVENTH REPLENISHMENT OF THE ASIAN DEVELOPMENT FUND.

The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

''SEC. 31. SEVENTH REPLENISHMENT.

''(a) AUTHORIZATION TO CONTRIBUTE.—The United States Governor of the Bank is authorized to contribute, on behalf of the United States, $412,000,000 to the seventh replenishment of the Asian Development Fund, a special fund of the Bank, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

''(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated without fiscal year limitation, $412,000,000 for payment by the Secretary of the Treasury.''.

SEC. 2142. CONTRIBUTION TO THE THIRTEENTH REPLENISHMENT OF THE INTERNATIONAL DEVELOPMENT ASSOCIATION.

The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

''SEC. 22. THIRTEENTH REPLENISHMENT.

''(a) AUTHORIZATION TO CONTRIBUTE.—The United States Governor is authorized to contribute, on behalf of the United States, $2,850,000,000 to the thirteenth replenishment of the Association, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

''(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated without fiscal year limitation, $2,850,000,000 for payment by the Secretary of the Treasury.

''(c) TRANSPARENCY.—

''(1) POLICY.—It is the policy of the United States that each multilateral development institution that has a United States Executive Director should—

''(A) not later than 60 days after the date on which the minutes of a meeting of the Board of Directors are approved, post the minutes on the website of the multilateral development institution, with any material deemed too sensitive for public dissemination redacted;

''(B) for a period of at least 10 years beginning on the date of a meeting of a Board of Directors, keep and preserve a written transcript or electronic recording of such meeting;

''(C) not later than the later of 15 days prior to the date on which a Board of Directors will consider for endorsement or approval any public sector loan document, country assistance strategy, sector strategy, or sector policy prepared by a multilateral development institution or the date such documents are distributed to the Board, make such documents available to the public, with any material deemed too sensitive for public dissemination redacted;

''(D) make available on the website of the multilateral development institution an annual report that contains statistical summaries and case studies of the fraud and corruption cases pursued by the investigations unit of the multilateral development institution; and

''(E) require that any health, education, or poverty-focused loan, credit, grant, document, policy or strategy prepared by the multilateral development institution include specific outcome and output indicators to measure results, and that the results be published periodically during the performance of the project or program and at its completion.

''(2) IMPLEMENTATION.—The Secretary of the Treasury should instruct each United States Executive Director at a multilateral development institution—

''(A) to inform the multilateral development institution of the policy set out in subparagraphs (A) through (E) of paragraph (1); and

''(B) to work to implement the policy at the multilateral development institution not later than the scheduled conclusion of the thirteenth replenishment of the International Development Association on June 30, 2005.

''(3) BRIEFING.—The Secretary of the Treasury should brief, or send a representative of the Department of the Treasury to brief, the appropriate congressional committees, at the request of such committees, on the actions taken by each United States Executive Director at a multilateral development institution or by personnel of such institutions to implement the policy set out in subparagraphs (A) through (E) of paragraph (1).

''(4) PUBLIC DISSEMINATION BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury should make available on the website of the Department of the Treasury—

''(A) not later than 60 days after the date of a meeting of a Board of Directors, any written statement presented by a United States Executive Director at such meeting related to a project for which—

''(i) a claim has been made to the multilateral development institution's inspection mechanism; or

''(ii) Board of Directors decisions on inspection mechanism cases are being taken; and

''(B) a record of all votes or abstentions made by a United States Executive Director on matters before a Board of Directors, on a monthly basis.

''(d) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives.

''(2) BOARD OF DIRECTORS.—The term 'Board of Directors' means the Board of Directors of a multilateral development institution.

''(3) MULTILATERAL DEVELOPMENT INSTITUTION.—The term 'multilateral development institution' has the meaning given such term in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3)).''.

SEC. 2143. CONTRIBUTION TO THE NINTH REPLENISHMENT OF THE AFRICAN DEVELOPMENT FUND.

The African Development Fund Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

"SEC. 217. NINTH REPLENISHMENT.

''(a) AUTHORIZATION TO CONTRIBUTE.—The United States Governor of the Fund is authorized to contribute, on behalf of the United States, $354,000,000 to the ninth replenishment of the Fund, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

''(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated, without fiscal year limitation, $354,000,000 for payment by the Secretary of the Treasury.''.

Subtitle E—Authorization for Iraq Relief and Reconstruction

SEC. 2151. AUTHORIZATION OF ASSISTANCE FOR RELIEF AND RECONSTRUCTION EFFORTS.

(a) AUTHORIZATION.—The President is authorized to make available from the Iraq Relief and Reconstruction Fund established under the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11), $2,475,000,000 for fiscal year 2003 for the purposes of providing humanitarian assistance in and around Iraq and carrying out the purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) with respect to the rehabilitation and reconstruction in Iraq.

(b) AUTHORIZED USES OF ASSISTANCE.—Assistance made available under subsection (a) may include funds for costs related to—

(1) infrastructure related to water and sanitation services;

(2) food and food distribution;

(3) the support of relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent Iraqi civilians who suffer losses as a result of military operations;

(4) electricity;

(5) health care;

(6) telecommunications;

(7) the development and implementation of economic and financial policy;

(8) education;

(9) transportation;

(10) reforms to strengthen the rule of law and introduce and reinforce the principles and institutions of good governance;

(11) humanitarian demining; and

(12) agriculture.

(c) REIMBURSEMENT.—Funds made available under subsection (a) may be used to reimburse accounts administered by the Secretary of State, the Secretary of the Treasury, or the Administrator of the United States Agency for International Development for any amounts expended from each such account to provide humanitarian assistance in and around Iraq or for carrying out the purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) with respect to the rehabilitation and reconstruction in Iraq prior to the date of the enactment of this Act if such amounts have not been reimbursed with funds from any other source.

(d) POLICY.—It is the policy of the United States to work toward the full and active participation of women in the reconstruction of Iraq by promoting the involvement of women in—

(1) all levels of the government in Iraq and its decision-making institutions;

(2) the planning and distribution of assistance, including food aid; and

(3) job promotion and training programs.

SEC. 2152. REPORTING AND CONSULTATION.

Any report required to be submitted to, and any consultation required to be engaged in with, the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives under the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11) with respect to funds appropriated to carry out section 2151 shall also be submitted to and engaged in with, respectively, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2153. SPECIAL ASSISTANCE AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (b), assistance and other financing under this or any other Act may be provided to Iraq notwithstanding any other provision of law.

(b) NOTIFICATION OF PROGRAM CHANGES.—Section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) shall apply to the assistance and other financing described in subsection (a), except that the notification required by subsection (a) of such section with respect to an obligation of funds shall be transmitted not later than 5 days in advance of the obligation.

SEC. 2154. INAPPLICABILITY OF CERTAIN RESTRICTIONS.

(a) IRAQ SANCTIONS ACT.—

(1) AUTHORITY TO SUSPEND.—The President may suspend the application of any provision of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note).

(2) EXCEPTION.—Nothing in this section shall otherwise affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note), except that such Act shall not apply to humanitarian assistance and supplies.

(b) INAPPLICABILITY OF TERRORIST STATE RESTRICTIONS.—The President may make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and any other provisions of law that apply to countries that have provided support for terrorism.

(c) EXPORT OF NONLETHAL MILITARY EQUIPMENT.—

(1) AUTHORITY.—Notwithstanding any other provision of law except section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)), the President may authorize the export to Iraq of any nonlethal military equipment designated on the United States Munitions List and controlled under the International Trafficking in Arms Regulations established pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778), if, not later than 5 days prior to such export, the President determines and notifies the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that the export of such nonlethal military equipment is in the national interest of the United States.

(2) NONAPPLICABILITY OF LIMITATION.—The determination and notification requirement under paragraph (1) shall not apply to military equipment designated by the Secretary of State for use by a reconstituted or interim Iraqi military or police force.

(d) INTERNATIONAL ORGANIZATION ACTIVITIES WITH RESPECT TO IRAQ.—

(1) INTERNATIONAL ORGANIZATIONS AND PROGRAMS.—Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) shall not apply with respect to international organization programs for Iraq.

(2) INTERNATIONAL FINANCIAL INSTITUTIONS.—Provisions of law that direct the United States Government to vote against or oppose loans or other uses of funds from an international financial institution, including for financial or technical assistance, shall not apply in the case of Iraq.

(e) NOTIFICATION OF EXERCISE OF AUTHORITIES.—

(1) NOTIFICATION.—Except as provided in subsection (c)(2), the President shall, not later than 5 days prior to exercising any of the authorities under or referred to in this section, submit a notification of such exercise of authority to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) REPORTING REQUIREMENT.—Not later than June 15, 2003, and every 90 days thereafter, the President shall submit to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives a report containing a summary of all licenses approved for the export to Iraq of any item on the Commerce Control List contained in supplement 1 to part 774 of title 15, Code of Federal Regulations, under the Export Administration Regulations, including the identification of the end users of such items.

SEC. 2155. TERMINATION OF AUTHORITIES.

The authorities contained in section 2153 and in subsections (a), (b), and (c) of section 2154 shall expire on the date that is 2 years after the date of the enactment of this Act.

TITLE XXII—AMENDMENTS TO GENERAL FOREIGN ASSISTANCE AUTHORITIES

Subtitle A—Foreign Assistance Act Amendments and Related Provisions

SEC. 2201. DEVELOPMENT POLICY.

Section 102(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151–1(b)) is amended—

(1) in paragraph (5), by—

(A) striking ''development; and'' and inserting ''development;''; and

(B) inserting before the period at the end the following: ''; democracy and the rule of law; and economic growth and the building of trade capacity''; and

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

''(18) The United States development assistance program should take maximum advantage of the increased participation of United States private foundations, business enterprises, and private citizens in funding international development activities. The program should utilize the development experience and expertise of its personnel, its access to host-country officials, and its overseas presence to facilitate public-private alliances and to leverage private sector resources toward the achievement of development assistance objectives.''.

SEC. 2202. ASSISTANCE FOR NONGOVERNMENTAL ORGANIZATIONS.

Section 123(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(e)) is amended to read as follows:

''(e)(1) Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from—

''(A) funds made available to carry out this chapter and chapters 10, 11, and 12 of part I (22 U.S.C. 2293 et seq.) and chapter 4 of part II (22 U.S.C. 2346 et seq.); or

''(B) funds made available for economic assistance activities under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

''(2) The President shall submit to Congress, in accordance with section 634A (22 U.S.C. 2394–1), advance notice of an intent to

obligate funds under the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations.

''(3) Assistance may not be furnished through nongovernmental organizations to the central government of a country under the authority of this subsection, but assistance may be furnished to local, district, or subnational government entities under such authority.''.

SEC. 2203. AUTHORITY FOR USE OF FUNDS FOR UNANTICIPATED CONTINGENCIES.

Section 451(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2261(a)(1)) is amended—

(1) by inserting ''or the Arms Export Control Act (22 U.S.C. 2751 et seq.)'' after ''chapter 1 of this part)''; and

(2) by striking ''$25,000,000'' and inserting ''$50,000,000''.

SEC. 2204. AUTHORITY TO ACCEPT LETHAL EXCESS PROPERTY.

Section 482(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(g)) is amended—

(1) by striking ''(g) EXCESS PROPERTY.—For'' and inserting the following:

''(g) EXCESS PROPERTY.—

''(1) AUTHORITY.—For'';

(2) by striking ''nonlethal'' and inserting ''(including lethal or nonlethal property)''; and

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

''(2) NOTIFICATION.—Before obligating any funds to obtain lethal excess property under paragraph (1), the Secretary shall submit a notification of such action to Congress in accordance with the procedures set forth in section 634A.''.

SEC. 2205. RECONSTRUCTION ASSISTANCE UNDER INTERNATIONAL DISASTER ASSISTANCE AUTHORITY.

Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(1) in subsection (a), by striking ''assistance for the relief and rehabilitation of'' and inserting ''relief, rehabilitation, and reconstruction assistance for'';

(2) in subsection (b), by striking ''relief and rehabilitation'' and inserting ''relief, rehabilitation, and reconstruction''; and

(3) in subsection (c), by striking ''relief and rehabilitation'' and inserting ''relief, rehabilitation, and reconstruction assistance''.

SEC. 2206. FUNDING AUTHORITIES FOR ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) is amended—

(1) in section 498B(j)(1) (22 U.S.C. 2295b(j)(1))—

(A) by striking ''authorized to be appropriated for fiscal year 1993 by'' and inserting ''made available to carry out''; and

(B) by striking ''appropriated for fiscal year 1993''; and

(2) in section 498C(b)(1) (22 U.S.C. 2295c(b)(1)), by striking ''under subsection (a)'' and inserting ''to carry out this chapter''.

SEC. 2207. WAIVER OF NET PROCEEDS RESULTING FROM DISPOSAL OF UNITED STATES DEFENSE ARTICLES PROVIDED TO A FOREIGN COUNTRY ON A GRANT BASIS.

Section 505(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(f)) is amended by striking ''In the case of items which were delivered prior to 1985, the'' in the second sentence and inserting ''The''.

SEC. 2208. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

(a) TRANSFERS FOR CONCESSIONS.—

(1) AUTHORITY.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2231h), the President may transfer to Israel, in exchange for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) COVERED ITEMS.—The items referred to in paragraph (1) are armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) VALUE OF CONCESSIONS.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFERS.—Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfer to the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section more than 5 years after the date of the enactment of this Act.

SEC. 2209. ADDITIONS TO WAR RESERVE STOCKPILES FOR ALLIES FOR FISCAL YEAR 2004.

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking ''for fiscal year 2003'' and inserting ''for each of fiscal years 2003 and 2004''; and

(2) in subparagraph (B), by striking ''for fiscal year 2003'' and inserting ''for a fiscal year''.

SEC. 2210. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS FOR LEBANON.

Section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228, 116 Stat. 1432; 22 U.S.C. 2346 note) is amended by adding at the end the following subsection:

''(c) EXCEPTION.—Subsection (a) does not apply to assistance made available to address the needs of southern Lebanon.''.

SEC. 2211. ADMINISTRATION OF JUSTICE.

Section 534 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c) is amended—

(1) in subsection (a), by striking ''in countries in Latin America and the Caribbean'';

(2) in subsection (b)(3)—

(A) in subparagraph (C), by striking ''and'';

(B) in subparagraph (D), by inserting ''and''; and

(C) by adding at the end the following new subparagraph:

''(E) programs to enhance the protection of participants in judicial cases;'';

(3) by striking subsection (c);

(4) in subsection (e), by striking the second and third sentences; and

(5) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 2212. DEMINING PROGRAMS.

(a) CLARIFICATION OF AUTHORITY.—Section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is amended—

(1) in the second sentence, by striking ''Such assistance may include reimbursements'' and inserting ''Such assistance may include the following:

''(1) Reimbursements''; and

(2) by adding at the end the following:

''(2) Demining activities, clearance of unexploded ordnance, destruction of small arms, and related activities, notwithstanding any other provision of law.''.

(b) DISPOSAL OF DEMINING EQUIPMENT.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes, may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President determines appropriate.

(c) LANDMINE AWARENESS PROGRAM FOR THE CHILDREN OF AFGHANISTAN AND OTHER CHILDREN AT RISK IN AREAS OF CONFLICT.—

(1) FINDINGS.—Congress makes the following findings:

(A) Most landmines in Afghanistan were laid between 1980 and 1992.

(B) Additional landmines were laid between 1992 and 1996, during the conflict between the Taliban and the Northern Alliance.

(C) United States bombings against the Taliban in 2001 and 2002 further increased the unexploded ordinance and cluster bombs throughout Afghanistan.

(D) The clearance of landmines is a slow and expensive process.

(E) Certain types of landmines and other unexploded ordinance are small, brightly colored, and attractive to children.

(F) More than 150 Afghans, many of them children, are injured every month by these weapons.

(G) In 2003, reconstituted Taliban forces have sought out and attacked workers clearing landmines, in an attempt to discredit the Government of President Karzai and the United States military presence.

(H) In May 2003, after a string of Taliban attacks in which mine removal workers were killed or seriously injured, the United Nations suspended all mine-clearing operations in much of southern Afghanistan.

(I) Effective landmine awareness programs targeted to children could save lives in Afghanistan and in other areas of conflict where unexploded ordinance are a danger to the safety of children.

(2) AUTHORIZATION.—The President is authorized to furnish assistance to fund innovative programs designed to educate children in Afghanistan and other affected areas about the dangers of landmines and other unexploded ordinances, especially those proposed by organizations with extensive background in children's educational programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise authorized to be appropriated for demining and related activities under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), there are authorized to be appropriated for fiscal year 2004 such sums as may be necessary to carry out the purposes of this subsection.

SEC. 2213. SPECIAL WAIVER AUTHORITY.

(a) REVISION OF AUTHORITY.—Section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) is amended in subsection (a) by—

(1) striking paragraphs (1) and (2) and inserting the following new paragraph:

''(1) The President may authorize any assistance, sale, or other action under this Act, the Arms Export Control Act (22 U.S.C. 2751 et seq.), or any other law that authorizes the furnishing of foreign assistance or the appropriation of funds for foreign assistance, without regard to any of the provisions described in subsection (b) if the President determines, and notifies the Committees on Foreign Relations and Appropriations of the Senate and

the Committees on International Relations and Appropriations of the House of Representatives in writing—

''(A) with respect to assistance or other actions under chapter 2 or 5 of part II of this Act, or sales or other actions under the Arms Export Control Act (22 U.S.C. 2751 et seq.), that to do so is vital to the national security interests of the United States; and

''(B) with respect to other assistance or actions, that to do so is important to the security interests of the United States.''; and

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(b) INCREASED LIMITATION ON SINGLE COUNTRY ALLOCATION.—Subsection (a)(3)(C) of such section, as redesignated, is amended by striking ''$50,000,000'' and inserting ''$75,000,000''.

(c) REPEAL OF PROVISIONS RELATING TO GERMANY AND A CERTIFICATION REQUIREMENT.—Section 614 of such Act is further amended by striking subsections (b) and (c).

(d) INAPPLICABLE OR WAIVABLE LAWS.—Such section, as amended by subsection (c), is further amended by adding at the end the following:

''(b) INAPPLICABLE OR WAIVABLE LAWS.—The provisions referred to in paragraphs (1) and (2) of subsection (a) are those set forth in any of the following:

''(1) Any provision of this Act.

''(2) Any provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(3) Any provision of law that authorizes the furnishing of foreign assistance or appropriates funds for foreign assistance.

''(4) Any other provision of law that restricts assistance, sales or leases, or other action under a provision of law referred to in paragraph (1), (2), or (3).

''(5) Any provision of law that relates to receipts and credits accruing to the United States.''.

SEC. 2214. PROHIBITION OF ASSISTANCE FOR COUNTRIES IN DEFAULT.

(a) CLARIFICATION OF PROHIBITED RECIPIENTS.—Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) is amended—

(1) by striking ''any country'' and inserting ''the government of any country''; and

(2) by striking ''such country'' each place it appears and inserting ''such government''.

(b) PERIOD OF PROHIBITION.—Such section 620(q) is further amended by striking ''six calendar months'' and inserting ''one year''.

SEC. 2215. MILITARY COUPS.

Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370) is amended by inserting after subsection (l) the following new subsection (m):

''(m)(1) No assistance may be furnished under this Act or the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the government of a country if the duly elected head of government for such country is deposed by decree or military coup. The prohibition in the preceding sentence shall cease to apply to a country if the President determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that after the termination of assistance a democratically elected government for such country has taken office.

''(2) Paragraph (1) does not apply to assistance to promote democratic elections or public participation in democratic processes.

''(3) The President may waive the application of paragraph (1), and any comparable provision of law, to a country upon determining that it is important to the national security interest of the United States to do so.''.

SEC. 2216. DESIGNATION OF POSITION FOR WHICH APPOINTEE IS NOMINATED.

Section 624 of the Foreign Assistance Act of 1961 (22 U.S.C. 2584) is amended by inserting after subsection (c) the following new subsection (d):

''(d) NOMINATION OF OFFICERS.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position authorized under subsection (a), the President shall designate the particular position in the agency for which the individual is nominated.''.

SEC. 2217. EXCEPTIONS TO REQUIREMENT FOR CONGRESSIONAL NOTIFICATION OF PROGRAM CHANGES.

Section 634A(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(b)) is amended—

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

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

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

''(3) of funds if the advance notification would pose a substantial risk to human health or welfare, but such notification shall be provided to the committees of Congress named in subsection (a) not later than 3 days after the action is taken; or

''(4) of funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the provision of major defense equipment (other than conventional ammunition), aircraft, ships, missiles, or combat vehicles in quantities not in excess of 20 percent of the quantities previously justified under section 25 of such Act (22 U.S.C. 2765).''.

SEC. 2218. COMMITMENTS FOR EXPENDITURES OF FUNDS.

Section 635(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(h)) is amended by striking ''available'' and all that follows through ''may,'' and inserting ''made available under this Act may,''.

SEC. 2219. ALTERNATIVE DISPUTE RESOLUTION.

Section 635(i) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(i)) is amended to read as follows:

''(i) Notwithstanding any other provision of law, claims arising as a result of operations under this Act may be settled (including by use of alternative dispute resolution procedures) or arbitrated with the consent of the parties. Payment made pursuant to any such settlement or arbitration shall be final and conclusive.''.

SEC. 2220. ADMINISTRATIVE AUTHORITIES.

Section 636 of the Foreign Assistance Act of 1961 (22 U.S.C. 2396) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by—

(i) striking ''abroad''; and

(ii) striking ''Civil Service Commission'' and inserting ''Office of Personnel Management'';

(B) by striking paragraph (5) and inserting the following:

''(5) purchase and hire of passenger motor vehicles;''; and

(C) in paragraph (10), by striking ''for not to exceed ten years'';

(2) in subsection (c), by striking ''not to exceed $6,000,000 of the''; and

(3) in subsection (d), by striking ''Not to exceed $2,500,000 of funds'' and inserting ''Funds''.

SEC. 2221. ASSISTANCE FOR LAW ENFORCEMENT FORCES.

Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking ''and the provision of professional'' and all that follows through ''democracy'' and inserting ''including any regional, district, municipal, or other subnational entity emerging from instability'';

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

(C) by adding at the end the following new paragraphs:

''(8) with respect to assistance to combat corruption in furtherance of the objectives for which programs are authorized to be established under section 133 of this Act (22 U.S.C. 2152c);

''(9) with respect to the provision of professional public safety training, including training in internationally recognized standards of human rights, the rule of law, and the promotion of civilian police roles that support democracy; and

''(10) with respect to assistance to combat trafficking in persons.''; and

(2) by striking subsection (d) and inserting the following:

''(d) Subsection (a) does not apply to assistance for law enforcement forces for which the Secretary, on a case-by-case basis, determines that it is important to the national interest of the United States to furnish such assistance and submits to the committees of the Congress referred to in subsection (a) of section 634A of this Act (22 U.S.C. 2394–1) an advance notification of the obligation of funds for such assistance in accordance with such section 634A.''.

SEC. 2222. SPECIAL DEBT RELIEF FOR THE POOREST.

The Foreign Assistance Act of 1961 is amended by adding at the end the following:

''PART VI—SPECIAL DEBT RELIEF FOR THE POOREST

''SEC. 901. SPECIAL DEBT RELIEF FOR THE POOREST.

''(a) AUTHORITY.—Subject to subsections (b) and (c), the President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of any of the following transactions:

''(1) Concessional loans extended under part I of this Act, or chapter 4 of part II of this Act, or antecedent foreign economic assistance laws.

''(2) Guarantees issued under sections 221 and 222 of this Act.

''(3) Credits extended or guarantees issued under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(4) Any obligation, or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to—

''(A) section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f));

''(B) section 201(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(b)); or

''(C) section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622).

''(b) GENERAL LIMITATIONS.—

''(1) EXCLUSIVE CONDITIONS.—The authority provided in subsection (a) may be exercised—

''(A) only to implement multilateral official debt relief and referendum agreements, commonly referred to as 'Paris Club Agreed Minutes';

''(B) only in such amounts or to such extent as is provided in advance in appropriations Acts; and

''(C) only with respect to countries with heavy debt burdens that—

''(i) are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as 'IDA-only' countries; and

''(ii) are not determined ineligible under subsection (c).

''(2) ADVANCE NOTIFICATION OF CONGRESS.—The authority provided by subsection (a) shall be subject to the requirements of section 634A of this Act (22 U.S.C. 2394–1).

''(c) ELIGIBILITY LIMITATIONS.—The authority provided by subsection (a) may be exercised only with respect to a country the government of which, as determined by the President—

''(1) does not make an excessive level of military expenditures;

''(2) has not repeatedly provided support for acts of international terrorism;

''(3) is not failing to cooperate on international narcotics control matters;

''(4) does not engage, through its military or security forces or by other means, in a consistent pattern of gross violations of internationally recognized human rights; and

''(5) is not ineligible for assistance under section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2370a).

''(d) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) may not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided in subsection (a) may be exercised notwithstanding section 620(r) of this Act (22 U.S.C. 2370(r)) or section 321 of the International Development and Food Assistance Act of 1975 (22 U.S.C. 2220a note).''.

SEC. 2223. CONGO BASIN FOREST PARTNERSHIP.

(a) FINDINGS.—Congress makes the following findings:

(1) Deforestation and environmental degradation in the Congo Basin in central Africa pose a major threat to the wellbeing and livelihood of the African people and to the world at large.

(2) It is in the national interest of the United States to assist the countries of the Congo Basin to reduce the rate of forest degradation and loss of biodiversity.

(3) The Congo Basin Forest Partnership, an initiative involving the Central Africa Regional Program for the Environment of the United States Agency for International Development, and also the Department of State, the United States Fish and Wildlife Service, the National Park Service, the National Forest Service, and National Aeronautics and Space Administration, was established to address in a variety of ways the environmental conditions in the Congo Basin.

(4) In partnership with nongovernmental environmental groups, the Congo Basin Forest Partnership will foster improved conservation and management of natural resources through programs at the local, national, and regional levels to help reverse the environmental degradation of the Congo Basin.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Congo Basin Forest Partnership program represents a significant effort at addressing the complex environmental and development challenges in the Congo Basin; and

(2) the President should make available for fiscal year 2004 at least the total level of assistance that the President requested for such fiscal year for all agencies participating in the Congo Basin Forest Partnership program for fiscal year 2004.

SEC. 2224. LANDMINE CLEARANCE PROGRAMS.

The Secretary of State is authorized to support cooperative arrangements commonly known as public-private partnerships for landmine clearance programs by grant or cooperative agreement.

SEC. 2225. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the ''Foundation'').

(2) FUNDING.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes of this section, including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives before designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and including such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes of this section.

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes of this section, and may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2005, and annually thereafter, the Foundation shall submit to Congress and make available to the public an annual report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes of this section; and

(4) the financial condition of the Foundation.

Subtitle B—Arms Export Control Act Amendments and Related Provisions

SEC. 2231. THRESHOLDS FOR ADVANCE NOTICE TO CONGRESS OF SALES OR UPGRADES OF DEFENSE ARTICLES, DESIGN AND CONSTRUCTION SERVICES, AND MAJOR DEFENSE EQUIPMENT.

(a) LETTERS OF OFFER TO SELL.—Subsection (b) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''Subject to paragraph (6), in'' and inserting ''In'';

(B) by striking ''$50,000,000'' and inserting ''$100,000,000'';

(C) by striking ''services for $200,000,000'' and inserting ''services for $350,000,000'';

(D) by striking ''$14,000,000'' and inserting ''$50,000,000''; and

(E) by inserting ''and in other cases if the President determines it is appropriate,'' before ''before such letter'';

(2) in the first sentence of paragraph (5)(C)—

(A) by striking ''Subject to paragraph (6), if'' and inserting ''If'';

(B) by striking ''$14,000,000'' and inserting ''$50,000,000'';

(C) by striking ''$50,000,000'' and inserting ''$100,000,000'';

(D) by striking ''or $200,000,000'' and inserting ''or $350,000,000''; and

(E) by inserting ''and in other cases if the President determines it is appropriate,'' before ''then the President''; and

(3) by striking paragraph (6).

(b) EXPORT LICENSES.—Subsection (c) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''Subject to paragraph (5), in'' and inserting ''In'';

(B) by striking ''$14,000,000'' and inserting ''$50,000,000'';

(C) by striking ''$50,000,000'' and inserting ''$100,000,000''; and

(D) by inserting ''and in other cases if the President determines it is appropriate,'' before ''before issuing such'';

(2) in the last sentence of paragraph (2), by striking ''(A) and (B)'' and inserting ''(A), (B), and (C)''; and

(3) by striking paragraph (5).

(c) PRESIDENTIAL CONSENT.—Section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) is amended—

(1) in paragraphs (1) and (3)(A)—

(A) by striking ''Subject to paragraph (5), the'' and inserting ''The'';

(B) by striking ''$14,000,000'' and inserting ''$50,000,000''; and

(C) by striking ''$50,000,000'' and inserting ''$100,000,000''; and

(2) by striking paragraph (5).

SEC. 2232. CLARIFICATION OF REQUIREMENT FOR ADVANCE NOTICE TO CONGRESS OF COMPREHENSIVE EXPORT AUTHORIZATIONS.

Subsection (d) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''(1)'';

(B) by striking ''this subsection'' and inserting ''this subparagraph''; and

(C) by adding at the end the following new subparagraph:

''(B) Notwithstanding section 27(g), in the case of a comprehensive authorization described in section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation) for the proposed export of defense articles or defense services in an amount that exceeds a limitation set forth in subsection (c)(1), before the comprehensive authorization is approved or the addition of a foreign government or other foreign partner to the comprehensive authorization is approved, the President shall submit a certification with respect to the comprehensive authorization in a manner similar to the certification required under subsection (c)(1) of this section and containing comparable information, except that the last sentence of such subsection shall not apply to certifications submitted pursuant to this subparagraph.''; and

(2) in paragraph (4), by striking ''Approval for an agreement subject to paragraph (1) may not be given under section 38'' and inserting ''Approval for an agreement subject to paragraph (1)(A), or for a comprehensive authorization subject to paragraph (1)(B), may not be given under section 38 or section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation), as the case may be,''.

SEC. 2233. EXCEPTION TO BILATERAL AGREEMENT REQUIREMENTS FOR TRANSFERS OF DEFENSE ITEMS WITHIN AUSTRALIA.

(a) EXCEPTION ON TRANSFERS WITHIN AUSTRALIA.—Subsection (j) of section 38 of the Arms Export Control Act (22 U.S.C. 2778(j)) is amended by adding at the end the following new paragraph:

''(5) EXCEPTION FROM BILATERAL AGREEMENT REQUIREMENTS.—The requirements for a bilateral agreement described in paragraph (2)(A) of this subsection shall not apply to such an agreement between the United States Government and the Government of Australia with respect to transfers within Australia of defense items that will remain subject to the licensing requirements of this Act after the agreement enters into force.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of such subsection (22 U.S.C. 2778(j)(2)) is amended in the material preceding subparagraph (A) by striking ''A bilateral agreement'' and inserting ''Except as provided in paragraph 5, a bilateral agreement''.

SEC. 2234. AUTHORITY TO PROVIDE CATALOGING DATA AND SERVICES TO NON-NATO COUNTRIES.

Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking ''to the North Atlantic Treaty Organization or to any member government of that Organization if that Organization or member government'' and inserting ''to the North Atlantic Treaty Organization, to any member government of that Organization, or to the government of any other country if that Organization, member government, or other government''.

SEC. 2235. FREEDOM SUPPORT ACT PERMANENT WAIVER AUTHORITY.

(a) AUTHORITY TO WAIVE RESTRICTIONS AND ELIGIBILITY REQUIREMENTS.—If the President submits the certification and report described in subsection (b) with respect to an independent state of the former Soviet Union for a fiscal year, funds may be obligated and expended during that fiscal year under sections 503 and 504 of the FREEDOM Support Act (22 U.S.C. 5853 and 5854) for assistance or other programs and activities for that state even if that state has not met one or more of the requirements for eligibility under paragraphs (1) through (4) of section 502 of such Act (22 U.S.C. 5852).

(b) CERTIFICATION AND REPORT.—

(1) IN GENERAL.—The certification and report referred to in subsection (a) are a written certification submitted by the President to Congress that the waiver of the restriction under such section 502 and the requirements in that section during the fiscal year covered by such certification is important to the national security interests of the United States, together with a report containing the following:

(A) A description of the activity or activities that prevent the President from certifying that the state is committed to the matters set forth in the provisions of law specified in subsection (a) in such fiscal year.

(B) An explanation of why the waiver is important to the national security interests of the United States.

(C) A description of the strategy, plan, or policy of the President for promoting the commitment of the state to, and compliance by the state with, such matters, notwithstanding the waiver.

(2) FORM OF REPORT.—A report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 2236. EXTENSION OF PAKISTAN WAIVERS.

The Act entitled ''An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes'', approved October 27, 2001 (Public Law 107–57; 115 Stat. 403), is amended—

(1) in section 1(a)—

(A) by striking ''2002'' in the heading and inserting ''2004''; and

(B) by striking ''2002'' in paragraph (1) and inserting ''2004'';

(2) in paragraph (2) of section 3, by striking ''Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 2002, as is'' and inserting ''annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, and 2004, as are''; and

(3) in section 6, by striking ''October 1, 2003'' and inserting ''October 1, 2004''.

SEC. 2237. CONSOLIDATION OF REPORTS ON NON-PROLIFERATION IN SOUTH ASIA.

Section 1601(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 is amended to read as follows:

''(c) REPORT.—The report required to be submitted to Congress not later than April 1, 2004 pursuant to section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)) shall include a description of the efforts of the United States Government to achieve the objectives described in subsections (a) and (b), the progress made toward achieving such objectives, and the likelihood that such objectives will be achieved by September 30, 2004.''.

SEC. 2238. HAITIAN COAST GUARD.

The Government of Haiti shall be eligible to purchase defense articles and services for the Haitian Coast Guard under the Arms Export Control Act (22 U.S.C. 2751 et seq.), subject to the prior notification requirements under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

SEC. 2239. SENSE OF CONGRESS RELATING TO EXPORTS OF DEFENSE ITEMS TO THE UNITED KINGDOM.

(a) FINDINGS.—Congress makes the following findings:

(1) The continued cooperation between the United States and the United Kingdom is critical to the national security and economic stability of the United States and the world.

(2) The United Kingdom has demonstrated a commitment to implementing and maintaining an effective export control system that prohibits countries designated as supporting international terrorism and other rogue states from securing items and technology that threaten the national security of the United States.

(3) The United States and the United Kingdom have been strategic partners with respect to the efforts of the United Nations Security Council Counter-Terrorism Committee to eradicate terrorism and the financing of terrorist activities.

(4) The war in Iraq demonstrated the close cooperation that exists between the United States and the United Kingdom with respect to military and defense operations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Government and the Government of the United Kingdom should finalize a bilateral agreement with respect to an exemption for certain qualified United States-origin defense items from the licensing requirements under the International Traffic in Arms Regulations (ITAR); and

(2) following the completion of the bilateral agreement, the United States should approve an exception, as appropriate, relating to the bilateral agreement with the United Kingdom from the requirements described in section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)).

SEC. 2240. MARKETING INFORMATION FOR COMMERCIAL COMMUNICATIONS SATELLITES.

(a) IN GENERAL.—A license shall not be required under section 38 of the Arms Export

Control Act (22 U.S.C. 2778) for the transfer of marketing information for the purpose of providing information directly related to the sale of commercial communications satellites and related parts to a member country of the North Atlantic Treaty Organization (NATO) and Australia, Japan, and New Zealand.

(b) MARKETING INFORMATION.—In this section, the term ''marketing information'' means data that a seller must provide to a potential customer (including a foreign end-user) that will enable the customer to make a purchase decision to award a contract for goods or services, including system description, functional information, price and schedule information, information required for installation, operation, maintenance, and repair, and includes that level of data necessary to ensure safe use of the product, but does not include sensitive encryption and source code data, detailed design data, engineering analysis, or manufacturing know-how.

(c) EXCEPTION.—Nothing in this section shall exempt commercial communications satellites from any licensing requirement under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for defense items and defense services, except as described in subsection (a).

TITLE XXIII—RADIOLOGICAL TERRORISM THREAT REDUCTION

SEC. 2301. SHORT TITLE.

This title may be cited as the ''Radiological Terrorism Threat Reduction Act of 2003''.

SEC. 2302. FINDINGS.

Congress makes the following findings:

(1) It is feasible for terrorists to obtain and disseminate radioactive material by using a radiological dispersion device (RDD) or by emplacing discrete radioactive sources in major public places.

(2) An attack by terrorists using radiological material could cause catastrophic economic and social damage, although it might kill few, if any, Americans.

(3) The first line of defense against radiological terrorism is preventing the acquisition of radioactive material by terrorists.

SEC. 2303. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) BYPRODUCT MATERIAL.—The term ''byproduct material'' has the meaning given the term in section 11 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

(3) IAEA.—The term ''IAEA'' means the International Atomic Energy Agency.

(4) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—The term ''independent states of the former Soviet Union'' has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(5) RADIOACTIVE MATERIAL.—The term ''radioactive material'' means—

(A) source material and special nuclear material, but does not include natural or depleted uranium;

(B) nuclear byproduct material;

(C) material made radioactive by bombardment in an accelerator; and

(D) all refined isotopes of radium.

(6) RADIOACTIVE SOURCE.—The term ''radioactive source'' means radioactive material that is permanently sealed in a capsule or closely bonded and includes any radioactive material released if the source is leaking or stolen, but does not include any material within the nuclear fuel cycle of a research or power reactor.

(7) RADIOISOTOPE THERMAL GENERATOR.—The term ''radioisotope thermal generator'' means an electrical generator which derives its power from the heat produced by the decay of a radioactive source by the emission of alpha, beta, or gamma radiation. The term does not include nuclear reactors deriving their energy from the fission or fusion of atomic nuclei.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of State.

(9) SOURCE MATERIAL.—The term ''source material'' has the meaning given the term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(10) SPECIAL NUCLEAR MATERIAL.—The term ''special nuclear material'' has the meaning given the term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

SEC. 2304. INTERNATIONAL STORAGE FACILITIES FOR RADIOACTIVE SOURCES.

(a) AGREEMENTS ON TEMPORARY SECURE STORAGE.—The Secretary is authorized to propose that the IAEA conclude agreements with up to 8 countries under which agreement each country would provide temporary secure storage for orphaned, unused, surplus, or other radioactive sources (other than special nuclear material, nuclear fuel, or spent nuclear fuel). Such agreements shall be consistent with the IAEA Code of Conduct on the Safety and Security of Radioactive Sources, and shall address the need for storage of such radioactive sources in countries or regions of the world where convenient access to secure storage of such radioactive sources does not exist.

(b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make voluntary contributions to the IAEA for use by the Department of Nuclear Safety of the IAEA to fund the United States share of the costs of activities associated with or under agreements under subsection (a).

(2) UNITED STATES SHARE IN FISCAL YEAR 2004.—The United States share of the costs of activities under agreements under subsection (a) in fiscal year 2004 may be 100 percent of the costs of such activities in that fiscal year.

(c) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide the IAEA and other countries with technical assistance to carry out activities under agreements under subsection (a) in a manner that meets the standards of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources.

(d) APPLICABILITY OF ENVIRONMENTAL LAWS.—

(1) INAPPLICABILITY OF NEPA TO FACILITIES OUTSIDE UNITED STATES.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply with respect to any temporary secure storage facility constructed outside the United States under an agreement under subsection (a).

(2) APPLICABILITY OF FOREIGN ENVIRONMENTAL LAWS.—The construction and operation of a facility described in paragraph (1) shall be governed by any applicable environmental laws of the country in which the facility is constructed.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this division for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $4,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

SEC. 2305. DISCOVERY, INVENTORY, AND RECOVERY OF RADIOACTIVE SOURCES.

(a) AUTHORITY.—The Secretary is authorized to provide assistance, including through voluntary contributions to the IAEA under subsection (b), to support a program of the Division of Radiation and Waste Safety of the Department of Nuclear Safety of the IAEA to promote the discovery, inventory, and recovery of radioactive sources in member nations of the IAEA.

(b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHORIZED.—The Secretary is authorized to make voluntary contributions to the IAEA to fund the United States share of the program described in subsection (a).

(c) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide the IAEA and other countries with technical assistance to carry out the program described in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $4,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

SEC. 2306. RADIOISOTOPE THERMAL GENERATOR POWER UNITS IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) SUBSTITUTION WITH OTHER POWER UNITS.—

(1) IN GENERAL.—The Secretary is authorized to assist the Government of the Russian Federation to substitute solar (or other nonnuclear) power sources for radioisotope thermal power units operated by the Russian Federation and other independent states of the former Soviet Union in applications such as lighthouses in the Arctic, remote weather stations, and for providing electricity in remote locations.

(2) TECHNOLOGY REQUIREMENT.—Any power unit utilized as a substitute power unit under paragraph (1) shall, to the maximum extent practicable, be based upon tested technologies that have operated for at least one full year in the environment where the substitute power unit will be used.

(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy to ensure that substitute power sources provided under this section are for facilities from which the radioisotope thermal generator power units have been or are being removed.

(c) ACTIVITIES OUTSIDE FORMER SOVIET UNION.—The Secretary may use not more than 20 percent of the funds available under this section in any fiscal year to replace dangerous radioisotope thermal power facilities that are similar to the facilities described in subsection (a) in countries other than the independent states of the former Soviet Union.

(d) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $5,000,000 to carry out this section.

(2) AVAILABILITY OF FUNDS.—Amounts available under paragraph (1) are authorized to remain available until expended.

SEC. 2307. FOREIGN FIRST RESPONDERS.

(a) IN GENERAL.—The Secretary is authorized to assist foreign countries, or to propose that the IAEA assist foreign countries, in the development of appropriate national response plans and the training of first responders to—

(1) detect, identify, and characterize radioactive material;

(2) understand the hazards posed by radioactive contamination;

(3) understand the risks encountered at various dose rates;

(4) enter contaminated areas safely and speedily; and

(5) evacuate persons within a contaminated area.

(b) CONSIDERATIONS.—In carrying out activities under subsection (a), the Secretary shall take into account the findings of the threat assessment report required by section 2308 and the location of any storage facilities for radioactive sources under section 2304.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $2,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

SEC. 2308. THREAT ASSESSMENT REPORTS.

(a) REPORTS REQUIRED.—The Secretary shall, at the times specified in subsection (c), submit to the appropriate congressional committees a report—

(1) detailing the preparations made at United States diplomatic missions abroad to detect and mitigate a radiological attack on United States missions and other United States facilities under the control of the Secretary;

(2) setting forth a rank-ordered list of the Secretary's priorities for improving radiological security and consequence management at United States missions; and

(3) providing a rank-ordered list of the missions where such improvement is most important.

(b) BUDGET REQUEST.—Each report under subsection (a) shall also include a proposed budget to carry out the improvements described in subsection (a)(2) under such report.

(c) TIMING.—

(1) FIRST REPORT.—The first report under subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

(2) SUBSEQUENT REPORTS.—Subsequent reports under subsection (a) shall be submitted with the budget justification materials submitted by the Secretary to Congress in support of the budget of the President for the fiscal year (as submitted under section 1105(a) of title 31, United States Code) for each fiscal year commencing with fiscal year 2006.

(d) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

TITLE XXIV—GLOBAL PATHOGEN SURVEILLANCE

SEC. 2401. SHORT TITLE.

This title may be cited as the ''Global Pathogen Surveillance Act of 2003''.

SEC. 2402. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Bioterrorism poses a grave national security threat to the United States. The insidious nature of the threat, the likely delayed recognition in the event of an attack, and the underpreparedness of the domestic public health infrastructure may produce catastrophic consequences following a biological weapons attack upon the United States.

(2) A contagious pathogen engineered as a biological weapon and developed, tested, produced, or released in another country can quickly spread to the United States. Given the realities of international travel, trade, and migration patterns, a dangerous pathogen released anywhere in the world can spread to United States territory in a matter of days, before any effective quarantine or isolation measures can be implemented.

(3) To effectively combat bioterrorism and ensure that the United States is fully prepared to prevent, diagnose, and contain a biological weapons attack, measures to strengthen the domestic public health infrastructure and improve domestic surveillance and monitoring, while absolutely essential, are not sufficient.

(4) The United States should enhance cooperation with the World Health Organization, regional health organizations, and individual countries, including data sharing with appropriate United States departments and agencies, to help detect and quickly contain infectious disease outbreaks or bioterrorism agents before they can spread.

(5) The World Health Organization (WHO) has done an impressive job in monitoring infectious disease outbreaks around the world, including the recent emergence of the Severe Acute Respiratory Syndrome (SARS) epidemic, particularly with the establishment in April 2000 of the Global Outbreak Alert and Response network.

(6) The capabilities of the World Health Organization are inherently limited by the quality of the data and information it receives from member countries, the narrow range of diseases (plague, cholera, and yellow fever) upon which its disease surveillance and monitoring is based, and the consensus process it uses to add new diseases to the list. Developing countries in particular often cannot devote the necessary resources to build and maintain public health infrastructures.

(7) In particular, developing countries could benefit from—

(A) better trained public health professionals and epidemiologists to recognize disease patterns;

(B) appropriate laboratory equipment for diagnosis of pathogens;

(C) disease reporting based on symptoms and signs (known as ''syndrome surveillance''), affording the earliest possible opportunity to conduct an effective response;

(D) a narrowing of the existing technology gap in syndrome surveillance capabilities and real-time information dissemination to public health officials; and

(E) appropriate communications equipment and information technology to efficiently transmit information and data within national and regional health networks, including inexpensive, Internet-based Geographic Information Systems (GIS) and relevant telephone-based systems for early recognition and diagnosis of diseases.

(8) An effective international capability to monitor and quickly diagnose infectious disease outbreaks will offer dividends not only in the event of biological weapons development, testing, production, and attack, but also in the more likely cases of naturally occurring infectious disease outbreaks that could threaten the United States. Furthermore, a robust surveillance system will serve to deter terrorist use of biological weapons, as early detection will help mitigate the intended effects of such malevolent uses.

(b) PURPOSE.—The purposes of this title are as follows:

(1) To enhance the capability and cooperation of the international community, including the World Health Organization and individual countries, through enhanced pathogen surveillance and appropriate data sharing, to detect, identify, and contain infectious disease outbreaks, whether the cause of those outbreaks is intentional human action or natural in origin.

(2) To enhance the training of public health professionals and epidemiologists from eligible developing countries in advanced Internet-based and other electronic syndrome surveillance systems, in addition to traditional epidemiology methods, so that they may better detect, diagnose, and contain infectious disease outbreaks, especially those due to pathogens most likely to be used in a biological weapons attack.

(3) To provide assistance to developing countries to purchase appropriate public health laboratory equipment necessary for infectious disease surveillance and diagnosis.

(4) To provide assistance to developing countries to purchase appropriate communications equipment and information technology, including, as appropriate, relevant computer equipment, Internet connectivity mechanisms, and telephone-based applications to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis.

(5) To make available greater numbers of United States Government public health professionals to international health organizations, regional health networks, and United States diplomatic missions where appropriate.

(6) To establish ''lab-to-lab'' cooperative relationships between United States public health laboratories and established foreign counterparts.

(7) To expand the training and outreach activities of overseas United States laboratories, including Centers for Disease Control and Prevention and Department of Defense entities, to enhance the disease surveillance capabilities of developing countries.

(8) To provide appropriate technical assistance to existing regional health networks and, where appropriate, seed money for new regional networks.

SEC. 2403. DEFINITIONS.

In this title:

(1) BIOLOGICAL WEAPONS CONVENTION.—The term ''Biological Weapons Convention'' means the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at Washington, London, and Moscow April 10, 1972.

(2) ELIGIBLE DEVELOPING COUNTRY.—The term ''eligible developing country'' means any developing country that—

(A) has agreed to the objective of fully complying with requirements of the World Health Organization on reporting public health information on outbreaks of infectious diseases;

(B) has not been determined by the Secretary, for purposes of section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405), to have repeatedly provided support for acts of international terrorism, unless the Secretary exercises a waiver certifying that it is in the national interest of the United States to provide assistance under the provisions of this title; and

(C) is a state party to the Biological Weapons Convention.

(3) ELIGIBLE NATIONAL.—The term ''eligible national'' means any citizen or national of an eligible developing country who is eligible to receive a visa under the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(4) INTERNATIONAL HEALTH ORGANIZATION.—The term ''international health organization'' includes the World Health Organization and the Pan American Health Organization.

(5) LABORATORY.—The term ''laboratory'' means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

(6) SECRETARY.—Unless otherwise provided, the term ''Secretary'' means the Secretary of State.

(7) SELECT AGENT.—The term ''select agent'' has the meaning given such term for purposes of section 72.6 of title 42, Code of Federal Regulations.

(8) SYNDROME SURVEILLANCE.—The term ''syndrome surveillance'' means the recording of symptoms (patient complaints) and signs (derived from physical examination) combined with simple geographic locators to track the emergence of a disease in a population.

SEC. 2404. PRIORITY FOR CERTAIN COUNTRIES.

Priority in the provision of United States assistance for eligible developing countries under all the provisions of this title shall be given to those countries that permit personnel from the World Health Organization and the Centers for Disease Control and Prevention to investigate outbreaks of infectious diseases on their territories, provide early notification of disease outbreaks, and provide pathogen surveillance data to appropriate United States departments and agencies in addition to international health organizations.

SEC. 2405. RESTRICTION.

Notwithstanding any other provision of this title, no foreign nationals participating in programs authorized under this title shall have access, during the course of such participation, to select agents that may be used as, or in, a biological weapon, except in a supervised and controlled setting.

SEC. 2406. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program (in this section referred to as the ''program'') under which the Secretary, in consultation with the Secretary of Health and Human Services and subject to the availability of appropriations, shall award fellowships to eligible nationals to pursue public health education or training, as follows:

(1) MASTER OF PUBLIC HEALTH DEGREE.—Graduate courses of study leading to a master of public health degree with a concentration in epidemiology from an institution of higher education in the United States with a Center for Public Health Preparedness, as determined by the Centers for Disease Control and Prevention.

(2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY TRAINING.—Advanced public health training in epidemiology to be carried out at the Centers for Disease Control and Prevention (or equivalent State facility), or other Federal facility (excluding the Department of Defense or United States National Laboratories), for a period of not less than 6 months or more than 12 months.

(b) SPECIALIZATION IN BIOTERRORISM.—In addition to the education or training specified in subsection (a), each recipient of a fellowship under this section (in this section referred to as a ''fellow'') may take courses of study at the Centers for Disease Control and Prevention or at an equivalent facility on diagnosis and containment of likely bioterrorism agents.

(c) FELLOWSHIP AGREEMENT.—

(1) IN GENERAL.—In awarding a fellowship under the program, the Secretary, in consultation with the Secretary of Health and Human Services, shall require the recipient to enter into an agreement under which, in exchange for such assistance, the recipient—

(A) will maintain satisfactory academic progress (as determined in accordance with regulations issued by the Secretary and confirmed in regularly scheduled updates to the Secretary from the institution providing the education or training on the progress of the recipient's education or training);

(B) will, upon completion of such education or training, return to the recipient's country of nationality or last habitual residence (so long as it is an eligible developing country) and complete at least four years of employment in a public health position in the government or a nongovernmental, not-for-profit entity in that country or, with the approval of the Secretary, complete part or all of this requirement through service with an international health organization without geographic restriction; and

(C) agrees that, if the recipient is unable to meet the requirements described in subparagraph (A) or (B), the recipient will reimburse the United States for the value of the assistance provided to the recipient under the fellowship, together with interest at a rate determined in accordance with regulations issued by the Secretary but not higher than the rate generally applied in connection with other Federal loans.

(2) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) and (1)(C) if the Secretary determines that it is in the national interest of the United States to do so.

(d) IMPLEMENTATION.—The Secretary, in consultation with the Secretary of Health and Human Services, is authorized to enter into an agreement with any eligible developing country under which the country agrees—

(1) to establish a procedure for the nomination of eligible nationals for fellowships under this section;

(2) to guarantee that a fellow will be offered a professional public health position within the country upon completion of his studies; and

(3) to certify to the Secretary when a fellow has concluded the minimum period of employment in a public health position required by the fellowship agreement, with an explanation of how the requirement was met.

(e) PARTICIPATION OF UNITED STATES CITIZENS.—On a case-by-case basis, the Secretary may provide for the participation of United States citizens under the provisions of this section if the Secretary determines that it is in the national interest of the United States to do so. Upon completion of such education or training, a United States recipient shall complete at least 5 years of employment in a public health position in an eligible developing country or an international health organization.

SEC. 2407. IN-COUNTRY TRAINING IN LABORATORY TECHNIQUES AND SYNDROME SURVEILLANCE.

(a) IN GENERAL.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, support short training courses in-country (not in the United States) for laboratory technicians and other public health personnel from eligible developing countries in laboratory techniques relating to the identification, diagnosis, and tracking of pathogens responsible for possible infectious disease outbreaks. Training under this section may be conducted in overseas facilities of the Centers for Disease Control and Prevention or in Overseas Medical Research Units of the Department of Defense, as appropriate. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

(b) TRAINING IN SYNDROME SURVEILLANCE.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, establish and support short training courses in-country (not in the United States) for public health personnel from eligible developing countries in techniques of syndrome surveillance reporting and rapid analysis of syndrome information using Geographic Information System (GIS) and other Internet-based tools. Training under this subsection may be conducted via the Internet or in appropriate facilities as determined by the Secretary. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

SEC. 2408. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT.

(a) AUTHORIZATION.—The President is authorized, on such terms and conditions as the President may determine, to furnish assistance to eligible developing countries to purchase and maintain public health laboratory equipment described in subsection (b).

(b) EQUIPMENT COVERED.—Equipment described in this subsection is equipment that is—

(1) appropriate, where possible, for use in the intended geographic area;

(2) necessary to collect, analyze, and identify expeditiously a broad array of pathogens, including mutant strains, which may cause disease outbreaks or may be used as a biological weapon;

(3) compatible with general standards set forth, as appropriate, by the World Health Organization and the Centers for Disease Control and Prevention, to ensure interoperability with regional and international public health networks; and

(4) not defense articles or defense services as those terms are defined under section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(e) HOST COUNTRY'S COMMITMENTS.—The assistance provided under this section shall be contingent upon the host country's commitment to provide the resources, infrastructure, and other assets required to house, maintain, support, secure, and maximize use of this equipment and appropriate technical personnel.

SEC. 2409. ASSISTANCE FOR IMPROVED COMMUNICATION OF PUBLIC HEALTH INFORMATION.

(a) ASSISTANCE FOR PURCHASE OF COMMUNICATION EQUIPMENT AND INFORMATION TECHNOLOGY.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries for the purchase and maintenance of communications equipment and information technology described in subsection (b), and supporting equipment, necessary to effectively collect, analyze, and transmit public health information.

(b) COVERED EQUIPMENT.—Equipment (and information technology) described in this subsection is equipment that—

(1) is suitable for use under the particular conditions of the area of intended use;

(2) meets appropriate World Health Organization standards to ensure interoperability with like equipment of other countries and international health organizations; and

(3) is not defense articles or defense services as those terms are defined under section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act or likely be barred or subject to special conditions under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(e) ASSISTANCE FOR STANDARDIZATION OF REPORTING.—The President is authorized to provide, on such terms and conditions as the President may determine, technical assistance and grant assistance to international health organizations to facilitate standardization in the reporting of public health information between and among developing countries and international health organizations.

(f) HOST COUNTRY'S COMMITMENTS.—The assistance provided under this section shall be contingent upon the host country's commitment to provide the resources, infrastructure, and other assets required to house, support, maintain, secure, and maximize use of this equipment and appropriate technical personnel.

SEC. 2410. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO UNITED STATES MISSIONS AND INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Upon the request of a United States chief of diplomatic mission or an international health organization, and with the concurrence of the Secretary of State, the head of a Federal agency may assign to the respective United States mission or organization any officer or employee of the agency occupying a public health position within the agency for the purpose of enhancing disease and pathogen surveillance efforts in developing countries.

(b) REIMBURSEMENT.—The costs incurred by a Federal agency by reason of the detail of personnel under subsection (a) may be reimbursed to that agency out of the applicable appropriations account of the Department of State if the Secretary determines that the relevant agency may otherwise be unable to assign such personnel on a non-reimbursable basis.

SEC. 2411. EXPANSION OF CERTAIN UNITED STATES GOVERNMENT LABORATORIES ABROAD.

(a) IN GENERAL.—Subject to the availability of appropriations, the Centers for Disease Control and Prevention and the Department of Defense shall each—

(1) increase the number of personnel assigned to laboratories of the Centers or the Department, as appropriate, located in eligible developing countries that conduct research and other activities with respect to infectious diseases; and

(2) expand the operations of those laboratories, especially with respect to the implementation of on-site training of foreign nationals and regional outreach efforts involving neighboring countries.

(b) COOPERATION AND COORDINATION BETWEEN LABORATORIES.—Subsection (a) shall be carried out in such a manner as to foster cooperation and avoid duplication between and among laboratories.

(c) RELATION TO CORE MISSIONS AND SECURITY.—The expansion of the operations of overseas laboratories of the Centers or the Department under this section shall not—

(1) detract from the established core missions of the laboratories; or

(2) compromise the security of those laboratories, as well as their research, equipment, expertise, and materials.

SEC. 2412. ASSISTANCE FOR REGIONAL HEALTH NETWORKS AND EXPANSION OF FOREIGN EPIDEMIOLOGY TRAINING PROGRAMS.

(a) AUTHORITY.—The President is authorized, on such terms and conditions as the President may determine, to provide assistance for the purposes of—

(1) enhancing the surveillance and reporting capabilities of the World Health Organization and existing regional health networks; and

(2) developing new regional health networks.

(b) EXPANSION OF FOREIGN EPIDEMIOLOGY TRAINING PROGRAMS.—The Secretary of Health and Human Services is authorized to establish new country or regional Foreign Epidemiology Training Programs in eligible developing countries.

SEC. 2413. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this division for Nonproliferation, Anti-terrorism, Demining and Related Programs, there is authorized to be appropriated $35,000,000 for the fiscal year 2004 to carry out this title.

(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

(A) $25,000,000 for the fiscal year 2004 is authorized to be available to carry out sections 2406, 2407, 2408, and 2409;

(B) $500,000 for the fiscal year 2004 is authorized to be available to carry out section 2410;

(C) $2,500,000 for the fiscal year 2004 is authorized to be available to carry out section 2411; and

(D) $7,000,000 for the fiscal year 2004 is authorized to be available to carry out section 2412.

(b) AVAILABILITY OF FUNDS.—The amount appropriated pursuant to subsection (a) is authorized to remain available until expended.

(c) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of this title, the Secretary shall submit a report, in conjunction with the Secretary of Health and Human Services and the Secretary of Defense, containing—

(1) a description of the implementation of programs under this title; and

(2) an estimate of the level of funding required to carry out those programs at a sufficient level.

TITLE XXV—REPORTING REQUIREMENTS AND OTHER MATTERS

Subtitle A—Elimination and Modification of Certain Reporting Requirements

SEC. 2501. ANNUAL REPORT ON TERRITORIAL INTEGRITY.

Section 560 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (titles I through V of Public Law 103–87; 107 Stat. 966) is amended by striking subsection (g).

SEC. 2502. ANNUAL REPORTS ON ACTIVITIES IN COLOMBIA.

Section 694 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1415; 22 U.S.C. 2291 note) is amended by adding at the end the following:

''(c) REPORT CONSOLIDATION.—The Secretary may satisfy the annual reporting requirements of this section by incorporating the required information with the annual report submitted pursuant to section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)).''.

SEC. 2503. ANNUAL REPORT ON FOREIGN MILITARY TRAINING.

Subsection (a)(1) of section 656 of the Foreign Assistance Act of 1961 (22 U.S.C. 2416) is amended by striking ''January 31'' and inserting ''March 1''.

SEC. 2504. REPORT ON HUMAN RIGHTS IN HAITI.

Section 616(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (section 101(b) of division A of Public Law 105–277; 112 Stat. 2681–114), is amended—

(1) in paragraph (2), by striking ''not later than 3 months after the date of enactment of this Act'' and inserting ''as part of the annual report submitted under paragraph (4) of this subsection''; and

(2) in paragraph (3), by inserting '', as part of the annual report submitted under paragraph (4) of this subsection,'' after ''the appropriate congressional committees''.

Subtitle B—Other Matters

SEC. 2511. CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.

Section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 108 Stat. 475; 22 U.S.C. 2370a) is amended by adding at the end the following new subsection:

''(i) CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.—

''(1) MATTERS NOT TO BE CONSIDERED.—Any action described in subsection (a)(1) that was taken by the Government of Nicaragua during the period beginning on January 1, 1956, and ending on January 9, 2002, may not be considered in implementing the prohibition under subsection (a) unless the action has been presented in accordance with the procedure set forth in paragraph (2).

''(2) ACTIONS PRESENTED.—An action shall be deemed presented for purposes of paragraph (1) if, not later than 120 days after the date prescribed under paragraph (3), a written description of the action is—

''(A) submitted to the Secretary of State by a United States person; and

''(B) received by the Department of State at—

''(i) the headquarters of the Department of State in Washington, District of Columbia; or

''(ii) the Embassy of the United States of America to Nicaragua.

''(3) TIME FOR PRESENTATION.—The Secretary of State shall prescribe the date on which the presentation deadline is based for the purposes of paragraph (2) and shall publish a notice of such date in the Federal Register. The prescribed date may be any date selected by the Secretary in the Secretary's sole discretion, except that such date may not be the date on which this subsection takes effect or any date before such effective date.''.

SEC. 2512. AMENDMENTS TO THE ARMS CONTROL AND DISARMAMENT ACT.

(a) VERIFICATION OF COMPLIANCE.—Section 306(a) of the Arms Control and Disarmament Act (22 U.S.C. 2577(a)) is amended by inserting ''or other formal commitment'' after ''agreement'' each place it appears in paragraphs (1) and (2).

(b) ANNUAL REPORTS TO CONGRESS.—

(1) REQUIREMENT FOR REPORTS.—Section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a) is amended to read as follows:

''SEC. 403. (a) REPORT ON OBJECTIVES AND NEGOTIATIONS.—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate a report prepared by the Secretary of State in consultation with the Secretary of Defense, the Secretary of Energy, the Director of Central Intelligence, and the Chairman of the Joint Chiefs of Staff on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

''(1) a detailed statement concerning the arms control, nonproliferation, and disarmament objectives of the executive branch of Government for the forthcoming year; and

''(2) a detailed assessment of the status of any ongoing arms control, nonproliferation, or disarmament negotiations, including a comprehensive description of negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year.

''(b) REPORT ON COMPLIANCE.—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate a report prepared by the Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with the Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament compliance. Such report shall include—

''(1) a detailed assessment of adherence of the United States to obligations undertaken in arms control, nonproliferation, and disarmament agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken;

''(2) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments, including the Missile Technology Control Regime, to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control, nonproliferation, or disarmament agreements or commitments, and shall include, in the case of each agreement or commitment about which compliance questions exist—

''(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

''(B) an assessment of damage, if any, to the United States security and other interests;

''(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems; and

''(D) for states that are not parties to such agreements or commitments, a description of activities of concern carried out by such states and efforts underway to bring such states into adherence with such agreements or commitments;

''(3) a discussion of any material noncompliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nuclear explosive devices (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4)) by non-nuclear-weapon states (as defined in section 830(5) of that Act (22 U.S.C. 6305(5)) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 830(8) of that Act (22 U.S.C. 6305(8)), including—

''(A) a net assessment of the aggregate military significance of all such violations;

''(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

''(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with those commitments; and

''(4) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements and other formal commitments with the United States.

''(c) CHEMICAL WEAPONS CONVENTION COMPLIANCE REPORT REQUIREMENT SATISFIED.—The report submitted pursuant to subsection (b) shall include the information necessary to satisfy Condition 10(C) of the resolution of advice and consent to the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21), approved by the Senate on April 24, 1997.

''(d) CLASSIFICATION OF REPORT.—The reports required by this section shall be submitted in unclassified form, with classified annexes, as appropriate. The report portions described in paragraphs (2) and (3) of subsection (b) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.

''(e) REPORTING CONSECUTIVE NONCOMPLIANCE.—If the President in consecutive reports submitted to the Congress under subsection (b) reports that any nation is not in full compliance with its binding nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.

''(f) ADDITIONAL REQUIREMENT.—Each report required by subsection (b) shall include a discussion of each significant issue described in subsection (b)(4) that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''ANNUAL REPORTS TO CONGRESS''.

SEC. 2513. SUPPORT FOR SIERRA LEONE.

(a) FINDINGS.—Congress makes the following findings:

(1) As of January 1, 2003, the United States had provided a total of $516,000,000 to the United Nations Mission in Sierra Leone and to Operation Focus Relief for the purpose of bringing peace and stability to Sierra Leone.

(2) In fiscal year 2003, Congress appropriated $144,850,000 to support the United Nations Mission in Sierra Leone, and the President has requested $84,000,000 for fiscal year 2004 to support such Mission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the considerable United States investment in stability in Sierra Leone should be secured through appropriate support for activities aimed at enhancing Sierra Leone's long-term prospect for peaceful development.

(c) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the appropriate congressional committees on the feasibility of establishing a United States mission in Sierra Leone.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(d) AVAILABILITY OF FUNDS.—Of the amounts made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or chapter 4 of part II of such Act (22 U.S.C. 2346 et seq.), up to $15,000,000 may be made available in fiscal year 2004 to support in Sierra Leone programs—

(1) to increase access to primary and secondary education in rural areas;

(2) designed to alleviate poverty; and

(3) to eliminate government corruption.

SEC. 2514. SUPPORT FOR INDEPENDENT MEDIA IN ETHIOPIA.

Of the amounts made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), such sums as are necessary may be made available in fiscal year 2004 to support independent media in Ethiopia, including providing support to—

(1) strengthen the capacity of journalists; and

(2) increase access to printing facilities by individuals who work in the print media.

SEC. 2515. SUPPORT FOR SOMALIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should work—

(A) to support efforts to strengthen state capacity in Somalia;

(B) to curtail opportunities for terrorists and other international criminals in Somalia;

(C) to engage sectors of Somali society that are working to improve the conditions of the Somali people; and

(D) to provide alternatives to extremist influences in Somalia by vigorously pursuing small-scale human development initiatives; and

(2) supporting stability in Somalia is in the national interest of the United States.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the strategy for engaging with pockets of competence within the borders of Somalia to both strengthen local capacity and to establish incentives for other communities to seek stability.

(2) CONTENT.—The report shall—

(A) outline a multi-year strategy for increasing—

(i) access to primary and secondary education and basic health care services, including projected staffing and resource needs in light of Somalia's current capacity;

(ii) support for the efforts underway to establish clear systems for effective regulation and monitoring of Somali remittance companies; and

(iii) support initiatives to rehabilitate Somalia's livestock export sector; and

(B) evaluate the feasibility of using the Ambassador's Fund for Cultural Preservation to support Somalia's cultural heritage, including the oral traditions of the Somali people.

SEC. 2516. SUPPORT FOR CENTRAL AFRICAN STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) In recent years, the Central African States of Burundi, the Democratic Republic of the Congo, Rwanda, and Uganda have all been involved in overlapping conflicts that have destabilized the region and contributed to the deaths of millions of civilians.

(2) The Department of State's 2002 Country Report on Human Rights Practices in Burundi states that, ''impunity for those who committed serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability.''

(3) The Department of State's 2002 Country Report on Human Rights Practices in the Democratic Republic of the Congo states that, ''the judiciary continued to be underfunded, inefficient, and corrupt. It largely was ineffective as a deterrent to human rights abuses or as a corrective force.''

(4) The Department of State's 2002 Country Report on Human Rights Practices in Rwanda states that ''there were credible reports that Rwandan Defense Force units operating in the [Democratic Republic of the Congo] committed deliberate unlawful killings and other serious abuses, and impunity remained a problem,'' and that ''the Government continued to conduct genocide trials at a slow pace.''

(5) The Department of State's 2002 Country Report on Human Rights Practices in Uganda states that ''security forces used excessive force, at times resulting in death, and committed or failed to prevent extrajudicial killings of suspected rebels and civilians. The Government enacted measures to improve the discipline and training of security forces and punished some security force officials who were guilty of abuses; however, abuses by the security forces remained a problem.''

(6) Ongoing human rights abuses in the Democratic Republic of the Congo, including ethnically-based conflict in Ituri province, threaten the integrity and viability of the Congolese peace process.

(b) STATEMENT OF POLICY.—It is the policy of the United States Government to support—

(1) efforts aimed at accounting for the grave human rights abuses and crimes against humanity that have taken place throughout the central African region since 1993;

(2) programs to encourage reconciliation in communities affected by such crimes; and

(3) efforts aimed at preventing such crimes in the future.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the actions taken by the United States Government to implement the policy set out in subsection (b).

(d) AUTHORIZATION.—Of the amounts made available under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), up to $12,000,000 may be made available for fiscal year 2004 to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and to improve local capacity to prevent and respond to such violence.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2517. AFRICAN CONTINGENCY OPERATIONS TRAINING AND ASSISTANCE PROGRAM.

(a) AVAILABILITY OF FUNDS.—Of the amounts made available under chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C 2348 et seq.), $15,000,000 may be made available in fiscal year 2004 to support the African Contingency Operations Training and Assistance program (in this section referred to as ''ACOTA'') to enhance the capacity of African militaries to participate in peace support operations.

(b) ELIGIBILITY FOR PARTICIPATION.—

(1) CRITERIA.—Countries receiving ACOTA support shall be selected on the basis of—

(A) the country's willingness to participate in peace support operations;

(B) the country's military capability;

(C) the country's democratic governance;

(D) the nature of the relations between the civil and military authorities within the country;

(E) the human rights record of the country, with particular attention paid to the record of the military; and

(F) the relations between the country and its neighboring states.

(2) ELIGIBILITY REVIEW.—The eligibility status of participating countries shall be reviewed at least annually.

(c) SENSE OF CONGRESS ON LOCAL CONSULTATIONS.—It is the sense of Congress that the Department of State should—

(1) provide information about the nature and purpose of ACOTA training to nationals of a country participating in ACOTA, including parliamentarians and nongovernmental humanitarian and human rights organizations; and

(2) to the extent possible, provide such information prior to the beginning of ACOTA training activities in such country.

(d) SENSE OF CONGRESS ON MONITORING.—It is the sense of Congress that—

(1) the Department of State and other relevant departments and agencies should monitor the performance and conduct of military units that receive ACOTA training or support; and

(2) the Department of State should provide to the appropriate congressional committees an annual report on the information gained through such monitoring.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2518. CONDITION ON THE PROVISION OF CERTAIN FUNDS TO INDONESIA.

(a) CONDITION ON ASSISTANCE.—Subject to subsection (c), no funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) or chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) in fiscal year 2004, other than funds made available for expanded military education and training under such chapter, may be available for a program that involves the Government of Indonesia or the Indonesian Armed Forces until the President makes the certification described in subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification submitted by the President to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures, including cooperating with the Director of the Federal Bureau of Investigation—

(1) to conduct a full investigation of the attack on United States citizens in West Papua, Indonesia on August 31, 2002; and

(2) to criminally prosecute the individuals responsible for such attack.

(c) LIMITATION.—Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2519. ASSISTANCE TO COMBAT HIV/AIDS IN CERTAIN COUNTRIES OF THE CARIBBEAN REGION.

Section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)) is amended by inserting after ''Zambia,'' the following: ''Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Dominican Republic,''.

SEC. 2520. REPEAL OF OBSOLETE ASSISTANCE AUTHORITY.

Sections 495 through 495K of the Foreign Assistance Act of 1961 (22 U.S.C. 2292f through 2292q) are repealed.

SEC. 2521. TECHNICAL CORRECTIONS.

(a) ERROR IN ENROLLMENT.—Effective as of November 21, 1990, as if included therein, section 10(a)(1) of Public Law 101–623 (104 Stat. 3356), relating to an amendment of section 610(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2360(a)), is amended by striking ''''part I'''' and inserting ''''part I)''''.

(b) REDESIGNATION OF DUPLICATIVELY NUMBERED SECTION.—Section 620G of the Foreign Assistance Act of 1961, as added by section 149 of Public Law 104–164 (110 Stat. 1436; 22 U.S.C. 2378a), is redesignated as section 620J.

(c) CORRECTION OF SHORT TITLE.—Effective as of September 30, 1961, as if included therein, section 111 of Public Law 87–329 (75 Stat. 719; 22 U.S.C. 2151 note) is amended by striking ''''The Foreign'' and inserting ''the 'Foreign''.

DIVISION C—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 3001. SHORT TITLE.

This division may be cited as the ''Millennium Challenge Act of 2003''.

SEC. 3002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) On March 14, 2002, President George W. Bush stated that ''America supports the international development goals in the U.N. Millennium Declaration, and believes that the goals are a shared responsibility of developed and developing countries.'' The President also called for a ''new compact for global development, defined by new accountability for both rich and poor nations'' and pledged support for increased assistance from the United States through the establishment of a Millennium Challenge Account for countries that govern justly, invest in their own people, and encourage economic freedom.

(2) The elimination of extreme poverty and the achievement of the other international development goals of the United Nations Millennium Declaration adopted by the United Nations General Assembly on September 8, 2000, are important objectives and it is appropriate for the United States to make development assistance available in a manner that will assist in achieving such goals.

(3) The availability of financial assistance through a Millennium Challenge Account,

linked to performance by developing countries, can contribute significantly to the achievement of the international development goals of the United Nations Millennium Declaration.

(b) PURPOSES.—The purposes of this division are—

(1) to provide United States assistance for global development through the Millennium Challenge Corporation, as described in section 3102; and

(2) to provide such assistance in a manner that promotes economic growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people.

SEC. 3003. DEFINITIONS.

In this division:

(1) BOARD.—The term ''Board'' means the Millennium Challenge Board established by section 3101(c).

(2) CANDIDATE COUNTRY.—The term ''candidate country'' means a country that meets the criteria set out in section 3103.

(3) CEO.—The term ''CEO'' means the chief executive officer of the Corporation established by section 3101(b).

(4) CORPORATION.—The term ''Corporation'' means the Millennium Challenge Corporation established by section 3101(a).

(5) ELIGIBLE COUNTRY.—The term ''eligible country'' means a candidate country that is determined, under section 3104, as being eligible to receive assistance under this division.

(6) MILLENNIUM CHALLENGE ACCOUNT.—The term ''Millennium Challenge Account'' means the account established under section 3301.

TITLE XXXI—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 3101. ESTABLISHMENT AND MANAGEMENT OF THE MILLENNIUM CHALLENGE CORPORATION.

(a) ESTABLISHMENT OF THE CORPORATION.—There is established in the executive branch a corporation within the meaning of section 103 of title 5, United States Code, to be known as the Millennium Challenge Corporation with the powers and authorities described in title XXXII.

(b) CEO OF THE CORPORATION.—

(1) IN GENERAL.—There shall be a chief executive officer of the Corporation who shall be responsible for the management of the Corporation.

(2) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, the CEO.

(3) RELATIONSHIP TO THE SECRETARY OF STATE.—The CEO shall report to and be under the direct authority and foreign policy guidance of the Secretary of State. The Secretary of State shall coordinate the provision of United States foreign assistance.

(4) DUTIES.—The CEO shall, in consultation with the Board, direct the performance of all functions and the exercise of all powers of the Corporation, including ensuring that assistance under this division is coordinated with other United States economic assistance programs.

(5) EXECUTIVE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Millennium Challenge Corporation.''.

(c) MILLENNIUM CHALLENGE BOARD.—

(1) ESTABLISHMENT OF THE BOARD.—There is established a Millennium Challenge Board.

(2) COMPOSITION.—The Board shall be composed of the following members:

(A) The Secretary of State, who shall serve as the Chair of the Board.

(B) The Secretary of the Treasury.

(C) The Administrator of the United States Agency for International Development.

(D) The CEO.

(E) The United States Trade Representative.

(2) FUNCTIONS OF THE BOARD.—The Board shall perform the functions specified to be carried out by the Board in this division.

SEC. 3102. AUTHORIZATION FOR MILLENNIUM CHALLENGE ASSISTANCE.

(a) AUTHORITY.—The Corporation is authorized to provide assistance to an eligible entity consistent with the purposes of this division set out in section 3002(b) to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract. Assistance provided under this division may be provided notwithstanding any other provision of law.

(b) EXCEPTION.—Assistance under this division may not be used for military assistance or training.

(c) FORM OF ASSISTANCE.—Assistance under this division may be provided in the form of grants to eligible entities.

(d) COORDINATION.—The provision of assistance under this division shall be coordinated with other United States foreign assistance programs.

(e) APPLICATIONS.—An eligible entity seeking assistance under this division to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract shall submit a proposal for the use of such assistance to the Board in such manner and accompanied by such information as the Board may reasonably require.

SEC. 3103. CANDIDATE COUNTRY.

(a) IN GENERAL.—A country is a candidate country for the purposes of this division—

(1) during fiscal year 2004, if such country is eligible to receive loans from the International Development Association;

(2) during fiscal year 2005, if the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year; and

(3) during any fiscal year after 2005—

(A) for which more than $5,000,000,000 has been appropriated to the Millennium Challenge Account, if the country is classified as a lower middle income country by the World Bank on the first day of such fiscal year; or

(B) for which not more than $5,000,000,000 has been appropriated to such Millennium Challenge Account, the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year.

(b) LIMITATION ON ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.—In a fiscal year in which subparagraph (A) of subsection (a)(3) applies with respect to determining candidate countries, not more than 20 percent of the amounts appropriated to the Millennium Challenge Account shall be available for assistance to countries that would not be candidate countries if subparagraph (B) of subsection (a)(3) applied during such year.

SEC. 3104. ELIGIBLE COUNTRY.

(a) DETERMINATION BY THE BOARD.—The Board shall determine whether a candidate country is an eligible country by evaluating the demonstrated commitment of the government of the candidate country to—

(1) just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism and the rule of law;

(B) respect human and civil rights;

(C) protect private property rights;

(D) encourage transparency and accountability of government; and

(E) limit corruption;

(2) economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets;

(B) promote private sector growth; and

(C) strengthen market forces in the economy; and

(3) investments in the people of such country, including improving the availability of educational opportunities and health care for all citizens of such country.

(b) ASSESSING ELIGIBILITY.—

(1) IN GENERAL.—To evaluate the demonstrated commitment of a candidate country for the purposes of subsection (a), the CEO shall recommend objective and quantifiable indicators, to be approved by the Board, of a candidate country's performance with respect to the criteria described in paragraphs (1), (2), and (3) of such subsection. Such indicators shall be used in selecting eligible countries.

(2) ANNUAL PUBLICATION OF INDICATORS.—

(A) INITIAL PUBLICATION.—Not later than 45 days prior to the final publication of indicators under subparagraph (B) in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that the Board proposes to use for the purposes of paragraph (1) in such year.

(B) FINAL PUBLICATION.—Not later than 15 days prior to the selection of eligible countries in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that are to be used for the purposes of paragraph (1) in such year.

(3) CONSIDERATION OF PUBLIC COMMENT.—The Board shall consider any comments on the proposed indicators published under paragraph (2)(A) that are received within 30 days after the publication of such indicators when selecting the indicators to be used for the purposes of paragraph (1).

SEC. 3105. ELIGIBLE ENTITY.

(a) ASSISTANCE.—Any eligible entity may receive assistance under this division to carry out a project in an eligible country for the purpose of making progress toward achieving an objective of a Millennium Challenge Contract.

(b) DETERMINATIONS OF ELIGIBILITY.—The Board shall determine whether a person or governmental entity is an eligible entity for the purposes of this section.

(c) ELIGIBLE ENTITIES.—For the purposes of this section, an eligible entity is—

(1) a government, including a local or regional government; or

(2) a nongovernmental organization or other private entity.

SEC. 3106. MILLENNIUM CHALLENGE CONTRACT.

(a) IN GENERAL.—The Board shall invite the government of an eligible country to enter into a Millennium Challenge Contract with the Corporation. A Millennium Challenge Contract shall establish a multiyear plan for the eligible country to achieve specific objectives consistent with the purposes set out in section 3002(b).

(b) CONTENT.—A Millennium Challenge Contract shall include—

(1) specific objectives to be achieved by the eligible country during the term of the Contract;

(2) a description of the actions to be taken by the government of the eligible country and the United States Government for achieving such objectives;

(3) the role and contribution of private entities, nongovernmental organizations, and other organizations in achieving such objectives;

(4) a description of beneficiaries, to the extent possible disaggregated by gender;

(5) regular benchmarks for measuring progress toward achieving such objectives;

(6) a schedule for achieving such objectives;

(7) a schedule of evaluations to be performed to determine whether the country is

meeting its commitments under the Contract;

(8) a statement that the Corporation intends to consider the eligible country's performance in achieving such objectives in making decisions about providing continued assistance under the Contract;

(9) the strategy of the eligible country to sustain progress made toward achieving such objectives after the expiration of the Contract;

(10) a plan to ensure financial accountability for any assistance provided to a person or government in the eligible country under this division; and

(11) a statement that nothing in the Contract may be construed to create a legally binding or enforceable obligation on the United States Government or on the Corporation.

(c) REQUIREMENT FOR CONSULTATION.—The Corporation shall seek to ensure that the government of an eligible country consults with private entities and nongovernmental organizations in the eligible country for the purpose of ensuring that the terms of a Millennium Challenge Contract entered into by the Corporation and the eligible country—

(1) reflect the needs of the rural and urban poor in the eligible country; and

(2) provide means to assist poor men and women in the eligible country to escape poverty through their own efforts.

(d) REQUIREMENT FOR APPROVAL BY THE BOARD.—A Millennium Challenge Contract shall be approved by the Board before the Corporation enters into the Contract.

SEC. 3107. SUSPENSION OF ASSISTANCE TO AN ELIGIBLE COUNTRY.

The Secretary of State shall direct the CEO to suspend the provision of assistance to an eligible country under a Millennium Challenge Contract during any period for which such eligible country is ineligible to receive assistance under a provision of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

SEC. 3108. DISCLOSURE.

(a) REQUIREMENT FOR DISCLOSURE.—The Corporation shall make available to the public on a continuous basis and on the earliest possible date, but not later than 15 days after the information is available to the Corporation, the following information:

(1) A list of the candidate countries determined to be eligible countries during any year.

(2) The text of each Millennium Challenge Contract entered into by the Corporation.

(3) For assistance provided under this division—

(A) the name of each entity to which assistance is provided;

(B) the amount of assistance provided to the entity; and

(C) a description of the program or project for which assistance was provided.

(4) For each eligible country, an assessment of—

(A) the progress made during each year by an eligible country toward achieving the objectives set out in the Millennium Challenge Contract entered into by the eligible country; and

(B) the extent to which assistance provided under this division has been effective in helping the eligible country to achieve such objectives.

(b) DISSEMINATION.—The information required to be disclosed under subsection (a) shall be made available to the public by means of publication in the Federal Register and posting on the Internet, as well as by any other methods that the Board determines appropriate.

SEC. 3109. MILLENNIUM CHALLENGE ASSISTANCE TO CANDIDATE COUNTRIES.

(a) AUTHORITY.—Notwithstanding any other provision of this division and subject to the limitation in subsection (c), the Corporation is authorized to provide assistance to a candidate country that meets the conditions in subsection (b) for the purpose of assisting such country to become an eligible country.

(b) CONDITIONS.—Assistance under subsection (a) may be provided to a candidate country that is not an eligible country under section 3104 because of—

(1) the unreliability of data used to assess its eligibility under section 3104; or

(2) the failure of the government of the candidate country to perform adequately with respect to only 1 of the indicators described in subsection (a) of section 3104.

(c) LIMITATION.—The total amount of assistance provided under subsection (a) in a fiscal year may not exceed 10 percent of the funds made available to the Millennium Challenge Account during such fiscal year.

SEC. 3110. ANNUAL REPORT TO CONGRESS.

Not later than January 31 of each year, the President shall submit to Congress a report on the assistance provided under this division during the prior fiscal year. The report shall include—

(1) information regarding obligations and expenditures for assistance provided to each eligible country in the prior fiscal year;

(2) a discussion, for each eligible country, of the objectives of such assistance;

(3) a description of the coordination of assistance under this division with other United States foreign assistance and related trade policies;

(4) a description of the coordination of assistance under this division with the contributions of other donors; and

(5) any other information the President considers relevant to assistance provided under this division.

TITLE XXXII—POWERS AND AUTHORITIES OF THE MILLENNIUM CHALLENGE CORPORATION

SEC. 3201. POWERS OF THE CORPORATION.

(a) POWERS.—The Corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may prescribe, amend, and repeal such rules, regulations, and procedures as may be necessary for carrying out the functions of the Corporation;

(4) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(6) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Corporation;

(7) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this division;

(8) may use the United States mails in the same manner and on the same conditions as the executive departments of Government;

(9) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(10) may hire or obtain passenger motor vehicles; and

(11) shall have such other powers as may be necessary and incident to carrying out this division.

(b) CONTRACTING AUTHORITY.—The functions and powers authorized by this division may be performed without regard to any provision of law regulating the making, performance, amendment, or modification of contracts, grants, and other agreements.

SEC. 3202. COORDINATION WITH USAID.

(a) REQUIREMENT FOR COORDINATION.—An employee of the Corporation assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission in a foreign country shall, in a manner that is consistent with the authority of the Chief of Mission, coordinate the performance of the functions of the Corporation in such country with the officer in charge of the United States Agency of International Development programs located in such country.

(b) USAID PROGRAMS.—The Administrator of the United States Agency for International Development shall seek to ensure that appropriate programs of the Agency play a primary role in preparing candidate countries to become eligible countries under section 3104.

SEC. 3203. PRINCIPAL OFFICE.

The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

SEC. 3204. PERSONNEL AUTHORITIES.

(a) REQUIREMENT TO PRESCRIBE A HUMAN RESOURCES MANAGEMENT SYSTEM.—The CEO shall, jointly with the Director of the Office of Personnel Management, prescribe regulations that establish a human resources management system, including a retirement benefits program, for the Corporation.

(b) RELATIONSHIP TO OTHER LAWS.—

(1) INAPPLICABILITY OF CERTAIN LAWS.—Except as provided in paragraph (2), the provisions of title 5, United States Code, and of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) shall not apply to the human resource management program established pursuant to paragraph (1).

(2) APPLICATION OF CERTAIN LAWS.—The human resources management system established pursuant to subsection (a) may not waive, modify, or otherwise affect the application to employees of the Corporation of the following provisions:

(A) Section 2301 of title 5, United States Code.

(B) Section 2302(b) of such title.

(C) Chapter 63 of such title (relating to leave).

(D) Chapter 72 of such title (relating to antidiscrimination).

(E) Chapter 73 of such title (relating to suitability, security, and conduct).

(F) Chapter 81 of such title (relating to compensation for work injuries).

(G) Chapter 85 of such title (relating to unemployment compensation).

(H) Chapter 87 of such title (relating to life insurance).

(I) Chapter 89 of such title (relating to health insurance).

(J) Chapter 90 of such title (relating to long-term care insurance).

(3) RELATIONSHIP TO RETIREMENT BENEFITS LAWS.—The retirement benefits program referred to in subsection (a) shall permit the employees of the Corporation to be eligible, unless the CEO determines otherwise, for benefits under—

(A) subchapter III of chapter 83 and chapter 84 of title 5, United States Code (relating to retirement benefits); or

(B) chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) (relating to the Foreign Service Retirement and Disability System).

(c) APPOINTMENT AND TERMINATION.—Except as otherwise provided in this section, the CEO may, without regard to any civil

service or Foreign Service law or regulation, appoint and terminate employees as may be necessary to enable the Corporation to perform its duties.

(d) COMPENSATION.—

(1) AUTHORITY TO FIX COMPENSATION.—Subject to the provisions of paragraph (2), the CEO may fix the compensation of employees of the Corporation.

(2) LIMITATIONS ON COMPENSATION.—The compensation for an employee of the Corporation may not exceed the lesser of—

(A) the rate of compensation established under title 5, United States Code, or any Foreign Service law for an employee of the Federal Government who holds a position that is comparable to the position held by the employee of the Corporation; or

(B) the rate of pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) TERM OF EMPLOYMENT.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no individual may be employed by the Corporation for a total period of employment that exceeds 5 years.

(2) EXCEPTED POSITIONS.—The CEO, and not more than 3 other employees of the Corporation who are designated by the CEO, may be employed by the Corporation for an unlimited period of employment.

(3) WAIVER.—The CEO may waive the maximum term of employment described in paragraph (1) if the CEO determines that such waiver is essential to the achievement of the purposes of this division.

(f) AUTHORITY FOR TEMPORARY EMPLOYEES.—The CEO may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) DETAIL OF FEDERAL EMPLOYEES TO THE CORPORATION.—Any Federal Government employee may be detailed to the Corporation on a fully or partially reimbursable or on a nonreimbursable basis, and such detail shall be without interruption or loss of civil service or Foreign Service status or privilege.

(h) REINSTATEMENT.—An employee of the Federal Government serving under a career or career conditional appointment, or the equivalent, in a Federal agency who transfers to or converts to an appointment in the Corporation with the consent of the head of the agency is entitled to be returned to the employee's former position or a position of like seniority, status, and pay without grade or pay reduction in the agency if the employee—

(1) is being separated from the Corporation for reasons other than misconduct, neglect of duty, or malfeasance; and

(2) applies for return to the agency not later than 30 days before the date of the termination of the employment in the Corporation.

SEC. 3205. PERSONNEL OUTSIDE THE UNITED STATES.

(a) ASSIGNMENT TO UNITED STATES EMBASSIES.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission.

(b) PRIVILEGES AND IMMUNITIES.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(c) RESPONSIBILITY OF CHIEF OF MISSION.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

SEC. 3206. USE OF SERVICES OF OTHER AGENCIES.

The Corporation may utilize the information services, facilities and personnel of, or procure commodities from, any agency of the United States Government on a fully or partially reimbursable or nonreimbursable basis under such terms and conditions as may be agreed to by the head of such agency and the Corporation for carrying out this division.

SEC. 3207. ADMINISTRATIVE AUTHORITIES.

The Corporation is authorized to use any of the administrative authorities contained in the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) unless such authority is inconsistent with a provision of this division.

SEC. 3208. APPLICABILITY OF CHAPTER 91 OF TITLE 31, UNITED STATES CODE.

The Corporation shall be subject to chapter 91 of title 31, United States Code.

TITLE XXXIII—THE MILLENNIUM CHALLENGE ACCOUNT AND AUTHORIZATION OF APPROPRIATIONS

SEC. 3301. ESTABLISHMENT OF THE MILLENNIUM CHALLENGE ACCOUNT.

There is established on the books of the Treasury an account to be known as the Millennium Challenge Account that shall be administered by the CEO under the direction of the Board. All amounts made available to carry out the provisions of this division shall be deposited into such Account and such amounts shall be available to carry out such provisions.

SEC. 3302. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this division $1,000,000,000 for fiscal year 2004, $2,300,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) AVAILABILITY.—Funds appropriated under subsection (a)—

(1) are authorized to remain available until expended, subject to appropriations acts; and

(2) are in addition to funds otherwise available for such purposes.

(c) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Corporation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this division. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this division or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) NOTIFICATION.—The notification requirements of section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(a)) shall apply to any allocation or transfer of funds made pursuant to paragraph (1).

SA 1137. Mr. SANTORIUM submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.___. TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25)) is amended by striking ''subparagraph (A)'' and inserting ''clause (i)''.

SA 1138. Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal year 2004 through 2007, and for other purposes; as follows:

At the end of title VII, add the following:

SEC. ___. TREATMENT OF NATIONALS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

SA 1139. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike section 204.

In section 207, strike ''agency'' and insert ''agency, except that funds may be transferred by the Secretary for the procurement of goods and services from other departments or agencies pursuant to section 1535 of title 31, United States Code''.

In section 402(a), strike ''90 days'' and insert ''120 days''.

In section 501(a), strike paragraph (3) and insert the following:

(3) by adding at the end the following:

''(C) OTHER REVIEW OF DESIGNATION.—

''(i) IN GENERAL.—If in a 4-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6). Such review shall be completed not later than 180 days after the end of such 4-year period

''(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.''.

Strike section 601, and insert the following:

SEC. 601. PLANS, REPORTS, AND BUDGET DOCUMENTS.

(a) REQUIREMENTS UNDER THE UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.—

(1) REQUIREMENTS.—Section 502 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462) is amended to read as follows:

''SEC. 502. (a) INTERNATIONAL INFORMATION STRATEGY.—The President shall develop and report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an international information strategy. The international information strategy shall consist of public information plans designed for major regions of the world, including a focus on regions with significant Muslim populations.

''(b) NATIONAL SECURITY STRATEGY.—In the preparation of the annual report required by section 108 of the National Security Act of 1947 (50 U.S.C. 404a), the President shall ensure that the report includes a comprehensive discussion of how public diplomacy activities are integrated into the national security strategy of the United States, and how such activities are designed to advance the goals and objectives identified in the report pursuant to section 108(b)(1) of that Act.

''(c) PLANS REGARDING DEPARTMENT ACTIVITIES.—

''(1) STRATEGIC PLAN.—In the updated and revised strategic plan for program activities of the Department required to be submitted under section 306 of title 5, United States Code, the Secretary shall identify how public diplomacy activities of the Department are designed to advance each strategic goal identified in the plan.

''(2) ANNUAL PERFORMANCE PLAN.—The Secretary shall ensure that each annual performance plan for the Department required by section 1115 of title 31, United States Code, includes a detailed discussion of public diplomacy activities of the Department.

''(3) BUREAU AND MISSION PERFORMANCE PLAN.—The Secretary shall ensure that each regional bureau's performance plan, and other bureau performance plans as appropriate, and each mission performance plan, under regulations of the Department, includes a public diplomacy component.''.

(2) CONFORMING AMENDMENT.—The heading for such section is amended to read as follows:

''PLANS, REPORTS, AND BUDGET DOCUMENTS''.

(b) DEADLINE FOR REPORTING INTERNATIONAL INFORMATION STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall report to the appropriate congressional committees the international information strategy described in subsection (a) of section 502 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462), as amended by subsection (a).

In section 602, strike the heading and insert the following:

SEC. 602. TRAINING.

In section 612(b)(1), strike ''binational Fulbright commissions'' and insert ''such program''.

In section 612(b)(10), strike subparagraphs (A) and (B) and insert the following:

(A) bilateral exchanges to train athletes or teams;

(B) bilateral exchanges to assist countries in establishing or improving their sports, health, or physical education programs;

In section 613(b), strike paragraph (2) and insert the following:

(2) is at least 15 years of age but not more than 18 years and 6 months of age at the time of enrollment in the program;

In section 622, strike subsection (a) and insert the following:

(a) ESTABLISHMENT.—There is established a fellowship program under to which the Broadcasting Board of Governors may provide fellowships to foreign national journalists while they serve, for a period not to exceed 6 months, in positions at the Voice of America, RFE/RL, Incorporated, or Radio Free Asia.

In section 623, strike subsection (b) and insert the following:

(b) REMUNERATION.—The Board shall determine the amount of remuneration a Fellow will receive for service under this subtitle. In making the determination, the Board shall take into consideration the position in which the Fellow will serve, the Fellow's experience and expertise, and other sources of funds available to the Fellow.

SA 1140. Mr. BINGAMAN (for himself and Ms. COLLINS) 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:

At the end of title III of division B, insert the following:

SEC. . ALLOWANCE OF DEDUCTION FOR QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations), as amended by this Act, is amended by inserting after section 179C the following new section:

''SEC. 179D. DEDUCTION FOR QUALIFIED ENERGY MANAGEMENT DEVICES.

''(a) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer who is a supplier of electric energy or a provider of electric energy services, there shall be allowed as a deduction an amount equal to the cost of each qualified energy management device placed in service during the taxable year.

''(b) MAXIMUM DEDUCTION.—The deduction allowed by this section with respect to each qualified energy management device shall not exceed $30.

''(c) QUALIFIED ENERGY MANAGEMENT DEVICE.—The term 'qualified energy management device' means any meter or metering device which is used by the taxpayer—

''(1) to measure and record electricity usage data on a time-differentiated basis in at least 4 separate time segments per day, and

''(2) to provide such data on at least a monthly basis to both consumers and the taxpayer.

''(d) PROPERTY USED OUTSIDE THE UNITED STATES NOT QUALIFIED.—No deduction shall be allowed under subsection (a) with respect to property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(e) BASIS REDUCTION.—

''(1) IN GENERAL.—For purposes of this subtitle, if a deduction is allowed under this section with respect to a qualified energy management device, the basis of such property shall be reduced by the amount of the deduction so allowed.

''(2) ORDINARY INCOME RECAPTURE.—For purposes of section 1245, the amount of the deduction allowable under subsection (a) with respect to any property that is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.

''(f) TERMINATION.—This section shall not apply to any qualified energy management device placed in service after December 31, 2007.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1), as amended by this Act, is amended by striking ''or'' at the end of subparagraph (I), by striking the period at the end of subparagraph (J) and inserting '', or'', and by inserting after subparagraph (J) the following new subparagraph:

''(K) expenditures for which a deduction is allowed under section 179D.''.

(2) Section 312(k)(3)(B), as amended by this Act, is amended by striking ''or 179C'' each place it appears in the heading and text and inserting ''179C, or 179D''.

(3) Section 1016(a), as amended by this Act, is amended by striking ''and'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting '', and'', and by adding at the end the following new paragraph:

''(35) to the extent provided in section 179D(e)(1).''.

(4) Section 1245(a), as amended by this Act, is amended by inserting ''179D,'' after ''179C,'' both places it appears in paragraphs (2)(C) and (3)(C).

(5) The table of contents for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 179C the following new item:

''Sec. 179D. Deduction for qualified energy management devices.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified energy management devices placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SA 1141. Mrs. BOXER (for herself, Mr. CHAFEE, Ms. MIKULSKI, Mrs. MURRAY, Ms. SNOWE, Mr. BIDEN, Mrs. CLINTON, and Mr. LAUTENBERG) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, insert the following new section:

SEC. 815. GLOBAL DEMOCRACY PROMOTION.

(a) FINDINGS.—Congress makes the following findings:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the ''right of the people peaceably to assemble, and to petition the government for a redress of grievances'' is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

(b) ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961.—Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

SA 1142. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike lines 17 through 19 and insert the following:

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For ''Protection of Foreign Missions and Officials'', $21,000,000 for the fiscal year 2004, and $55,900,000 to be available for expenses related to protection of foreign missions and officials incurred prior to October 1, 2003.

SA 1143. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXI, add the following new section:

SEC. 2113. REAUTHORIZATION OF RELIEF FOR TORTURE VICTIMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) there is authorized to be appropriated to the President to carry out section 130 of such Act $11,000,000 for fiscal year 2004.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2003.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CONTRIBUTION TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.), there is authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture $6,000,000 for fiscal year 2004.

(c) AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal year 2004, there is authorized to be appropriated to carry out subsection (a) $20,000,000 for fiscal year 2004.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2003.

SA 1144. Mr. ALLEN (for himself, Mr. ALEXANDER, Mr. GRAHAM of South Carolina, and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS.

(a) PROGRAM AUTHORIZED.—The Secretary may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development (OECD), including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provisionof training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) DISCHARGE THROUGH BUREAU OF ECONOMIC AFFAIRS.—The Secretary shall carry out the program authorized by subsection (a) through the Bureau of Economic Affairs of the Department.

(c) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(d) FUNDING.—Of the amount authorized to be appropriated for other educational and cultural exchange programs by section 102(a)(1)(B), $5,000,000 may be available in fiscal year 2004 for the program authorized by subsection (a).

SA 1145. Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

At the appropriate place in the amendment insert the following:

SEC. . IRAN DEMOCRACY ACT.

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

(1) Iran is neither free nor democratic. Men and women are not treated equally, in Iran. Women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the Guardians Council, thwart the decisions of elected leaders.

(2) The April 2003 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2002.

(3) That report also states that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(b) POLICY.—It is the policy of the United States that—

(1) currently, there is not a free and fully democratic government in Iran,

(2) the United States supports transparent, full democracy in Iran,

(3) the United States supports the rights of the Iranian people to choose their system of government; and

(4) the United States condemns the brutal treatment, imprisonment and torture of Iranian civilians expressing political dissent.

SA 1146. Mr. SMITH (for himself, Mr. BIDEN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII add the following:

SEC. 815. ELIGIBILITY OF CERTAIN COUNTRIES FOR UNITED STATES MILITARY ASSISTANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 8, 2003, the Senate voted 96 to 0 to approve the resolution of advice and consent to the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia (T.Doc. 108–4).

(2) It is in the interest of the United States, the North Atlantic Treaty Organization (NATO), and the 7 countries that concluded the Protocols that these countries be treated in the same manner as the 18 allies of the United States that are member countries of NATO as of the date of the enactment of this Act.

(b) AMENDMENT OF AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.—Section 2007(d)(1) of the American Servicemembers' Protection Act of 2002 (title II of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (Public Law 107–206; 116 Stat. 905)) is amended by inserting ''or a country that has concluded a protocol with NATO for the accession of the country to NATO'' before the semicolon.

SA 1147. Mr. BROWNBACK (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. ENHANCING REFUGEE RESETTLEMENT TO ENSURE NATIONAL SECURITY AND MAINTAIN THE UNITED STATES COMMITMENT TO REFUGEES.

(a) FINDINGS.—Congress finds the following:

(1) The United States has a longstanding tradition of providing refugee assistance and relief through the Department of State's migration and refugee assistance account for refugees throughout the world who have been subjected to religious and other forms of persecution.

(2) A strong refugee resettlement and assistance program is a critical component of the United States' strong commitment to freedom.

(3) The United States refugee admissions program has been in decline for much of the last 5 years, resulting in a chronic inability of the United States to meet the ceiling on refugee admissions that has been set by the President each year.

(4) Refugee applicants have always undergone rigorous security screenings. The September 11, 2001, terrorist attacks on the United States have rightfully increased the awareness of the need to ensure that all aliens seeking admission to the United States would not endanger the United States. In order to ensure that the refugee admissions program remains available in a timely way to deserving and qualified refugee applicants, all personnel involved in screening such applicants should closely coordinate their work in order to ensure both the timely and complete screening of such applicants.

(5) Private voluntary agencies have and continue to provide valuable information to State Department officials for refugee processing, and along with Embassy personnel, can be utilized to assist in the preliminary screening of refugees so that State Department officials can focus to a greater extent on security.

(6) In order to meet the ceiling set by the Administration, which has been 70,000 refugees in recent years, a broader cross-section of the world's 15,000,000 refugees could be considered for resettlement in the United States if the Department of State were to expand existing refugee processing priority categories in a reasonable and responsible manner. Expansion of refugee selection should include the expanded use of both the existing category reserved for refugees of special interest to the United States as well as the existing categories reserved for family reunification.

(b) PURPOSE.—It is the purpose of this section to provide the Department of State with tools to enable it to carry out its responsibilities with greater efficiency with respect to the identification and processing of refugee applicants.

(c) SENSE OF CONGRESS CONCERNING ANNUAL ADMISSION OF REFUGEES.—It is the sense of Congress that—

(1) efforts of the Department of State to admit 70,000 refugees, as allocated through presidential determinations, for fiscal year 2003 are strongly supported and recommended; and

(2) the Administration should seek to admit at least 90,000 refugees in fiscal year 2004 and at least 100,000 in fiscal year 2005.

(d) REFUGEE SECURITY COORDINATOR.—

(1) ESTABLISHMENT.—In order to further enhance overseas security screening of the United States Refugee Resettlement Program, there shall be within the Bureau of Population, Refugees, and Migration, a Refugee Security Coordinator who shall report to the Assistant Secretary of State for Population, Refugees, and Migration.

(2) RESPONSIBILITIES.—The Refugee Security Coordinator referred to in paragraph (1) shall be responsible for—

(A) ensuring that applicants for admission to the United States undergo a security review to ensure that the admission of such applicants would not pose a security risk to the United States;

(B) ensuring that, to the greatest extent practicable, such security reviews are completed within 45 days of the submission of the information necessary to conduct such a review;

(C) providing appropriate officials in the Department of Justice and the Department of Homeland Security pertinent information for conducting security reviews for applicants; and

(D) making recommendations on procedural and personnel changes and levels of appropriations that the Refugee Security Coordinator considers appropriate for the various agencies of government involved in conducting security reviews for refugee applicants in order to ensure that such reviews are complete and accurate, protect the security of the United States, and are completed in a timely manner.

(3) AUTHORITY.—In carrying out the responsibilities set forth in paragraph (2), the Refugee Security Coordinator shall have full authority to work with the various agencies of government to ensure that security reviews are conducted in a complete and timely manner, including authority to inquire about, and require action on, any particular application.

(e) USE OF NONGOVERNMENTAL ORGANIZATIONS IN REFERRAL OF REFUGEES.—

(1) PRIVATE VOLUNTARY ORGANIZATION REFERRALS.—The Secretary of State shall develop and utilize partnerships with private voluntary agencies that permit such agencies to assist in the identification and referral of refugees, through the creation of networks of field-based nongovernmental organizations with immediate and direct knowledge of refugees in need of a durable solution.

(2) USE OF VOLUNTARY AGENCIES IN OVERSEAS REFUGEE PROCESSING.—In processing refugees for admission to the United States, the Department of State shall utilize private voluntary agencies with ties to domestic constituencies.

(3) REFUGEE RESPONSE TEAMS.—

(A) ESTABLISHMENT.—In order to make the processing of refugees more efficient and effective, enhance the quality of refugee resettlement programs, and to augment the capacity of the United States Government to identify, process, assist, and counsel individuals for eventual adjudication by the Department of Homeland Security as refugees, the Secretary of State shall establish and utilize the services of Refugee Response Teams (in this section referred to as ''RRTs''). RRTs shall be coordinated by the Assistant Secretary of State for Population, Refugees, and Migration, or the Assistant Secretary's designee, and work with the Refugee Security Coordinator.

(B) COMPOSITION.—RRTs shall be comprised of representatives of private voluntary organizations that have experience in refugee law, policy, and programs.

(C) RESPONSIBILITIES OF THE RRTS.—RRTs shall be responsible for—

(i) monitoring refugee situations, with a view toward identifying those refugees whose best durable solution is third country resettlement;

(ii) preparing profiles and documentation for resettlement consideration by the United States Government;

(iii) augmenting or establishing an overseas operation, especially in response to urgent developments requiring quick responses or more staff resources than are available in the existing processing entities;

(iv) assisting with training and technical assistance to existing international organizations and other processing entities; and

(v) such other responsibilities as may be determined by the Secretary of State.

(D) RESPONSIBILITIES OF THE SECRETARY.—The Secretary of State shall establish appropriate training seminars for RRT personnel and make use of RRTs in situations where existing mechanisms are unable to identify and process refugees in a timely manner.

(f) PERFORMANCE STANDARDS.—In consultation with private voluntary organizations, the Secretary of State shall establish performance standards to ensure accountability and effectiveness in the tasks carried out in subsection (e).

(g) CONSIDERATION OF VARIOUS GROUPS.—To ensure that there is adequate planning across fiscal years and that both the Department of State's planning and processing operations result in adequate numbers of travel-ready refugees to fulfill the admissions goals set forth in the determinations on refugee admissions required by sections 207(a) and 207(b) of the Immigration and Nationality Act (8 U.S.C. 1157(a) and (b)), the Secretary of State shall work to ensure that—

(1) those refugees in special need, including long-stayers in first countries of asylum, unaccompanied refugee minors, urban refugees, and refugees in women-headed households be given special attention for resettlement processing;

(2) attempts are made to expand processing of those refugees of all nationalities who have close family ties to citizens and residents in the United States, including spouses, unmarried children, or parents of persons lawfully admitted to the United States, regardless of their country of nationality, country of habitual residence, or first country of asylum, as well as grandparents, grandchildren, married sons or daughters, or siblings of United States citizens or other persons lawfully admitted to the United States;

(3) attempts are made to expand the number of refugees considered who are of special concern to the United States;

(4) individuals otherwise eligible for access to the United States refugee admissions program seeking admission to the United States as refugees are not excluded from being interviewed because of such individual's country of nationality, country of habitual residence, or first country of asylum; and

(5) expanded access is provided to broader categories of refugees seeking admission to the United States, thus reducing instances of relationship-based misrepresentation by persons who art bona fide refugees but who resort to such misrepresentation merely as a way to be interviewed for refugee status.

(h) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to Congress that includes information concerning the following:

(1) Efforts of the Refugee Security Coordinator in assuming the responsibilities set forth in subsection (d) that includes—

(A) a description of the process involved in conducting security reviews for refugee applicants;

(B) a listing of the various agencies of the Federal Government that are involved in conducting security reviews for refugee applicants;

(C) a listing for each agency described in accordance with subparagraph (B) of the number of personnel involved in conducting security reviews for refugee applicants;

(D) a listing for each agency described in accordance with subparagraph (B) of the amount of funding in the previous fiscal year for conducting security reviews for refugee applicants;

(E) the average amount of time that it takes to conduct security reviews for refugee applicants; and

(F) a plan on how the Refugee Security Coordinator will fulfill the responsibilities set forth in paragraphs (1), (2), and (3) of subsection (d).

(2) Efforts of the Secretary to utilize private voluntary organizations in refugee identification, utilize private voluntary agencies in processing refugees, and an explanation of the rationale for not using such organizations and agencies in situations where the Secretary of State has made such a determination.

(3) Efforts of the Secretary of State implement performance standards and measures are described in subsection (f) and the success of private voluntary organizations in meeting such standards.

(4) Efforts of the Secretary of State to expand consideration of various groups for refugee processing as described in subsection (g).

(5) Efforts to ensure that there is planning across fiscal years so as to fulfill the refugee admissions goals set forth by the President in the President's annual presidential determinations on refugee admissions, including efforts to reach at least 70,000 admissions in fiscal year 2003, 90,000 in fiscal year 2004, and 100,000 in fiscal year 2005 as recommended by Congress.

SA 1148. Ms. MURKOWSKI (for herself, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF CONGRESS ON THE ESTABLISHMENT OF AN OIL RESERVE FUND FOR IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Coalition forces have liberated the Iraqi people from the tyranny of Saddam Hussein and his regime.

(2) The vast mineral resources, including oil, of Iraq could enrich the present and future generations of Iraqis.

(3) Iraq has one of the largest known petroleum reserves in the world, and those reserves could be used to foster economic development and democratization in Iraq.

(4) Very little of the potential of the oil sector in Iraq has actually been harnessed.

(5) Under Saddam Hussein's regime, the proceeds from those resources were used to build palaces, enrich the members of the Republican Guard, oppress the Iraqi people, and stifle their desires for a democratic government.

(6) As many of the nations of the Persian Gulf demonstrate, possession of large petroleum reserves alone does not ensure economic development or democratization.

(7) The development of a vibrant democracy requires a strong middle class, a free press, and free and fair elections.

(8) The future Government of Iraq will face a variety of reconstruction challenges ranging from restoring infrastructure to providing basic human services like education and healthcare.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Energy should develop a proposal for the establishment of an oil reserve fund for Iraq and submit the proposal to appropriate representatives of the Iraqi people, the Director of the Office of Reconstruction and Humanitarian Assistance, and the President's Envoy to Iraq;

(2) the proposal should take proper account of the need of Iraq for funding of reconstruction, meeting its international financial obligations, and providing essential human services such as education and health care;

(3) the fund should be called the Iraqi Freedom Fund and should be based on models such as the Alaska Permanent Fund, as well as other appropriate models;

(4) the fund should be managed on a for-profit basis to produce additional revenues;

(5) a portion of the annual earnings of the fund should be distributed to the Iraqi people as direct payments, or through programs designed to promote the establishment of a permanent middle class, with the remainder of the fund to be capitalized to allow the fund to grow for future generations; and

(6) the goal of the fund should be to encourage maximum participation by the people of Iraq in the operation of their government, to promote the proper use of the natural resources of Iraq, and to ensure that the Iraqi people benefit from the development of the natural resources of Iraq.

SA 1149. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 17 and 18, insert the following new section:

SEC. 815. EXTENSION OF NONDISCRIMINATORY TRADE TREATMENT TO SERBIA AND MONTENEGRO.

Notwithstanding Public Law 102–420 (19 U.S.C. 2434 note), the President may proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Serbia and Montenegro (formerly the Federal Republic of Yugoslavia).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 9, 2003, at 9:30 a.m., in open/closed session to receive testimony on ''Lessions Learned'' during operation enduring freedom in Afghanistan and Operation Iraqi Freedom, and to receive testimony on ongoing operations in the United States Central Command Region.

The Presiding Officer. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 9, 2003, at 10 a.m., in room 106 of the Dirksen Senate Office Building to conduct an oversight hearing on the Indian Gaming Regulatory Act.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial and Executive Nominations'' on Wednesday, July 9, 2003, at 3 p.m., in the Dirksen Senate Office Building room 226.

Panel I: [Senators]

Panel II: James O. Browning to be United States District Judge for the District of New Mexico; Kathleen Cardone to be United States District Judge for the Western District of Texas; James I. Cohn to be United States District Judge for the Southern District of Florida; Frank Montalvo to be United States District Judge for the Western District of Texas; Xavier Rodriguez to be United States District Judge for the Western District of Texas

Panel III: Rene Alexander Acosta to be Assistant Attorney General, Civil Rights Division, United States Department of Justice.

The Presiding Officer. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 9, 2003, at 9:30 a.m., to conduct a hearing on Senate Resolution 173, proposing changes in Rule XVI of the Standing Rules of the Senate as they relate to unauthorized appropriations.

The Presiding Officer. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Joint

Economic Committee be authorized to conduct a hearing in room 628 of the Dirksen Senate Office Building, Wednesday, July 9, 2003, from 9:30 a.m. to 1 p.m.

The Presiding Officer. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LUGAR. I ask unanimous consent the following persons and fellows detailed to the Foreign Relations Committee be granted the privilege of the floor during the consideration of S. 925: Paul Foldi, Michael Mattler, Jason Hamm, and Peter Gadzinski.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Nicolaas Corneliss, a fellow on my staff, be granted privileges of the floor for the duration of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask unanimous consent that Perry Cammack, a Javits fellow working on the staff of the Foreign Relations Committee, be granted the privilege of the floor during consideration of S. 925.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Matt Linstroth and Jason Wolf during consideration of the Child Tax Credit legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 10, 2003

Mr. LUGAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, July 10. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 925, the State Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LUGAR. Mr. President, for the information of all Senators, tomorrow the Senate will resume debate on S. 925, the State Department authorization bill. During today's session, we were able to dispose of a number of amendments to that measure. We will continue working through amendments tomorrow. I encourage any Member who has an amendment to the bill to contact us so we can organize an orderly schedule for the consideration of amendments.

Rollcall votes will occur throughout the day tomorrow, and Senators will be notified when the first vote is scheduled. As announced by the majority leader, it is our hope to finish action on this bill during Thursday's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LUGAR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:56 p.m., adjourned until Thursday, July 10, 2003, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 9, 2003:

THE JUDICIARY

MARY ELLEN COSTER WILLIAMS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

VICTOR J. WOLSKI, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

SUSAN G. BRADEN, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

CHARLES F. LETTOW, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

EXTENSIONS OF REMARKS

IN HONOR OF HISPANIC HERITAGE MONTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Hispanic Heritage Month—a celebration of Americans of Hispanic heritage and their significant contributions to our community and to our nation, and hosted this year by the Louis Stokes Cleveland Department of Veterans Affairs Centers in Brecksville and Wade Park.

This year's theme is ''Hispanic Americans: Strength in Unity, Faith and Diversity''. This expression is reflective of the five hundred-year history of Hispanic culture and contribution to America. Americans of Hispanic heritage have gracefully and significantly assimilated to, and contributed within, every aspect of our society—enhancing the vibrancy and diversity of life in America.

Hispanic Americans have contributed immeasurably to all areas of our culture—from medicine, law, and business, to education, music and the fine arts. Hispanic Americans in our community and in communities across the country are life-saving doctors and nurses, inspiring professors, dedicated teachers, committed elected officials, fair-minded judges, and hardworking factory employees. Americans of Hispanic heritage bring energy, innovation, and a real sense of social justice to America, while retaining the cultural traditions of their homeland—for all citizens to enjoy.

Moreover, United States Veterans of Hispanic heritage have answered the call to action when our nation needed them most. Thousands of these veterans made the ultimate sacrifice to defend the rights and freedoms for all citizens. Because of the conviction, bravery and selfless action of American Veterans of Hispanic heritage—action seen in every American military conflict, and within every branch of the United States Armed Forces—American democracy and American freedom has been preserved.

Mr. Speaker and colleagues, please join me in honor and celebration of Hispanic Heritage Month, and join me in expressing my gratitude to the outstanding contributions made by Hispanic Americans, especially American Veterans of Hispanic heritage, for their sacrifices and triumphs, on behalf of our entire society. Their journey to America, fraught with significant obstacles and strife, paved the way for a better life for their children and future generations, and signifies what it means to be an American. Within our diversity we find strength. Within our traditions we find unity. And because of their journey—and the journey of people from all points of the world—we are stronger as a community, more unified as a nation, and better as people.

TRIBUTE TO SUE LEMPERT FOR THIRTY YEARS OF PUBLIC SERVICE TO THE CITY OF SAN MATEO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. LANTOS. Mr. Speaker, it is my great pleasure to invite my colleagues to join me in paying tribute to an extraordinary woman and a very dear friend of mine, Mrs. Sue Lempert, for her thirty years of devoted service to the city of San Mateo, California, which is located in my congressional district.

In 1973 Sue began her illustrious service to the city as a trustee for the San Mateo Elementary School District, where she served for 10 years. She then spent another 10 years as a trustee with the San Mateo Union High School District, before being elected a member of the San Mateo City Council in 1993.

She subsequently served as both the Mayor and Deputy Mayor of San Mateo. Since joining the San Mateo City Council, Sue has worked especially hard to improve the transportation system of San Mateo, making it more efficient and environmentally safe. She also has been a strong advocate for increased funding for public libraries, and as a tribute to her, the ''Celebrating Sue Lempert Fund'' has been created in hopes of raising $50,000 for a new San Mateo Library.

Mr. Speaker, Sue Lempert's involvement in San Mateo extends beyond her position with the City Council. She is a board member of both the Friends of Early Learning and the Junior Statesmen Foundation. She is a member of the San Mateo Rotary and the Baywood Homeowners Association. She has been involved with the San Mateo Housing Task Force, the San Mateo Downtown Association, and assisting the elderly with their housing needs through the Lesley foundation. In addition to being a pillar of the San Mateo community, she is a loving wife and mother of three children, all of whom attended San Mateo public schools.

Mr. Speaker, please join me in saluting and congratulating this outstanding individual, on her 30 years of service to San Mateo. I commend Sue Lempert who has dedicated herself to our community and truly has made a difference for those around her and indeed the entire county of San Mateo.

IN HONOR OF THE 100TH ANNIVERSARY OF ST. PAUL CROATIAN CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 100th Anniversary of St. Paul Croatian Church of Cleveland.

Since 1902, St. Paul Church has been serving the spiritual and cultural needs of Croatian Americans in our community. Members and leaders of the Church have been a source of strength and unity for generations of Croatian immigrants, who bravely left behind their beloved homeland to follow the hopeful path to America, seeking a life of justice and freedom.

As Croatian immigrants embraced American freedoms and ideals, St. Paul Church stood like a rock of security, faith and support amid the rough waters of their transition into American society.

Today, as in the past, St. Paul Croatian church continues to be a beacon of light and hope for our Croatian community in Cleveland. This cherished haven has protected and preserved the culture, history and traditions for generations of Croatian Americans—a bond not hindered by time or distance—a bridge connecting the Old World to the New World.

Mr. Speaker and colleagues, please join me in honor and recognition of the spiritual leaders and generations of parishioners who founded, supported and sustained St. Paul Croatian Church in Cleveland for one hundred years. As an American of Croatian heritage, I am grateful to have this opportunity to honor an institution that continues to serve as a haven of faith and assistance for generations of Croatian Americans—enhancing the lives of countless individuals and families, and enriching our entire community.

HONORING THE MEMORY OF THE HON. BOB STUMP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. BONNER. Mr. Speaker, it is with great respect that I rise today to honor the memory of former Arizona Congressman Bob Stump and his lifetime of dedication to the United States. I was deeply saddened to learn that our colleague passed away on Friday June 20, 2003, after a long illness. We have not only lost a wonderful friend, but an individual who during his time made countless contributions toward the betterment of our Nation. He was especially concerned with the well-being of our service men and women and went to great lengths to give them the support they so clearly deserve.

Mr. Stump, a native of Phoenix, Arizona, began his career of service at the young age of 16 by joining the Navy. He completed duties as a combat medic during World War II and was elected to the Arizona State Legislature in 1959. There he remained a member for 18 years after which he was elected to represent the 3rd District of Arizona in the United States House of Representatives. During his terms in office, he was appointed as the chairman of both the House Veterans Affairs and Armed Services Committees.

The hundreds who gathered on Wednesday to show their admiration for Mr. Stump could

only represent a small portion of the many that his life affected. I feel that my predecessor, former Congressman Sonny Callahan, was accurate when he stated that Mr. Stump's ''quiet manner produced some of the greatest effects of any I've ever observed. He was a quiet member who seldom spoke at great lengths on the floor, but his ability to get things that he believed in done was phenomenal.'' We are privileged to have known and worked with this passionate and loyal individual. Mr. Stump will be greatly missed and always remembered.

MOTHER JONES

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. HOLT. Mr. Speaker, I rise to honor a memorable figure in our Nation's labor history and to recognize the role of my district in history. Today, we commemorate the accomplishments of Mother Mary Harris Jones, a pioneer in the courageous battle to protect society's most vulnerable. I would like to commend the New Jersey State AFL–CIO, particularly President Charles Wowkanech and Secretary-Treasurer Laurel Brennan, for preparing the public recognition of a woman of tremendous fortitude. Their leadership on behalf of working people in this State follows in the tradition of Mother Jones. If she were here today she would be proud that her legacy is being so well served by two of New Jersey's most respected leaders.

The dawn of the 20th century was a bright time for many in America, as our industrial and economic strength leapt forward to meet a new era. For too many, though, it was a dreary, dangerous, and disheartening time. Simply by virtue of the circumstances of their birth, thousands of this Nation's poorest children were forced to work in dangerous conditions in mining and textile industries. Many were robbed of life. Those who survived often suffered a lifetime of chronic maladies.

This inequity had no place in Mother Jones's vision of America, and Jones fought vigorously for justice. In the spring of 1903, this fight brought her to Princeton, New Jersey, with an army of 100,000 textile workers that included 16,000 children, who had left their jobs in the Philadelphia area so that a nation might recognize their plight. Mother Jones stood before a crowd of professors, students, and citizens at Princeton University, bringing to the gates of higher education those children who were robbed of even the chance to read or write. Children at this demonstration carried signs saying, ''I want to go to school.'' She showed them James Ashworth, whose ten-year-old spine was contorted from carrying 75-pound bundles of yarn, 10 hours each day, earning $3 per week. She spoke, and a generation was given the hope that a better day would come and the courage to take action against more powerful forces.

Mother Jones sparked the Nation's consciousness that day in Princeton. Her army took the first steps toward equity for workers and the abolition of child labor in America. One hundred years later, we should remember her fight, and I hope that all Americans learn from this woman's moral strength and her concern for our poorest children. As we reenact the events of that day and dedicate a memorial to honor Mother Jones, we must continue to speak out for those whose voices are unheard. In so doing we must defend the right to organize, earn a decent living, work in a safe environment, and ensure that all in America share in the progress of this Nation.

IN HONOR OF THE REVEREND JOHN C. DALTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Reverend John C. Dalton, pastor of Holy Name Parish, on the occasion of his retirement from active ministry.

Father Dalton began serving the Northeast Ohio community in May, 1948, when he was ordained into the priesthood. He ministered to families and individuals in Akron, Lorain, Cleveland and Tallmadge before joining Holy Name Parish in 1972. Father Dalton became pastor of Holy Name in 1973, and has served the parishioners at Holy Name for the past thirty years.

Father Dalton's legacy to the Holy Name community will forever be embedded within each new generation of parishioners at Holy Name Parish. During his ministry at Holy Name church, Father Dalton was instrumental in maintaining the structural beauty of Holy Name church—one of the most stunning edifices in the Greater Cleveland area. Moreover, Father Dalton leaves a legacy of sincere compassion and commitment to each member of his congregation. His kind words, deeds and spiritual assistance to those in need will be forever remembered, and he will be greatly missed by the entire Holy Name community.

Mr. Speaker and colleagues, please join me in honor and recognition of Father John C. Dalton, on the occasion of his retirement from the active ministry. Father Dalton—spiritual leader, compassionate counselor, wise administrator, and friend to all—will remain in the hearts and souls of all who know him. The parishioners Father Dalton has served, especially those within the Holy Name community, will always remember his integrity, kindness, compassion and dedication, and his legacy and example will live on for generations to come.

HONORING REVEREND HOWARD JOHNSON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. BONNER. Mr. Speaker, I rise today to honor the Reverend Howard Johnson for his 21 years of service as pastor of the Truevine Missionary Baptist Church of Mobile, Alabama, and for numerous other contributions he has made to his community throughout his lifetime.

Rev. Johnson was born in Jackson, Alabama, on June 26, 1940. He grew up in Clarke County, and it is there that he received his primary education. In 1967, Mr. Johnson entered the ministry and was licensed to preach. His first church was the Bethlehem Baptist Church in Citronelle, Alabama, and he served there from 1968–1980. He received his Associate Arts Degree from S.D. Bishop State Junior College in 1975 and Bachelor of Arts Degree from Mobile College in 1976. In 1979, he graduated from New Orleans Baptist Theological Seminary with a Master of Divinity Degree, and in 1980 he earned his Doctor of Divinity Degree from the Virginia Seminary. He became the pastor of the Truevine Missionary Baptist Church in 1982 and has remained there to date.

Besides serving as a pastor, Rev. Johnson has held positions in the Mt. Olive Baptist Church and the Sweet Pilgrim Baptist Church. He currently serves as the Chaplain for the University of South Alabama Medical Center. Throughout the years he has been a member of and led many civic and religious organizations. With his dedication to God and his community it is no surprise that he has been recognized with awards by various groups on numerous occasions. His life has been and continues to be an example for all to follow.

I got to know Rev. Johnson during what was most certainly the most difficult period in his life following the death of his son, Howard, II, in service to his country in Iraq. The reverend showed almost inhuman strength, faith, and courage during this tragic time, and he has my deepest respect and admiration.

It is most appropriate that on July 13, 2003, Rev. Johnson will be recognized for his 21 years at the Truevine Missionary Baptist Church. His wife, Gloria, and two daughters, Zsaquez RaShaunn and Geiselle LaVonne will join him in his celebration. This is a much deserved honor. We are fortunate to have Rev. Johnson as a leader in our district, and I am truly proud to call him my friend.

REGARDING THE ACTUARIAL VALUE OF PRESCRIPTION DRUG BENEFITS OFFERED TO MEDICARE ELIGIBLE ENROLLEES BY A PLAN UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. HOLT. Mr. Speaker, in light of yesterday's consideration of a bill to ensure that federal retirees will not lose their prescription drug coverage under the Republican leadership's Medicare prescription drug legislation, I have a question for Mr. DAVIS.

Chairman DAVIS, I applaud you and the Government Reform Committee for looking out for the interests of retired federal employees. I must ask, however, why you do not see an inconsistency here.

With this bill, you have acknowledged that the Medicare drug legislation passed by this House could give Congress an incentive to drop prescription drug coverage for federal retirees because they will get prescription drug coverage under Medicare.

Will you also acknowledge that under the Medicare bill passed by the Republican leadership, nearly one-third of employers currently offering retiree drug benefits—covering 11 million seniors—would drop that coverage, according to the CBO? If federal retirees are to

be protected from having to rely on what would be inadequate prescription coverage under Medicare, shouldn't all retirees with such coverage be protected? The truth is that the bill passed last month ostensibly to provide prescription medicine to seniors not only undermines Medicare as a program it also undermines private employer-based coverage of retirees.

IN HONOR OF THE 135TH ANNIVERSARY OF THE NORTH PRESBYTERIAN CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 135th Anniversary of the North Presbyterian Church of Cleveland.

This historic structure has a rich legacy of dedication to the community, and has focused on the needs of the poor and the homeless of our society. In the early years of the church, members united to form the Christian Endeavor Society, Mother's Clubs, and Children's daytime groups and Scouts. During the Great Depression, the church worked with Case School to provide a daily lunch for undernourished children.

As in the past, there is still a need for services and assistance within our community, and the North Presbyterian Church continues to be a strong force in reaching out to others. The doors of the church are always open to help anyone in need. Active members of the North Presbyterian Church provide hot meals twice a week for the homeless, and for those residing in homeless shelters. Church leaders and members also provide grocery distributions, emergency food and clothing supplies. Additionally, church members have nurtured strong bonds with other civic and spiritual groups, and hold regular community meetings, including Alcoholics Anonymous—a group that has been meeting weekly at the church for the past fifty years.

Mr. Speaker and colleagues, please join me in honor, celebration and recognition of the leaders and members of the North Presbyterian Church, past and present, as they celebrate 135 years of caring, commitment and ministry to the people of Cleveland. Because of their selfless efforts in helping the less fortunate of our society, they have built not only a place of worship—they have built a haven and refuge, open to us all.

PERSONAL EXPLANATION

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. FLAKE. Mr. Speaker, I missed rollcall vote Nos. 334, 335 and 336. Had I been present, I would have voted ''nay'' on rollcall No. 334, ''aye'' on rollcall No. 335, and ''aye'' on rollcall No. 336.

BRINGING CYPRUS TOGETHER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. PAYNE. Mr. Speaker, post-September 11, 2001, and in the aftermath of the campaign in Iraq, the eastern Mediterranean is increasingly a focus of attention for policymakers, news organizations, academics and government leaders around the world. In this geographic neighborhood of perennial tensions, a U.S. ally, Turkey, continues to delay the economic and political development of Cyprus, regrettably refusing to end its military occupation of the island's northern third.

For almost three decades, Cyprus has been a country characterized by economic growth, political maturation and determination to overcome the legacy of division wrought by Turkish intervention. Even though Cyprus will join the European Union (EU) in May 2004 and will someday be in a position to weigh in on discussions regarding future Turkish membership, Ankara continues to display an unfortunate and unnecessary intransigence that is not in its own long-term strategic interests. Maintaining roughly 35,000 troops and tens of thousands of Turkish settlers in the northern sector of Cyprus since 1974, Turkey has repeatedly defied U.N. Security Council resolutions calling for the immediate withdrawal of its troops from the island.

No one underestimates the value of Turkey's geographic location and—prior to U.S. involvement in Iraq, at least—its value as a regional NATO member. Despite this key role, Turkey's refusal to cooperate in the face of repeated worldwide calls to end its occupation of northern Cyprus cannot continue to go ignored.

As a member of the House International Relations Committee, I am troubled by this ongoing and unnecessary partitioning and weakening of what is proving to be a booming state—Cyprus. It is time we recognize this situation for what it is and insist Turkey cooperate actively in its prompt solution.

Measures that serve to build confidence should certainly continue, but not as an exercise to delay the inevitable: the reunification of the island state of Cyprus as a complex, modern, multi-ethnic Mediterranean state.

Due to this inexplicable separation, Cyprus holds the dubious distinction of being the only European state with its capital divided, as barbed wire quite literally carves the country in two. Two historically well-integrated ethnic communities of predominantly Christian Greek and Muslim Turkish heritage are required to live in a very artificial segregation. Turkey treats the northern third of the island it occupies as an impoverished, second-tier province, rather than allowing it to join in an increasingly successful Cyprus.

Despite a history of unsuccessful efforts by American and U.N. diplomacy to effect a resolution of issues that were created by the Turkish invasion, the government of Cyprus has persisted in its efforts to peacefully reunite the two communities and bring European prosperity to both. Meanwhile, the leaders of Cyprus have succeeded in creating a modern economy and have achieved a level of growth that qualified Cyprus to receive an invitation for EU membership, a Continental ''seal of approval.''

Thereafter, EU leadership made it clear to Turkey that its own aspirations to join the EU depended upon its cooperation in tolerating the accession of Cyprus to the EU, and hinted that successful resolution of the Cyprus problem would go a long way toward reducing opposition to Turkey's EU accession.

Turkey, although recently permitting limited buffer zone crossings within Cyprus, has dragged its heels on a strategy to resolve the overall situation, which will in effect deny the northern third the benefits of EU membership.

On April 30, the Cypriot government introduced a series of new economic, political, and social measures designed to ease the hardships of Turkish Cypriot compatriots disadvantaged by the status quo—such as providing improved medical care, expanded employment opportunities, facilitated trade and movement of goods, and participation in free and open national elections.

One must view these welcome developments, however, with utmost caution. Neither the recent partial relaxation of movement restrictions through the U.N. cease-fire line nor the government's pro-active recognition of its Turkish Cypriot citizens' most pressing needs should be mistaken as a substitute for formal diplomatic efforts to reach a negotiated, comprehensive settlement of the Cyprus situation based on the U.N.'s internationally endorsed framework.

Today, Turkey faces economic and social challenges, although none of them pertain to its Mediterranean neighbor, Cyprus, aside from the estimated $500 million a year that its occupation of Cyprus drains from the Turkish economy. Turkey's difficulties in reforming its military and legal system, respecting the rights of its ethnic minorities, and heeding the EU's advice on steps it needs to take if it wishes to join the EU should offer the necessary incentives for it to take progressive steps on the issue of Cyprus.

The time has come for the United States to advise Turkey's leadership—in very clear terms—that its occupation of Cyprus must quickly come to an end. Turkey, today with lessened leverage over the United States, should not be allowed to continue blocking resolution of the situation in Cyprus. The only chance Turkey has to modernize by joining the EU is to release Cyprus from the grip of its aggression and show the world that Turkey itself has turned the corner and is an increasingly enlightened global citizen.

Then, and only then, Cyprus can be reunited, bringing security and prosperity to all its citizens and a glimmer of peace to the eastern Mediterranean.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall numbers 315, 316 and 317. I was unavoidably detained and was not present to vote. Had I been present, I would have voted yes on rollcall numbers 315, 316 and 317.

I ask unanimous consent that this statement be printed in the appropriate part of the CONGRESSIONAL RECORD.

RECOGNITION AND HONOR TO ST. JOHN NEPOMUCENE PARISH OF CLEVELAND ON THEIR 100TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of St. John Nepomucene Parish of Cleveland, as they celebrate 100 years of service to our community.

In 1898, 200 Catholic Americans of Czech heritage met at the East 52nd Street home of Frank Stepanik. The gathering, organized by John Jira and Charles Vana, sparked the beginnings of a new parish. In 1902, St. John Nepomucene Parish was established.

Parish members were also focused on the welfare of their children. To preserve the culture, history and language of their Eastern European motherland for their children, members organized again to establish a school. In 1903, St. John Nepomucene School was established, with an enrollment of 300 students.

As immigrants navigated their way through the difficult transition of assimilation in America, St. John Nepomucene served as a haven of security, faith, support and assistance. As immigrants embraced the freedoms and ideals of their new nation, St. John Nepomucene served as a bridge between two worlds—connecting Fleet Avenue to their homeland across the ocean.

Mr. Speaker and colleagues, please join me in honor, recognition and celebration of the generations of spiritual leaders and parishioners who founded, supported and sustained St. John Nepomucene Church for 100 years. The leaders and members of St. John Nepomucene Parish, past and present, continue their tradition of providing faith and hope to individuals and families in and around Fleet Avenue—reflecting light and hope throughout our Slavic Village neighborhood, and enriching our entire community.

HONORING ANTHONY LERIOS AND NICK TOTH

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor a man who epitomizes the pride that Greek-Americans take in our heritage and the love we have for America.

Nick Toth, one of my constituents, was one of only sixteen Americans recently to receive a National Heritage Fellowship from the National Endowment for the Arts. He received this prestigious honor because he has carried on a nearly century-old family tradition of handcrafting copper sponge-diving helmets.

Mr. Toth crafts the helmets with pride. He spends approximately 140 hours on each of the thirty-six pound helmets. Although the helmets have sold for as much as $10,000 a piece, there really is no way to put a real price on what they mean to his family and to my community of Tarpon Springs, Florida.

Mr. Toth's grandfather, Anthony Lerios, came to the United States from Greece in 1913 and founded A. Lerios Machine Shop, which made engines and other parts for local sponge boats. He also made helmets for sponge divers and later taught his grandson, Nick, the art of helmet-making. After his graduation from my alma mater, the University of Florida, Nick and his grandfather teamed up to produce the helmets full time.

Nick and his grandfather received a Florida Folklife Master Apprentice grant to make the helmets in the 1980s and soon they became recognized nationwide. Nick's grandfather died in 1992 at the age of 100. Nick now is one of the few people worldwide who produce the helmets which have earned him this praise. He will be coming to Washington in September to attend a dinner honoring the sixteen recipients of this year's National Heritage Fellowship.

Mr. Speaker, I want to commend the attention of this House to the outstanding lives and work of Anthony Lerios and Nick Toth. They have shown that hard work, perseverance, and determination can lead those from modest beginnings to great acclaim. I am proud to call Nick Toth a constituent, and more important, a fellow Greek-American.

HONORING MAJOR GENERAL SCOTT C. BERGREN

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. BISHOP of Utah. Mr. Speaker, it is my great pleasure to honor Major General Scott C. Bergren upon. his retirement after 33 years of dedicated service to the United States. His contributions to our Nation's security, his years of sacrifice on behalf of others, and his superior leadership have paved the way for excellence and innovation for generations to come.

Scott Bergren was commissioned in 1970, and has had a distinguished career in the United States Air Force, including combat time in Southeast Asia as an F–4 Weapon Systems Operator, and command assignments at the squadron, group, wing, and now center levels.

General Bergren's leadership has been, tested and thoroughly proven during his time as Commander of the Ogden Air Logistics Center. During a period when the Center has been heavily tasked for warfighter support, his superb application of financial, human, and materiel resources has delivered results far beyond expectations.

Recently, General Bergren created an atmosphere at the base of total focus on winning the war on terrorism. As a result, Ogden ALC shipped over 8,500 tons of munitions to support deployed air operations, and our Nation's pilots were safer and more effective in mission performance. An emphasis on innovative approaches led to expedited aircraft modifications that gave aircrews the edge they needed for victory.

General Bergren has led Ogden ALC to numerous awards in many areas including safety, environmental restoration, and efficiency.

I, along with the great men and women of Team Hill, congratulate General Scott C. Bergren on reaching this significant milestone, and wish him and his wife, Pam, the very best as they transition to new challenges and opportunities.

COMMENDATION OF ADDISON TOWNSHIP, ILLINOIS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. HYDE. Mr. Speaker, on March 27, my district office in Addison, Illinois was completely destroyed by a fire. Only a few cherished career mementos survived, and even then, they were severely damaged by heat, smoke and water. Thankfully, the early morning fire injured no one.

After assessing our loss, my district staff's thoughts immediately turned to the citizens of my district. How could we continue to serve them locally without a roof over our heads or even something as simple as pen and paper?

That's when many people and government entities in my district stepped forward to offer assistance. I would like to particularly commend Addison Township—whose offices also were destroyed by the fire—for making sure repairs to the office were completed accurately and on time. This vigilance helped my staff resume normal operations as quickly as possible.

Therefore, Mr. Speaker, I rise today to commend Addison Township for unselfishly offering aid and comfort to my district staff in our hour of need. Paraphrasing the great movie, It's a Wonderful Life, I can only say that I am indeed the richest man in town with friends like these in Addison Township, Illinois.

IN HONOR OF LIEUTENANT WALTER J. THOMAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Lieutenant Walter J. Thomas, Officer in Charge of the Fourth District Vice and Strike Force, upon the occasion of his retirement from the Cleveland Police Department after twenty-two years of service to the Cleveland community.

Lieutenant Thomas' strong work ethic, personal dedication and concern for others has been clearly present throughout his career. His work reflected the highest level of intelligence and wisdom, and his ever-present wry sense of humor was a saving grace during the most stressful situations.

Lieutenant Thomas rose steadily up the ranks of the Cleveland Police Department. In 1989, Officer Thomas was promoted to Detective of the Narcotics Unit. Several years later, he was promoted to the rank of Sergeant in the Second District. And last year, Officer Thomas was promoted to the well-deserved position and title of Lieutenant, working in Cleveland's Fourth District.

Mr. Speaker and colleagues, please join me in honor, gratitude and recognition of Lieutenant Walter J. Thomas, upon his retirement from the Cleveland Police Department. Lieutenant Thomas carried out his duties with honesty, loyalty, quiet confidence and dignity, and his exceptional and courageous service on behalf of the citizens of Cleveland, has served to lift the spirits and the lives of countless individuals, families—and the entire Cleveland community.

TRIBUTE TO BERT BOECKMANN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. BERMAN. Mr. Speaker, Mr. MCKEON, Mr. SHERMAN, and I rise today to pay tribute to our good friend, Bert Boeckmann, who will be leaving the Los Angeles Police Commission because of term limits. The Police Commission is one of Los Angeles' most important panels, and Bert's strong leadership and vision have played a vital role in setting police policy for the City of Los Angeles during the past seventeen years.

Bert began his remarkable career selling automobiles at Galpin Ford in 1953. Four years later at the age of twenty-six, he became the General Manager of the company. Shortly afterwards, Bert began a buyout of the corporation. By 1968, the buyout was complete. Bert's innovation and management skills, along with a very strong sense of integrity and customer concern, have helped make him one of America's most successful entrepreneurs. By surrounding himself with a management team that shares his enthusiasm, honesty and dedication, Galpin Ford has become the world's most successful Ford dealership. Bert is widely recognized as the most honored and successful automobile dealer in America.

In 1984, Bert was appointed to the Police Commission by Mayor Tom Bradley. In his many years as a member of the Commission, Bert served as a stabilizing force, often counseling younger committee members. As a Commissioner, Bert worked to revise the system-wide deployment of police units to ensure that all areas of Los Angeles received equal police response. Bert has also worked to enforce and create policy regarding Official Police Garages. In the wake of September 11, Bert monitored the police's Anti-Terrorist Division. The mark Bert leaves on the Police Commission is indelible, positive and a testament to his commitment to public service.

Bert's many philanthropic achievements have touched the lives of millions, even beyond his well-known projects in Los Angeles. For example, in 1992, Bert and his wife, Jane, personally responded to a desperate plea from the city government of Moscow and Russian farmers who were in dire need of seed for the approaching winter harvest. Through his involvement with various organizations, Bert helped arrange the donation of over 57,000 pounds of seeds. Recently, he established the Boeckmann Charitable Foundation, which gives millions annually to charities around the world. Locally, Bert has donated more than $1.5 million to the Boeckmann Center for Iberian and Latin American Studies at the University of Southern California.

Bert is a devoted and loving husband and cares deeply for his five children, their families and his five grandchildren. We are extremely pleased to know Bert and feel fortunate to have a person like him in our community.

Mr. Speaker, we invite our colleagues to join us in thanking Bert Boeckmann for his outstanding contributions to the Police Commission and wish him continued success.

THE ''LIBRARIAN EDUCATION AND DEVELOPMENT ACT OF 2003'' (LEND Act) TO PROVIDE LOAN FORGIVENESS TO LIBRARIANS IN CRITICAL NEED AREAS

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. BECERRA. Mr. Speaker, public libraries and schools across this nation are experiencing a dire shortage of librarians. To help fill the void, I have introduced legislation that will encourage individuals to pursue careers as librarians in public schools and libraries in low-income areas by providing student loan forgiveness.

The shortage of librarians is attributed to a combination of two factors. First, it is difficult to recruit and retain qualified librarians in the face of low salaries. Libraries are now in direct competition with industries needing workers with librarian skills such as those in multimedia technology, database administration, and systems analysis.

Second, an alarming number of librarians are reaching the age of retirement. One in four librarians will retire in the next five years. Nearly 60 percent of professional librarians will reach the age of 65 between 2005 and 2019.

State and local government budgets are tighter than ever and public libraries are being closed to save money. For example, Manhattan, Brooklyn, and Queens libraries closed their doors two days a week, reduced staff and eliminated programs. 67 of New York's 85 libraries have reduced services, affecting primarily children. Proposed cuts in Ohio nearly led to the closing of two-thirds of the state's 250 public libraries; in the end, the legislature chose to provide no state funding for the month of July. In Washington State, Seattle's 24 libraries will close for two weeks as they did last year, in an effort to save $1 million in costs. In 2002, branches were closed, hours were reduced, a hiring freeze was implemented, programs were eliminated and the book budget was cut. 2003 is looking worse. The fact is, Mr. Speaker, school libraries have become even more important as the place where our children learn outside of the classroom.

Not just any college graduate can be a school librarian. Specialized training is necessary if we are to expect our libraries to be staffed by the right people with the right skills. My home state of California requires that a school librarian have a media teacher credential in addition to the usual teaching credential. The shortage of qualified librarians is so serious that many schools are asking teachers to leave the classroom to obtain the required training to become school librarians. Our schools cannot afford to lose teachers any more than they can afford to be without librarians.

There have been bipartisan efforts to address the critical shortage of librarians. The President's FY 2004 budget requested $20 million to fund an initiative to recruit and educate librarians for the 21st century. This is a good idea, but I also think we can do something simple that will also encourage more students to enter and stay in the field and serve children and youth in our highest risk schools.

Current law allows for the cancellation of educational loans for several categories of professionals that serve in low-income areas, such as teachers for Title I schools, special education, and Head Start, as well as members of the armed services, law enforcement officers, Peace Corps volunteers, medical technicians and nurses. The Librarian Education and Development Act adopts the same incentive for our college students to make the choice to train and serve as librarians in areas where there are concentrations of children with the greatest need for improved educational opportunities.

Specifically, under my bill, a librarian working full-time in a public library that serves a geographic area with combined average of 40 percent of enrolled students at the poverty level, or in an elementary or secondary school library that is eligible for Title I assistance would qualify for the following levels of loan cancellation based on number of years of service: 15 percent of Perkins in the first or second years, 20 percent of Perkins in the third or fourth years, 30 percent of Perkins in the fifth year, and $5,000 (total) of direct and indirect Stafford after five years of service.

I am honored that the American Library Association supports my bill. I've included their letter in the RECORD.

Mr. Speaker, I urge my colleagues to support this legislation. I think it is just as vital to the improvement of our public schools and education of our children as legislation the House considered today to encourage qualified graduates with increasing debts to enter educational fields that are suffering from critical shortages.

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, July 7, 2003.

Hon. XAVIER BECERRA,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE BECERRA: Thank you very much for offering an amendment to H.R. 438 for Loan Forgiveness for Librarians. This issue is of great concern to school and public libraries as they face devastating shortages of librarians, especially minority librarians.

As you are aware, over the next five years, 25 percent of currently working librarians will retire and there are too few people going into the profession. This is not for lack of desire, but because professional librarians must have at least one Masters degree and salaries in this field are not commensurate with other professional fields.

There are a great number of college graduates who desire to be librarians and serve their communities, but the resources aren't available to them. This is especially true in low income communities.

Your amendment will do a great deal to open up the opportunity for dedicated community members to go to library school. The American Library Association appreciates your continued support for libraries in this country.

Sincerely,

EMILY SHEKETOFF,
Executive Director.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. OWENS. Mr. Speaker, because of an emergency in my district, I missed rollcall vote

Nos. 334, 335 and 336. I present I would have voted ''nay'' on rollcall vote No. 334 and ''yea'' on rollcall vote Nos. 335 and 336.

IN HONOR AND REMEMBRANCE OF FIRST SERGEANT ROBERT J. DOWDY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Army First Sergeant Robert J. Dowdy, who courageously and selflessly rose to the call to duty and made the ultimate sacrifice on behalf of our country.

Sergeant Dowdy was an exceptional United States soldier and was an equally exceptional human being. Sergeant Dowdy's life was characterized by his unwavering sense of duty and commitment to our nation, and above all, his life reflected a deep dedication to, and steadfast focus on his family. He worked diligently to effectively balance his military career with his main priority—his wife and daughter.

Sergeant Dowdy grew up in the North Broadway neighborhood and graduated from South High School in 1982. He enlisted in the U.S. Army soon thereafter. Throughout his journey in the military, Sergeant Dowdy carried with him a strong foundation of faith, family and community. He quickly ascended through the ranks, and held the title and command of Master Sergeant.

Most recently, Sergeant Dowdy was promoted to the rank of First Sergeant. His strong intellect and solid sense of integrity evenly matched his outstanding athleticism. Moreover, Sergeant Dowdy's life reflected his generous heart and sincere concern for the welfare of others. He often and easily offered his assistance to anyone in need, without regard to his own sacrifice.

BARBARA VAN BLAKE: A POINT OF LIGHT FOR ALL AMERICANS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. OWENS. Mr. Speaker, I am proud to salute Barbara Van Blake who retired from the American Federation of Teachers in December 2002, for her past service to her country and the community; and for her continued activism on behalf of civil rights, women and education. Ms. Van Blake is a POINT-OF-LIGHT for all Americans.

Barbara Van Blake has been employed as director of the Human Rights and Community Relations Department of the American Federation of Teachers (AFT) since 1975. Her responsibilities include keeping State and local affiliates informed of current trends, publications, laws and Federal regulations in the area of civil and women's rights. She participates as a consultant in the area of civil rights, discrimination, women's rights and desegregation activities to affiliates. Her duties also include representing AFT in coalitions with national organizations, whether they be civil rights, women, political or education.

Ms. Van Blake is a member of the National Association for the Advancement of Colored People (NAACP) National Life Membership and Labor Committee; a member of the boards of directors of Bethune Museum and Archives; a member of the Federal Advisory Commission of the Mary McLeod Bethune Council House; and life member of the Bethune-Cookman College National Alumni Association. She is also vice president of the Coalition of Labor Union Women, Chair of the National Black Caucus of State Legislators Labor Roundtable, and Treasurer of the Washington, D.C. Chapter Bethune Cookman College Alumni Association.

Ms. Van Blake has served in numerous capacities: former National Treasurer of the National Council of Negro Women, Inc.; former Chair of the Ad Hoc Labor Committee of the National Council of Negro Women, Inc.; former Secretary of the NAACP Ad Hoc Labor Committee; former executive committee member and Vice President of the A. Philip Randolph Institute and former member of the board of directors of the National Consumers League.

She is a legacy member of the National Council of Negro Women, Inc.; a Diamond Life member of the NAACP; a member of the Washington, D.C. Urban League; and a member of the Omicron Phi Zeta Chapter of ZθB.

Prior to her work with AFT, she taught mathematics in junior and senior high school for twelve years in Florida, where she was active in support of civil rights and labor union organizing. She visited Somalia and Sudan on a refugee fact-finding mission for the labor movement in 1982, and was an official international observer of the South African elections. She has done Trade Union leadership training in Benin and Cote D'Ivoire Africa, and Barbados, West Indies. She was also a delegate to the International Confederation of Free Trade Union Women's Conference in Hague, Netherlands.

Ms. Van Blake has received numerous awards including the NAACP Women's Labor Award, the Southern Christian Leadership Conference (SCLC) Fannie Neal Award, the A. Philip Randolph Institute Rosina Tucker Award, the Coalition of Black Trade Unionist Women's Addie Wyatt Award, and the National Black Caucus of State Legislators Nation Builders Award.

A graduate of Bethune-Cookman College, Ms. Van Blake holds a Bachelor of Science degree in mathematics and chemistry.

Ms. Van Blake is the proud mother of one daughter and one granddaughter. She is also a member of the Corinthian Baptist Church in Washington, D.C.

In recognition of her dedicated leadership and tireless service to our youth, I am honored to recognize Ms. Barbara Van Blake as an outstanding POINT-OF-LIGHT for all Americans.

HONORING POLICE CHIEF JOHN ROBERTSON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. STARK. Mr. Speaker, I rise today to recognize Police Chief John Robertson of the City of Newark Police Department for his 29 years of devoted service to the citizens of California.

Chief Robertson dedicated his life to reducing crime, implementing technological advances, and helping the lives of many people on a personal basis. He was not content to merely punish wrong-doers, but set about to bring an end to the problems he encountered by using a community oriented philosophy that worked wonders to stop crime.

In the course of his career in law enforcement, Chief Robertson has left his mark on three cities. He began his career in the City of Garden Grove in July 1974 as a Patrol Officer and worked his way up to Detective. He was appointed Sergeant in March 1980 and Lieutenant in May 1981. He became Captain, February 1986, and served as Deputy Chief until August 1988 when he was promoted to Police Chief. He served as Police Chief of Garden Grove until June 1992, then as Police Chief of the City of Orange until March 1998, and finally as the Chief of Police of Newark in August 1998.

In Garden Grove, Chief Robertson is accredited with revitalizing the community through ''family policing'' and developing the Department's Pride Program. In Orange, he significantly reduced crime, managed the Department's budget and made a significant number of technological improvements. In Newark, Chief Robertson implemented a Citizen's Police Academy, improved technology, remodeled the police facilities, became a mentor for a local high school student, implanted the HOSTS (Help One Student to Succeed) Tutoring Program, and took responsibility for the City's Code Enforcement Unit and cleaned up a large blighted area of Newark.

Chief Robertson's greatest accomplishments in the City of Newark include bringing together the Newark Community by spearheading a youth summit with NAACP, setting up meetings with the Afghan Community to bridge cultural differences, and working with the gay/lesbian community after the murder of a transgender youth. Chief Robertson demands by word and shows through leadership that everyone must be treated with dignity and respect, regardless of race, color, creed, or sexual orientation. He was the first Police Chief to require all officers to document racial information on all car stops. He also mandated that all police employees attend training at the Museum of Tolerance to promote understanding and acceptance in the community.

I am honored to join the colleagues of Police Chief John Robertson to commend his many years of exemplary service to law enforcement. His commitment to excellence has shaped the lives of many, and his services to California will never be forgotten.

TOWN OF BLUFFTON

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. PENCE. Mr. Speaker, last night the Wabash River in northeastern Indiana crested at an incredible 25 feet. However, thanks to the extraordinary leadership of Mayor Ted Ellis and Sheriff Barry Storie, Blufflon, Indiana was spared a catastrophe.

Their leadership, in cooperation with Governor Frank O'Bannon, and literally thousands of volunteers in Wells and Adams counties managed to stem the tide. Special commendation should go to Irving Material Incorporated and also to the Indiana National Guard's 2nd Battalion of the 151st Infantry. Under the leadership of General George Buskirk and Colonel Rick Shatto nearly 200 troops loaded and stacked sandbags and helped save the community of Blufflon, Indiana.

As more rain approaches, I urge the President to speed disaster relief to the counties in Indiana that the Governor has requested. I encourage the volunteers for their determination to move forward as the rain approaches and I urge prayers by all citizens to remember the cry of the Psalmist when he wrote, ''God is our refuge and our strength, though the earth be removed, though its waters roar and be troubled, we will not fear.''

IN HONOR AND REMEMBRANCE OF PRIVATE BRANDON ULYSSES SLOAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Army Private Brandon Ulysses Sloan, who bravely and selflessly answered the call to duty and made the ultimate sacrifice on behalf of our country.

Private Sloan's young life was defined by family, faith, friends and community. A gentle and kind soul, Private Sloan lived his life with great joy and energy. He easily forged lasting friendships and was quick with a smile, kind word, or helping hand. Private Sloan was also an exceptional athlete, and he developed a love for baseball and football.

Private Sloan's family and friends were central to his life. He gained personal strength and faith from those who knew him best and loved him most—his father, Reverend Tandy U. Sloan; his mother, Kimberly T. Sloan; and his sister, Brittney Sloan.

Mr. Speaker and colleagues, please join me in honor and remembrance of Private Brandon Ulysses Sloan, whose honor, commitment and bravery will be remembered always. I offer my deepest condolences to the family of Private Sloan—his beloved parents, Reverend Tandy U. and Kimberly T. Sloan; his beloved sister, Brittney Sloan; his adoring grandmothers, Dr. Rementa Pippen and Luberta Sloan; and his extended family and many friends.

The significant sacrifice, service, and bravery that characterized the life of Private Brandon Ulysses Sloan will forever be honored and remembered by the Cleveland community, and the entire nation. And within the hearts of his family and friends, the bonds of love and memories created in life by Private Sloan will never be broken, and will live on for all time.

IN HONOR AND RECOGNITION OF THE AIR TRAFFIC CONTROLLERS OF CLEVELAND CENTER IN OBERLIN, OHIO, AND IN HONOR AND REMEMBRANCE OF THE FORTY-FOUR PASSENGERS AND THE CREW MEMBERS OF UNITED FLIGHT 93

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the air traffic controllers of Cleveland Center in Oberlin, Ohio, whose bravery, skill, and quick thinking ensured the safety of other air passengers on one of the darkest days in American history, September 11.

Immediately following that tragic day, the men and women of the Cleveland Center have demonstrated their compassion and concern for the families of the victims of United Flight 93 by contributing over $10,000 to the Todd M. Beamer Foundation, a foundation established to assist families of every passenger and crew member of Flight 93.

Today, I also stand in honor and remembrance of forty-four passengers and crew members aboard United Flight 93. Their valiant spirit and courageous actions prevented even greater loss of life. The people aboard United Flight 93 will remain in our minds and hearts forever, and will forever be recognized as true American heroes.

Mr. Speaker, please join me in honor and tribute of the men and women of the Cleveland Center, and the men and women aboard United Flight 93—their spirited, heroic, and selfless actions—under the most terrifying of circumstances—restores our faith in humanity and reflects all that is good in America, and they will never be forgotten.

DEDICATION OF THE SIMON RAINBOW ROOM

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues these remarks from my constituent, Larry Simon, on the dedication of the Simon Rainbow Room at the Gurwin Jewish Geriatric Center in Commack, New York. Larry and Sandy Simon's spirit of generosity is evident in these touching remarks.

SIMON RAINBOW ROOM DEDICATION, LARRY SIMON REMARKS

Thank you Gerry, Concetta and Barbara for helping to make this a very special evening for us. It is particularly meaningful to Sandy and I that those for whom Gurwin was built, our residents, share tonight with our family, friends and special colleagues.

We chose to dedicate the Rainbow Room because it represents the vitality and possibilities of life. It symbolizes the very reason for our devotion to the Gurwin Center's work. Sandy and I have had the opportunity to stand at this podium and witness so many joyous events that have touched us beyond imagination. We have shared excitement and joy with our residents and their families, and we always leave with an uplifting feeling that we and our fellow colleagues have made a difference.

So often when people confront the difficult challenges of life they ask, ''why me . . . why us.'' For Sandy and I, grateful for our yesterday's when our hopes and dreams were new, grateful for today's joys and bounty's of life and thus given the opportunity to make a difference, the question we asked ourselves is ''why not us . . . if not us who.'' That simply is why we have made Gurwin such a special and important part of our life. Our involvement is a tremendous source of pleasure, pride and personal satisfaction. We truly believe we receive back far more than we have given.

Let me share this poignant letter with all of you to demonstrate our point!

Dear Mr. Friedman: . . . My wife entered the Gurwin Center on March 25, 2003. At that time she was on a ventilator, incontinent and was being fed through a G-tube. She couldn't speak or walk, and I feared I was losing her.

The wonderful, professional, compassionate and caring staff of doctors, nurses, nursing assistants and therapists on 4 East changed all that. My wife is now off the ventilator, no longer incontinent, and eats solid food. She can walk and speak and seems well on the way to a complete recovery.

God bless you and the excellent staff on 4 East for giving my wife back to me. Thank you from the bottom of my heart. Respectfully and gratefully.

This letter certainly confirms our point of getting back more than we have given.

In the business world we deal with many ''investment partnerships and partnership investors.'' Sandy and I are equally grateful for our Gurwin partners as well. We would like to thank those who work so closely with us. We greatly value the commitment and leadership of our fellow Board and Auxiliary colleagues. We respect and admire the dedicated staff who make this Center their life's work, and we thank the staff of the Gurwin Auxiliary and the Gurwin Foundation for making our volunteer experience so rewarding.

We must also acknowledge tonight's Gurwin participants who have been so kind to us, here at the podium.

Phyllis Charash, you are a woman of strength, a woman of faith, a woman of honor, and a woman of pride and charity. Thank you for emceeing tonight's celebration and dedication. You are a very special lady.

Herb Friedman, you've worked so hard and diligently to make Gurwin what it is today. You've dared to share your dreams, encourage and advise all of us and you've been here right from the very start. You are one of the most important people in our Gurwin life and we thank you for your dedication and outstanding effort year after year.

Joseph Gurwin, you continue to share your strength, vision and wisdom with us, and mentor by example the values of love, respect and commitment to family and the Gurwin community. Your friendship and counsel have been sustaining and inspiring. We offer our love and admiration. You are a very special man.

Our wish for all of you here tonight—be grateful for tomorrow and the promises it holds—wonderful times, a happier life, and a deeper affection for the human spirit and needs as each new day unfolds.

Just as our name will now be etched on the dedication plaque for this room, the special feelings of this evening will be etched in our memories forever. We applaud all of you for sharing our passion for Gurwin. Thank you!

HONORING IRAN'S YOUNG HEROES

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. DELAY Mr. Speaker, I rise to honor the young democrats of Iran, who stand today in non-violent defiance of the terrorist regime holding their nation hostage.

These college demonstrators, Iran's peaceful warriors of freedom, are allies in America's War on Terror, and allies in humanity's fight for justice among men.

Their names are foreign, but we know them just the same, by the names of their fathers: Solzhenitsyn, Mandela, Walesa and Havel.

Their faces may not be familiar, but their cause is.

And by that cause, the mullahs of Tehran will soon be taught the lesson all oppressors learn: that no cage or whip or secret police can extinguish the torch of freedom.

Today in Iran, protests were squelched by oppression, intimidation, and terror. But freedom still burns in the hearts of its citizens.

If it is true that on the Fourth of July, all who live in freedom are Americans, then it is doubly so that on the Ninth of July, all who dream of freedom are Iranians.

Today, on the fourth anniversary of the original student demonstrations, in the wake of the heroic June protests, thousands of Iranians in their teens and twenties have been arrested or killed, and many more are hunted by the mullah's dying regime.

Some call them prisoners of conscience. Some call them prisoners of war.

I call them giants.

Courageous beyond reason. Strong beyond endurance. And righteous in the eyes of God and men.

Today, their passion inspires demonstrations of solidarity. One day soon, it will liberate their nation and change the world.

RECOGNITION OF DONALD BAKER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Donald Baker of Jefferson County, Illinois. Don was recently inducted into the Semor Saints Hall of Fame of Jefferson County.

Don received this honor for his lifelong service to others. He served his country for four years in the U.S. Navy on the USS *Remy* during the Korean War. Today he is a regular participant in the Sweet Corn & Watermelon Festival, the American Cancer Society's Relay for Life, Jefferson County's Crime Watch program, Memorial Day services, the Mt. Vernon City Wide Cleanup, and the National Day of Prayer. He has also assisted with the Emergency 911 Telephone Testing process.

I want to congratulate and thank Don for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is very deserving of this prestigious honor.

IN HONOR OF THE SANTA CRUZ CHILDREN'S LEARNING MUSEUM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. FARR. Mr. Speaker, I rise today to honor the Santa Cruz Children's Learning Museum. This local hands-on museum is still in its early stages of development, yet it is a bright treasure in our community. The Museum strives to provide a place for children to explore, create and discover in a safe and nurturing environment. I am proud to honor this valuable local resource.

One of the many goals of the Children's Learning Museum is to foster children's imagination and creative potential through programs in music, science, literacy, art, peace, unity and esteem. Some of these programs include the creation of a book entitled Louden Nelson: From Slavery to Philanthropy, only recently released. This book follows the history of the life of a freed slave, Mr. Louden Nelson, who was an advocate for children's education and donated much of his land for the creation and strengthening of the schools in Santa Cruz. Additionally, they have started an annual drumming circle in which parents and children gather with the community to learn drumming techniques and raise funds for the museum. The Children's Learning Museum also joined in the September 11th Peace and Unity Project by creating one out of the four peace-themed murals that were sent to the United Nations in the tragic wake of the events of September 11th. The Children's Learning Museum is planning many more events that create an inclusive community and encourage adults and children to learn from each other.

Mr. Speaker, I recently attended the Santa Cruz Children's Learning Museum's annual Mayor's Breakfast in Santa Cruz County. There, I joined the mayor of Santa Cruz, my dear friend Emily Reilly, as well as the Santa Cruz City Schools Superintendent, Alan Pagano, in stressing the important of hands-on learning for children so they may access their full learning capability. The guests were also treated to Mexican folkloric dances by local school children, and a dramatic reading of Louden Nelson: From Slavery to Philanthropy was performed by the very talented Billie Harris. Most of all, however, was a feeling that the dedicated staff and volunteers who are working to expand the programs and offerings of the museum are a committed group: committed to education, committed to the community, and committed to the children. Therefore, Mr. Speaker, I wish to commend the good work of the Santa Cruz Children's Learning Museum, and thank them for the chance to be a part of their annual Mayor's Breakfast.

HONORING THE LEGACY OF KATHARINE HEPBURN

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and celebrate the life of the renowned actress, Katharine Hepburn. Ms. Hepburn, who was admired by generations young and old, died Sunday, June 30th, 2003 at the age of 96.

Ms. Hepburn will be long remembered not only for her half-century career, but also as a role model paving the way for women in the motion picture industry. Born, Katharine Houghton Hepburn on May 12, 1907 on Hudson Street in Hartford, Connecticut, Ms. Hepburn went on to attend her mother's alma mater at Bryn Mawr College, where she appeared in several college theater productions. Although her father was skeptical about his daughter's pursuit to be an actress, he soon relented and gave her $50 to travel to Baltimore for the audition that started her career.

Even in her early years as an actress Ms. Hepburn was known as an ''opinionated performer'' and often meddled in all aspects of movie making, frustrating directors and filmmakers. Her on screen talents won her four Oscars for best actress, twelve nominations and leading roles in such films as ''Little Women,'' ''Bringing Up Baby,'' ''The Philadelphia Story'' and the ''African Queen.'' In the days of her declining health she became ever more popular with the opening of ''Tea at Five.'' This successful one-woman show, which was dedicated to Ms. Hepburn's career, opened last year at the Hartford Stage Company and has gone on tour, recently opening in New York City.

Katharine Hepburn is a beloved American who will be greatly missed by the nation, her family and Hollywood.

RECOGNITION OF JOHN NELSON COWEN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize John Nelson Cowen of Jefferson County, Illinois. John was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

John received this honor for his lifelong service to others. Throughout his life John raised a family, sang for community events with the Barbershop Chorus, annually served at the Kiwanis Pancake and Sausage Breakfast, provided inexpensive housing to low income families, and contributed to the education of underprivileged children. He is still actively involved as a Sunday School teacher at Park Avenue Baptist Church where he has taught for 70 years. John also loves his country so much he chose to not draw Social Security so that others in need can benefit from it.

I want to congratulate and thank John for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is deserving of this prestigious honor.

A TRIBUTE TO ALEX CANJA OF FLINT, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to pay tribute to a friend and great American.

In a rich life span of 81 years, Alex Canja mentored thousands of young men and women and then, in later life, became an advocate for older citizens.

On his own, without parents, from the age of 11, Alex raised himself, living at the YMCA in Flint, MI and selling newspapers.

Ever the optimist, determined to succeed, he believed that with hard work and honest effort, his dreams could come true. And they did.

At Flint Central High School, he was elected president of the student body. He served in the US Army Air Force returning to the University of Michigan after the war. He became an All-American diver, was captain of the U of M swimming team, and earned a Master's Degree in Education. It was there that he met and courted Esther Giovannone, also known as ''Tess.'' She became his wife and inseparable companion for 56 years.

He served his community. A teacher, deputy superintendent, and camp director, Alex coached swimming, taught English, and with his wife Tess, built the fledgling summer camp ''Camp Flying Eagle'' into one of the finest in Michigan. His goal was to provide young boys and men the many opportunities for personal growth and success he knew they needed.

Alex worked for many years with AARP on behalf of the senior citizens of the United States. He served alongside his wife, Tess Canja, who became the National president of AARP. He brought his wit and wisdom to meetings of the spouses and companions of AARP board members, melding them into a support group for themselves and the Board.

He was very proud of Tess and her accomplishments, but also of his daughter, Debbie, son, Jeff, and grandsons, Brian and Scott. Another son, Paul, preceded him in death.

For Tess and Alex Canja, their immortality will be in their contribution to their community, their state, and their nation.

HONORING THE LIFE AND CAREER OF WILLIAM K. DAVENPORT

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. OXLEY. Mr. Speaker, it is my honor today to salute the life of William K. Davenport. Although Bill passed away in 1999, his personal accomplishments and contributions to the community of Lima, Ohio, are still celebrated today.

Bill became the Chief of the Lima Police Department on May 1, 1968, making him the first African-American in Lima's history to acquire this rank. He earned this commission solely by his own merit, obtaining the highest score on the civil service competition examination. Prior to his appointment as chief, Bill compiled a commendable record as a law enforcement officer. He served 8 years as patrolman, 5 years as detective, 4 years as sergeant, 7 years as lieutenant and 2 years as inspector of the uniform division before becoming chief.

Bill was known and respected by his colleagues as an amiable and admired leader. A humble man, he faced the brewing racial tension of the Sixties without compromising his principles, even at one point in his career disagreeing with the Mayor of Lima.

Bill is remembered as an exemplary citizen who frequently went above and beyond his official duties to help others. The community of Lima has truly been affected by the noble life Bill led and the excellent public service he gave to the city.

Mr. Speaker, William K. Davenport was a dignified law enforcement officer who earned a wide array of accolades during his 36 year career, including serving as the first African-American Chief of Police in Lima, Ohio. Because of his diligent service to his community, he is worthy of receiving our recognition. I know my colleagues join me in honoring this truly exceptional man.

RECOGNITION OF ALFRED ''MUGSY'' BEAN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Alfred ''Mugsy'' Bean of Jefferson County, Illinois. Mugsy was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Mugsy received this honor for his lifelong service to others. On the bombing of Pearl Harbor, Mugsy immediately volunteered for service to his country. He was embroiled in World War II for close to 4 years. For the past 25 years Mugsy has served as a member of American Legion Post 141 Funeral Detail and has worked on the Jefferson County Veteran's Memorial Committee. He is known to treat all with the same respect and to reach out to those in need. Mugsy has been married to Louise for 58 years and has raised four children.

I want to congratulate and thank Mugsy for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is deserving of this prestigious honor.

MAYOR FOR THE DAY IN ELMHURST, ILLINOIS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. HYDE. Mr. Speaker, I rise today to commend a young individual from my district who recently won the honor of ''Mayor for the Day'' of Elmhurst, Illinois. Miss Carly Hamilton, who is in Sixth Grade at Visitation Catholic School, won this honor by composing the following essay in 50 words or less:

''I love Elmhurst, the greatest city in the greatest country in the world because . . . Many people might think it's small, but to tell you the truth, it's not at all. Elmhurst has movies and ice cream and chocolates and books, from haircutters to house sellers, from schools to parks. So for me, Elmhurst is the place to be!''

HONORING ALFONZO TORRES

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. FROST. Mr. Speaker, I rise today to commend Mr. Alfonzo Torres Martinez for his many years of dedicated service to Lockheed Martin Missiles and Fire Control in Dallas, Texas, and also to congratulate him for completing over fifty years of service with the company and its predecessors.

Following two and a half years in the Army, including a year in the Philippines, Al Martinez began his career at then-Chance Vought Aircraft as a Wiring Serviceman Helper at a starting wage of $1.34 an hour. Through the years, Al has left his mark on numerous missile programs and continues to lend his resilience and determination to MFC programs at the age of 82.

Mr. Speaker, the celebration of fifty plus years of service is a remarkable feat, and I know that the other members of this body will join me in extending our warmest congratulations to Al Martinez on his incredible accomplishment.

RECOGNITION OF CHESTER CONNAWAY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Chester Connaway of Jefferson County, Illinois. Chet was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Chet received this honor for his lifelong service to others. Upon his graduation from Mt. Vernon Township High School he joined the Army. He then served 40 years in the Illinois Army National Guard. He now is the district director for Veterans Affairs Southern Division where he works to secure benefits for deserving veterans. Chet also is a member of the Field Grade School Board of Education and he served twenty years as treasurer of Wesley United Methodist Church. Chet and his wife Barbara have been married 50 years and have raised three daughters.

I want to congratulate and thank Chet for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is deserving of this prestigious honor.

PERSONAL EXPLANATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. McINNIS. Mr. Speaker, due to a family medical issue, I missed several votes on June

26, 2003. I was not able to be present to vote on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003. Had I been present, I would have voted yes on passage of H.R. 1, Rollcall No. 332. In addition, had I been present, I would have voted yes on passage of the Military Construction Appropriations Act for Fiscal Year 2004, Rollcall No. 325; yes on H. Res. 277, Expressing Support for Freedom in Hong Kong; yes on passage of the Health Savings and Affordability Act, Rollcall No. 328; and yes on the Intelligence Authorization Act for Fiscal Year 2004, Rollcall No. 333.

RECOGNITION OF NANCY GERMANN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Nancy Germann of Jefferson County, Illinois. Nancy was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Nancy received this honor for her lifelong service to others. For 33 years she made a positive difference in the lives of students. She loves teaching so much she returned to the classroom after her retirement as a special education aide. Nancy is extremely involved in her church and community. Some of her activities include singing in the church choir, assisting with the soup kitchen and Thanksgiving dinner for the needy, and serving as a director for Cedarhurst Chamber Music along with helping with other Cedarhurst activities.

I want to congratulate and thank Nancy for all she has done and will continue to do for the people in her community. She is a saint to all who know her and is deserving of this prestigious honor.

TRIBUTE TO E.L. HUTCHISON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an outstanding citizen from my district. E.L. ''Hutch'' Hutchison of Durango, Colorado is member of what has been called the ''Greatest Generation,'' those who helped the United States defeat fascism and totalitarianism during World War II. His sacrifices—and those of his fellow soldiers—helped secure the Allied victory and defend the American way of life we enjoy today. I am honored to recognize ''Hutch's'' service to his nation.

During the war, ''Hutch'' fought for his nation as a paratrooper with the famous ''Screaming Eagles'' of the 101st Airborne Division. On D-Day, June 6, 1944, ''Hutch'' was one of fourteen Screaming Eagles who jumped together from a plane into enemy territory. Only six would survive. As one of those six, ''Hutch'' continued fighting and heroically carried out his job as a demolition man, clearing out mines and booby traps for the American and Allied troops who would follow.

Mr. Speaker, our nation owes E.L. Hutchison and his fellow soldiers a great debt. Thanks to their efforts, the United States emerged from that terrible war victorious. Even though the war ended 58 years ago, we must never forget the sacrifices ''Hutch'' and the other American troops made. I am especially privileged to honor E.L. Hutchison today. Thank you for your service, ''Hutch,'' and for helping to ensure that America remains the ''Land of the Free.''

RECOGNITION OF WILMA KIMMEL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Wilma Kimmel of Jefferson County, Illinois. Wilma was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Wilma received this honor for her lifelong service to others. She is known as a dedicated wife and mother. She and her husband, Ardell, raised three children. In order to help send her children to college she began work as a secretary for the Mt. Vernon School System where she worked for twenty years. Wilma has been involved with the 4–H Club, Rend Lake Piecemakers Quilt Guild, and Herbs for Health and Fun. No one can say that Wilma is not devoted to her church. At Central Christian Church she is known as a ready and willing hand for wherever there is a need. She is described as one who gets the job done and one who never complains.

I want to congratulate and thank Wilma for all she has done and will continue to do for the people in her community. She is a saint to all who know her and is deserving of this prestigious honor.

REGARDING THE ACTUARIAL VALUE OF PRESCRIPTION DRUG BENEFITS OFFERED TO MEDICARE ELIGIBLE ENROLLEES BY A PLAN UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

Mr. VAN HOLLEN. Mr. Speaker, yesterday, I was pleased to support H.R. 2631 which guarantees that the legislation designed to provide Medicare recipients with some prescription drug coverage would not lead to the creation of an inferior prescription-drug benefit for retired federal employees.

The Republican version of the Medicare Prescription Drug Bill, which passed the House on June 27, 2003 is a bad piece of legislation for many reasons. One of its many serious flaws is that it could result in a reduction of coverage for federal employees. Because of how the bill was written, the Congressional Budget Office has estimated that as many as ⅓ of all retirees who currently have prescription drug coverage through their employer's private plan will lose their coverage to the generally inferior set of benefits outlined in the House proposal. We cannot allow our retired federal workers to fall victim to capricious business practices geared toward increasing profits above all else. Federal employees who have dedicated many years of their lives to public service deserve to live out their retirement with dignity and security. H.R. 2631 will help achieve this.

The legislation proposes nothing radical in seeking to ensure that the prescription drug package enjoyed by current federal employees will be available to federal retirees as well. Currently there is parity between the two benefits packages. And, this non-partisan effort is dedicated to guaranteeing that this remains true.

Given the difficulties involved in retaining federal employees, we should all recognize that supporting this legislation will help communicate to new and current employees that their efforts and sacrifices are appreciated and will be honored even after they have completed their public service.

The rate of growth of premiums in the Federal Employees Health Benefit Program (FEHBP), in comparison to the disproportionately slow growth in the cost of living adjustment (COLA), is a major concern for federal retirees. Since 1998, FEHBP premiums have increased more than 10% per year. Last year alone, FEHBP premiums increased 11%. During the same period, the federal retirement annuity COLA was only 1.4%. It is difficult enough to keep pace with these changes without the added pressure of having to deal with the possibility that the level of choice and service they have grown accustomed to during their employment will suffer in their retirement.

It is important that we do all that we can to help our federal retirees deal with the burden of financial shocks. Therefore I thank those of my colleagues who joined me in supporting H.R. 2631 and I commend Mr. DAVIS of Virginia for introducing the bill.

TRIBUTE TO RICK LUPE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. MCINNIS. Mr. Speaker, it is with profound sadness that I rise before this body of Congress and this nation today to pay tribute to a true American hero. Rick Lupe recently passed away from injuries sustained while battling a prescribed burn on the Fort Apache Indian Reservation near Whiteriver, Arizona. I am saddened by his death and would like to take a moment to reflect on the courage and leadership of this honorable and distinguished individual.

Rick previously made headlines during another fire that took place last summer. When the Rodeo-Chediski fire scorched much of Arizona, Rick engineered a fire line at the last minute, using a back burn and bulldozers that helped save the town of Show Low. Such acts of courage are no surprise to those who knew him. In nearly two decades of service to the Fort Apache Hotshot crew, Rick developed a reputation as a strong but quiet leader, a loyal colleague, and trusted friend.

Rick possessed courage and toughness to spare. While checking on a hot spot recently,

the wind picked up and blew the flames around him. When the shelter he tried to deploy blew away, Rick dropped to the ground to allow the fire to pass over him. Even though the flames and heat scorched him, leaving 3rd degree burns over 40 percent of his body, he summoned the strength to walk a half-mile to get help. Even then, Rick held on for five weeks before leaving us. He will be especially missed by his beloved wife Evelyn and his children Brent, Sean, and Daniel. I would like to extend my deepest sympathy to them during this difficult time.

Mr. Speaker, I am honored to recognize Rick Lupe today. His immediate family will remember Rick as the loving husband and father that he was. The town of Show Low, the Fort Apache Hotshots, and this nation will remember Rick as the hero that he was. Rick dedicated his life to serving his nation and his fellow citizens. We will always be grateful.

RECOGNITION OF JACK GOLDMAN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Jack Goldman of Jefferson County, Illinois. Jack was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Jack received this honor for his lifelong service to others. He served in World War II as a combat engineer in the United States Army. Jack participated in the invasions of Leyte and Okinawa. After serving his country he returned to Mt. Vernon where he has literally and figuratively changed his community. Jack became involved with the Acquisition Committee for the Arts in the City Foundation and as chairman of the Sculpture Committee for Cedarhurst. He was named Counselor Emeritus for Mitchell Museum in 1995. Jack is an architect with Fields, Goldman, and Magee; and is also a member of the Mt. Vernon Rotary Club and the Downtown Development Corporation. He and his wife, Joan, are members of United Methodist Church.

I want to congratulate and thank Jack for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is deserving of this prestigious honor.

THE COMMUNITY JOURNAL HONORS ERNESTINE O'BEE AT THEIR 27TH ANNIVERSARY CELEBRATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. KLECZKA. Mr. Speaker, on Friday, August 22, 2003, The Community Journal will celebrate its 27th Anniversary. On this occasion, the newspaper will salute Ernestine O'Bee as an outstanding citizen in Milwaukee's African American community.

Mrs. O'Bee is the proprietor of the Northwest Funeral Chapel, and has served in a professional capacity in her field since 1952. She is an astute businesswoman in her role as funeral director and is compassionate and caring to all she serves. In addition to her professional achievements, Ernestine O'Bee is a lady of elegance and eloquence. She has led an exemplary life and has been a model of generosity and graciousness for everyone whose life she has touched.

As a pillar of the African American community, Ernestine O'Bee has been active in civic affairs and supportive of many organizations and individuals in her quest to improve the quality of life for the entire Milwaukee community. She has served many organizations including the Salvation Army, YWCA, YMCA, the House of Peace, Zonta Club and her sorority, Wisconsin Funeral Directors Association.

Over the years, Mrs. O'Bee has sponsored over one hundred students in scholarships, some from birth through college. She is a substantial contributor to the Dr. Terence N. Thomas Memorial Scholarship Fund, which recently graduated five students including one post graduate student from Tulane University.

I wish to honor and thank Ernestine O'Bee for the countless gifts and contributions that she has made to strengthen, support and enrich the community. I appreciate her efforts and join in celebrating her life-long achievements.

Congratulations, Mrs. Ernestine O'Bee!

HONORING JACK CHENOWETH, JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress today to pay tribute to an outstanding American. Jack Chenoweth, Jr. of Pueblo, Colorado selflessly served this great nation throughout his long and dedicated life. As we recognize his passing, it is with great pride that I highlight the many contributions that Jack made to his community and our nation.

Jack answered the call to military and government service several times throughout his life. Upon graduation from Trinidad High School, he joined the U.S. Navy and served in the South Pacific until the end of World War II. Jack went on to graduate from the University of Denver in 1951 and married Mary Ann Kennedy two years later, eventually embarking on a 24-year career with the FBI. After his retirement from the FBI, Jack continued his work as an investigator for Pueblo County. He also made a major impact upon the Pueblo community as an active member of the Republican Party, a member of the Society of Former Special Agents of the FBI, a Rotarian, and a past president of the El Pueblo Boys and Girls Ranch.

Mr. Speaker, I am proud to stand before this body of Congress today to recognize Jack Chenoweth, Jr. for his devotion to the Pueblo community and his service to our country. Citizens like Jack provide the spirit and strength of character that make this nation great. While he will be dearly missed, we can all take solace in the knowledge that Jack's spirit lives on through those whom he has touched.

RECOGNITION OF DOROTHY BAKER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Dorothy Baker of Jefferson County, Illinois. Dottie was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Dottie received this honor for her lifelong service to others. She is a wife and mother who raised three children. Today she is a regular participant in the Sweet Corn & Watermelon Festival, the American Cancer Society's Relay for Life, Jefferson County's Crime Watch program, Memorial Day services, the Mt. Vernon City Wide Cleanup, and the National Day of Prayer. She has also assisted with the Emergency 911 Telephone Testing process. Dottie is active in her church where she helps the elderly and assists others in any way possible.

I want to congratulate and thank Dottie for all she has done and will continue to do for the people in her community. She is a saint to all who know her and is deserving of this prestigious honor.

NRA SUPPORT FOR LOCAL WILDLIFE CONTROL

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. YOUNG of Alaska. Mr Speaker, I have, somewhat famously, opposed H.R. 1472, a bill which attempts to single out bears as a species to be managed by the House of Representatives instead of local wildlife experts. I believe this bill is a ''one size fits all'' attempt at government, inappropriately taking local control away and nullifying local expertise. I am not alone on my position against this bill. I would therefore like to submit for the RECORD the following letter from the National Rifle Association, which explains their opposition to the bill as well.

JUNE 2003.

DEAR REPRESENTATIVE: As the leading voice for millions of American gun-owners and hunters, the National Rifle Association wishes to advise you of our opposition to H.R. 1472, the ''Don't Feed the Bears Act of 2003.'' This legislation would prohibit the use of bait in bear hunting on all federal lands.

Although H.R. 1472 addresses one method of bear hunting, the real issue here is about who manages resident wildlife. H.R. 1472 opens the door to federal preemption of the rights of the fifty states to manage resident wildlife, including establishing the means and methods of hunting in a safe and ethical manner. The NRA is unalterably opposed to such federal infringement.

Congress has passed legislation giving the Federal government management authority over certain categories of wildlife which it felt required a national focus: migratory birds, marine mammals, and endangered and threatened species. At no time in its history has Congress selected an individual species for federal management. H.R. 1472 sets this unwise precedent.

This legislation is being advocated by organizations opposed to all methods of hunting, not just the use of bait in bear hunting.

Nothing could better achieve their goal of ending hunting in the United States than a bill that federalizes wildlife management. Rather than having to promote their views in each of the fifty states, the anti-hunting community is seeking to have Congress preempt the field.

Those states that allow the use of bait in hunting do so because they have concluded that it is a humane method of hunting, that it meets the ethical standard of ''fair chase,'' and that it is a necessary tool for management of their bear populations. H.R. 1472 places Congress in the position of being a wildlife biologist, making decisions for states on how certain wildlife populations must be managed. If Congress were to adopt this legislation, it would be placing itself in the position of having to address every issue pertaining to wildlife management, not just one method of bear hunting.

The NRA strongly urges you to oppose H.R. 1472 because of its attempt to preempt the authority of the states to manage resident wildlife. If you are a cosponsor of the bill, we urge that you reconsider your support for it.

Thank you for your consideration of our views on this important issue.

Sincerely,

CHRIS W. COX,
Executive Director,
NRA Institute for Legislative Action.

TRIBUTE TO JARVIS AND MARY JO RYALS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a pair of selfless community servants from my district, Jarvis and Mary Jo Ryals of Pueblo, Colorado. As avid contributors to Colorado State University-Pueblo, Jarvis and Mary Jo are being honored with the President's Medal for Distinguished Service.

Long-time residents of Pueblo, the Ryals are widely known for their dedication to the community. They have supported the Pueblo Symphony, the Greenway and Nature Center and the USC Foundation. The cornerstone of their generous efforts in the community has been their support for Colorado State University-Pueblo. From gifts to the Hasan School of Business and the Buell Communications Center, to their help in establishing a professorship for Language and Leadership, the Ryals are always at the forefront of University philanthropy, working tirelessly on behalf of the institution.

Mr. Speaker, in a recent ceremony in Pueblo, the Ryals received the President's Medallion, symbolizing their distinguished service, high standards and values, and hard work. I join with my colleagues here today in applauding Jarvis and Mary Jo for their civic-mindedness and congratulate them on this prestigious honor. This recognition to Jarvis and Mary Jo for the work that they do in our community is long overdue, and I am proud to bring it to the attention of this House today. Congratulations and thanks again, Jarvis and Mary Jo, for your many years of hard work on behalf of Pueblo and Colorado State University.

RECOGNITION OF CLIFF FIELDS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Cliff Fields of Jefferson County, Illinois. Cliff was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Cliff received this honor for his lifelong service to others. Whether it was his service in World War II or his work to bring business and industry to Mt. Vernon, he is known as an unselfish person who works tirelessly for the benefit of others. Fifty years ago Cliff founded the architectural firm of Fields, Goldman, and Magee. He has also served on the Summersville Grade School Board, Mt. Vernon Airport Authority, Economic Development Commission, Director for Mt. Vernon Savings & Loan and First Bank & Trust, and a Trustee for Mitchell Museum.

I want to congratulate and thank Cliff for all he has done and will continue to do for the people in his community. He is a saint to all who know him and is deserving of this prestigious honor.

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. GOSS, Mr. Speaker, I was not present today due to offical travel overseas, as a result, I was not able to be present for rollcall votes 334, 335, and 336. Had I been present, I would have voted no on rollcall vote 334 and yea on 335 and 336. I request that this statement appear at the appropriate place in the RECORD. Thank you.

HONORING FAY KASTELIC

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a truly remarkable woman. Fay Kastelic is an octogenarian from Pueblo, Colorado whose dedication to her family and years of selfless public service have set a shining example for those in her community. Fay has overcome numerous obstacles in her life and I am proud to recognize her many accomplishments before this body of Congress and our great nation today.

Fay was born in Bowie, Texas, where she developed a resolute work ethic while growing up in the midst of the Depression. She attended the University of Texas until her senior year, when she left to run a commissary during World War II. While working at the commissary, Fay met her future husband, Frank, and they were married back in Colorado when he returned from overseas. Fay raised her three sons in Pueblo and ultimately returned to school to finish her degree in education, ultimately progressing from classroom teacher to principal to district director for elementary education.

Fay's commitment to public service has continued well beyond her years as a teacher and administrator for the school district. She retired after 25 years of service to the school district after being elected to serve on the Pueblo City Council. Fay acted as president for three terms before declining to run in 1997 due to health problems. With help from her family and friends, particularly her twin sister, Fay made a remarkable recovery from cancer and was later named Citizen of the Year by the Greater Pueblo Chamber of Commerce in 1998. While flattered by the honors that have been bestowed upon her, Fay remains committed to the Pueblo community. She continues to be an active participant on assorted civic committees.

Mr. Speaker, I am honored to pay tribute to Fay Kastelic today for her commitment to our nation. Fay embodies the spirit of public service and altruism that make our communities and our nation strong. I commend Fay for her lifetime of selfless public service and wish her all the best in her future endeavors.

RECOGNITION OF CLARA SONSINI

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Clara Sonsini of Jefferson County, Illinois. Clara was recently inducted into the Senior Saints Hall of Fame of Jefferson County.

Clara received this honor for her lifelong service to others. At the onset of World War II she left home and traveled to San Francisco to work for the government in homeland security. Later, Clara and her husband, Dan, moved to Mt. Vernon where they raised three children. Upon their high school graduation she began work at a local nursing home as a nurse's aid and eventually as activity director. Clara's other numerous community activities include Girl Scout Leader, Cub Scout Den Mother, YMCA volunteer, grade school homeroom leader, president of the PTA, and American Cancer Society and Red Cross volunteer. She remains vigorously involved with the St. Mary's/Good Samaritan Regional Health Center Auxiliary.

I want to congratulate and thank Clara for all she has done and will continue to do for the people in her community. She is a saint to all who know her and is deserving of this prestigious honor.

HONORING THE DISTINGUISHED SERVICE OF COMMANDER STEVEN J. FUQUA

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. COOPER. Mr. Speaker, I am honored to pay tribute today to CommanderIM Steven J. Fuqua, who is retiring this summer from the United States Navy after 20 distinguished

years of service. Commander Fuqua is a native of my district, from Nashville, Tennessee.

During his career, Commander Fuqua held some of the most demanding jobs in the United States Navy and fulfilled these duties superbly. He has served as the chief engineer on a nuclear submarine, an extraordinarily challenging job that requires unstinting, 24-hour attention. He has also served as the Executive Officer on many missions, including one around-the-world deployment aboard the USS Batfish in 1997.

In honor of his distinguished service, Commander Fuqua has been awarded the Defense Meritorious Service Medal, the Meritorious Service Medal, the Navy and Marine Corps Commendation Medal with three gold stars, and the Navy and Marine Corps Achievement Medal with gold star. Long-time friend and fellow naval officer Scott Potter said of Commander Fuqua, ''If you had to name a prototype naval officer, Steve would be it.''

Commander Fuqua holds a Bachelor of Science in Mechanical Engineering from Tennessee Technological University and a Masters in Mechanical Engineering from the Naval Postgraduate School in Monterey, CA. After receiving his commission from Officer Candidate School in 1984, he entered the elite Naval Nuclear Propulsion Program and completed the course of instruction at the Naval Nuclear Power School in Orlando, Florida and Nuclear Prototype Training at the Prototype in Idaho Falls, Idaho. He also completed the Submarine Officer Advanced Course at the Naval Submarine Base in New London, Connecticut.

Commander Fuqua's initial sea tour assignment was aboard the USS Billfish (SSN 676) from 1986 to 1989, where he served as Main Propulsion Assistant and Combat Systems Officer. In 1992, Commander Fuqua reported aboard the USS Key West (SSN 772) as Engineer Officer. During this tour, the ship completed a Mediterranean deployment, a Southern deployment and a Selected Restricted Availability (SRA). From 1995 to 1997, he was assigned to the Defense Intelligence Agency (DIA) working for C4I Integration Support Activity (CISA), a defense support activity of the Office of the Assistant Secretary of Defense for Command & Control, Communications, Computers and Intelligence.

In 1997, following completion of the Prospective Executive Officer course in New London, Connecticut, he reported for duty as Executive Officer of the USS Batfish (SSN 681). Following completion of a six-month around-the-world deployment, the USS Batfish changed homeports from New London, Connecticut to Pearl Harbor, Hawaii.

Commander Fuqua detached from the USS Batfish in 1999 following the ship's inactivation and reported for duty to the staff of the Chief of Naval Operations (N77), where he served as Submarine Communications Requirements Officer from 1999 until 2002. In May 2003, Commander Fuqua reported to Naval Sea Systems Command (NAVSEA) where he is assigned to the Undersea Weapons Program Office of the International Programs Division.

He now lives in Alexandria, Virginia with his wife Kathi, their three sons, Steven, 14, Matthew, 12, and Tyler, 9, and their daughter, Megan, who is 4.

On behalf of the citizens of the Fifth Congressional District of Tennessee, I salute Commander Fuqua for his outstanding career and for his service to our Nation. We are proud to claim him as a native son. I wish him well in his retirement and in all his future endeavors.

HONORING RITA FRIBERG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. McINNIS. Mr. Speaker, I stand before this body of Congress today to pay tribute to a successful businesswoman who has provided Colorado with years of dedicated service. Rita Friberg has had a long career as an entrepreneur and now serves the Pueblo community as a professor of business, management, and marketing at Pueblo Community College. Today, I would like to honor Rita's accomplishments and the impact she has had on her community throughout her career as an entrepreneur, small business adviser, and professor.

Rita began her business career working in retail at age 16, proceeding to manage a number of fabric and craft stores after attending Purdue University. She opened her own shop in Denver's Larimer Square before joining Pueblo Community College in 1994 to run the Small Business Development Center, eventually becoming a full-time faculty member in August 2002. In recognition of her efforts and career, the Pueblo Business Women's Network recently honored Rita as its Woman of the Year.

Mr. Speaker, I am proud to stand before this body of Congress today to recognize the positive impact that Rita has had on my district and the State of Colorado. Rita embodies the combination of ambition and dedication necessary to communicate the dynamics of the business world to her students. I would like to congratulate her on this prestigious award and the respect that she has earned from her peers. I wish Rita all the best in her future endeavors.

REMEMBERING FORMER SOUTH CAROLINA FIRST LADY VIRGINIA RUSSELL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 2003

Mr. WILSON of South Carolina. Mr. Speaker, during the Fourth of July District Work Period, I attended funerals of heroes of South Carolina who will always be remembered—former First Lady Virginia Russell on June 30, former U.S. Senate President Strom Thurmond on July 1, and Sergeant O.J. Smith on July 2, who served with distinction in Iraq in the War Against Terrorism.

Virginia Russell was special to me as the mother of my State Senate seatmate for 14 years, John Russell. Also in 1962, I met her campaigning for her husband running successfully for Governor while I was delivering the Charleston Evening Post on King Street in Charleston, SC, at Fralix Shoe Shop. She so inspired my political involvement that I contacted Campaign Manager J. Bratton Davis and I served as youth Campaign Manager for Charleston in the June primary.

The following is an article and obituary from the Spartanburg Herald-Journal regarding her death.

[From the Spartanburg Herald-Journal, June 28, 2003]

DONALD RUSSELL'S WIDOW DIES

(By Janet S. Spencer)

Former South Carolina first lady Virginia Russell died Friday at her home on Otis Boulevard after an extended illness.

Mrs. Russell was the widow of the Honorable Donald S. Russell who was governor from 1963 to 1965 and then served as a federal judge.

In addition to numerous contributions to her community and the dedication to her family, she is remembered for her role as first lady of the state as well as of the University of South Carolina when her husband was president there.

While living in the governor's mansion, Mrs. Russell noticed state seals that had been painted over for many years on the mantle in a large drawing room.

She is credited with having the seals uncovered and brought out in gold relief. They remain that way today.

Mrs. Russell also was responsible for first encouraging tours of the mansion.

Her neighbors, Mary and Thomas Stokes, remember moving to their new residence in Spartanburg as the youngest couple on the street and Mrs. Russell opening her home to them.

''She was a genteel Southern lady. I always felt she was so thoughtful of others from the first time she welcomed us to her home and the neighborhood,'' Mrs. Stokes said. ''She always went out of her way to be thoughtful of other people.''

Stokes agreed with his wife. ''Mrs. Russell was certainly a lady in the finest tradition of the word,'' he said.

''Mr. and Mrs. Russell were wonderful people.''

John Edmunds, who had been friends with the Russells for 45 years, recalls being a student at USC when the Russells were there.

Mrs. Russell decorated his fraternity house and invited every student to dinner their freshman and senior years.

''She loved the university. She was a very brilliant, well-read woman. She could converse with you on any subject. She kept up with current events,'' Edmunds said.

After returning to Spartanburg, for many years Edmunds had dinner weekly with the Russells at the Piedmont Club.

''She was witty and charming. And although she had been in declining health for some time, I'm gonna miss her,'' Edmunds said.

For 11 years, Mrs. Russell had also won the hearts of caregivers who often called her ''pretty lady.''

Martina Smalley is a registered nurse and director of Professional Nursing Services that provided around-the-clock care for Mrs. Russell at the Russell residence.

Smalley said she and the three nurses who rotated the duties were deeply saddened by Mrs. Russell's death.

''She was such a warm and gracious lady. In the 11 years we were privileged to care for her, we came to love her as if she were our own mother,'' Smalley said.

Smalley described a mutual strong bond of trust and respect which she and the nurses shared with Mrs. Russell.

''She was very appreciative of everyone's kindness and thoughtfulness. She had a way of making everyone feel special,'' Smalley said.

The caregivers recall how Mrs. Russell eagerly let it be known how much her husband and family meant to her.

''The saddest time in her life was when she lost her husband, and the saddest time in all our nursing careers is the loss of such a grand and gracious lady,'' Smalley said.

Caring for Mrs. Russell was described by Smalley as a once in a lifetime experience.

''And it's one we will never forget,'' she said.

Among Mrs. Russell's survivors are sons, John of Spartanburg, Don of Columbia and Scott Russell of Houston, Texas.

Funeral arrangements will be announced by the Lanford-Pollard Funeral Home.

[From the Spartanburg Herald-Journal, June 30, 2003]

VIRGINIA U. RUSSELL

Virginia Russell, 97, of 716 Otis Boulevard, Spartanburg, died on Friday, June 27, 2003, after a long illness.

Graveside services will be held today, Monday, June 30, 2003, at 10:30 a.m. at Greenlawn Memorial Gardens in Spartanburg with the Rev. Lawrence F. Hayes officiating.

The family will receive friends immediately following the service at the graveside. Memorials can be made to the Caroliniana Library, University of South Carolina, Columbia, S.C. 29208 or to the charity of one's choice.

Mrs. Russell was born in St. George, South Carolina on May 14, 1906 to the late Mary Carrol Utsey and Walker Scott Utsey.

She was married for seventy-two years to Donald Stuart Russell, who predeceased her in 1998. They met as students at USC. She was a campus beauty and elected as May Queen. After marriage, she was a school teacher, and he, a lawyer in Union. From there to Spartanburg, and then to Washington, D.C., during the Roosevelt era. After the war, the Russells came back to South Carolina, and Donald Russell became President of USC from 1951 to 1957.

Virginia Russell was responsible for the creation of the Presidents Home on the Horseshoe, and for its openness to everyone, especially the students. She is remembered for the lavish dinners she prepared for every senior class.

Mrs. Russell had substance, as well as great style—working hard in the gardens around the campus as well as in the kitchen for entertainments. She was a masterful cook with a collection of nearly three thousand cookbooks. Another great talent and love was needlepoint. She preferred Maggie Lane designs and was truly prodigious in making many beautiful rugs and tapestries. Her hands were never idle, nor her mind. She shared a passion for English and American History with her husband.

Virginia Russell was always actively involved in her husband's campaigns. He was elected Governor of South Carolina in 1962. As First Lady, she over saw major construction on the unsound Governor's Mansion and in the process brought a new level of elegance and beauty to the home. The family's personal financial resources were used for both the President's Home at USC and the Governor's Mansion and their grounds. Both the Russells were truly service oriented and cared greatly for the people they served.

Upon Donald Russell's election as governor, Mrs. Russell decided to forego the customary formal inaugural in favor of a barbecue for the people of the state, including blacks and whites of all social standings. The event was covered in Time Magazine since it occurred at the height of the civil rights movement.

While Governor Russell was in office, the couple established an open-house policy in the Governor's Mansion. Groups and individuals were welcomed at all hours. The governor personally answered his phone and Mrs. Russell, who liked to entertain, encouraged school tours to walk through the mansion.

Once, she told The State Newspaper that, ''the size of crowds never worried me. It's as easy to plan for one hundred as for ten and I enjoy people so much.''

Later in life, Governor and Mrs. Russell were regularly cited as examples of a political couple who balanced personal lives and professional duties. Governor Russell once told The State that, ''She encourages me to do my best.''

She was a loving wife, devoted and generous mother and grandmother and always a steadfast friend.

Surviving are her children, a daughter, Mildred Russell Neiman of Clinton, South Carolina; three sons, Donald Stuart Russell, Jr. of Columbia, South Carolina, Walker Scott Russell of New Orleans, Louisiana and John Richardson Russell of Spartanburg; and nine grandchildren.

We, the Russell Family, would like to convey our love to her three nurses, JoAnne Best, Ann Brock, and Evelyn Tomberlin, whom we appreciate very much.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 10, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 14

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine restoring stability to the defined benefit pension system.

SD–430

Judiciary

To hold hearings to examine temporary entry provisions of the proposed free trade agreements with Chile and Singapore.

SD–226

JULY 15

9:30 a.m.

Governmental Affairs

To hold hearings to examine castaway children, focusing on whether parents must relinquish custody in order to secure mental health services for their children.

SD–342

10 a.m.

Foreign Relations

To hold hearings to examine successes and challenges for U.S. policy relative to Haiti.

SD–419

Health, Education, Labor, and Pensions

Substance Abuse and Mental Health Services Subcommittee

To hold hearings to examine proposed legislation authorizing funds for the Substance Abuse and Mental Health Services Administration.

SD–430

2:30 p.m.

Judiciary

Immigration, Border Security and Citizenship Subcommittee

To hold hearings to examine visa issuance, information sharing and enforcement in a post 9-11 environment.

SD–226

Veterans' Affairs

To hold hearings to receive a report by the National Commander of The American Legion, Ronald F. Conley, of his tenure.

SR–418

JULY 16

10 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the semi-annual monetary policy report of the Federal Reserve System.

SD–538

Health, Education, Labor, and Pensions

Business meeting to markup the proposed Patient Safety and Quality Improvement Act of 2003.

SD–430

Indian Affairs

To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.

SR–485

Judiciary

To hold oversight hearings on the federal sentencing guidelines of the U.S. sentencing comission.

SD–226

Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the recent General Accounting Office report entitled: ''An Overall Strategy and Indicators for Measuring Progress Are Needed to Better Achieve Restoration Goals'', focusing on the ramifications of an uncoordinated Great Lakes restoration strategy, current management of various environmental programs, and possible next steps to improve the management of Great Lakes programs.

SD–342

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine competition in the marketplace in relation to hospital group purchasing.

SD–226

Energy and Natural Resources

To hold hearings to examine the nomination of Suedeen G. Kelly, of New Mexico, to be a Member of Federal Energy Regulatory Commission.

SD–366

JULY 17

9:30 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

Governmental Affairs

To resume hearings to examine castaway children, focusing on whether parents must relinquish custody in order to secure mental health services for their children.

SD–342

JULY 22

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1314, to expedite procedures for hazardous fuels reduction activities on National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, to improve the health of National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, and H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; to examine the impacts of insects, disease, weather-related damage, and fires on public and private forest lands. Processes for implementing forest health and hazardous fuels reduction projects on public and private lands, and processes for implementing forest health and hazardous fuels reduction projects will also be discussed.

Room to be announced

Judiciary

To hold hearings to examine bankcruptcy and competition issues in relation to the WorldCom Case.

SD–226

JULY 23

10 a.m.

Indian Affairs

To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.

SR–485

Judiciary

To hold oversight hearings to examine certain pending matters.

SD–226

JULY 30

10 a.m.

Indian Affairs

To hold hearings to examine S. 578, to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security.

SR–485

SEPTEMBER 16

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to receive the legislative presentation of The American Legion.

SH–216

Daily Digest

HIGHLIGHTS

House passed H.R. 2211, Ready to Teach Act.

House passed H.R. 438, Teacher Recruitment and Retention Act.

House passed H.R. 2657, Legislative Branch Appropriations for FY 2004.

House Committees ordered reported 14 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S9061–S9160

Measures Introduced: Seven bills were introduced, as follows: S. 1379–1385. **Pages S9118–19**

Measures Reported:

S. 1382, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004.

S. 1383, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004. **Page S9118**

Patients First Act: Senate continued consideration of the motion to proceed to consideration of S. 11, to protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs. **Pages S9061–83**

During consideration of the motion to proceed to the consideration of this measure today, Senate also took the following action:

By 49 yeas to 48 nays (Vote No. 264), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S9083**

State Department Authorization: Senate began consideration of S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, taking action on the following amendments proposed thereto: **Pages S9086–89**

Adopted:

Lugar/Biden Amendment No. 1139 (to Amendment No. 1136), to make certain improvements to the bill. **Pages S9092–93**

Brownback Amendment No. 1138 (to Amendment No. 1136), to allow North Koreans to apply for refugee status or asylum. **Pages S9093–94**

Boxer Amendment No. 1141 (to Amendment No. 1136), to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961. (By 43 yeas to 53 nays (Vote No. 267), Senate earlier failed to table the amendment.) **Pages S9095–S9104**

Brownback Amendment No. 1145 (to Amendment No. 1136), to provide support for democracy in Iran. **Pages S9105–07**

Allen Amendment No. 1144 (to Amendment No. 1136), to enhance efforts to combat the piracy of United States copyrighted materials. **Pages S9108–11**

Pending:

Lugar Amendment No. 1136, in the nature of a substitute. **Pages S9086–89**

Lautenberg Amendment No. 1135 (to Amendment No. 1136), to provide justice for Marine victims of terror. **Pages S9107–08**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, July 10, 2003. **Page S9160**

Child Tax Credit: The motion to proceed to the consideration of S. 1162, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit was made. **Page S9094**

During consideration of the motion to proceed to the consideration of this measure today, Senate also took the following action:

By 51 yeas to 45 nays (Vote No. 266), Senate tabled the motion to proceed to consideration of the bill. **Pages S9094–95**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the District of Columbia's Fiscal Year 2004 Budget Request Act; to the Committee on Governmental Affairs. (PM–43) **Page S9116**

Nominations Confirmed: Senate confirmed the following nominations:

By 54 yeas 43 nays (Vote No. EX. 265), Victor J. Wolski, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years. **Pages S9083–84, S9160**

Susan G. Braden, of the District of Columbia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Charles F. Lettow, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Mary Ellen Coster Williams, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years. **Page S9160**

Messages From the House: **Page S9116**

Measures Referred: **Pages S9116–17**

Executive Communications: **Pages S9117–18**

Additional Cosponsors: **Pages S9119–20**

Statements on Introduced Bills/Resolutions: **Pages S9120–25**

Additional Statements: **Page S9116**

Amendments Submitted: **Page S9125**

Authority for Committees to Meet: **Pages S9159–60**

Privilege of the Floor: **Page S9160**

Record Votes: Four record vote's were taken today. (Total–267) **Pages S9083–84, S9094–95, S9104**

Adjournment: Senate met at 9:30 a.m., and adjourned at 6:56 p.m., until 9:30 a.m., on Thursday, July 10, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9160.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Homeland Security approved for full Committee consideration an original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004.

APPROPRIATIONS: DEPARTMENT OF THE INTERIOR

Committee on Appropriations: Subcommittee on Interior approved for full Committee consideration an original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004.

APPROPRIATIONS: LEGISLATIVE BRANCH/DOD

Committee on Appropriations: Committee ordered favorably reported the following bills:

An original bill (S. 1383) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004; and

An original bill (S. 1382) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004.

AFGHANISTAN & IRAQ

Committee on Armed Services: Committee concluded open and closed hearings to examine lessons learned during Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom, and ongoing operations in the United States Central Command region, focusing on USCENTCOM areas of responsibility, regional concerns, the Horn of Africa, Iran, the Gulf States, South and Central Asia, weapons of mass destruction proliferation, terrorism and counterterrorism, and security cooperation, after receiving testimony from Donald H. Rumsfeld, Secretary of Defense; and General Tommy R. Franks, former Commander, U.S. Central Command.

INDIAN GAMING REGULATORY ACT

Committee on Indian Affairs: Committee concluded oversight hearings on the Indian Gaming Regulatory Act, focusing on the role of the Department of the Interior in reviewing revenue-sharing provisions included in Class III tribal-state gaming compacts submitted to the Department for approval, after receiving testimony from Aurene M. Martin, Acting Assistant Secretary of the Interior for Indian Affairs; Zachariah Pahmahmie, Prairie Band Potawatomi Nation, Mayetta, Kansas; Herman A. Williams, Jr., Tulalip Tribes of Washington, Tulalip; Jacob Viarrial, Pueblo of Pojoaque, Santa Fe, New Mexico; Pedro Johnson, Washington, D.C., on behalf of the Mashantucket Pequot Tribal Nation; Brenda Soulliere, California Nations Indian Gaming Association, Sacramento; and Frank Chaves, New Mexico Indian Gaming Association, Bernalillo.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of James O. Browning, to be United States District Judge for the District

of New Mexico, who was introduced by Senators Domenici and Bingaman; Kathleen Cardone, to be United States District Judge for the Western District of Texas, who was introduced by Senators Hutchison and Cornyn, and Representative Reyes; James I. Cohn, to be United States District Judge for the Southern District of Florida; Frank Montalvo, to be United States District Judge for the Western District of Texas, and Xavier Rodriguez, to be United States District Judge for the Western District of Texas, who were both introduced by Senators Hutchison and Cornyn, after the nominees testified and answered questions in their own behalf.

UNAUTHORIZED APPROPRIATIONS RULE

Committee on Rules and Administration: Committee concluded hearings to examine S. Res. 173, to amend Rule XVI of the Standing Rules of the Senate with respect to new or general legislation and unauthorized appropriations in general appropriations bills and amendments thereto, and new or general legislation, unauthorized appropriations, new matter, or nongermane matter in conference reports on appropriations Acts, and unauthorized appropriations in amendments between the Houses relating to such Acts, after receiving testimony from Senator McCain; and Douglas Holtz-Eakin, Director, Congressional Budget Office.

House of Representatives

Chamber Action

Measures Introduced: 19 public bills, H.R. 2671–2672, 2674–2690; and; 3 resolutions, H.J. Res. 64, and H. Res. 314–315 were introduced.

Pages H6463–64

Additional Cosponsors: **Pages H6464–65**

Reports Filed: Reports were filed as follows:

H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004 (H. Rept. 108–193); and

H. Res. 30, concerning the San Diego long-range sportfishing fleet and rights to fish the waters near the Revillagigedo Islands of Mexico (H. Rept. 108–194). **Page H6463**

Journal: Agreed to the Speakers approval of the Journal of Tuesday, July 8 by recorded vote of 362 ayes to 54 noes with 1 voting ''present,'' Roll No. 344. **Pages H6419–20**

Ready to Teach Act: The House passed H.R. 2211, to reauthorize title II of the Higher Education Act of 1965 by recorded vote of 404 ayes to 17 noes, Roll No. 340. **Pages H6353–56, H6363–83**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill (H. Rept. 108–183) was considered as adopted.

Pages H6373–82

Gingrey amendment no. 1 printed in H. Rept. 108–190 that makes technical changes, specifies that implementing reforms shall prepare teachers to understand scientifically based research and its applicability, requires partnership grant applications to contain a certification from the partner local educational agency stating that it will directly benefit from the grant activities, and ensures that the Partnership Grant funding will supplement not supplant other Federal, State, and local funds that would otherwise be expended to carry out teacher preparation activities (agreed to by recorded vote of 416 ayes to 4 noes, Roll No. 339); **Pages H6378–79, H6381**

Kildee amendment no. 2 printed in H. Rept. 108–190 that requires applications for Partnership Grants to include information on a clinical program component that includes supervision of student teachers, implementation of a mentor program for new teachers, and collection of data on the retention of all teachers to evaluate the effectiveness of the teacher support system; **Page H6379**

Honda amendment no. 3 printed in H. Rept. 108–190 that provides for the use of Partnership Grants to establish mentoring programs;

Pages H6379–80

Kildee amendment no. 4 printed in H. Rept. 108–190 that allows the use of funding for supplemental multilingual computer software to train teachers to teach limited English proficient students; and **Page H6380**

Meeks of New York amendment no. 5 printed in H. Rept. 108–190 that provides for a partnership between inner city and rural secondary schools to focus on encouraging students in these schools to pursue teaching as a career. **Pages H6380–81**

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill. **Page H6383**

Agreed to H. Res. 310, the rule that provided for consideration of the bill by yea-and-nay vote of 252 yeas to 170 nays, Roll No. 338. **Pages H6363–64**

Teacher Recruitment and Retention Act: The House passed H.R. 438, to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education by yea-and-nay vote of 417 yeas to 7 nays, Roll No. 343. **Pages H6356–63, H6383–93, H6419**

Pursuant to the rule the amendment in the nature of a substitute now printed in the bill (H. Rept. 108–182) was considered as adopted. **Page H6383**

Agreed to the George Miller of California amendment that expands teacher eligibility for $17,500 loan forgiveness to reading teachers who have obtained a separate State credential in reading. **Pages H6391–93**

Agreed to H. Res. 309 the rule that provided for consideration of the bill by yea-and-nay vote of 230 yeas to 192 nays, Roll No. 337. **Page H6363**

Labor, Health and Human Services, and Education, and Related Agencies Appropriations for FY 2004: The House agreed to H. Res. 312, the rule that is providing for consideration of H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004 by voice vote. Agreed to order the previous question by yea-and-nay vote of 223 yeas to 200 nays, Roll No. 341. **Pages H6396–6417**

Earlier agreed to the unanimous consent request made by Chairman Young of Florida that any general debate in the Committee of the Whole on H.R. 2660 be limited to three hours equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. **Page H6396**

Legislative Branch Appropriations for FY 2004: The House passed H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004 by yea-and-nay vote of 394 yeas to 26 nays, Roll No. 345. **Pages H6393–96, H6417–19, H6420–33**

H. Res. 311, the rule that provided for consideration of the bill was agreed to by recorded vote of 411 ayes to 13 noes, Roll No. 342. Earlier, agreed to the Linder amendment in the nature of a substitute to the rule that amends H.R. 2657 by prohibiting any funds to be used to provide supplemental dental or vision health insurance benefits for Members and employees of the House of Representatives. **Pages H6393–96, H6417–19**

Presidential Message—District of Columbia's Fiscal Year 2004 Budget Request Act: Read a message from the President wherein he transmitted the District of Columbia's Fiscal Year 2004 Budget Request Act—referred to the Committee on Appropriations and ordered printed H. Doc. 108–99. **Page H6433**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H6465–66.

Quorum Calls Votes: Five yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H6363, H6363–64, H6381, H6382–83, H6416–17, H6418–19, H6419, H6419–20, and H6432–33. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:56 p.m.

Committee Meetings

COMMERCE, JUSTICE, STATE, JUDICIARY AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations, Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies approved for full Committee action the Commerce, Justice, State, Judiciary and Related Agencies appropriations for fiscal year 2004.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia approved for full Committee action the District of Columbia appropriations for fiscal year 2004.

FEDERAL MANDATORY PROGRAMS—INSPECTORS GENERAL ADDRESS WASTE, FRAUD AND ABUSE

Committee on the Budget: Held a hearing on A Closer Look, The Inspectors General Address Waste, Fraud, Abuse in Federal Mandatory Programs. Testimony was heard from Kenneth M. Meade, Inspector General, Department of Transportation; John P. Higgins, Jr., Inspector General, Department of Education; Phyllis K. Fong, Inspector General, USDA; Dara Corrigan, Acting Principal Deputy Inspector General, Department of Health and Human Services; and a public witness.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following measures: H. Con. Res. 215, honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economics; and H. Res. 296, recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the

United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

The Committee also ordered reported, as amended and without recommendation, H.R. 1950, Foreign Relations Authorization, Fiscal Years 2004 and 2005.

COMBAT SPAM—LEGISLATIVE EFFORTS

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection and the Subcommittee on Telecommunications and the Internet held a joint hearing entitled ''Legislative Efforts to Combat Spam.'' Testimony was heard from J. Howard Beales, III, Director, Bureau of Consumer Protection, FTC; Paula Selis, Senior Counsel, Office of the Attorney General, State of Washington; and public witnesses.

FAIR AND ACCURATE CREDIT TRANSACTIONS ACT

Committee on Financial Services: Held a hearing on H.R. 2622, Fair and Accurate Credit Transactions Act of 2003. Testimony was heard from John W. Snow, Secretary of the Treasury; Timothy J. Muris, Chairman, FTC; and public witnesses.

MAKING HEATH CARE MORE AFFORDABLE

Committee on Government Reform: Subcommittee on Civil Service and Agency Organization held a hearing entitled ''Making Health Care More Affordable: Extending Premium Conversion to Federal Retirees.'' Testimony was heard from Representative Tom Davis of Virginia; and public witnesses.

DISRUPTING THE MARKET STRATEGY—NARCOTICS SOURCE NATIONS

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled ''Disrupting the Market: Strategy, Implementation, and Results in Narcotics Source Nations.'' Testimony was heard from Paul Simons, Assistant Secretary, Department of State; Andre Hollis, Deputy Assistant Secretary, Department of Defense; Roger Guevara, Director of Operations, DEA, Department of Justice; and Roger Mackin, Counternarcotics Officer and U.S. Interdiction Coordinator, Department of Homeland Security.

INTERNATIONAL CHILD ABDUCTION

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing on ''International Child Abduction: The Rights of American Citizens Being Held in Saudi Arabia.'' Testimony was heard from Maura Harty, Assistant Secretary, Consular Affairs, Department of State; and public witnesses.

NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE ACT

Committee on House Administration: Held a hearing on H.R. 2205, National Museum of African American History and Culture Act. Testimony was heard from Representatives Lewis of Georgia, Kingston and Norton; Lawrence Small, Secretary, Smithsonian Institution; Robert L. Wright, Chairman, National Museum of African American History and Culture Presidential Plan of Action Commission; Robert R. Howe, Assistant Chief, U.S. Capitol Police; Jeff Trandahl, Clerk, U.S. House of Representatives; Alan Hantman, Architect of the Capitol; and a public witness.

SUPPORTING HUMAN RIGHTS AND DEMOCRACY—U.S. RECORD 2002–2003

Committee on International Relations: Held a hearing on A Survey and Analysis of Supporting Human Rights and Democracy: The U.S. Record 2002–2003. Testimony was heard from the following officials of the Department of State: Lorne W. Craner, Assistant Secretary, Bureau of Democracy, Human Rights, and Labor; and Roger P. Winter, Assistant Administrator, Bureau of Democracy, Conflict and Humanitarian Assistance, AID; Jeane J. Kirkpatrick, former U.S. Ambassador to the United Nations; Harold H. Koh, former Assistant Secretary, Democracy, Human Rights and Labor, Department of State; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following measures: H.R. 1707, amended, Prison Rape Reduction Act of 2003; H.R. 2330, Burmese Freedom and Democracy Act of 2003; H.R. 1561, amended, United States Patent and Trademark Fee Modernization Act of 2003; H.R. 2086, amended, Office of National Drug Control Policy Reauthorization Act of 2003; and H.R. 1375, Financial Services Regulatory Relief Act of 2003.

The Committee adversely reported, as amended, H. Res. 287, directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 1038, Public Lands Fire Regulations Enforcement Act of 2003; H.R. 1616, Martin Luther King, Junior, National Historic Site Land Exchange Act; H.R. 1651, amended, Sierra National Forest Land Exchange Act of 2003; H.R. 1658, Railroad Right-of-Way Conveyance Validation Act of 2003; H.R. 2040, to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; H.R. 2059, Fort Bayard National Historic Landmark Act; S. 233, Coltsville Study Act of 2003; and S. 278, Mount Naomi Wilderness Boundary Adjustment Act.

INDIAN TRUST FUND LAWSUIT

Committee on Resources: Held an oversight hearing on "Can a process be developed to settle matters relating to the Indian Trust Fund lawsuit?" Testimony was heard from James Cason, Associate Deputy Secretary, Department of the Interior; and public witnesses.

MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY ACT

Committee on Science: Subcommittee on Research held a hearing on H.R. 2183, Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003. Testimony was heard from Rita R. Colwell, Director, NSF; and public witnesses.

SAVING OUR DEFENSE INDUSTRIAL BASE

Committee on Small Business: Held a hearing on Saving Our Defense Industrial Base. Testimony was heard from Suzanne D. Patrick, Deputy Under Secretary, Industrial Policy, Department of State; Matthew S. Borman, Deputy Assistant Secretary, Export Administration, Department of Commerce; and public witnesses.

OVERSIGHT—GSA'S 2004 CAPITAL INVESTMENT AND LEASING PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held an oversight hearing on GSA's Fiscal Year 2004 Capital Investment and Leasing Program. Testimony was heard from Representative Blumenauer; F. Joseph Moravec, Commissioner, Public Buildings Service, GSA; and Jane R. Roth, Judge, U.S. Court of Appeals, Third Circuit, Chairman, Committee on Security and Facilities, Judicial Conference.

FORCE HEALTH PROTECTION: LESSONS LEARNED AND APPLIED FROM THE FIRST GULF WAR

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on Force Health Protection: Lessons Learned and Applied from the First Gulf War. Testimony was heard from William Winkenwerder, Jr., M.D., Assistant Secretary, Health Affairs and Director, TRICARE Management Activity, Department of Defense; Jonathan B. Perlin, M.D., Deputy Under Secretary, Health, Department of Veterans Affairs; and Marjorie E. Kanof, M.D., Director, Health Care—Clinical and Military Health Care Issues, GAO.

Joint Meetings

HEALTH CARE COSTS

Joint Economic Committee: Committee concluded hearings to examine technology and innovation in relation to health care costs, focusing on traditional approaches versus new technologies, potential policy solutions, the need for performance measures, rapid access to generic drugs, revised good manufacturing practices, prevention of medical errors, and safety and efficacy studies for approved medical products, after receiving testimony from Mark B. McClellan, Commissioner, Food and Drug Administration, and Carolyn M. Clancy, Director, Agency for Healthcare Research and Quality, both of the Department of Health and Human Services; Peter J. Neumann, Harvard School of Public Health, Boston, Massachusetts; and Neil R. Powe, Johns Hopkins University Welch Center for Prevention, Epidemiology and Clinical Research, Baltimore, Maryland.

COMMITTEE MEETINGS FOR THURSDAY, JULY 10, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed legislation making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, 2 p.m., SD–106.

Committee on Armed Services: to hold hearings to examine the nominations of Paul Morgan Longsworth, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration, and Thomas W. O'Connell, of Virginia, to be an Assistant Secretary of Defense, 10 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine "The Accuracy of Credit Report

Information and the Fair Credit Reporting Act'', 10 a.m., SD–538.

Committee on Energy and Natural Resources: to hold hearings to examine the high price of natural gas, its effect on the economy and to consider potential solutions, 10 a.m., SH–216.

Committee on Finance: business meeting to review and make recommendations on proposed legislation implementing the U.S.-Singapore free trade agreement and the U.S.-Chile free trade agreement, 2 p.m., SD–215.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families, to hold hearings to examine proposed legislation authorizing funds for Community Services Block grant program, 3 p.m., SD–430.

Committee on the Judiciary: business meeting to consider S. 1125, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, S. J. Res.1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, S. 1280, to amend the Protect Act to clarify certain volunteer liability, S. Res. 140, designating the week of August 10, 2003, as ''National Health Center Week'', S. 764, to extend the authorization of the Bulletproof Vest Partnership Grant Program, S. 1301, to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, proposed free trade agreement with Chile, proposed free trade agreements with Singapore, and the nominations of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, Allyson K. Duncan, of North Carolina, to be United States Circuit Judge for the Fourth Circuit, Robert C. Brack, to be United States District Judge for the District of New Mexico, Samuel Der-Yeghiayan, to be United States District Judge for the Northern District of Illinois, Louise W. Flanagan, to be United States District Judge for the Eastern District of North Carolina, Lonny R. Suko, to be United States District Judge for the Eastern District of Washington, Earl Leroy Yeakel III, to be United States District Judge for the Western District of Texas, Michael J. Garcia, of New York, to be an Assistant Secretary of Homeland Security, and Karen P. Tandy, of Virginia, to be Administrator of Drug Enforcement, Christopher A. Wray, of Georgia, to be an Assistant Attorney General, and Jack Landman Goldsmith III, of Virginia, to be an Assistant Attorney General, all of the Department of Justice, 9:30 a.m., SD–226.

Committee on Small Business and Entrepreneurship: business meeting to markup proposed legislation authorizing appropriations for fiscal year 2004 for Small Business Administration programs, 9:30 a.m., SR–428A.

Committee on Veterans' Affairs: to hold hearings to consider proposed legislation regarding VA-provided benefits programs, including the following: S. 257, S. 517, S. 1131, S. 1133, S. 1188, S. 1213, S. 1239, S. 1281, S. 249, S. 938, S. 1132, S. 792, S. 806, S. 1136, S. 978, S. 1124, S. 1199, S. 1282, 2:30 p.m., SR–418.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review crop insurance products for specialty crop producers, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Foreign Operations, Export Financing and Related Programs, to mark up appropriations for fiscal year 2004. 8:30 a.m., H–140 Capitol.

Committee on Armed Services, hearing on Operation Iraqi Freedom, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing on ''Affordability in Higher Education: We know there's a problem; what's the solution?'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled ''NIH: Moving Research from the Bench to the Bedside,'' 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, to consider a motion authorizing the issuance of subpoenas in connection with the Committee's investigation into dietary supplements containing ephedra, 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, to consider the following bills: H.R. 1553, to amend the securities laws to permit church pension plans to be invested in collective trusts; H.R. 2179, Securities Fraud Deterrence and Investor Restitution Act of 2003; and H.R. 2420, Mutual Funds Integrity and Fee Transparency Act of 2003, 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing on ''Smooth Sailing or an Impending Wreck? The Impact of New Visa and Passport Requirements on Foreign Travel to the United States;'' and to consider the following measures: H.R. 2556, DC Parental Choice Incentive Act of 2003; H.R. 2438, to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the ''Major Henry A. Commiskey, Sr. Post Office Building;'' H. Con. Res. 230, honoring the 10 communities selected to receive the 2003 All-America City Award; H. Res. 274, honoring John Stockton for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to basketball, to the State of Utah, and to the Nation; H. Res. 303, honoring Maynard Holbrook Jackson, Jr., former Mayor of the City of Atlanta, and extending the condolences of the House of Representatives on his death; and S. 867, to designate the facility of the United States Postal Service located at 710 Wicks Lane in Billings, Montana, as the ''Ronald Reagan Post Office Building,'' 10 a.m., 2154 Rayburn.

Committee on the Judiciary, to mark up the following draft implementing proposals: the U.S.-Chile Free Trade Implementation Agreement Act; and the U.S.-Singapore Free Trade Agreement Implementation Act, 10 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on ''Terrorism and War-Time Hoaxes,'' 3 p.m., 2141 Rayburn.

Committee on Resources, to hold a hearing on the following: H.J. Res. 63, to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia,'' and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands,'' and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023; and H.R. 2522, Compact Impact Reconciliation Act, 9:30 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Energy, hearing on Competition for Department of Energy Laboratory Contracts: What is the Impact on Science? 10 a.m., 2318 Rayburn.

Committee on Ways and Means, informal markup of the following draft implementing proposals: the United States-Singapore Free Trade Agreement Implementation Act; and the United States-Chile Free Trade Agreement Implementation Act, 10:30 a.m., 1100 Longworth.

Subcommittee on Social Security, hearing on Social Security Number Privacy, following full Committee markup, B–318 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Policy and National Security, executive, briefing on Global Intelligence Update, 9 a.m., H–405 Capitol.

Select Committee on Homeland Security. Subcommittee on Rules, hearing entitled ''Perspectives on House Reform: Committees and the Executive Branch,'' 10:30 a.m., 2247 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 10

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 925, State Department Authorization Bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 10

House Chamber

Program for Thursday: Consideration of H.R. 2660, Labor, Health and Human Services, and Education, and Related Agencies Appropriations for FY 2004 (open rule, three hours of general debate).

Extensions of Remarks as inserted in the issue

HOUSE

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